



AGENDA

COMMITTEE OF THE WHOLE WORKSESSION

TUESDAY, JUNE 18, 2024

6:00 PM

CITY HALL LARGE CONFERENCE ROOM #119

1. Mayor's Office:
 - a. [Short-Term Rental Ordinance](#) Update.
2. Engineering Department:
 - a. Recommend approval of resolution to [amend escrow account deposit](#) requirements for professional services.
3. Parks & Recreation Department:
 - a. [Community Center Project](#) Update.

PUBLIC COMMENT.

The City of Kentwood does not discriminate on the basis of disability in the admission or access to, or treatment or employment in, its programs or activities. The Human Resources Director, 4900 Breton Ave., SE has been designated to coordinate compliance with the non-discrimination requirements contained in Section 35.107 of the Department of Justice regulations. Information concerning the provisions of the American with Disabilities Act, and the rights provided thereunder, are available from the ADA coordinator.

**CITY OF KENTWOOD
KENT COUNTY, MICHIGAN
(Ordinance No. _____)**

At a regular meeting of the City Commission for the City of Kentwood held at City Hall on _____, 2024, the following Ordinance was offered for adoption by Commissioner _____ and was seconded by Commissioner _____:

**AN ORDINANCE TO AMEND CHAPTER 1, SECTION 1-7 ENTITLED
“GENERAL PENALTY; CONTINUING VIOLATIONS” AND TO AMEND
CHAPTER 74, ARTICLE 3, SECTION 74-77 ENTITLED “PENALTIES” OF
THE CODE OF ORDINANCES FOR THE CITY OF KENTWOOD**

THE CITY OF KENTWOOD (the “City”) ORDAINS:

Section 1. Amendment of Chapter 1, Section 1-7. Chapter 1, Section 1-7 of the Code of Ordinances, City of Kentwood, Michigan, is hereby amended to read as follows:

Sec. 1-7 – General penalty; continuing violations.

- (a) In this section, the term "violation of this Code" shall mean any of the following:
 - (1) Doing an act that is prohibited or made or declared unlawful, an offense, a violation, a misdemeanor or a municipal civil infraction by ordinance or by rule or regulation.
 - (2) Failure to perform an act that is required to be performed by ordinance or by rule or regulation.
 - (3) Failure to perform an act, if the failure is prohibited or is made or declared unlawful, an offense, a violation, a misdemeanor or a municipal civil infraction by ordinance or by rule or regulation.

- (b) In this section, the term "violation of this Code" includes:
 - (1) Causing, securing, aiding, abetting, concealing, counseling, procuring, facilitating, commanding, assisting in or soliciting a violation of this Code as defined in subsection (a) of this section.
 - (2) Attempting to commit a violation of this Code as defined in subsection (a) of this section.
 - (3) Conspiring with one or more persons to commit a violation of this Code as defined in subsection (a) of this section.

- (c) In this section, the term "violation of this Code" does not include the failure of a city officer or city employee to perform an official duty, unless it is specifically provided that the failure to perform the duty is to be punished as provided in this section.
- (d) Except as otherwise provided by law, a person convicted of a violation of this Code shall be guilty of a misdemeanor and punished by a fine not to exceed \$500.00, imprisonment for a period of not more than 90 days, or both; however, unless otherwise provided by law, a person convicted of a violation of any provision of this Code that substantially corresponds to a violation of state law that is a misdemeanor for which the maximum period of imprisonment is 93 days shall be punished by a fine of not more than \$500.00, imprisonment for a term of not more than 93 days, or both. A person convicted of a violation of this Code shall be responsible for costs. This subsection does not apply to any municipal civil infraction.
- (e) The following provisions apply to municipal civil infractions:
 - (1) Violations of this Code that are municipal civil infractions shall only be those declared to be municipal civil infractions.
 - (2) The sanction for a violation that is a municipal civil infraction shall be a civil fine in an amount as set forth in this Code or any ordinance, plus any costs, damages, expenses and other sanctions as authorized by law.
 - (3) Unless otherwise specifically provided for with respect to a particular municipal civil infraction violation by this Code or any ordinance, the civil fine for a:
 - a. First violation shall be \$65.00, plus costs and other sanctions.
 - b. Second violation shall be \$130.00, plus costs and other sanctions.
 - c. Third or subsequent violation shall be \$250.00, plus costs and other sanctions.
 - (4) The fines for other specific violations are as follows:

