

AGENDA
WYOMING CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
MONDAY, NOVEMBER 4, 2019, 7:00 P.M.

- 1) Call to Order**
- 2) Invocation** – Pastor Tom Wilcome, Resurrection Life Church
If you wish and are able, please stand for the invocation. The Pledge of Allegiance will immediately follow the invocation.
- 3) Pledge of Allegiance**
- 4) Roll Call**
- 5) Student Recognition**
- 6) Approval of Minutes**
From the October 21, 2019 Committee of the Whole and Regular Meeting
- 7) Approval of Agenda**
- 8) Public Hearings**
If you wish to speak to an item during a public hearing you are welcome to do so. It is important to note this is not an opportunity for dialog or debate; this is an opportunity to provide comment to the City Council. Comments made during a public hearing may become part of the meeting's permanent record. Upon approaching the podium, please begin by providing your name and address. There is a 3 minute limit per person.
- 9) Public Comment on Agenda Items**
This public comment period is reserved for comment on agenda items only. If you wish to speak about an item that is not on the agenda, please hold your comments until the acknowledgement of visitors at the end of the meeting. It is important to note this is not an opportunity for dialog or debate; this is an opportunity to provide comment to the City Council. Upon approaching the podium, please begin by providing your name and address. There is a 3 minute limit per person.
- 10) Presentations and Proclamations**
 - a) Presentations
 - b) Proclamations
- 11) Petitions and Communications**
 - a) Petitions
 - b) Communications
- 12) Reports from City Officers**
 - a) From City Council
 - b) From City Manager
- 13) Budget Amendments**
- 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 Blake Wisz for His Service as a Member of the Community Development Committee for the City of Wyoming
 - b) To Appoint Nicholas M. Moleski as a Member of the Tree Commission for the City of Wyoming

- c) To Confirm the Appointment of Ann Huizen as a Member of the Zoning Board of Appeals for the City of Wyoming
- d) To Reappoint Kimberly Koster as a Representative of the City of Wyoming on the Board of the EMS Consortium Partnership

15) Resolutions

- e) To Consider an Application from China Buffet 28, LLC, for a Tavern Licensed Business to be Reclassified as a Class C Licensed Business, Located at 1633 28th Street, Suite K, Wyoming, Michigan
- f) To Amend the Employment Contract Between the City of Wyoming and the Wyoming Fire Fighters Association and to Amend the Fire Fighters Association Classification and Salary Schedule

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

- g) To Approve Payment of the Annual Grand Valley Metropolitan Council Dues
- h) To Participate in the Operation and Maintenance of the Regional Geographic Information System (REGIS)
- i) To Authorize Participation in Regional NPDES Phase II Stormwater Permit Activities
- j) To Accept a Quote from DH Wireless Solutions for the Purchase and Configuration of 4G Modems and to Authorize the Mayor and City Clerk to Execute the Contract
- k) To Authorize the Purchase of Allen Bradley 1336 Plus II Variable Frequency Drive Components from Kendall Electric
- l) To Accept a Quote from Centrisys Corporation for a Refurbished Centrifuge Drive
- m) To Award a Bid/Proposal for Camera Security System Upgrades at the Water Treatment Plant and Clean Water Plant
- n) To Extend the Bid for Automotive Body Repairs
- o) For Award of Bids
 - 1. Gate Valves
 - 2. Gravel
 - 3. Blast Furnace Slag
 - 4. Underground Fiber Optic Cabling
 - 5. Makeup Air Unit

17) Ordinances

- 17-19 To Amend Section 90-32 of the City Code by Adding Subsection (120) to Rezone 5160 and 5190 Byron Center Ave SW from B-1 to PUD-4 (Final Reading)
- 20-19 To Amend Section 90-32 of the City Code by Adding Subsection (121) to Rezone 2720 Hazelwood Ave SW from B-2 to R-2 (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

RESOLUTION NO. _____

RESOLUTION OF APPRECIATION TO BLAKE WISZ FOR HIS SERVICE
AS A MEMBER OF THE COMMUNITY DEVELOPMENT COMMITTEE
FOR THE CITY OF WYOMING

WHEREAS:

1. Blake Wisz has served faithfully and effectively as a member of the Community Development Committee since November 5, 2018.

NOW, THEREFORE, BE IT RESOLVED:

1. Councilmembers and citizens of the City of Wyoming wish to express their deep appreciation to Blake Wisz for his dedicated service as a member of the Community Development Committee.

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 November 4, 2019.

Kelli A. VandenBerg, Wyoming City Clerk

Resolution No. _____

RESOLUTION NO. _____

RESOLUTION TO APPOINT NICHOLAS M. MOLESKI AS A MEMBER OF THE
TREE COMMISSION FOR THE CITY OF WYOMING

WHEREAS:

1. Nicholas M. Moleski has submitted an application requesting appointment to the Tree Commission for the City of Wyoming.
2. A vacancy exists in an unexpired term ending June 30, 2020.
3. Mayor Jack Poll has recommended that Nicholas M Moleski be appointed as a member of the Tree Commission for the City of Wyoming.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council for the City of Wyoming, Michigan, does hereby confirm the appointment of Nicholas M. Moleski to the Tree Commission for the unexpired term ending on June 30, 2020.

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 November 4, 2019.

Kelli A. VandenBerg, Wyoming City Clerk

RESOLUTION NO. _____

RESOLUTION TO CONFIRM THE APPOINTMENT OF ANN HUIZEN
AS A MEMBER OF THE ZONING BOARD OF APPEALS
FOR THE CITY OF WYOMING

WHEREAS:

1. Ann Huizen has submitted an application requesting appointment to the Zoning Board of Appeals for the City of Wyoming.
2. A vacancy exists in an unexpired term ending June 30, 2022 on the Zoning Board of Appeals.
3. City Council wishes to appoint Ann Huizen as a member of the Zoning Board of Appeals.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council for the City of Wyoming, Michigan, does hereby confirm the appointment of Ann Huizen as a member of the Zoning Board of Appeals for the term ending June 30, 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 November 4, 2019.

Kelli A. VandenBerg, Wyoming City Clerk

Resolution No. _____

RESOLUTION NO. _____

RESOLUTION TO REAPPOINT KIMBERLY KOSTER AS A REPRESENTATIVE OF THE CITY OF WYOMING ON THE BOARD OF THE EMS CONSORTIUM PARTNERSHIP

WHEREAS:

1. The term of Kimberly Koster as a Wyoming representative on the EMS Consortium Board of Directors, expired on June 30, 2019.
2. It is the desire of the Wyoming City Council to reappoint Kimberly Koster as a Wyoming representative to the EMS Consortium Board of Directors.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council for the City of Wyoming, Michigan, does hereby designate Kimberly Koster as a representative of the City of Wyoming on the EMS Consortium Board of Directors for a four-year term expiring June 30, 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 November 4, 2019.

Kelli A. Vandenberg, Wyoming City Clerk



Michigan Department of Licensing and Regulatory Affairs
Liquor Control Commission (MLCC)
Toll Free: 866-813-0011 • www.michigan.gov/lcc

Business ID: _____

Request ID: _____

(For MLCC use only)

Local Government Approval
(Authorized by MCL 436.1501)

Instructions for Applicants:

- You must obtain a recommendation from the local legislative body for a new on-premises license application, certain types of license classification transfers, and/or a new banquet facility permit.

Instructions for Local Legislative Body:

- Complete this resolution or provide a resolution, along with certification from the clerk or adopted minutes from the meeting at which this request was considered.

At a Regular meeting of the Wyoming City council/board
(regular or special) (township, city, village)
called to order by Mayor Jack Poll on November 4, 2019 at 7:00 p.m.
(date) (time)
the following resolution was offered:

Moved by _____ and supported by _____

that the application from China Buffet 28, LLC
(name of applicant - if a corporation or limited liability company, please state the company name)

for the following license(s): Tavern (BID 241379) be reclassified to a Class C
(list specific licenses requested)

to be located at: 1633 28th Street, Suite K, Wyoming, MI 49519

and the following permit, if applied for:

Banquet Facility Permit Address of Banquet Facility: _____

It is the consensus of this body that it _____ this application be considered for
(recommends/does not recommend)
approval by the Michigan Liquor Control Commission.

If disapproved, the reasons for disapproval are _____

Vote

Yeas: _____

Nays: _____

Absent: _____

I hereby certify that the foregoing is true and is a complete copy of the resolution offered and adopted by the Wyoming City
council/board at a Regular meeting held on November 4, 2019
(regular or special) (date) (township, city, village)

Kelli A. VandenBerg

Print Name of Clerk

Signature of Clerk

Date

Under Article IV, Section 40, of the Constitution of Michigan (1963), the Commission shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof, subject to statutory limitations. Further, the Commission shall have the sole right, power, and duty to control the alcoholic beverage traffic and traffic in other alcoholic liquor within this state, including the licensure of businesses and individuals.

Please return this completed form along with any corresponding documents to:

Michigan Liquor Control Commission

Mailing address: P.O. Box 30005, Lansing, MI 48909

Hand deliveries or overnight packages: Constitution Hall - 525 W. Allegan, Lansing, MI 48933

Fax to: 517-763-0059

STAFF REPORT

Date: October 29, 2019

Subject: Reclassification Request, Tavern to Class C
China Buffet 28, LLC, 1633 28th Street SW, Suite K

From: Kelli A. Vandenberg, City Clerk

Council Meeting Date: Monday, November 4, 2019

China Buffet 28, LLC currently holds a Tavern liquor license at the existing business at 1633 28th Street SW, Suite K. This license has been in place since September 2016 and allows for the sale and consumption of beer and wine. Owner, Patrick Cox, is requesting a reclassification to a Class C license which would allow for the sale of beer, wine and spirits. This action would be a reclassification from one type of quota license to another, so this action would not result in a reduction in the number of quota licenses available. Local approval is required in order for the applicant to file the reclassification request to the Michigan Liquor Control Commission.

A review of the application was requested from the Police Department, City Treasurer, Building Inspections Department and the City's Development Review Team. All entities have reviewed the application and are recommending approval.

I have drafted a resolution to approve the application in the required Liquor Control Commission format for City Council's consideration.

RESOLUTION NO. _____

RESOLUTION TO AMEND THE EMPLOYMENT CONTRACT BETWEEN THE CITY OF WYOMING AND THE WYOMING FIRE FIGHTERS ASSOCIATION AND TO AMEND THE FIRE FIGHTERS ASSOCIATION CLASSIFICATION AND SALARY SCHEDULE

WHEREAS:

1. The Wyoming City Council has approved an Employment Contract and Classification and Salary Schedules between the City of Wyoming and the Wyoming Fire Fighters Association.
2. The City Manager recommends City Council amend the Employment Contract and the Classification and Salary Schedules for the classifications of Fire Inspector and Fire Marshal 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 and the Classification and Salary Schedules between the City of Wyoming and the Wyoming Fire Fighters Association.

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 November 4, 2019.

Kelli A. VandenBerg, Wyoming City Clerk

ATTACHMENTS:

Staff Report

Memorandum of Understanding

Resolution No. _____

STAFF REPORT

Date: October 29, 2019
Subject: Fire Inspector & Fire Marshal Classification
From: Kimberly Koster, Director of Public Safety
Meeting Date: November 4, 2019

RECOMMENDATION:

It is recommended that the City Council approve the revised classification and salary schedule for the Fire Inspector and Fire Marshal positions. The Fire Marshal position is currently vacant but was approved to be filled during the 2019/20 budget year.

COMMUNITY, SAFETY, STEWARDSHIP:

Fire prevention is a critical component in keeping our citizens safe. The prevention of fire requires proactive strategies aimed at educating our residents and business owners on how to properly equip their homes and businesses with the necessary fire protection devices. It also requires that residents and business owners become aware of the safety practices that can help them prevent fire. In addition, we must ensure that all new construction complies with the fire code. And, when a fire does occur, it is imperative that we conduct an investigation in order to determine, if possible, the cause of the fire so that we can assist the homeowner in moving forward and, to some extent, verify the content of our educational programming.

DISCUSSION:

The Fire Marshal and Fire Inspector positions within the Fire Service are mainly responsible for our proactive fire prevention efforts. Under the direction of the Fire Marshal, it is their collective responsibility to develop and manage a program that successfully provides fire education, fire planning and inspection, and fire investigation.

The recommended salary ranges were created with assistance from Human Resources to ensure that we were within market for similar positions in comparable cities. The recommended wage schedule is consistent with the average of the comparables and falls fairly within our current wages for other positions of rank within the department. The job descriptions for both positions were revised to include the increased responsibilities, necessary training certifications and educational degree requirements.

BUDGET IMPACT:

The necessary funds for the Fire Marshal and Fire Inspector positions are available in account #101.337.34100.705 (Fire-Prevention-Uniform Salaries) and were approved by Council through the 2019/20 budgetary process.

MEMORANDUM OF UNDERSTANDING

Fire Inspector and Fire Marshal Classification

The City of Wyoming ("City") and the Wyoming Fire Fighters Association ("Union") agree as follows:

1. The Classification and Salary Schedule is amended to add a new range of F27.
2. The Fire Marshal is placed at the F27 range of the Classification and Salary Schedule.

Fire Marshal	F27	\$31.88	\$37.62	\$66,310.40	\$78,249.60
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3. The F20 range is changed as proposed:

Fire Inspector (Current)	F20	\$26.17	\$32.33	\$54,434.00	\$67,246.00
Fire Inspector (Proposed)	F20	\$28.79	\$35.48	\$59,883.20	\$73,798.40

4. The above changes to the Classification and Salary Schedule are subject to approval by the Wyoming City Council.

CITY OF WYOMING

WYOMING FIRE FIGHTERS ASSOCIATION

By:

By:

Its: City Manager

Its: President

Date:

Date:

10/22/2019

RESOLUTION NO. _____

RESOLUTION TO APPROVE PAYMENT OF THE
ANNUAL GRAND VALLEY METROPOLITAN COUNCIL DUES

WHEREAS:

1. The City of Wyoming is a member of the area's designated Metropolitan Planning Organization, the Grand Valley Metropolitan Council (GVMC).
2. The GVMC determines the distribution of Federal Highway Funds.
3. It is in the City of Wyoming's best interest to pay annual dues and be actively involved in the decision making process.
4. The City of Wyoming's dues for 2019-2020 are \$37,016.
5. Funds have been appropriated in the Major Streets Administration account 202-441-48300-956.000.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council authorizes payment of the 2019-2020 GVMC dues in the amount of \$37,016.

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 November 4, 2019.