Ordinance	Fine for First Violation	Fine for Second Violation	Fine for Third or Subsequent Violation
Soil erosion (article 2 of chapter 78)	\$2,500.00	\$2,500.00	\$2,500.00
Stormwater management (article 3 of chapter 78)	\$2,500.00	\$2,500.00	\$2,500.00
Installation of key box (section 22-104 (506))	\$500.00	\$500.00	\$500.00

Licensing (chapter 26, article 2)	\$200.00	\$500.00	\$1,000.00
Short-Term Rental (chapter 74, article 3, section 74-77 and appendix A, chapter 3, section 3.32)	\$500.00	\$2,500.00	\$5,000.00

(5) In addition to the provisions of subsections (e)(3) and (4) of this section, any person determined responsible or responsible with explanation for a municipal civil infraction shall be liable for the payment of the costs of prosecution in an amount of not less than \$9.00 and not more than \$500.00.

(f) Except as otherwise provided by law or ordinance with respect to:

(1) Violations of this Code that are continuous with respect to time, each day that the violation continues is a separate offense.

(2) Other violations, each violation constitutes a separate offense.

(g) The imposition of a penalty does not prevent suspension or revocation of a license, permit or franchise, or other administrative sanctions.

(h) Violations of this Code that are continuous with respect to time are a public nuisance and may be abated by injunctive or other equitable relief. The imposition of a penalty does not prevent injunctive relief, or civil or quasi-judicial enforcement.

Section 2. Amendment to Chapter 74, Article 3, Section 74-77. Chapter 74, Article 3, Section 74-77 of the Code of Ordinances of Kentwood is hereby amended to read as follows:

Sec. 74-77. – Penalties

(a) Any violation of this article shall be a municipal civil infraction.

(b) In addition to any penalties imposed by law, upon a finding of responsibility by the court for a violation of this article the city shall be entitled to immediately revoke an existing certificate of compliance and shall entitle the city to seek the issuance of a court order compelling the eviction of all persons and property upon the premises until a certificate of compliance is issued by the city.

(c) Any person who violates Section 74-80 is responsible for a municipal civil infraction and shall be fined \$500.00 for a first violation, \$2,500.00 for a second violation, and \$5,000.00 for a third or subsequent violation, as well as such other costs, damages, expenses, and sanctions as provided by Section 1-7.

Section 3. Conflict.

A. Nothing in this Ordinance is to be construed to conflict with existing City ordinances

except as otherwise stated herein.

B. Nothing in this Ordinance is to be construed to conflict with any other law of the State of Michigan.

Section 4. Repealer. All ordinances or parts of ordinances in conflict with this Ordinance are repealed.

Section 5. Savings Clause. The provisions of this Ordinance are severable. If any part of this Ordinance is declared void or inoperable for any reason, such declaration does not void any or render inoperable other part or portion of this Ordinance.

Section 6. Effective Date. This Ordinance is effective ten (10) days following its publication in the manner required by law.

YEAS: _____

NAYS: _____

ABSENT/ABSTAIN: _____

ORDINANCE NO. _____ ADOPTED.

Dan Kasunic
City Clerk, City of Kentwood

CERTIFICATION

It is hereby certified that the foregoing Ordinance was adopted by the City Commission for the City of Kentwood, Kent County, Michigan, at a meeting of the City Commission duly called and held on _____.