Kelli A. VandenBerg, Wyoming City Clerk

ATTACHMENT:
Invoices

Grand Valley Metro Council

678 Front Avenue NW
Suite 200
Grand Rapids, MI 49504
Phone # 616-776-3876

Invoice

Date	Invoice #
10/1/2019	2989

Bill To
City of Wyoming ATTN: Accounts Payable 1155 28th Street SW PO Box 905 Wyoming, MI 49509

Description	Amount
GVMC Dues FY 2019 -2020 10/01/2019 - 09/30/2020	19,474.00
Total	\$19,474.00

Grand Valley Metro Council

678 Front Avenue NW
Suite 200
Grand Rapids, MI 49504
Phone # 616-776-3876

Invoice

Date	Invoice #
10/1/2019	3025

Bill To
City of Wyoming ATTN: Accounts Payable 1155 28th Street SW PO Box 905 Wyoming, MI 49509

Description	Amount
Transportation Dues FY 2019 - 2020 10/01/2019 - 09/30/2020	17,542.00
Total	\$17,542.00

RESOLUTION NO. _____

RESOLUTION TO PARTICIPATE IN THE OPERATION AND MAINTENANCE
OF THE REGIONAL GEOGRAPHIC INFORMATION SYSTEM (REGIS)

WHEREAS:

1. The City of Wyoming is a member of the area's Regional Geographic Information System.
2. The ongoing operation and maintenance is determined by an oversight committee of member communities (REGIS), a committee of the Grand Valley Metro Council.
3. The continued operation and maintenance of the system requires members to pay predetermined fees to REGIS.
4. The City of Wyoming's fees for the REGIS fiscal year 2019-2020 are estimated to be \$131,750.
5. Funds have been appropriated in the following budgets: 101-209-20900-956.000 (Assessing), 101-305-32500-807.000 (Police), 101-400-40000-956.000 (Planning), 202-441-46300-807.000 (Major Streets), 203-441-46300-807.000 (Local Streets), 208-752-75200-807.000 (Parks), 249-371-37210-807.000 and 249-371-72200-807.000 (Building Inspections), 590-441-54200-807.000 (Sewer) and 591-441-56200-807.000 (Water).

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council authorizes payment of fees for REGIS fiscal year 2019-2020.

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 November 4, 2019.

Kelli A. VandenBerg, Wyoming City Clerk

ATTACHMENT:

Invoices

Resolution No. _____

Grand Valley Metro Council

678 Front Avenue NW
Suite 200
Grand Rapids, MI 49504
Phone # 616-776-3876

Invoice

Date	Invoice #
10/1/2019	2957

Bill To
City of Wyoming ATTN: Accounts Payable 1155 28th Street SW PO Box 905 Wyoming, MI 49509

Description	Amount
Regis Dues FY 2019 -2020 1st and 2nd quarters: October 1, 2019 - March 31, 2020	65,884.32
Total	\$65,884.32

RESOLUTION NO. _____

RESOLUTION TO AUTHORIZE PARTICIPATION IN
REGIONAL NPDES PHASE II STORMWATER PERMIT ACTIVITIES

WHEREAS:

1. The City of Wyoming has a NPDES Phase II Stormwater Permit issued by the State of Michigan Department of Environment, Great Lakes and Energy.
2. Said permit includes six minimum control measures, including: public education and outreach; public participation; illicit discharge detection and elimination; management of construction site runoff; management of post-construction site runoff; and good housekeeping.
3. These control measures can be accomplished most efficiently and effectively on a regional basis.
4. The Grand Valley Metropolitan Council has coordinated these regional efforts on behalf of Wyoming and the surrounding communities.
5. The City of Wyoming's cost is \$21,043.80 for 2019-20.
6. These costs can be financed from the Major and Local Street Fund accounts 202-441-46300-801.000 and 203-441-46300-801.000.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council authorizes participation in regional NPDES Phase II stormwater permit activities and approves payment in the amount of \$21,043.80 to the Grand Valley Metropolitan Council.

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 November 4, 2019.

Kelli A. VandenBerg, Wyoming City Clerk

ATTACHMENT:
Invoice

Resolution No. _____

RESOLUTION NO. _____

RESOLUTION TO ACCEPT A QUOTE FROM DH WIRELESS SOLUTIONS
FOR THE PURCHASE AND CONFIGURATION OF 4G MODEMS AND TO AUTHORIZE
THE MAYOR AND CITY CLERK TO EXECUTE THE CONTRACT

WHEREAS:

1. As detailed in the attached Staff Report, it is recommended the City Council accept a quote from DH Wireless Solutions for the purchase and configuration of 4G modems at a cost of \$7,999.95.
2. Funds are available in the Maintenance Supply account number 590-541-54200-775.000.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council does hereby accept a quote from DH Wireless Solutions for the purchase and configuration of 4G modems.
2. The City Council does hereby authorize the Mayor and City Clerk to execute the contract.

Moved by Councilmember:

Seconded by Councilmember:

Motion Carried Yes
 No

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular session held on November 4, 2019.

ATTACHMENTS:
Staff Report
Quote
Standard Terms & Conditions Contract

Kelli A. VandenBerg, Wyoming City Clerk

Resolution No. _____

STAFF REPORT

Date: October 21, 2019
Subject: Purchase and Configuration of 4G Modems
From: Tom Wilson, Utility Maintenance Manager
Meeting Date: November 4, 2019

RECOMMENDATION:

It is recommended that the City Council award the quote from Digital Highway Wireless Solutions for the purchase and configuration of 4G modems for the lift stations and metering stations at a total cost of \$7,999.95.

COMMUNITY, SAFETY, STEWARDSHIP:

Working with a quality service company assures that the upgrade of the lift stations and metering stations modems from a 3G network to a 4G network will be performed efficiently and within the limited time available. This will ensure reliability to our wholesale customers and the City's residents.

DISCUSSION:

All fifteen of the City's lift stations and metering stations utilize an AirLink modem which uses the Verizon network to communicate the status of each station back to the operations room located at the Clean Water Plant. Very recently, we were informed that the 3G network our current modems utilize will be shut down as of December 31, 2019. After that date these stations will no longer communicate with us, meaning that we will not receive information on failure scenarios at lift stations that could cause residents to experience sewer back-ups. Similarly, wholesale customer flows used for billing purposes will no longer be sent automatically from sewer metering stations.

To resolve this issue, we are required to upgrade each of the modems to the 4G network. Normally, we would develop a technical specification and solicit quotes from multiple vendors. Because of the tight turnaround time to complete the upgrade, however, we asked our past vendor, Digital Highway Wireless Solutions, for a quote that includes the purchase of the hardware and its configuration. In the past, Digital Highway has successfully guided us in the purchase of the correct modems and in configuring them to function properly between the plant's network and Verizon's network.

We do not believe that the short time afforded by an unexpected change being imposed on us will be sufficient to obtain competitive quotes and vet other vendors. Digital Highway Wireless Solutions already has a complete understanding of our current system, knowledge of our plant's network and knowledge of Verizon's network. They also have the ability to purchase the modems, configure each one and install them before the December 31 deadline.

Therefore, it is highly recommended that the modem upgrades and configurations be completed by Digital Highway Wireless Solutions.

BUDGET IMPACT:

Digital Highway's quote is \$7,999.95. Adequate funds are available in the Maintenance Supply Account #590-541-54200-775.000.



CITY STANDARD CONTRACT
CITY OF WYOMING, MICHIGAN

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

“City” means the City of Wyoming, a Michigan municipal corporation of 1155 28th Street SW, Wyoming, MI 49509.

“Effective Date” means November 8, 2019.

“Items” means the parts, equipment or other items or services the City is purchasing from the Contractor as itemized in the Proposal.

“Proposal” means the Contractor’s proposal attached as Exhibit B.

“Standard Terms and Conditions” means the attached single page Exhibit A entitled “City Contract Standard Terms and Conditions.”

“Contractor” means Digital Highway, Inc. a Michigan corporation, doing business as DH Wireless Solutions, of 175 Hill Brady Rd, Battle Creek, MI 49037.

TERMS AND CONDITIONS

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

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

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

CITY OF WYOMING

DH WIRELESS SOLUTIONS

By: _____
Jack A. Poll, Mayor

By: _____
Mary D. Mellema, CEO

Date signed: _____, 20__

By: _____
Kelli A. VandenBerg, City Clerk

Date signed: _____, 2019

Approved as to form:

Scott G. Smith, City Attorney

Exhibit A
CITY OF
Wyoming
MICHIGAN

CITY CONTRACT STANDARD TERMS AND CONDITIONS

1. **Applicability.** These Standard Terms and Conditions apply to all contracts to which the City of Wyoming (the "City") is a party ("City Contracts") unless they are expressly modified in writing signed by the Mayor and City Clerk or the City Manager. By signing a City Contract or acknowledging below, the party contracting with the City ("Contractor") attests it complies with and will comply with these Standard Terms and Conditions.

2. **Legal Compliance.** Contractor shall 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. This includes, for example and without limitation, complying with federal Occupational Safety and Health Administration (OSHA) and Michigan Occupational Safety and Health Act (MIOSHA) safe practices.

3. **Permits and Inspections.** Unless the City Contract or the Proposal states otherwise, Contractor shall, without expense to the City, obtain all necessary licenses and permits required to lawfully perform the work under the City Contract and shall furnish copies of those licenses and permits to the City prior to commencing work. Contractor shall also ensure all inspections required by local, state, and federal agencies and codes are performed.

4. **Grant Compliance.** If state or federal grant funds have been identified to Contractor as a source of payment for any part of the project, by signing the contract, Contractor (i) represents the Contractor has reviewed the grant agreement and (ii) agrees to comply with any grant agreement terms and conditions that are applicable to the City Contract.

5. **Qualifications.** Contractor represents and promises that:

A. Contractor has and will maintain and any personnel engaged by Contractor to provide services or perform work under the City Contract have and will maintain any needed licenses, registrations, certifications, memberships, or other approvals needed to perform such services or work in Michigan.

B. Neither Contractor nor its principals, owners, officers, shareholders, key employees, directors or member partners: (i) are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal department or agency; (ii) have not within 3-years preceding the City Contract been convicted of or have a judgment against them for fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property; (iii) are not presently indicted for or otherwise criminally charged by a governmental entity (federal, state or local) with commission of any of the offenses enumerated in this certification; and (iv) have not within 3-years preceding the City Contract had one or more public transactions (federal, state or local) terminated for cause or default.

C. If the City Contract is for a CDBG, federal and/or state funded project, Contractor and subcontractors are not listed on the US-HUD listing of debarred and suspended participants.

D. Contractor is not on and will remain off the Federal Excluded Parties List ("EPLS"). If Contractor is on the EPLS when signing

or during the term of the City Contract, in addition to any other remedies to which it may be entitled the City may recover all moneys paid to Contractor, all consequential damages (including the loss of grant funding or the required return of grant funding), and reasonable attorney fees (including the costs of in-house counsel) sustained as a result of non-compliance with this representation and promise.

E. Neither Contractor nor any subcontractor is an "Iran linked business" under Michigan's Iran Economic Sanctions Act, 2012 PA 517.

6. **Diversity and Inclusion.** Contractor and subcontractors shall not discriminate against an employee or applicant for employment with respect to hiring, tenure, terms, conditions, or privileges of employment, or directly or indirectly related to employment, because of race, color, religion, national origin, age, sex, height, weight, marital status, mental or physical disability, or any other reason prohibited by law (e.g., Elliott-Larsen Civil Rights Act, 1976 PA 453, Persons with Disabilities Civil Rights Act, 1976 PA 220, and <https://www.eeoc.gov/>).

7. **Ethical Standards.** Contractor and its directors, members, partners, officers and employees, as well as any parent, affiliate, or subsidiary organization or subcontractor of Contractor has not engaged in and shall refrain from: (i) holding or acquiring an interest that would conflict with the City Contract; (ii) engaging in any act that creates an appearance of impropriety with respect to the award or performance of the City Contract; (iii) attempting to influence or appearing to influence any City elected or appointed officer or employee by a direct or indirect offer of anything of value; or (iv) paying or agreeing to pay any person, other than its employees and consultants, any consideration contingent upon the award of the City Contract. No owner, director, officer, member, partner or key employee of Contractor and no owner, director, officer, member, partner or key employee of any parent, affiliate, or subsidiary organization or subcontractor of Contractor is a spouse, parent, child, grandchild, or sibling of the mayor, city council member, or any other elected or appointed officer or board/commission member of the City except as already disclosed in writing to the City when submitting its proposal. Contractor will immediately notify the City of any violation of these standards.

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

9. **W-9.** Contractor and all its subcontractors shall, before beginning work complete and return by email to the City Finance Department at accountspayable@wyomingmi.gov an IRS W-9 form (available at www.irs.gov).

10. **Intellectual Property.** Contractor guarantees the sale or use of articles, software, copies, records or other intellectual property provided under or used to perform the City Contract will not infringe any copyright, patent, trademark or other intellectual property rights. Contractor will, without expense to the City, defend every action brought against the City or the City's officers or employees for any alleged infringement of any intellectual property rights by reason of their sale or use as part of the City

Contract and will pay all costs, damages, and profits recoverable in any such action.

11. Quality. Unless otherwise stated in the Proposal, all materials and items supplied under the City Contract shall be new, the best of their respective kind and free from defects.

12. Taxes. The City is generally exempt from federal and state taxes and a copy of its Tax Certificate of Exemption can be requested by contacting the City Finance Department.

13. Disposal. Unless the City Contract or Proposal expressly states otherwise, Contractor shall remove and dispose of all materials, equipment or other items demolished, removed or replaced during the work and to cleanup and remove of all debris resulting from the work. All disposal shall comply with applicable laws, rules and regulations and Contractor shall retain and, upon request, provide the City copies of any required manifest or other required disposal documentation.

14. Restoration. Contractor shall restore, without expense to the City, any property damaged during or as a result of any work under the City Contract to a condition similar to and equal to that existing before such damage. If Contractor fails to make such repairs or restorations, the City may, after 48-hours' notice to Contractor, make such repairs or restorations, and deduct the cost the City incurs to do so from any amounts due Contractor.

15. Manufacturer Information and Warranties. Contractor shall provide the City all manufacturer parts lists, assembly or maintenance information, and any other documents provided by the manufacturer or any items provided or installed under the City Contract, and shall ensure any warranties for such items are held by or assigned to the City.

16. Risk Allocation. Contractor is solely responsible for (i) the means and methods of the work and services provided under the City Contract, (ii) the conduct of its officers, employees, subcontractors and consultants, and (iii) for any injuries or property damage occurring as a result of its work under and performance of the City Contract. Contractor shall hold the City and the City's officers and employees harmless from and defend them (with legal counsel reasonably acceptable to the City) against any claims made by persons other than the City as a result of Contractor's work under or performance of the City Contract. Contractor shall reimburse the City for or pay in the City's stead any costs the City may incur as a result of claims, demands, judgments, administrative actions, or any order to pay any amounts made or entered against the City or City officers or employees as a result of Contractor's work under or performance of the City Contract.

17. Insurance.

<p>COMMERCIAL GENERAL LIABILITY</p> <p>Minimal Limits: \$1,000,000 Each Occurrence Limit \$1,000,000 Personal & Advertising Injury Limit \$2,000,000 General Aggregate Limit \$2,000,000 Products/Completed Operations Coverage shall include the following: (A) Contractual Liability; (B) Products and Completed Operations; (C) Independent Contractors Coverage; (D) Broad Form General Liability Extensions or equivalent, if not already included; (E) Deletion of all Explosion, Collapse, and Underground (EXU) Exclusions, if applicable.</p>
<p>AUTOMOBILE LIABILITY INSURANCE</p> <p>Minimal Limits (hired and non-owned automobile coverage): \$1,000,000 per person \$1,000,000 per occurrence</p>

<p>WORKERS' DISABILITY COMPENSATION</p> <p>Minimal Limits: \$500,000 per occurrence Coverage shall be in accordance with applicable Michigan statutes. Waiver of subrogation, except where waiver is prohibited by law.</p>
<p>EXCESS/UMBRELLA INSURANCE</p> <p>Required liability limits may be obtained using an Excess-Umbrella Liability policy in addition to primary liability policy(ies). If Excess and/or Umbrella policy to satisfy coverage limits, coverage must follow the form of the primary liability policy(ies).</p>

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

18. Records. Because the City is a public entity and because it receives funds from other governmental agencies, the City is required to retain, be able to obtain, and/or audit records related to City contracts. Contractor shall retain copies of all records related to the City Contract, including, without limitation, the items supplied or used in performance of the City Contract, and all work under the City Contract for at least 6 years after completion of the City Contract. Contractor shall, upon the City's request, allow inspection, auditing and copying of all retained records.

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

20. Independent Contractor. Contractor is wholly independent of the City and none of Contractor's personnel shall be or be represented to be City officers or employees. Contractor is solely responsible for the acts, omissions and statements of Contractor's personnel. Contractor is solely responsible for any compensation and benefits to be provided Contractor's personnel for services or work provided under the City Contract. The City has no responsibility to supervise, compensate or insure Contractor or Contractor's personnel.

ACKNOWLEDGEMENT

Contractor acknowledges receipt of these Standard Terms and Conditions and acknowledges that, unless modified by the City Contract, (i) they apply to the City Contract and (ii) Contractor complies with and will comply with them.



[Signature]

Mary D. Mellema, CEO

[Printed Name and Title of Person Signing]

DH Wireless Solutions

[Printed Name of Contractor]

Date signed: 10/29/19

Exhibit B
Proposal

RESOLUTION NO. _____

RESOLUTION TO AUTHORIZE THE PURCHASE OF
ALLEN BRADLEY 1336 PLUS II VARIABLE FREQUENCY DRIVE COMPONENTS
FROM KENDALL ELECTRIC

WHEREAS:

1. As detailed in the attached Staff Report, it is recommended the City accept a quote for the purchase of Allen Bradley 1336 Plus II variable frequency drive components from the sole distributor, Kendall Electric in the amount of \$15,708.96.
2. Funds for the purchase are available in the Clean Water Plant maintenance and repair account 590-590-54300-775000.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council does hereby authorize the purchase of various Allen Bradley 1336 Plus II variable frequency drive components from Kendall Electric.
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 November 4, 2019.

ATTACHMENTS:
Staff Report
Quote

Kelli A. VandenBerg, Wyoming City Clerk

Resolution No. _____

STAFF REPORT

Date: October 24, 2019
Subject: Award of Quotation for AC Drive Components
From: Tom Wilson, Utility Maintenance Manager
Meeting Date: November 4, 2019

RECOMMENDATION:

It is recommended that the City Council accept the quotation for the purchase of various Allen Bradley 1336 Plus II variable frequency drive (VFD) components from Kendall Electric at a cost of \$15,780.96 which includes shipping.

COMMUNITY, SAFETY, STEWARDSHIP:

Regular and proper upkeep of City equipment contributes to the efficiency of the equipment, and to the prevention of untimely and costly repairs or replacement that could potentially interrupt the day to day operations of the Plant.

DISCUSSION:

With Resolution #26357 dated 4/15/19 and Resolution #26370 dated 5/6/19, City Council authorized the purchase of various parts needed to repair the VFD's for two different blowers. The reason for these purchases was due to two catastrophic failures of components of the drive module shorting out to ground, which placed us in an emergency repair situation.

To date, four of the five blowers' VFD's have failed and subsequently been repaired by plant staff. In an effort to be proactive before another catastrophic failure occurs to the last remaining drive, we would like to purchase the parts needed to make the same repairs as were made in the two previous instances. Upon arrival of the replacement parts, plant staff will remove the old capacitor banks and power modules and replace with new parts to proactively maintain versus reactively repair the remaining VFD.

The sole supplier of the Allen Bradley drive components is Kendall Electric.

BUDGET IMPACT:

It is recommended that the City Council accept their quotation of \$15,780.96 for the related components. Sufficient funds exist in the Clean Water Plant maintenance and repair account #590-590-543.00-775000.



A MEMBER OF THE KENDALL GROUP

KENDALL ELECTRIC INC
 4525 44TH ST SE
 GRAND RAPIDS MI 49512-4012
 616-459-8327 Fax 616-940-2868

Quotation S108487634

Order Date: 10/15/19	
Terms: Net Due 30 Days	
Customer PO#	Release #
VFD SPARE PARTS	
Ordered By: DENNIS	
Phone: 616-261-3550	

Sold To: 4713
 WYOMING (CITY OF)
 PO BOX 905
 WYOMING, MI 49509-0905

Ship To: 16473
 WYOMING (CITY OF) CLEAN WATER
 2350 IVANREST AVE
 WYOMING, MI 49418-3402

Warehouse	Ship Via	Freight Allowed		Account Manager	Inside Salesperson	
EGDC	EGDC10	Out: No	In: No	JASON HANCE, 1331-EGRS	JASON HANCE, 1331-EGRS	
Cust Ln #	Order Qty	ID #	Description	Req Date	Price / UOM	Ext Amount
	18ea	2765706	SK-G1-BUSCAP2-F8 AB BUS CAP KIT, FRAME 8 (535A & 600A) 88495100074	10/15/	330.720/e	5,952.96
	3ea	2755112	SK-G1-QOUT1-F910 AB POWER MODULE, FRAME 9 & 10 88495100090	10/15/	3276.000/e	9,828.00
*** TAXES NOT INCLUDED ***						

This quotation is an offer to sell you the goods described herein on the terms set forth above and, unless otherwise agreed in a signed writing, on our Terms and Conditions of Sale, available at www.kendallgroup.com/Legal-Notices or by calling 800-632-5422. An order of any goods listed in this quotation constitutes your acceptance of our Terms and Conditions of Sale. We object to any different or additional terms and reject any prior offers from you. Prices expire on, and are subject to change after, 11/14/2019. Wire, conduit & pipe pricing valid for 10/15/2019 only. Opened, special order or non-stock items may not be returnable.

Subtotal	15780.96
S&H CHGS	TBD
Sales Tax	TBD
Amount Due	15780.96

Thank You - We Appreciate Your Business

RESOLUTION NO. _____

RESOLUTION TO ACCEPT A QUOTE FROM CENTRISYS CORPORATION
FOR A REFURBISHED CENTRIFUGE DRIVE

WHEREAS:

1. As detailed in the attached Staff Report, a drive component is required to repair a centrifuge located at the Clean Water Plant.
2. Centrisys Corporation has provided the City with a quote for a refurbished drive at a cost of \$18,250.
3. Funds for the purchase are available in the Clean Water Plant Capital account number 590-590-54400-986.444.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council does hereby accept a quote from Centrisys Corporation for a refurbished centrifuge drive in the amount of \$18,250.
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 November 4, 2019.

ATTACHMENTS:
Staff Report
Quote

Kelli A. VandenBerg, Wyoming City Clerk

Resolution No. _____

STAFF REPORT

Date: October 23, 2019
Subject: Centrifuge Repair
From: Jon Burke, CWP Superintendent
Date of Meeting: November 4, 2019

RECOMMENDATION:

It is recommended that the City Council authorize the purchase of centrifuge repair parts listed in the attached quote from Centrisys Corporation at a cost of \$18,250.

COMMUNITY, SAFETY, STEWARDSHIP:

This purchase would allow us to assemble a backup centrifuge from two older, obsolete units. Having economically sourced and reliable equipment that can function in a backup role helps us fulfill our mission of protecting the environment and human health.

DISCUSSION:

The Clean Water Plant uses centrifugation to de-water waste activated sludge. Recently we replaced our aging centrifuges with a new unit. As part of this project all the usable parts from the two outgoing units were removed before they were scrapped, with the plan then being to combine the best parts of the two old units to create one reliable backup to the new centrifuge.

The new centrifuge was designed and manufactured by Centrisys. Because this company has expertise with Rotodiff, the brand of drive component in our old centrifuges, we asked them to inspect the better of the two drive units, which we planned to use to assemble one backup unit. Centrisys provided this inspection at no charge to us. Unfortunately, after the inspection it was determined that the drive unit could not be economically repaired, so alternatives were investigated.

There are two options at this point. A brand-new drive would cost approximately \$33,000, but due to model changes would also require some adapting to make it work on our older equipment. The second option is a bolt-on refurbished drive that is an exact match to the size unit we have. The cost of this refurbished drive is \$18,250. Once installed, this backup centrifuge will only be used in emergency situations or when the new unit is down for maintenance. As a result, we believe that the refurbished drive is a good option until the budget allows us to replace the entire centrifuge in the future.

BUDGET IMPACT:

Sufficient funds for this equipment are available in the Clean Water Plant Capital Account 590.590.54400.986.444.



Sales Quote

Sales Quote Number: SQ-30493

Centrisys Corporation
9586 58th Place
Kenosha, WI 53144

Sales Quote Date: 10/23/2019	Quote Exp . Date 11/22/2019
Customer ID C001154	Contact
Cust. Phone 616-530-7229	Cust. Fax 616-249-3486

Sell
To: City of Wyoming
 1155 28th Street
 Wyoming, MI 49509
 United States

Ship
To: City of Wyoming Clean Water Plant
 2350 Ivanrest Ave SW

 Wyoming, MI 49418
 United States

Terms	Ext Doc No.	Your Reference	Ship Via	Shipping Agent	Shipping Agent Service	Loc Code
Net 30		12077-01	FOB Kenosha, WI			KENOSHA

<u>Number</u>	<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Discount Unit Price</u>	<u>Discount</u>	<u>Total Price</u>
CN	Refurbished 107Q Replacement for existing rotodiff S/N 1579 2 weeks ARO	1	Each	18,000.00	18,000.00		18,000.00
FREIGHT	Freight to site Standard Common Carrier	1	Each	250.00	250.00		250.00

Website: www.centrisys.com **Phone:** (262)654-6006 **Fax:** (262)764-8705

Amount Subject to Sales Tax	0.00	Amount Exempt from Sales Tax	18,250.00	Subtotal:	18,250.00
				Invoice Discount:	0.00
				Total Sales Tax:	0.00
				Total:	18,250.00



11/04/19

Purchasing/KRO/LAJ

RESOLUTION NO. _____

RESOLUTION TO AWARD A BID/PROPOSAL FOR CAMERA SECURITY SYSTEM
UPGRADES AT THE WATER TREATMENT PLANT AND CLEAN WATER PLANT

WHEREAS:

1. As detailed in the attached Staff Report, bids/proposals were accepted for camera security system upgrades at the Water Treatment Plant and Clean Water Plant.
2. It is recommended the City Council accept the low bid/proposal received from Hillard Electric Inc. in the total amount of \$388,100.
3. It is also recommended the City Council authorize a 5% contingency as detailed in the attached Staff Report.
4. Funds for the security system upgrades are available in account numbers 590-590-54400-986.444 and 591-591-57300-986.444.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council does hereby award the bid/proposal from Hillard Electric Inc. for camera security system upgrades at the Water Treatment Plant and Clean Water Plant in the amount of \$388,100 with a 5% contingency.

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 November 4, 2019.

ATTACHMENTS:
Staff Report

Kelli A. VandenBerg, Wyoming City Clerk

Resolution No. _____

STAFF REPORT

Date: October 17, 2019
Subject: Camera System Upgrade
From: Tom Wilson, Utility Maintenance Manager
Meeting Date: November 4, 2019

RECOMMENDATION:

It is our recommendation the City Council award the bid for camera security systems at both the Water Treatment Plant and Clean Water Plant to Hillard Electric. The cost of this work is \$388,100.00 with an additional amount of \$19,405.00 requested for contingencies for a total of \$407,505.00.

COMMUNITY, SAFETY, STEWARDSHIP:

To ensure that our water utility plants are adequately monitored and not security-compromised, it is necessary to upgrade the camera security system at both facilities.

DISCUSSION:

With Resolution #26371 dated 5/6/19, the City Council authorized Tetra Tech to perform engineering design upgrades to the current video security monitoring system at both the Water Treatment Plant and the Clean Water Plant. The existing video monitoring systems at both the WTP and the CWP are antiquated and replacement parts are becoming unavailable. The purpose of the video monitoring system is to provide a deterrent as well as a means of recalling events that may compromise the integrity of the facility and treatment process. The design and system components were approved by Pat Firestone, Information Technology Director.

Proposal requests were sent to 81 firms and four bids were received, as follows:

<u>FIRM</u>	<u>CWP COST</u>	<u>WTP COST</u>
Buist Electric	\$161,784.00	\$264,096.00
Hillard Electric	\$150,830.00	\$237,270.00
J. Ranck Electric	\$160,631.00	\$282,616.00
Parkway Electric	\$151,750.00	\$273,240.00

The bid proposals submitted were reviewed by plant staff as well as the engineers from Tetra Tech. We recommend that the Council accept the low bid submitted by Hillard Electric Inc. at an overall cost of \$388,100. We are requesting approval of an additional 5%, or \$19,405, to cover any contingencies that may arise during the construction phase of the project, making the grand total \$407,505.

BUDGET IMPACT:

Adequate funds exist in both utility accounts. Of the total \$407,505 cost, \$158,371.50 will be charged to the Clean Water Account #590-590-54400-986.444 and \$249,133.50 will be charged to the Water Treatment Account #591-591-573.00-986.444.