By:

Dan Kasunic
City Clerk, City of Kentwood

**CITY OF KENTWOOD
KENT COUNTY, MICHIGAN
(Ordinance No. _____)**

At a regular meeting of the City Commission for the City of Kentwood held at City Hall on _____, 2024, the following Ordinance was offered for adoption by Commissioner _____ and was seconded by Commissioner _____:

AN ORDINANCE TO AMEND APPENDIX A, CHAPTER 22, SECTION 22.07 ENTITLED “VIOLATIONS AND PENALTIES” OF THE CODE OF ORDINANCES FOR THE CITY OF KENTWOOD

THE CITY OF KENTWOOD (the “City”) ORDAINS:

Section 1. Amendment to Appendix A, Chapter 22, Section 22.07. Appendix A, Chapter 22, Section 22.07 of the Code of Ordinances of Kentwood is hereby amended to read as follows:

Sec. 22.07. – Violations and penalties.

- A. Unless a section of this ordinance specifically provides otherwise, any person, firm, corporation, trust, partnership or other legal entity which violates any provision of the zoning ordinance or violates any provision or condition imposed by the planning commission, city commission, or zoning board of appeals in pursuance of any ordinance provision or assigned condition, shall be responsible for a municipal civil infraction and shall be subject to fines, costs and orders as provided by law.
- B. Each day a violation occurs or continues shall constitute a separate offense, and shall make the violator liable for the imposition of a fine and other penalties for each day of violation.
- C. The owner and co-owner of any building, structure or premises which is in violation of this ordinance shall be responsible for a municipal civil infraction and shall be subject to the fines, costs and orders as provided by law.
- D. Any building or structure which is erected, altered or converted, or any use of any premises or land which is begun or changed subsequent to the effective date of this ordinance that is in violation of any of this ordinance is declared to be a public nuisance per se, and may be abated by order of a court of competent jurisdiction.
- E. Any person who violates any provision of Section 15.04.I. or 16.05.D. is responsible for a civil infraction and shall be fined not less than \$2,500.00 for each violation. Any person who, after having been determined to be responsible for a violation of this article or the act, commits and is found responsible for a subsequent violation within a two-year period, shall be fined double the amount assessed for the immediate preceding violation.

- F. The rights and remedies provided are cumulative and are in addition to any other remedies provided by law.
- G. Nothing herein shall be interpreted to limit the authority of the city to revoke an approval previously granted for a violation of this ordinance, which right is expressly reserved.
- H. Any person who violates Section 3.32(a) is responsible for a municipal civil infraction and shall be fined \$500.00 for a first violation, \$2,500.00 for a second violation, and \$5,000.00 for a third or subsequent violation, as well as such other costs, damages, expenses, and sanctions as provided by Section 1-7.

Section 2. Conflict.

- A. Nothing in this Ordinance is to be construed to conflict with existing City ordinances except as otherwise stated herein.
- B. Nothing in this Ordinance is to be construed to conflict with any other law of the State of Michigan.

Section 3. Repealer. All ordinances or parts of ordinances in conflict with this Ordinance are repealed.

Section 4. Savings Clause. The provisions of this Ordinance are severable. If any part of this Ordinance is declared void or inoperable for any reason, such declaration does not void any or render inoperable other part or portion of this Ordinance.

Section 5. Effective Date. This Ordinance is effective ten (10) days following its publication in the manner required by law.

YEAS: _____

NAYS: _____

ABSENT/ABSTAIN: _____

ORDINANCE NO. _____ ADOPTED.

 Dan Kasunic
 City Clerk, City of Kentwood

CERTIFICATION

It is hereby certified that the foregoing Ordinance was adopted by the City Commission for the City of Kentwood, Kent County, Michigan, at a meeting of the City Commission duly called and held on _____.

By:

Dan Kasunic
City Clerk, City of Kentwood



MEMORANDUM

TO: Committee of the Whole

FROM: Jim Kirkwood – Director of Engineering & Inspections
Brad Boomstra – City Engineer

SUBJECT: Amendment to Escrow Account Deposit Requirements for Professional Services

DATE: June 18, 2024

ACTION REQUESTED: It is requested that the City Commission approve the proposed Resolution No. __-24 to amend Resolution No. 37-07, which addresses the escrow account deposit requirements for professional services (e.g., construction engineering, testing, and inspection services).

BACKGROUND: Consistent with the City Code, including Section 2-375, the City Commission is authorized to establish escrow fund requirements to reimburse the City for administering the Code. Among other matters, the City requires private entities (e.g., developers) to deposit into an escrow account with the City an amount equal to \$10,000 plus 3% of construction costs associated with the project to pay for the costs incurred by the City relating to construction engineering, testing, and inspection services involving public infrastructure. History has shown that 3% significantly underestimates the actual costs. Eight percent of construction costs more accurately represents the actual costs for construction inspection and equals what the City of Grand Rapids requires for projects within their city limits.

Developers have become irritated when we continually request additional deposits into their escrow account as the true costs of the professional services exceed the original deposit. This amendment would allow the developers to see the true costs upfront, budget their projects accordingly, and expedite the City's ability to review projects.

Attached is a spreadsheet tracking the last seven private projects with associated escrow accounts. This spreadsheet shows the original escrow deposits and the final fees billed by the engineering consultant. All seven projects resulted in deficient escrow deposits.

If you have any questions, please contact Jim Kirkwood at 554-0739 or Brad Boomstra at 554-0740.

Thank you for your consideration of this request.

City of Kentwood

History of Escrow Spending

Project	Original 3% Escrow Deposit	Low Bid From Engineer	Actual Engineering Fees	Escrow Deficiency	% Deficiency	Consultant	8% Escrow Deposit	Escrow Refund
Wildflower Estates	\$30,800.00	\$61,566.60	\$95,714.75	(\$64,914.75)	(211%)	Spaulding	\$55,466.67	(\$40,248.08)
Bretonfield #3	\$33,600.00	\$41,500.00	\$41,500.00	(\$7,900.00)	(24%)	Fleis & V.	\$62,933.33	\$21,433.33
Bretonfield #4	\$50,200.00	\$43,820.00	\$83,962.00	(\$33,762.00)	(67%)	Moore & B.	\$107,200.00	\$23,238.00
Bretonfield #2	\$38,271.50	\$54,360.00	\$54,360.00	(\$16,088.50)	(42%)	Williams & W.	\$75,390.67	\$21,030.67
Heyboer Acres #1	\$26,613.29	\$41,994.00	\$41,600.50	(\$14,987.21)	(56%)	Bergmann	\$44,302.11	\$2,701.61
Bretonfield #6	\$44,658.55	\$65,494.00	\$135,398.30	(\$90,739.75)	(203%)	Spaulding	\$92,422.80	(\$42,975.50)
Windy West	\$22,530.00	\$41,360.00	\$66,145.84	(\$43,615.84)	(194%)	LRE	\$33,413.33	(\$32,732.51)

CITY OF KENTWOOD
RESOLUTION No. __-24

A RESOLUTION TO AMEND RESOLUTION NO. 37-07, ESTABLISHING AN ESCROW FUND
REQUIREMENT BETWEEN THE CITY OF KENTWOOD AND PRIVATE ENTITIES FOR
CONSTRUCTION ENGINEERING, TESTING AND INSPECTION SERVICES FOR STREET AND
UTILITY CONSTRUCTION

The following preamble and resolution were offered by Commissioner _____, and supported by
Commissioner _____.

WHEREAS, City of Kentwood Resolution No. 37-07 established an escrow requirement of \$10,000 plus
3% of the construction costs associated with public infrastructure projects; and

WHEREAS, it is necessary to increase the escrow deposit requirement to better account for the true costs
incurred by the City relating to construction engineering, testing, and inspection services.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The amount of the escrow account set forth in Resolution No. 37-07 is amended to provide that
private entities desiring to construct streets and or utilities within the City must deposit into an
escrow account with the City an amount equal to \$10,000 plus 8% of the construction costs
associated with the project to pay for the costs incurred by the City relating to construction
engineering, testing, and inspection services.
2. All resolutions, or parts of resolutions, in conflict with this Resolution are, to the extent of such
conflict, repealed.
3. Except as expressly set forth herein, the remaining provisions of Resolution No. 37-07 shall remain
valid and in effect.
4. This Resolution shall take immediate effect.