RESOLUTION NO. _____

RESOLUTION TO EXTEND THE BID FOR AUTOMOTIVE BODY REPAIRS

WHEREAS:

- 1. As detailed in the attached Staff Report, Auto Body Xperts has offered to extend their current bid pricing for automotive body repairs through November 30, 2020.
- 2. Funds are budgeted in the Motor Pool, Equipment Operations, Repairs and Maintenance account number 661-441-58200-930.000.

NOW, THEREFORE, BE IT RESOLVED:

- 1. The City Council does hereby authorize extending the bid for automotive body repair services through November 30, 2020.
- 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 November 4, 2019.

ATTACHMENTS:

- Staff Report
- Tabulation Sheet
- Letter from Auto Body Xperts

Kelli A. VandenBerg, Wyoming City Clerk

Resolution No. _____

STAFF REPORT

Date: October 29, 2019
Subject: Bid Extension, Automotive Body Repair
From: Ted Seil, Fleet Supervisor
Meeting Date: November 4, 2019

RECOMMENDATION:

It is recommended that the City Council authorize the extension of the Bid for Automotive Body Repair for one year to Auto Body Xperts in the amounts shown on the attached bid tabulation.

COMMUNITY, SAFETY, STEWARDSHIP:

The Fleet Services Department provides a number of services to all City Department including Automotive Body Repair. Auto Body Experts provides the City with a high level of professional automotive body repair in accordance with all state repair mandates and the Michigan Department of Environment, Great Lakes requirements.

DISCUSSION:

In 2017 the City bid automotive body repairs for a one-year contract. The bid was awarded to Auto Body Xperts, the lower of 2 bidders for auto body repair. In 2018, the City Council extended the bid for an additional year.

Auto Body Xperts has agreed to extend the bid for one additional year at the 2017 bid rates and Fleet Services concurs. Their request to extend the bid at current rates is attached.

The City operates a fleet of 290 vehicles. The vehicles range from mowers to fire trucks. Occasionally one of the vehicles is involved in an accident. The damage sustained by the vehicles needs to be repaired. Accident damage typically requires unique skills, special tools, and strict environmental regulation adherence. Because of the limited number of automotive body repairs, it is typically more economical to contract automotive body repairs to an outside contractor. The Fleet Services Division spends approximately \$58,000.00 per year on auto body repairs.

BUDGET IMPACT:

Sufficient funds have been budgeted in the Motor Pool, Equipment Operations, Repairs and Maintenance account, 661-441-58200-930.000.

CITY OF WYOMING
 TABULATION OF BIDS
 AUTO BODY REPAIRS

Opened by City Clerk on October 24, 2017 at 11:00 a.m. o'clock

All bid prices reduced to net.

CITY OF WYOMING	Rate Per Hour					
Bidder:	Auto Body Xperts			Gerber Collision and Glass		
Type of Vehicle:	Body Labor	Paint Labor	Paint Material	Body Labor	Paint Labor	Paint Material
Cars	\$ 34.00	\$ 34.00	\$ 25.00	\$ 40.00	\$ 40.00	\$ 28.00
Police Cars	\$ 34.00	\$ 34.00	\$ 25.00	\$ 40.00	\$ 40.00	\$ 28.00
Vans	\$ 34.00	\$ 34.00	\$ 25.00	\$ 40.00	\$ 40.00	\$ 28.00
Light Duty Trucks	\$ 34.00	\$ 34.00	\$ 25.00	\$ 40.00	\$ 40.00	\$ 28.00
Medium Duty Trucks	\$ 34.00	\$ 34.00	\$ 25.00	\$ 72.00	\$ 72.00	\$ 42.00
Heavy Duty Trucks	\$ 34.00	\$ 34.00	\$ 25.00	\$ 72.00	\$ 72.00	\$ 42.00



October 23, 2019

Auto Body Xperts would like to continue the contract for the City Of Wyoming repairs. We would like to continue to do them for the next year again till 12/1/19-11/30/2020. Thank you again for this opportunity and it has been a pleasure in serving you. Please contact aberoza@hudsonvillebodyshop.com or at 616-669-6692 if any questions.

Thank you
Amanda Beroza
Auto Body Xperts
616-669-6692

RESOLUTION NO. _____

RESOLUTION FOR AWARD OF BIDS

WHEREAS:

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

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council does hereby award the bid for the listed items as recommended in the attached Staff Reports and summarized below.

Item	Recommended Bidder	Cost
Gate Valves	Ferguson Enterprises	Bid prices as shown on the attached Staff Report
Gravel	Marjo Construction Services	\$12.09/ton
Blast Furnace Slag	Verplank Trucking Co.	\$11.50/ton
Underground Fiber Optic Cabling	Shareco Communications	\$49,173
Makeup Air Unit	AbsoluteAire Inc.	\$12,900

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 November 4, 2019.

Kelli A. VandenBerg, Wyoming City Clerk

ATTACHMENTS:
Staff Reports
Tabulation Sheet

Resolution No. _____

STAFF REPORT

DATE: October 22, 2019

SUBJECT: Bid Award – Gate Valves

FROM: Jodie Theis, Public Services Supervisor

Date of Meeting: November 4, 2019

RECOMMENDATION:

It is recommended that the City Council award the bid for gate valves to the lowest qualified bidder, Ferguson Enterprises, at the unit prices listed on the attached Bid Tabulation.

COMMUNITY, SAFETY, STEWARDSHIP:

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

DISCUSSION:

On Tuesday, October 22, 2019, the City received six bids for gate valves. Fifty-seven invitations to bid were sent to prospective bidders. As indicated on the attached bid tabulation, Ferguson Enterprises was the lowest qualified bidder. J&S Valve submitted a bid for a valve that did not meet the specifications as stipulated in the bid. The valve was not one of the approved brands that was requested in the bid.

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

The Public Works Department is anticipating an estimated yearly total of \$10,000 for gate valves. The total estimated price is an increase of 4% from last year's bid.

BUDGET IMPACT:

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

BID TABULATIONS:

CITY OF WYOMING, MICHIGAN TABULATION OF BIDS ON GATE VALVES Opened By <u>City Clerk</u> On <u>October 22, 2019</u> At <u>11:00 a.m. o'clock</u> All bid prices reduced to net. All bid prices shown are firm for orders placed within one year from date of award of bid.													
Item Description	Estimated Quantity	Ferguson Enterprises		Core and Main		EJ USA, Inc.		Etna Supply		Technology International		J&S Valve	
		Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
6" (Open Right/Left)	12	\$ 513.44	\$ 6,161.28	\$ 523.50	\$ 6,282.00	\$ 522.92	\$ 6,275.04	\$ 545.00	\$ 6,540.00	\$ 1,017.00	\$12,204.00	\$ 447.00	\$ 5,364.00
8" (Open Right/Left)	6	\$ 818.28	\$ 4,909.68	\$ 838.00	\$ 5,028.00	\$ 841.98	\$ 5,051.88	\$ 868.00	\$ 5,208.00	\$ 1,385.00	\$ 8,310.00	\$ 728.00	\$ 4,368.00
12" (Open Right/Left)	0	\$ 1,598.22	\$ -	\$ 1,647.00	\$ -	\$ 1,661.30	\$ -	\$ 1,713.00	\$ -	\$ 2,693.00	\$ -	\$ 1,439.00	\$ -
Grand Total:		\$11,070.96		\$11,310.00		\$11,326.92		\$11,748.00		\$20,514.00		\$9,732.00	
Brand Bid:		East Jordan Iron Works		Not Specified		East Jordan Iron Works		American Flow Control		AWWA		J&S Valve 6900 Series	
# of days for deliveries from order:		7-10 days		3 days		East Jordan Iron Works		7-10 days		70 days		10-12 days	

STAFF REPORT

DATE: October 22, 2019

SUBJECT: Bid Award – Gravel and Blast Furnace Slag

FROM: Jodie Theis, Public Services Supervisor

Date of Meeting: November 4, 2019

RECOMMENDATION:

It is recommended that the City Council award the bid for road gravel at a unit price of \$12.09 per ton to the low bidder Marjo Construction Services and blast furnace slag at a unit price of \$11.50 per ton to the low bidder, Verplank Trucking Co.

COMMUNITY, SAFETY, STEWARDSHIP:

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

DISCUSSION:

On Tuesday, October 15, 2019, the City received two bids for gravel and blast furnace slag. Fifty-three invitations to bid were sent to prospective bidders. Marjo Construction Services submitted the low bid of \$12.09 per ton for gravel. Verplank Trucking Co. submitted the low bid of \$11.50 per ton for blast furnace slag.

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

The City uses approximately 2,500 tons of road gravel and 1,500 tons of blast furnace slag each year for street and utility repairs. The Public Works Department is anticipating an estimated yearly total of \$30,250 for road gravel and \$17,250 for blast furnace slag. The unit price for road gravel is an increase of 9% from last year's bid. The unit price for blast furnace slag is a decrease of 26% from last year's bid.

BUDGET IMPACT:

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

BID TABULATIONS:

CITY OF WYOMING, MICHIGAN TABULATION OF BIDS ON GRAVEL AND BLAST FURNACE SLAG Opened By <u>City Clerk</u> On <u>October 15, 2019</u> At <u>11:00 a.m. o'clock</u> All bid prices reduced to net. All bid prices shown are firm for orders placed within one year from date of award of bid.		
Bidder	Road Gravel 22-A, MDOT Per Ton	Blast Furnace Slag 22-A, MDOT Per Ton
Marjo Construction Services	\$ 12.09	No Bid
Verplank Trucking Co.	\$ 16.00	\$ 11.50

STAFF REPORT

Date: October 23, 2019

Subject: Underground Fiber Optic Cabling Bid Award

From: Aaron Vis, Assistant Director of Public Works

Date of Meeting: November 4, 2019

RECOMMENDATION:

It is recommended that the City Council award the bid for Underground Fiber Optic Cabling to the low bidder, Shareco Communications, in an amount not to exceed \$49,173.00.

COMMUNITY, SAFETY, STEWARDSHIP:

The existing overhead fiber optic line providing network connection to and from the Public Works building to the main City servers at the Courts building is aged and at capacity. Operations housed at the Public Service building continue to increase their use of technology to provide valuable City services, and updated communications infrastructure is needed to ensure reliable services can be provided.

DISCUSSION:

On Tuesday, October 15, 2019, the City received three bids for Underground Fiber Optic Cabling. Nineteen invitations to bid were sent to prospective bidders, with five companies attending the mandatory pre-bid meeting. Shareco Communications provided the low bid of a total maximum cost of \$49,173.00.

The existing fiber optic line connecting the Public Works building to the Courts building was installed in 2004. With the increased use of technology in the Engineering, Fleet, Traffic, and Public Service workgroups, this existing fiber optic line has reached its data carrying capacity. Additionally, it is routed overhead the entire route and is susceptible to failure during severe weather events.

The Underground Fiber Optic Cabling bid includes the installation of a new 12-fiber cable to connect the Public Works building to the Courts building where the main City servers are located. Part of the project will include the installation of a new underground fiber conduit from the Public Works building to DeHoop Avenue, and part of the project will include utilizing the existing fiber conduit that connects the City buildings along DeHoop Avenue.

Shareco Communications provided the low bid for total maximum cost of \$49,173.00. This includes the 12-fiber optic line installation price of \$41,418.00, as well as an additional \$7,755.00 that may be needed if it is determined that the existing conduit along DeHoop Avenue cannot accept an additional fiber optic line. This determination will not be known until work begins; therefore, as part of the bid submittal, bidders were asked to provide pricing if new additional conduit would need to be installed for this portion of the project.

BUDGET IMPACT:

Sufficient funds are available in the Public Works Building Project Account 661-441-58300-967.000.

BID TABULATION:

City of Wyoming Michigan			
TABULATION OF BIDS			
FOR UNDERGROUND FIBER OPTIC CABLING			
OPENED BY THE CITY CLERK ON OCTOBER 15, 2019 AT 11:00 A.M. O'CLOCK			
	Shareco	Turnkey	Geotech, Inc.
8-FIBER OPTION	\$ 44,598.00	NA	NA
12-FIBER OPTION	\$ 41,418.00	\$ 49,162.70	\$ 68,773.00
ADDITIONAL CONDUIT, IF NECESSARY	\$ 7,755.00	\$ 6,674.14	\$ -
Total	\$ 49,173.00	\$ 55,836.84	\$ 68,773.00

STAFF REPORT

DATE: October 23, 2019
SUBJECT: Underground Fiber Optic Cabling Bid Award
FROM: Pat Firestone, Director of Information Technology
MEETING DATE: November 4, 2019

RECOMMENDATION:

The Information Technology department supports the recommendation by Public Works, to proceed with the bid award for Underground Fiber Optic Cabling to the low bidder, Shareco Communications, in an amount not to exceed \$49,173.00

COMMUNITY, SAFETY, STEWARDSHIP:

Criteria for the support of Community, Safety and Stewardship is outlined in the staff report for this project, submitted by Public Works.

DISCUSSION:

City of Wyoming Information Technology staff participated in the design and reviewed the proposed bid solution from Shareco. The design and fiber solution were determined to be fully-compliant with our current City of Wyoming computing infrastructure and will result in increased network throughput and reliability between Public Works and other City facilities.

BUDGET IMPACT:

Budget funding for this project is addressed in the staff report submitted by Public Works/A. Vis.

STAFF REPORT

Date: October 24, 2019
Subject: Purchase of a Makeup Air Unit
From: Tom Wilson, Utility Maintenance Manager
Date of Meeting: November 4, 2019

RECOMMENDATION:

It is recommended that the City Council accept the bid for the purchase of one makeup air unit (MAU) from AbsolutAire Inc at a cost of \$12,900.00.

COMMUNITY, SAFETY, STEWARDSHIP:

Regular and proper upkeep of City equipment contributes to the efficiency of the equipment and to the prevention of untimely and costly repairs or replacement that could potentially interrupt the day to day operations of the Clean Water Plant.

DISCUSSION:

The Clean Water Plant needs to replace one of its makeup air units (MAU) because it is beyond its useful life. The purpose of this MAU is to provide fresh air for the inside of the sludge storage building pumphouse. The Clean Water Plant will purchase the MAU and have plant staff perform the installation.

Invitations to bid were sent to 11 likely bidders and posted on the City's web site. On Tuesday, October 22, 2019 the City received two bids for a makeup air unit and are as follows:

AbsolutAire Inc.	\$12,900.00
Technology International Inc.	\$18,055.00

After the bids were reviewed, it was determined to accept the low bid from AbsolutAire Inc., which met all specifications.

BUDGET IMPACT:

Adequate funds exist in Clean Water Plant account #590-590-54800-975.000.

ORDINANCE NO. 17-19

AN ORDINANCE TO AMEND SECTION 90-32 OF THE CITY CODE BY ADDING
SUBSECTION (120) TO REZONE 5160 AND 5190 BYRON CENTER AVE SW
FROM B-1 TO PUD-4

THE CITY OF WYOMING ORDAINS:

Section 1. That Section 90-32 of the Code of the City of Wyoming is amended by adding subsection (120) to read as follows:

(120) “The Retreat”:

(a) To rezone the following described property at 5160 and 5190 Byron Center Ave SW from the B-1 Local Business District to PUD-4 General Planned Zoning District:

DESCRIPTION OF PARCEL 1:

PART OF THE SW 1/4. SECTION 27, T6N, R12W, CITY OF WYOMING, KENT COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE SW CORNER 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 PARCEL 2:

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.

(b) This rezoning is conditional upon all development being consistent with the overall development plan for The Retreat project approved by the City’s Planning Commission at its meeting of October 1, 2019, consisting of 4-page project narrative and the following 9 pages of drawings and renderings:

- (1) An elevation drawing entitled “View from Byron Center” with the name of the developer, American Kendall Property Group, LLC below it;
- (2) 2 elevation drawings entitled, “View from 52nd Street;”
- (3) An elevation drawing entitled, “Arboretum Parkway Building Type 1 – Front Elevation” American Kendall Group 08/03/16;
- (4) An elevation drawing entitled, “Arboretum Parkway Building Type 1 – Rear Elevation” American Kendall Group 08/03/16;

(5) A rendering dated September 23, 2019 prepared by Nederveld entitled, “The Retreat” and “Illustrative Site Plan Rendering;”

(6) A drawing prepared by Nederveld dated 09.23.19, Project No. 19400951, Sheet No. C-201, entitled “Existing Site Conditions Plan;”

(7) A drawing prepared by Nederveld dated 09.23.19, Project No. 19400951, Sheet No. C-205, entitled “Concept Site Layout Plan;” and

(8) A drawing prepared by Nederveld dated 09.23.19, Project No. 19400951, Sheet No. C-300, entitled “Concept Utility Plan.”

Section 2. This ordinance shall take effect on _____, 2019.

Kelli A. VandenBerg
Wyoming City Clerk

Ordinance No. 17-19

October 2, 2019

Ms. Kelli A. VandenBerg
City Clerk
Wyoming, MI

Subject: Request to grant a rezone from B-1 to PUD-4. The property is located at 5160 and 5190 Byron Center Avenue SW. (Section 27) (American Kendall Property Group, LLC)

Recommendation: To grant the PUD-4 rezoning request.

Dear Ms. VandenBerg,

The above referenced request was reviewed by the Wyoming Planning Commission at a special meeting on October 1, 2019. A motion was made by Smart, supported by VanDuren, to grant a rezone to a PUD-4 and recommend the same to City Council. The motion passed following discussion.

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 11.79 acres from B-1 to PUD-4. The PUD-4 request includes a conceptual plan to develop a 172-unit multifamily home project. With City Council approval, a detailed site plan meeting all ordinance requirements will be submitted to the Planning Commission for approval prior to any 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.

Since 2002, the panhandle portion of our community has changed dramatically. The Metro Health campus, industry along Gezon Parkway, and Rivertown Mall have all developed and become prosperous commercial and employment nodes. The subject property is uniquely situated between these employment and commercial areas and is ideal for a residential development with its proximity to local jobs, the Rapid Bus line, and other supportive amenities.

Wyoming's 2013 Analysis to Impediments (AI) and Fair Housing Choice and Housing Needs Assessment confirmed the City needs more housing diversity throughout the entire community. Staff is currently working on updating both the City's Master Plan and the Analysis to



CITY COUNCIL

Sheldon DeKryger

Dan Burrill

Kent Vanderwood

Marissa Postler

Robert Postema

Sam Bolt

Jack A. Poll, Mayor

Impediments and Fair Housing Choice and Housing Needs Assessment and preliminary data reinforces and continues to prioritize the 2013 results showing a lack of diverse housing stock for our residents, including the development of apartment homes at all price points.

During the Planning Commission meeting one resident spoke during the public hearing. Please refer to the Planning Commission minutes for a detailed summary of the comments received.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Nicole Hofert". The signature is written in a cursive style with a large, stylized initial "N".

Nicole Hofert, City Planner
Department of Community Services

Cc: Curtis Holt, City Manager
Rebecca Rynbrandt, Director of Community Services

NARRATIVE

The Retreat

OVERVIEW

The proposed development, The Retreat, will employ time-honored neighborhood planning principles to establish a vibrant sense of community. With its architecturally distinctive buildings nestled along walkable, pedestrian-friendly streets, at a Ride the Rapid bus stop, and close to the Kent Trail system, the proposed The Retreat will be an attractive destination for new residents, shoppers, adventurers, and young talent.

SECTION 90-416C NARRATIVE STATEMENT

Provide better housing, employment and shopping opportunities particularly suited to the needs of the residents of the city;

The Retreat provides the Byron Center Avenue Corridor updated and upscale housing that has not been built in close to two decades. Part of the vitality of a city is to keep its housing stock in each housing submarket updated to offer employers places where their employees can live and live well. This in turn helps assure the new retail developments in the City of Wyoming stay vibrant with more shoppers.

Preserve existing natural assets, such as stands of trees, floodplain, open fields, wetlands, lakes, streams and the like;

Tree preservation techniques will be employed along the northern property line and one area along the western property line. The developer intends to identify existing trees with calipers greater than five inches, 20 feet or greater from a building, and not within an area needed for a sidewalk or water, sanitary or 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.

Encourage the utilization of open space and development of recreational amenities generally located within walking distance of all living units;

The development plan centrally locates the clubhouse and surrounding pool, deck, outdoor kitchen, and pergola, while sidewalks and courtyards encourage the residents to walk there rather than ride. The courtyard also will feature an attractive gazebo as its focal point.

The Retreat has approximately 30%, or 3.5 acres, of open space as defined by the PUD-4 ordinance. Under R-4 zoning, the open space requirement is 20%, or 2.4 acres. The Retreat provides 50% more than straight zoning would require. Please see the Open Space Exhibit and its General Notes in the submittals.

Encourage the efficient use of land by facilitating economical and suitable arrangements for buildings, streets, utilities and other land use features; and

Maximizes use of existing investment in roadway, water and sewer infrastructure. Together with landscaping, the site plan shields parking from neighboring streets and single family homes by having them on the interior. As mentioned below, the stormwater detention for the site is designed to be a water feature uniquely located at the corner. More often than not, stormwater detention for commercial uses are buried underground to increase visibility of the parking field.

Offer a unique attribute of development not achievable under conventional zoning requirements.

The PUD-4 allows the commitment of quality architecture and other detail design features that conventional zoning does not require absent a development agreement. The result is a commitment to higher quality design. The Retreat's PUD will contain commitments to the building elevations in addition to masonry and cement fiber siding.

SECTION 90-416C RECOGNIZABLE PUBLIC BENEFIT

The PUD shall achieve recognizable and substantial benefits that may not be possible under the existing zoning classification(s). At least two (2) of the following benefits shall be accrued to the community as a result of the proposed PUD:

Preservation of significant natural features that would not be preserved under a conventional development.

The Retreat's development plan cites an attractive water feature directly at the corner of Byron Center and 52nd Street. This pond will be used for stormwater retention. Conventional commercial zoning would likely have the stormwater facilities buried since commercial land is more expensive and visibility of surface parking more highly valued than water features.

Also, as noted elsewhere, the northern buffer area of the site plan will protect existing significant tree through the use of tree preservation techniques during construction.

Preservation of common open space beyond the minimum required,

The Retreat offers more open space than the minimum required under R-4 zoning. The Retreat has approximately 29%, or 3.4 acres, of open space as defined by the PUD-4 ordinance. Under R-4 zoning, the open space requirement is 20%, or 2.4 acres. The Retreat provides 45% more than straight zoning would require. Please refer to the General Notes on the Open Space Exhibit.

In addition to the pool deck, outdoor kitchen and pergola near the club house, the Retreat offers courtyards accessible by sidewalk. The main courtyard will have a gazebo as its focal point. Its architecture would complement the surrounding buildings. The water feature at the corner of Byron Center and 52nd Street will also have a pocket park, or viewing area, with a bench and landscaping. The mix of two and three buildings allows for green space rather than a development of just two-story buildings.

Connectivity of preserved open space with adjacent open space, greenways or public trails,

The Retreat is located a half mile east of the Kent Trail System. Kent Trails is 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 could avoid most automobile traffic and bike for groceries at Target or even Meijer with the trail system providing the overwhelming majority of the travel.

Connectivity of residential uses with adjacent dedicated public transit options,

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 52nd Avenue.

Metro Health Village is a 170-acre health care village. It is the first suburban hospital in the region. It's an entire community of support services, retail shops, restaurants and more, with the 208-bed Metro Health Hospital at its center.

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).

EXISTING OWNERSHIP

The existing owners of the subject parcel is **52ND/BYRON, LLC and BYRON INVESTORS, LLC**, Michigan limited liability companies, whose mailing address is 301 Hoover Boulevard, Suite 300, Holland, MI 49423-3776. The former owns the two acres at the corner, while the latter owns the balance 9.79 acres. They are affiliated entities.

EXPLANATION OF PUD/STRAIGHT ZONING DEVIATION

The Retreat is comprised of fourteen two- and three-story buildings. It has no more than 172 units, notwithstanding the unit count on the submittals. The Development Review Team required the two northernmost buildings to be two-story. This reduced the unit count to 172.

The Retreat has two, eight-unit/two story, eight eleven-unit/three story and four seventeen-unit/two story buildings. The total is 172 units.

The Retreat has a gross density of 14.59 units per acre (172 units by 11.79 acres).

The PUD-4 zoning allows the City of Wyoming to require commitments to building materials, land use intensity (building number, unit number, and type) and overall design absent a development agreement. The Retreat deviates from R-4 zoning by committing to quality design not otherwise required by R-4 zoning unless there is a development agreement.

Minimum required parking ratio per residential unit is 1.3 spaces. The provided surface parking meets this minimum since there are 224 spaces or about 1.30 spaces per unit. Eight are barrier free and the

balance, 216, are surface spaces. However, there are also 90 single-car, garages with remote control interior to the apartment buildings (“Attached Garages”). Forty percent of the Attached Garages are “direct access”. This means the residents enter directly from their garage into their apartment home bypassing a common corridor. This feature, together with the other 60% of Attached Garages, is essential to making The Retreat the highest end, suburban apartment development west of US-131 in Michigan. With 52% of The Retreat’s apartment homes having attached garages, it is a step higher than The Haven’s 33%. Total proposed onsite parking (surface spaces plus garage spaces) is 314 parking spaces or 1.82 spaces per unit.

PHASING

The Retreat will be built in one phase with construction starting in the Spring of 2020. Construction is expected to be substantially complete approximately twenty months later or by the end of Winter in 2022.

BUILDING MATERIALS/OPEN SPACE

The Retreat’s building materials will be substantially the same as The Haven. That is, exteriors will be a combination of cement fiber and masonry brick. Other than small applications like soffets and balcony railing, there will be no use of vinyl or PVC as an exterior material.

As mentioned above, The Retreat offers more open space than the minimum required under R-4 zoning. The Retreat has approximately 30%, or 3.5 acres, of open space as defined by the PUD-4 ordinance. Under R-4 zoning, the open space requirement is 20%, or 2.4 acres. The Retreat provides 50% more than straight zoning would require. Please refer to the General Notes on the Open Space Exhibit.

TRAFFIC IMPACT ANALYSIS

A traffic impact analysis is being prepared. A copy will be provided to the City of Wyoming shortly after the zoning application is submitted.



VIEW FROM BYRON CENTER

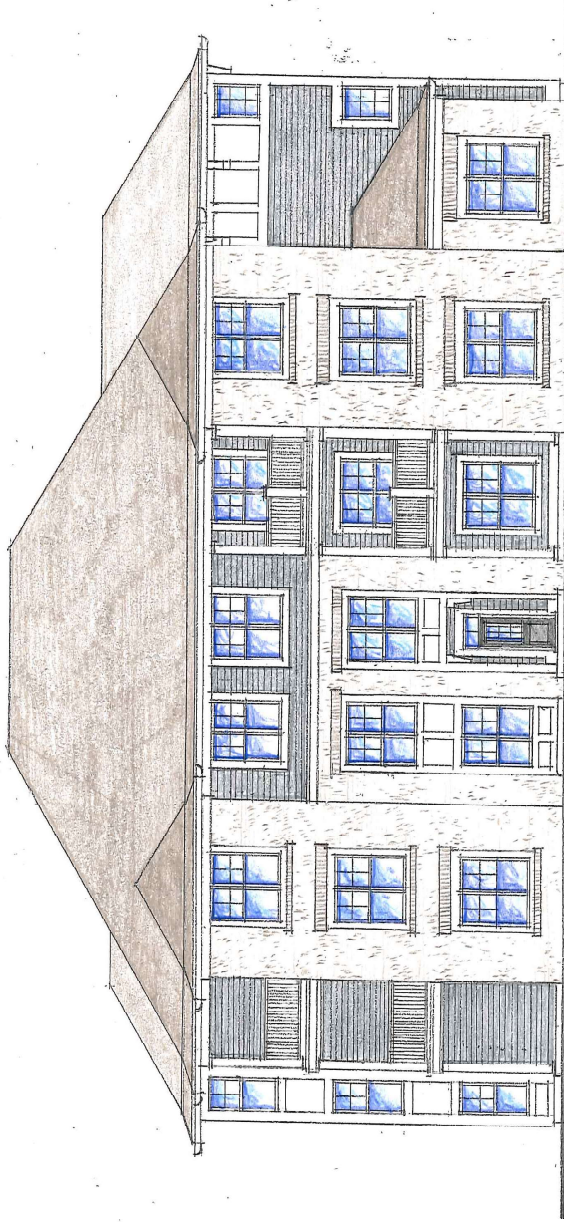
AMERICAN KENDALL PROPERTY GROUP LLC.