YEAS: _____

NAYS: _____

ABSENT: _____

RESOLUTION NO. __-24 ADOPTED.

Dan Kasunic
Kentwood City Clerk

CERTIFICATION

The foregoing resolution was certified at a regular meeting of the Kentwood City Commission held on
June 18, 2024.

Dan Kasunic
Kentwood City Clerk

MEMORANDUM



TO: Committee of the Whole
FROM: Val Romeo, Parks and Recreation Director
Susan Arnold, Project Manager
SUBJECT: Community Center Project Update
DATE: June 18, 2024

ACTION REQUESTED: No action requested. Information only.

BACKGROUND: The Kentwood Community Center has just moved to the design development phase of the project. The project kicked off in August of last year and staff have been working over the last several months with the Architects, Construction Management, and Business Management consultants to complete the programming and schematic design phases.

As developed, the Community Center will offer 69,000 square feet over two levels with a project budget of thirty-one million dollars. The facility will include multiple studios, a designated fitness center with locker rooms, a large community room, kitchen, green room, three full-sized courts, an indoor track, administrative offices, and child watch area.

With a variety of activity spaces, Kentwood Parks & Recreation will nearly triple its indoor program offerings. This will increase the number of programs to over 1,200 annually, reaching thousands more children, adults, and seniors! Long-time favorite programs will be expanded and new classes and programs will be introduced that we have been unable to offer in the past.