V I E W F R O M 5 2 N D S T R E E T



V I E W F R O M 5 2 N D S T R E E T

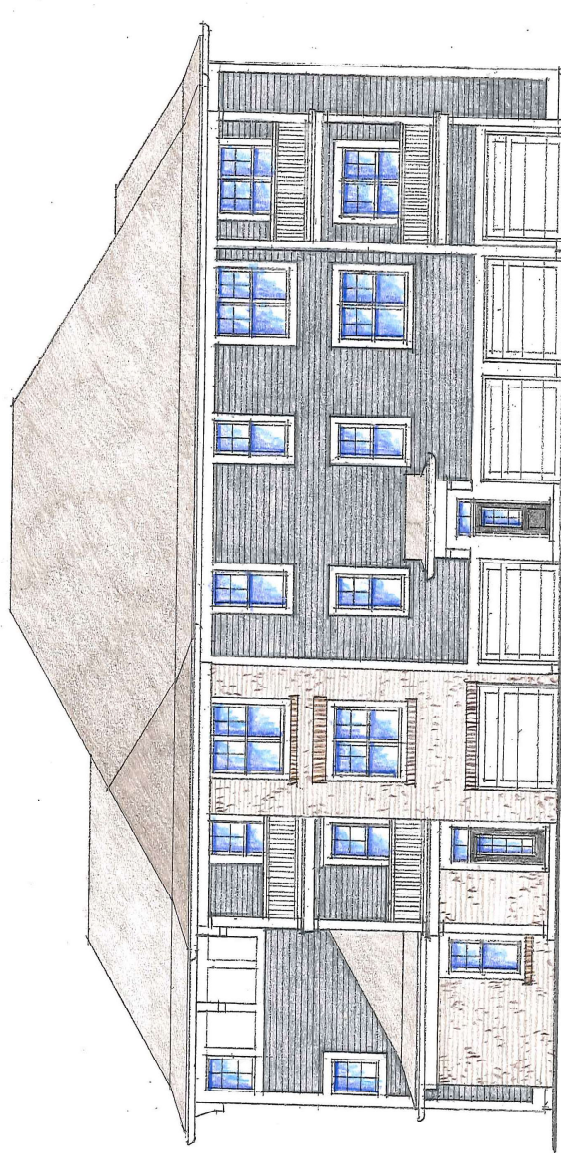


Arboretum Parkway Building Type 1 – Front Elevation

American Kendall Property Group

Scale: 3/32" = 1'-0"

08/03/16



Arboretum Parkway Building Type 1 – Rear Elevation

American Kendall Property Group

Scale: 3/32" = 1'-0"

08/03/16



LEGEND

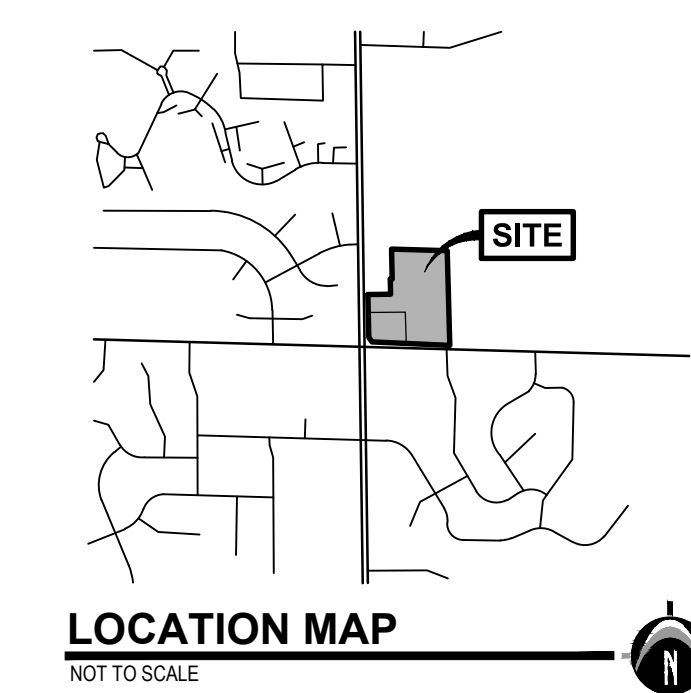
- ① SITE ACCESS
- ② CLUBHOUSE, POOL & GRILL
- ③ 17 UNIT BUILDING
- ④ 8 UNIT BUILDING
- ⑤ 11 UNIT BUILDING
- ⑥ MAIL KIOSK
- ⑦ TRASH COMPACTOR
- ⑧ CONCEPT PLANTINGS
- ⑨ TREE PRESERVATION AREA
- ⑩ STORMWATER DETENTION
- ⑪ OPEN SPACE

NOTES

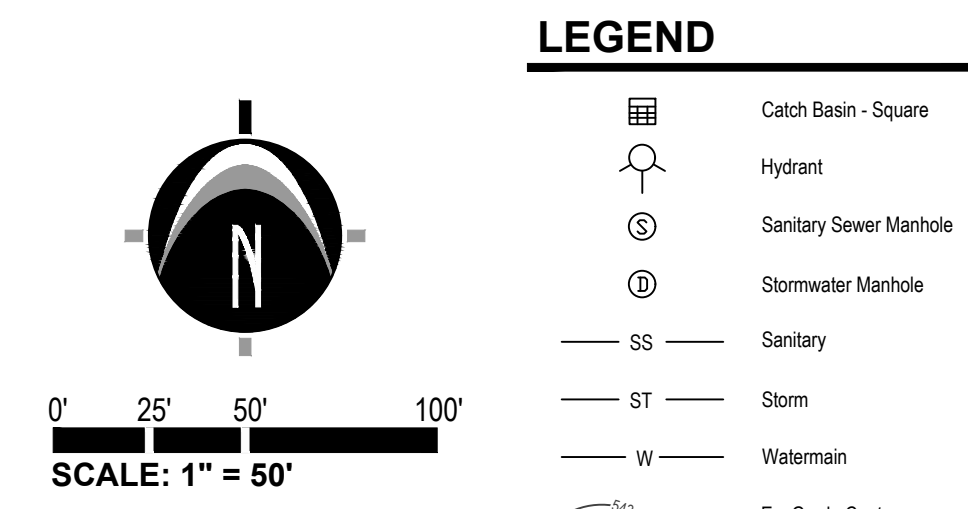
Site Location:		52nd St & Byron Center Ave City of Wyoming, MI
Site Area	=	11.79 ac.
Unit Total	=	172
8 unit bldgs (2)	=	16
11 unit bldgs (8)	=	88
17 unit bldgs (4)	=	68

September 23, 2019 north 0' 25' 50' 100' scale: 1"=50'





LOCATION MAP
NOT TO SCALE



LEGAL DESCRIPTION

DESCRIPTION OF PARCEL 1:
PART OF THE SW 1/4, SECTION 27, T6N, R12W, CITY OF WYOMING, KENT COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE SW CORNER 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 S88°04'19"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 S87°40'37"W 327.56 FEET TO THE PLACE OF BEGINNING. CONTAINS 9.793 ACRES.

DESCRIPTION OF PARCEL 2:
PART OF SW 1/4 CORN 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.

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 Trce
Suite 130
Indianapolis, IN 46268
Phone: 317.697.6500

REVISIONS:

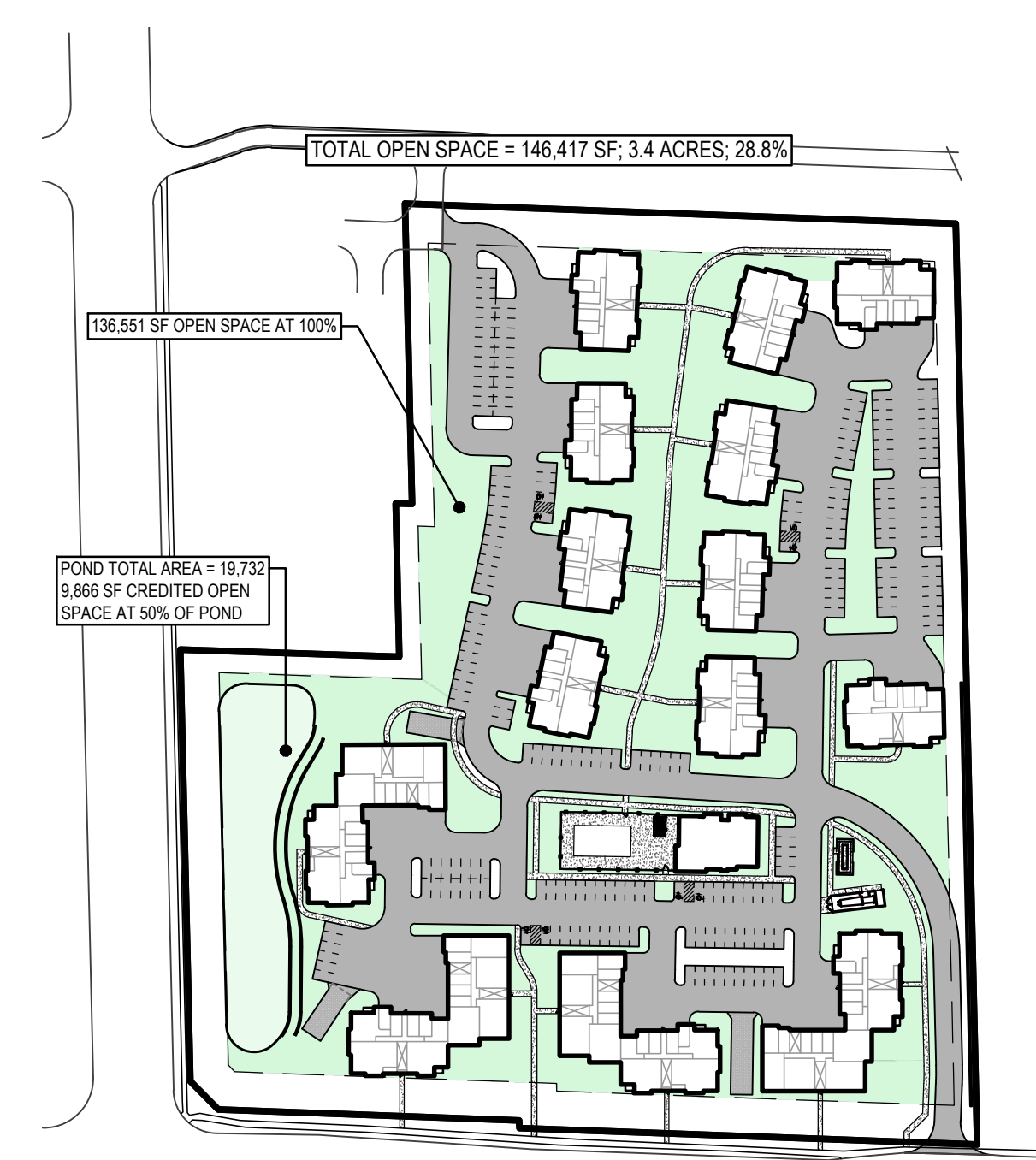
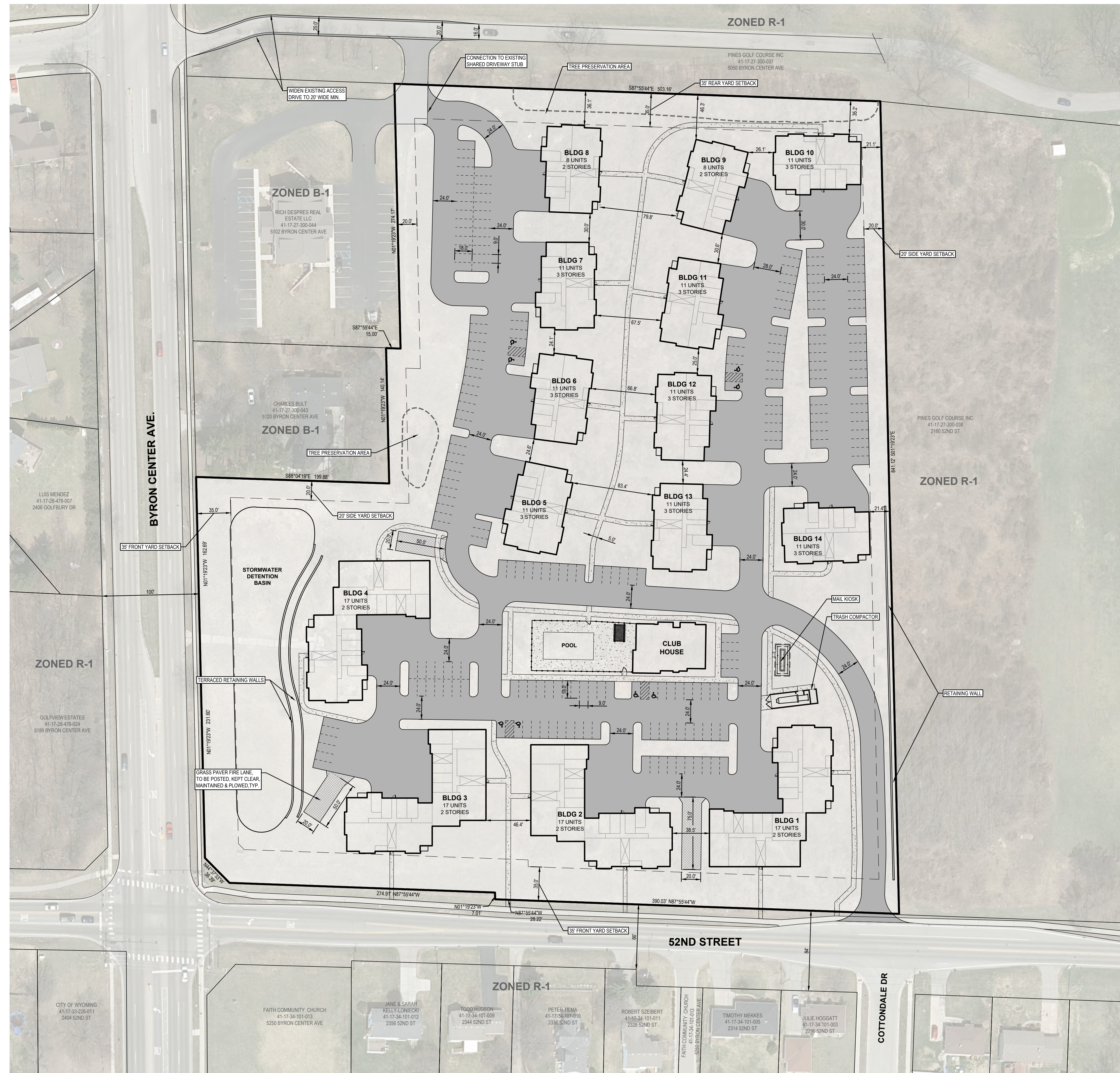
Title: Concept PUD Submittal	Checked: RB	Date: 09.03.19
Drawn: JM	Checked: RB	Date: 09.03.19
Title: Concept PUD Resubmittal	Checked: RB	Date: 09.23.19
Drawn: JM	Checked: RB	Date: 09.23.19

THE RETREAT
PROPOSED PUD-4
Existing Site Conditions Plan
52ND ST. & BYRON CENTER AVE.
PART OF THE SOUTHWEST 1/4 OF SECTION 27, T6N, R12W,
CITY OF WYOMING, KENT COUNTY, MICHIGAN

STAMP:

PROJECT NO:
19400951

SHEET NO:
C-201



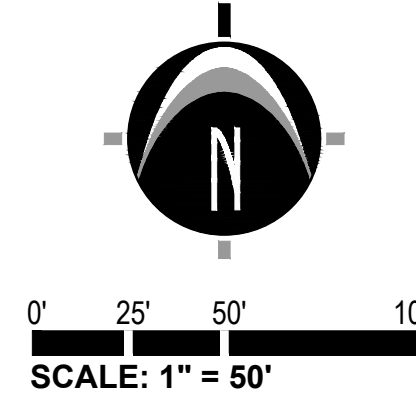
OPEN SPACE EXHIBIT
SCALE: 1" = 150'

GENERAL NOTES

- PROPOSED ZONING OF PROPERTY: PUD-4 R-4 ZONING REQUIREMENTS
 SETBACKS
 A) FRONT YARD = 35 FT.
 B) SIDE YARD = 20 FT.
 C) REAR YARD = 35 FT.
 D) MIN. BLDG SEPARATION = 24 FT.
- SUMMARY OF LAND USE:
 A) TOTAL ACREAGE = 11.79 ACRES (EXCLUDING R.O.W.)
 B) UNIT TOTAL = 172 UNITS
 • 8 UNIT BLDGS (2) = 16 UNITS
 • 11 UNIT BLDGS (8) = 88 UNITS
 • 17 UNIT BLDGS (4) = 68 UNITS
 C) AREA OF PROPOSED BUILDING = 94,727 SQ. FT.
 D) OPEN SPACE REQUIRED = 20% OR 2.4 ACRES
 E) OPEN SPACE PROVIDED = 28.8% OR 3.4 ACRES
 F) GROSS PAVEMENT AREA = APPROX. 149,950 SQ. FT.
 G) GROSS CONCRETE AREA = APPROX. 16,800 SQ. FT.
 H) 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 CITY = 9x18' (24' AISLE)
 B) TYPICAL PARKING SPACE PROVIDED = 9x18' (24' AISLE)
 C) NUMBER OF SPACES REQUIRED = 224 SURFACE SPACES (CITY ALLOWED @ 1.3 SPACES/UNIT PER PUD-4 ORD.)
 D) NUMBER OF SPACES PROVIDED = 224 SURFACE SPACES (INCLUDING 8 BF SPACES) AND 90 GARAGE 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.
- UTILITIES SHOWN ARE APPROXIMATE LOCATIONS DERIVED FROM ACTUAL MEASUREMENTS OR AVAILABLE RECORDS. THEY SHOULD NOT BE INTERPRETED TO BE EXACT LOCATIONS NOR SHOULD IT BE ASSUMED THAT THEY ARE THE ONLY UTILITIES IN THIS AREA.
- ALL LIGHTING SHALL BE SHIELDED FROM ALL ADJACENT PROPERTIES. PROPOSED LIGHTING SHALL CONSIST OF WALL MOUNTED LIGHTS AND LIGHT POLES, BOTH FITTED WITH FULL CUT-OFF TYPE FIXTURES.

LEGEND

- PROPOSED BITUMINOUS (STANDARD DUTY)
- PROPOSED CONCRETE (STANDARD DUTY)



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 Trce
 Suite 130
 Indianapolis, IN 46268
 Phone: 317.697.6500

REVISIONS:
 Title: Concept PUD Submittal
 Drawn: JM Checked: RB Date: 09.03.19
 Title: Concept PUD Resubmittal
 Drawn: JM Checked: RB Date: 09.23.19

THE RETREAT
 PROPOSED PUD-4
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:

PROJECT NO:
 19400951

SHEET NO:
C-205

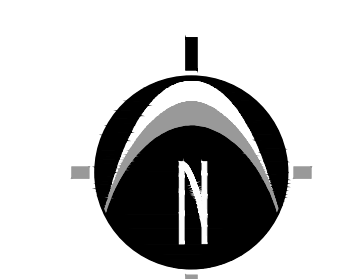
PREPARED FOR:
American Kendall Property Group, LLC
Mike Speedy
3600 Woodview Trce
Suite 130
Indianapolis, IN 46268
Phone: 317.697.6500

REVISIONS:
Title: Concept PUD Submittal
Drawn: JM Checked: RB Date: 09.03.19
Title: Concept PUD Resubmittal
Drawn: JM Checked: RB Date: 09.23.19



LEGEND

- EX. GRADE CONTOUR
- PROPOSED BITUMINOUS (STANDARD DUTY)
- PROPOSED CONCRETE (STANDARD DUTY)
- PROP. STORM SEWER
- PROP. SANITARY SEWER
- PROP. WATERMAIN



0' 25' 50' 100'
SCALE: 1" = 50'

THE RETREAT
PROPOSED PUD-4
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:

PROJECT NO:
19400951

SHEET NO:
C-300

THESE MINUTES ARE SUBJECT TO FORMAL APPROVAL BY THE WYOMING
PLANNING COMMISSION AT ITS REGULAR MEETING OF OCTOBER 15, 2019

PLANNING COMMISSION
MEETING MINUTES OF
CITY COUNCIL CHAMBERS
CITY OF WYOMING, MICHIGAN

MEMBERS PRESENT: Arnoys, Bueche, DeLange, Hegyi, Micele, Smart, VanDuren,
Weller, Goodheart

MEMBERS ABSENT:

STAFF PRESENT: Rynbrandt, Director of Community Services
Hofert, City Planner
Brock-Knoper, Recording Secretary
Henckel, Engineering

Chairman DeLange called the meeting to order at 7:00 PM.

APPROVAL OF MINUTES

As this was a special meeting of the Planning Commission, no minutes were approved. The minutes of the September 17, 2019 Planning Commission meeting will be approved at the next regular meeting on October 15, 2019.

APPROVAL OF AGENDA

The agenda was approved as presented.

PUBLIC COMMENT ON NON-PUBLIC HEARING AGENDA ITEMS

No public comment.

AGENDA ITEM NO. 1

Request for Rezone from B-1 to PUD-4. The property is located at 5160 and 5190 Byron Center Avenue SW. (Section 27) (American Kendall Property Group, LLC).

Chairman DeLange opened the public hearing at 7:01 pm.

Charles Bolt, 5120 Byron Center Ave, introduced himself. Mr. Bolt said that his house would be surrounded by the project if it is approved. He stated that the property had been rezoned to a commercial use for a specific reason and that at that time there was a lot of medical offices moving into the area. He stated he is concerned about traffic and crime. His wife Cynthia agreed.

Chairman DeLange closed the public hearing at 7:05 pm.

Hofert presented details on the property and proposed development. The project is proposed to be a 172-unit apartment development consisting of 14 apartment buildings and a clubhouse. Buildings will be a mix of two- and three-story buildings with varied roof lines, high quality finishes, including brick and a commitment by the developer to restrict the use of vinyl application to soffits and balcony railings. The development will provide a range of 1, 2, and 3-bedroom apartments, with anticipated price points ranging from \$1,200 - \$1,800 a month. Natural features will include 3.4 acres of green space (8.8% beyond requirements), a pond feature, and a commitment to preserve identified existing trees. The proposed project is referred to as "The Retreat."

Hofert explained that this parcel was originally part of the Pines Golf Course but was rezoned to B-1 along with two other properties in 2002. Specifically for a high intensity use of an anticipated grocery store. It was noted that residential use, including multifamily homes, is a less intensive use in comparison. Following the rezone, the anticipated commercial development never occurred, and the site has remained vacant.

Hofert explained that with a PUD-4 rezone the following "Qualifying Conditions" are considered:

Qualifying Conditions

- (a) Location- The proposed site meets the location requirements.
- (b) PUD Purpose- The proposed project achieves a stronger development for the community than would be required under the R-4 zoning.
 - The project includes a commitment to provide 28.8% (3.4 acres) of total greenspace as defined in the PUD-4.
 - The design of the site provides amenities within walking distance of all units.
 - The project preserves existing natural assets, while providing a housing type that is limited in Wyoming.
 - The project achieves more than three of the required purposes listed in *Section 90-416C*.
- (c) Size- The project site is 11.79 acres and meets the minimum size requirement.
- (d) Residential Density- The proposed density is 14.58 dwelling units/acre. Per *Table 90-420C(2) Permitted Maximum Density by PUD Size*, the maximum permitted density without a density bonus for PUD's ranging from 5.1 – 35 acres is 18 dwelling units /acre.

The proposed PUD falls under the maximum permitted density.

- (e) Housing Variety- Wyoming is a predominantly single-family detached home community with limited opportunities for residents desiring to live in multi-family developments. The proposed project will add 172 apartment units to the rental market in Wyoming, helping to further diversify Wyoming's housing options.
- (f) Utilities- The PUD will be served by public water and sanitary sewer facilities. Russ Henckel, Deputy Public Works Director – Engineering, affirmed that the preliminary model results for the City of Wyoming sanitary sewer study show adequate capacity to accommodate the proposed development at the NE quadrant of Byron Center and 52nd Street. Newer developments are using less water and producing less sewage than previous design estimates required. The study will make additional recommendations when finalized; based on current information the development works within the existing system.
- (g) Ownership and Control- This condition has been met. The owners of the parcels are 52nd/Byron, LLC and Byron Investors, LLC.

Hofert explained that the property owner is party to this request, and that this requirement has been satisfied.

- (h) Recognizable Public Benefit- At least two public benefits must be achieved. The following benefits will be accrued to the community as a result of the proposed PUD:
 - (i) Preservation of significant natural features that would not be preserved under a conventional development- The developer has committed to the use of tree preservation techniques and has identified areas of the site where existing trees will be retained.
 - (ii) Preservation of common open space beyond the minimum required- The PUD-4 zoning requires a minimum of 20% of the PUD be preserved for common open space. The proposed development includes 28.8% common open space. This includes a pond as well as natural areas and open grass areas. Per the PUD-4 requirements, only 50% of the total area of the pond was included in the open space calculation.
 - (iii) Connectivity of preserved open space with adjacent open space, greenways or public trails- The proposed project is located ½ mile east of the Kent Trails system and ¼ mile west of Gezon Park.
 - (iv) Connectivity of residential uses with adjacent dedicated public transit options- The proposed project site is located on The Rapid's route 16, Wyoming/Metro Health. This route connects this site to two major employment centers in the Grand Rapids Metro Area (Downtown Grand Rapids and the University of

Michigan Metro Health campus). The bus stops are located on the northwest and southwest corners of Byron Center Ave SW at 52nd Street SW.

Hofert also outlined the PUD-4 parking requirements and explained that the applicant was requesting a parking modification to allow 1.82 spaces per residential unit. The ordinance requires a minimum of 1.3 parking spaces per residential unit and a maximum of 1.5 parking spaces per residential unit. Based on discussions with the developer, Hofert recommended that Planning Commission grant the parking maximum modification and permit a maximum of 1.82 spaces per residential unit.

While reaffirming that a detailed site plan is required to be reviewed and approved by the Planning Commission should the City Council ultimately approve the rezoning, Hofert provided highlights from the Traffic Impact Analysis (TIA). Understanding that traffic is a consideration when deliberating a rezoning request, the TIA results affirmed that with minor improvements the development is compatible with the street network. The TIA showed the 52nd Street left turn lane for the Retreat extends close to the taper for the left turn lane at Byron Center Avenue. Hofert stated that connection of the two left turn lanes will accommodate additional left turn storage for both movements and allow a smoother flow along 52nd Street eliminating the transition tapers (the hourglass created with two back to back tapers). Consistent with recommendations from the City Engineering Department, the developer has committed to constructing a third a third lane on 52nd St SW from Cottondale to Byron Center Ave SW.

Hofert also outlined improvements that will occur at the golf course access road as well as modifications needed to the 52nd St SW and Byron Center Ave SW signal timing. Hofert informed the Commissioners that the developer has committed to widening the golf course drive to 24' and that signal timing modifications will be and can be made using existing equipment.

In terms of building materials, Hofert explained that the developer has provided building elevations with varied roof and wall lines and a commitment to durable and aesthetically pleasing building materials and finishes that include masonry brick and cement fiber. Hofert showed pictures of a development that had been finished in Kalamazoo by the same developer and explained that this new development in Wyoming would look similar.

Hofert stated that the Development Review Team recommends the Planning Commission grant the PUD-4 rezoning request and recommends the same to the City Council subject to the following conditions:

- 1.) The conceptual plan, building elevations, and project narrative shall be accepted as part of approved PUD-4. Parking maximum is set at 1.82 spaces per residential unit.
- 2.) The developers offer to build the third lane on Byron Center from 52nd Street to Cottondale Drive and the widening of the golf course entrance to include a minimum usable 24' wide travelled way road shall be accepted as part of the approved PUD-4.

Developer Mike Speedy from American Kendall Properties made some general comments about the proposal. He indicated that his company had developed The Haven, which is another multi-family home community in the area, and that The Retreat is an improvement on that design. The plans for The Retreat are that it will include smaller buildings than the Haven, and that the buildings will be a mix of two and three-story buildings unlike the Haven which is all three-story. Mr. Speedy explained that the number of units in each building is also less than at the Haven. The buildings themselves screen the parking area from the street. This is a higher-rent property and a smaller development overall. He feels it would be a valuable development for the community.

A motion by Smart and supported by Van Duren, to grant the PUD-4 rezone request and recommend the same to City Council was made. Discussion followed.

Weller asked staff if there would be an issue with Cottonwood street not lining up with the Retreat exit on 52nd Street. Henckel responded that this would be a problem, but staff has already communicated the concern to the developer and it will be corrected in site plan review.

Weller asked if the second driveway would be wide enough at 24 feet. Russ indicated that two full traffic lanes would be there, which is normal. Weller asked if there should be a left turn lane out of the north drive. Henckel responded that most likely there will be two lanes needed and that the additional traffic lanes will go from Byron Center to The Retreat.

Hofert stated that should this rezoning request be successful and come back to get site plan approval, then those traffic lane details would be part of the final approval process.

Beuche asked if the driveway into golf course was a private drive or public street. Hofert responded that it was a private drive. Beuche asked if the people that would live in the development would be able to use it. Hofert responded that there is an easement in place to grant access to the site and that the developer has affirmed this with the property owner. Beuche asked if there was an easement for anyone to be able to use that drive, and Hofert stated that the easement went into effect when the dental office was built.

Micele asked staff if the easement went all the way to the clubhouse at the golf club or just to the dental office. Hofert responded that she is not sure if the easement grants rights all the way to the clubhouse but that it does provides access to the entrance of the development that is being discussed.