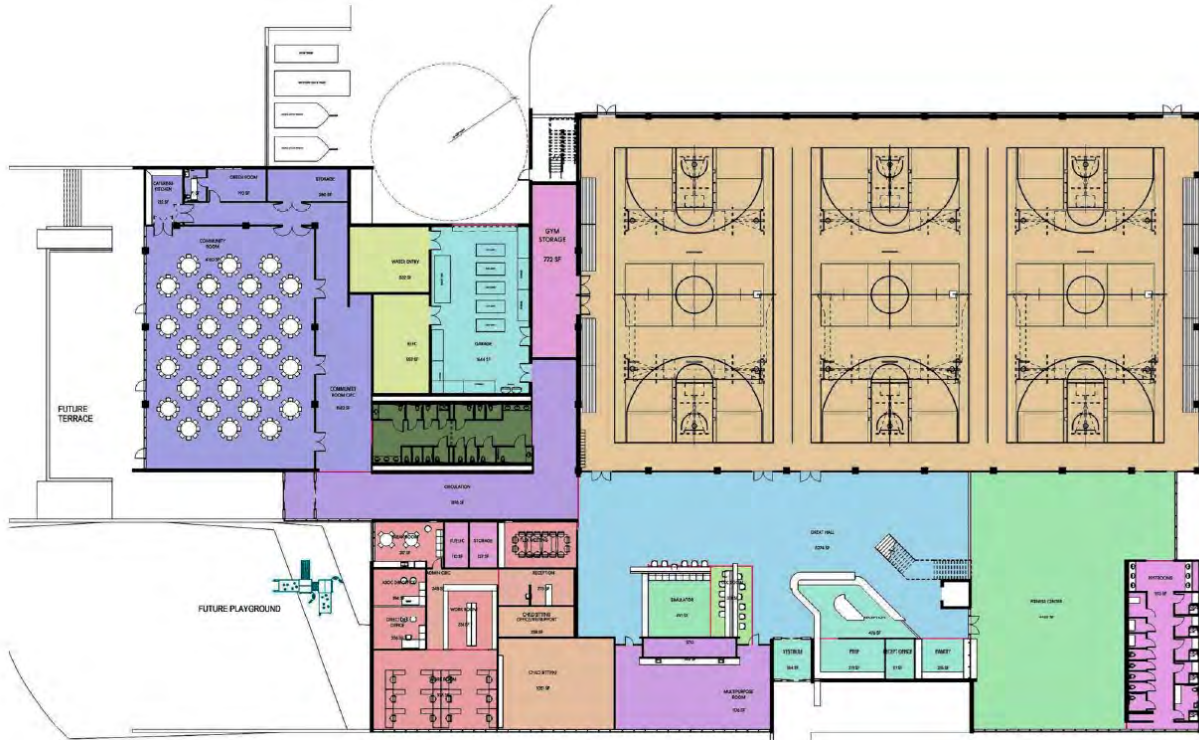


Figure 1 - Community Center 1st Floor

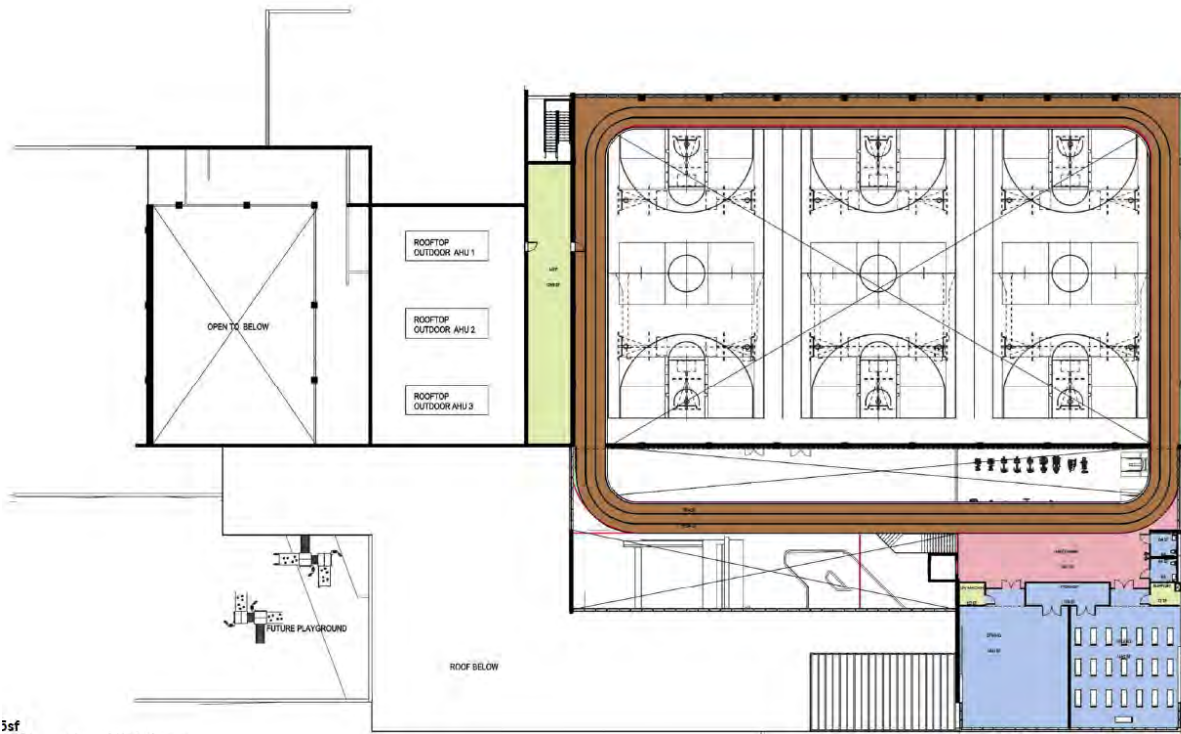


Figure 2 - Community Center 2nd Floor



Figure 3 - Preliminary Interior Rendering



Figure 4 - Preliminary Exterior Rendering

If you have any questions, please contact Val Romeo at (616) 656-5275 or Susan Arnold at (616) 554-0743.

Thank you for your time.