Smart had a question about the trash compactor on the 52nd Street end of the development. He asked for an explanation of how trash collection would work as there are no other dumpsters. Speedy responded that all residents will use the trash compactor. He described how there is an electronic monitoring system which will automatically notify the refuse company when the compactor fills up the large garbage bin. Normally the compactor gets swapped out a few times a week. There are consequences if residents don't comply. This is a very attractive garbage system as it prevents the use of multiple large dumpsters. Smart asked if the residents in the farthest buildings will have to carry their trash all the way to the compactor, and the developer

responded that they would, and that a lot of people just do this when they are driving out to go do errands. The same system is used at The Haven and there have been no issues.

The developer stated that the proposed development will supply apartment homes to the Wyoming housing market, helping to ensure a diverse housing stock in the community.

Additionally, he felt that the commitment to tree preservation and the provision of open space enhanced the environmental quality of the community.

Van Duren asked if the left turn out of the golf course is an issue or not. Henckel reaffirmed that a modification will need to occur to the golf course drive. Hofert stated that this is something that would be approved as part of the site plan review.

Arnoys stated that multifamily developments already exist in this area and on the west side. He asked what the plan was for these kinds of units ultimately as they are popping up all over.

Hofert stated that the 2013 Analysis to Impediments and Fair Housing Choice and Housing Needs Assessment showed that the City needs more housing diversity. Staff is currently working on updating both the City's Master Plan and the Analysis to Impediments and Fair Housing Choice and Housing Needs Assessment and preliminary data confirms what the 2013 study showed that Wyoming needs to provide a more diverse housing stock for its residents, including the development of apartment homes at all price points.

Hofert agreed that a best practice strategy is to provide diverse housing all over the community. Wyoming has limited greenfield and infill sites available. This property was originally designated as residential in the initially adopted 2020 Land Use Plan. When it was rezoned to commercial in 2002 there were limited commercial developments in the immediate area, however since 2002 the Metro Health campus and Rivertown Mall have grown tremendously and now provide access to key resident amenities. There is no longer a need to have a commercial node at Byron Center and 52nd due the success of the commercial development near Byron Center/Gezon Parkway and the Rivertown mall area.

Hofert reinforced that this location is ideally located for a residential development with its proximity to a strong employment node at Gezon Parkway and Byron Center as well as its proximity to a Rapid Bus line and other existing commercial amenities.

Goodheart asked if the City had talked to the golf course about the easement. He recommended that someone get a copy of the easement and review that for conditions on what is allowable for commercial and residential areas. If the developer has to work through the easements, that will be a significant amount of work, and the easement that is needed is not on the conceptual plan. He understands it is part of the final site plan approval.

Hofert recommended that the easement and the city's approval of it be added as a condition of zoning approval.

DeLange stated that a concrete plan was needed for the left turn and easement. Hofert responded that any time a turn or access is included then it has to be approved as part of the final site plan. DeLange stated that this would also have to include a turn onto Byron Center. Hofert responded that there is ongoing discussion to rebuild that portion of the road.

Goodheart stated that he had concerns about the dental office easement. He wonders how this development would change maintenance responsibilities as far as percentages.

Micele asked if the traffic study included the traffic from the golf course. Henckel responded affirmatively.

Beuche asked where The Haven was located. The developer responded that it is located at the corner of Wilson Ave. and 52nd St SW.

Speedy stated he had an answer on the easement question. The grocery store originally bought the property from the golf course, and an easement was needed to build the grocery store which is a more intense use than the proposed development. Speedy stated that the data showed that if people wanted to make a left turn onto Byron Center, they typically would make a right onto 52nd St SW and then a left at the light at the intersection.

DeLange stated that he appreciated the addition of green space, and that the neighbors would likely be more excited about residential developments on that property rather than commercial.

Beuche asked where the snow removal service would be placing all the snow in the winter. The developer responded that the snow will be put on the grass. DeLange asked if the site plan approval would include these snow removal details, and Hofert confirmed that it would.

Arnoys stated that his struggle with the proposal is the impact that it will have on traffic. That section of street is busy even without this development. Arnoys stated he cannot support the proposal.

Heygi stated that he cannot support the proposal as it is not a good fit for the area. The Haven development is in the area already, and the addition of another multifamily building would add to the congestion of the area.

Beuche agreed with Arnoys and cannot support the proposal because of some questions he had about the easement. He wonders if the easement that is in place is between the golf course and existing private buildings. With this new development, other cars are going to be using it as well.

Hofert responded that this multifamily building would create significantly less traffic than a commercial development on that property would. The addition of traffic lanes will ease the congestion. Hofert reinforced that the developer will be constructing a new third lane on 52nd Street SW which will address the left turn stacking issue.

Goodheart asked that an amendment be made to include a condition that the access easement to the northwest be found acceptable to city and other entities that control the easement. Smart supported the addition of this amendment.

DeLange asked for support of the amendment. Smart indicated it was a friendly amendment, VanDuren supported the friendly amendment. DeLange read the three conditions to the PUD-4 rezone:

- 1.) The conceptual plan, building elevations, and project narrative shall be accepted as part of approved PUD-4. Parking maximum is set at 1.82 spaces per residential unit.
- 2.) The developers offer to build the third lane on Byron Center from 52nd Street to Cottondale Drive and the widening of the golf course entrance to include a minimum usable 24' wide travelled way road shall be accepted as part of the approved PUD-4.
- 3.) That the access easement to the northwest be found acceptable to the city and other entities that control the easement.

A vote on the motion carried 5-4 with Arnoys, Beuche, Hegyi, and Micele voting against, and Delange, Smart, VanDuren, Weller, and Goodheart voting in favor.

AGENDA ITEM NO. 2

Request for Final Plat Approval for Rivertown Valley Phase IV. The property is generally located at Wilson Avenue and 56th Street SW. (Section 32) (The Granger Group)

Hofert gave a general description of the project. \This request is for Phase IV of a larger project. This phase includes a large section of Reserve Drive.

The platting of property is a three step review by both the Planning Commission and City Council. The first step is Preliminary Plat – Tentative Approval which authorizes the basic lot sizes, orientation and street layout, with preliminary engineering. Preliminary Plat- Tentative Approval was approved by Planning Commission on August 30, 2018 and City Council on September 4, 2018.

The second step is Preliminary Plat – Final Approval which provides full engineering detail for the construction of the plat. Preliminary Plat- Final Approval was approved by Planning Commission on November 20, 2018 and City Council on December 3, 2018.

The third step is Final Plat Approval, which generally occurs after the plat is completed with the City accepting the development.

ORDINANCE NO. 20-19

AN ORDINANCE TO AMEND SECTION 90-32 OF THE CITY CODE BY ADDING
SUBSECTION (121) TO REZONE 2720 HAZELWOOD AVE SW FROM B-2 TO R-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 (121) to read as follows:

- (121) To rezone the following described property at 2720 Hazelwood Ave SW from the B-2 General Business District to R-2 Residential Zoning District:

DESCRIPTION:

THE NORTH 57 FEET OF LOTS 116 AND 117, WILSON AND CHALMERS BOULEVARD ADDITION, CITY OF WYOMING, KENT COUNTY, MICHIGAN, ACCORDING TO THE RECORDED PLAT THEREOF.

Section 2. This ordinance shall take effect on _____, 2019.

Kelli A. VandenBerg
Wyoming City Clerk

October 30, 2019

Ms. Kelli A. VandenBerg
City Clerk
Wyoming, MI

Subject: Request to grant a rezone from B-2 to R-2. The property is located at 2720 Hazelwood Ave SW. (Section 10) (Glen Kellogg)

Recommendation: To grant the subject rezoning request.

Dear Ms. VandenBerg,

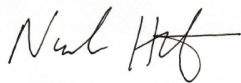
The above referenced request was reviewed by the Wyoming Planning Commission at their meeting on October 15, 2019. A motion was made by Arnoys, supported by Hegyi, to recommend to City Council approval of the request for a rezone to R-2. The motion passed following discussion.

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 a vacant lot in a vibrant residential neighborhood to R-2 to permit the construction of a single-family home on the lot. The property sits between two residential uses and as a stand-alone lot does not have sufficient space to support a commercial development.

During the public hearing, the applicant spoke in favor of the request. No other comments were made by the public during the hearing. Please refer to the Planning Commission minutes for a detailed summary of the comments received.

Respectfully submitted,



Nicole Hofert, City Planner
Department of Community Services

Cc: Curtis Holt, City Manager
Rebecca Rynbrandt, Director of Community Services



CITY COUNCIL

Sheldon DeKryger

Dan Burrill

Kent Vanderwood

Marissa Postler

Robert Postema

Sam Bolt

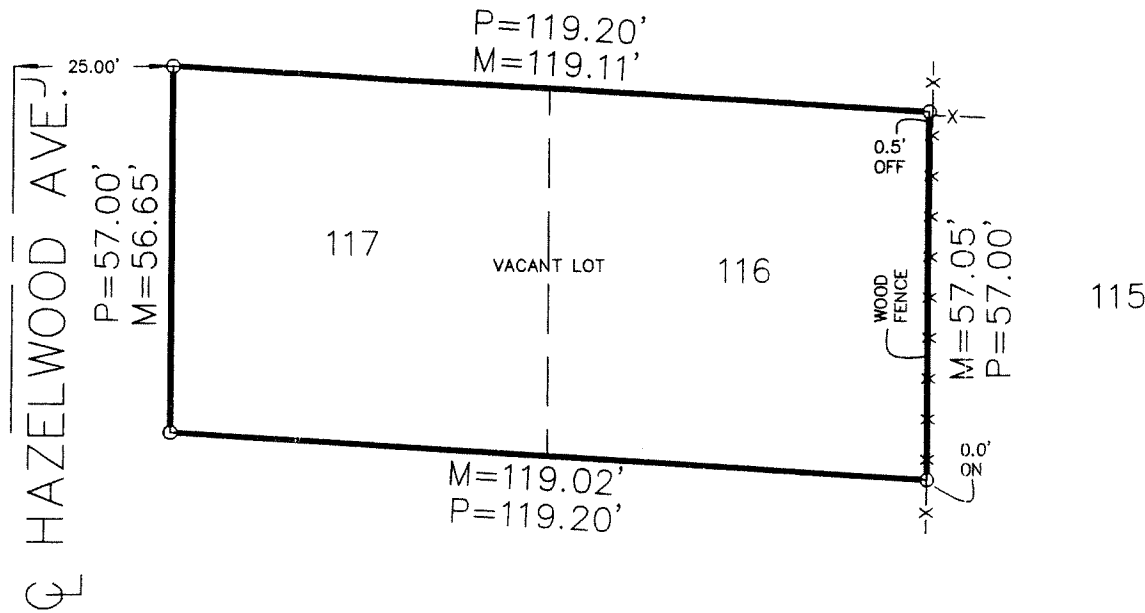
Jack A. Poll, Mayor

Survey for: Scott Kellogg
 337 Richard Terrace SE
 Grand Rapids, Michigan 49506

Re: 2720 Hazelwood Avenue SW

Description: The North 57 feet of Lots 116
 and 117, Wilson and Chalmers Boulevard
 Addition, City of Wyoming, Kent County, Michigan,
 according to the recorded plat thereof.

Maurice J. Rosema
 Maurice J. Rosema P.S. no. 27459



This survey was made from the legal description shown above. The description should be compared with the Abstract of Title or Title Policy for accuracy, easements and exceptions.

- Scale 1" = 60'
- D = Deeded dimension
 - M = Measured dimension
 - P = Platted dimension
 - = Set iron stake
 - = Found iron stake
 - ⊗ = Concrete monument
 - X = Fence Line



TRU-LINE SURVEYING P.C.
 1386A Baldwin Street • P.O. Box 708 • Jenison, Michigan 49429
 Telephone: (616) 457-1711
 File No.: 03895 Date: 12/15/2003

AGENDA ITEM NO. 2

Request for Rezone from B-2 to R-2. The property is located at 2720 Hazelwood Ave SW. (Section 10) (Glen Kellogg)

Hofert explained that this site is zoned B-2. Zoning surrounding the property is R-2 Residential to the North, B-2 General Business to the South, R-2 Residential and B-2 Business to the East, and B-2 General Business and R-2 Residential to the West.

Hofert presented details on the property. The site is currently vacant and the applicant desires to build a single-family residential home. Hofert stated the lot was originally included as a B-2 General Commercial property during the growth of the 28th Street Corridor but has remained vacant and is surrounded by other single-family residential homes. The lot is currently too small for any commercial buildings to be constructed. The surrounding neighborhood has strong housing stock and has seen limited commercial development, even on lots zoned for commercial uses.

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. Hofert outlined the following:

a. Consistency with the adopted master plan;

Hofert explained the City's Master Plan was last updated in 2012 and that much has changed in the City during the intervening time. While the subject property was identified for commercial use, the 28th Street Corridor has not expanded into the residential neighborhoods as originally expected. Hofert also outlined key recommendations in the 2012 update which discourage encroachment of commercial into surrounding residential neighborhoods.

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

The proposed single-family home is not permitted under the current B-2 zoning.

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

The property can be served by public utilities.

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

The northern property line is located 160' north of 28th Street. Originally a 217' foot deep commercial strip was envisioned to accommodate commercial growth along M-11. The property sits south of an existing single-family home. As a stand alone lot, the parcel does not have sufficient space to support a commercial development.

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

The R-2 zone districts permits single-family homes which are consistent with the surrounding neighborhood.

Hofert stated that the Development Review Team recommends that the Planning Commission recommend to City Council approval of the rezoning request for 2720 Hazelwood Ave SW.

Chair DeLange opened the public hearing at 7:45pm.

Marty Kellogg, 4260 Savannah Ct., stated that his father has built a lot of homes in the area and has owned the lot for 15 years.

Chair DeLange closed the public hearing at 7:46pm.

A motion by Arnoys, supported by Hegyi to recommend to City Council approval of the request for a rezone from B-2 to R-2. Discussion followed.

There was general conversation regarding the direction of planning along the 28th Street Corridor.

A vote on the motion carried unanimously.

OLD BUSINESS

Bueche asked if City Council approved the site plan at 52nd and Byron Center.

Hofert explained that the project went to City Council for 1st reading on October 7th and will go for a 2nd reading on November 4th.

INFORMATIONAL

Hofert updated the Commissioners on the billboard conversion moratorium going before Council on October 21st.

Micele asked if it were possible to have the City Engineer and the new stormwater engineer come and speak with the Commission.

Vice-Chair Smart thanked the Commission and staff and stated that it was a privilege to work alongside everyone all these years. He will miss everyone as he and his family start their next chapter in Tennessee.

PUBLIC COMMENT