

**AGENDA**  
**WYOMING CITY COUNCIL MEETING**  
**CITY COUNCIL CHAMBERS**  
**TUESDAY, SEPTEMBER 6, 2011 AT 7:00 P.M.**

- 1) Call to Order**
- 2) Invocation**  
Pastor Wayne Ondersma, The Dock Ministries.
- 3) Pledge of Allegiance**
- 4) Roll Call**
- 5) Student Recognition**
- 6) Approval of Minutes**  
From the regular meeting of August 15, 2011.
- 7) Approval of Agenda**
- 8) Public Hearings**
- 9) Public Comment on Agenda Items** (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**
  - a) Downtown Development Authority Budget Amendment #002
- 14) Consent Agenda**
  - a) Resolution to Set a Public Hearing for the Approval of an Application for the Exemption of New Personal Property for Agropur Inc., Division Natrel USA (September 19, 2011, 7:01 p.m.)
  - b) Resolution to Set a Public Hearing for the Approval of an Application for an Industrial Facilities Exemption Certificate for Lee Steel Corporation (September 19, 2011, 7:02 p.m.)
  - c) Resolution to Approve Traffic Control Order No. 3.02-11
- 15) Resolutions**
  - d) Resolution to Designate an Official Representative and Alternate to the Annual Business Meeting of the Michigan Municipal League
  - e) Resolution to Waive Certain Requirements of the Code of the City of Wyoming for the St. John Vianney Church Parish Festival
- 16) Award of Bids, Contracts, Purchases, and Renewal of Bids and Contracts**
  - f) Resolution to Approve a New Personal Property Exemption Application and to Approve a Property Tax Exemption Agreement for Keebler Company, Modifying Parts of Resolution #23808
  - g) Resolution to Provide the City of Wyoming's Appropriation to the Children's Assessment Center and to Authorize the Mayor and City Clerk to Execute the Agreement

- h) Resolution to Authorize the Mayor and City Clerk to Execute an Agreement With the Michigan Department of Transportation for Signal Replacement Work at the Intersection of M-11 (28<sup>th</sup> Street) and Burlingame Avenue (Budget Amendment #015)
- i) Resolution to Authorize Services for Soil Testing and Evaluation
- j) Resolution to Authorize the Purchase of One Replacement Automobile
- k) Resolution to Extend the Bid for Ballistic Tactical Entry Vests
- l) Resolution to Award a Bid and Authorize the Purchase of Electric Lamps and Ballasts
- m) Resolution to Authorize the Purchase of De-Icing Salt From the North American Salt Company
- n) Resolution to Award the Bid for Fertilization of Medians and Miscellaneous Sites
- o) Resolution for Award of Bid
  - 1) Carbide Under-Scraper Blades
  - 2) Batteries

**17) Ordinances**

10-11 To Amend Article XIX of Chapter 90 of the Code of the City of Wyoming Entitled "Off-Street Parking, Loading, Access and Circulation Requirements (First Reading)

**18) Informational Material**

**19) Acknowledgment of Visitors**

**20) Closed Session** (as necessary)

**21) Adjournment**

CITY OF WYOMING BUDGET AMENDMENT

Date: September 6, 2011

DDA Budget Amendment No. 002

To the Wyoming City Council:

**A budget amendment is requested for the following reason: To reclassify \$35,000 of budgetary authority to provide sufficient funding (\$55,000) for the Mast Arm Signal Improvement at 28th Street and Burlingame Avenue.**

<u>Description/Account Code</u>	<u>Current</u>	<u>Increase</u>	<u>Decrease</u>	<u>Amended</u>
Project Costs: Acquisitions/Gap Financing 995-000-72800-967.100	\$221,500		\$35,000	\$186,500
Project Costs: Mast Arm Signal 995-000-72800-967.165	\$20,000	\$35,000		\$55,000
Fund Balance/Working Capital				

Recommended: \_\_\_\_\_  
Treasurer

\_\_\_\_\_  
Director of Wyoming DDA

Motion by Board Member \_\_\_\_\_, seconded by Board Member \_\_\_\_\_ that the DDA's General Appropriations Act for Fiscal Year 2011-2012 be amended by adoption of the foregoing budget amendment.

Motion carried: \_\_\_\_\_ yeas, \_\_\_\_\_ nays

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

\_\_\_\_\_  
Secretary

09/06/2011  
Manager/KV

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

RESOLUTION TO SET A PUBLIC HEARING FOR THE APPROVAL OF AN  
APPLICATION FOR EXEMPTION OF NEW PERSONAL PROPERTY  
IN THE CITY OF WYOMING FOR AGROPUR INC., DIVISION NATREL USA

WHEREAS, the City established Industrial Development District Number 159, by adopting Resolution Number 13784 on September 16, 1991, for 5252 Clay Avenue SW, Wyoming, MI 49548, and

WHEREAS, after the district was established Agropur inc., Division Natrel USA filed an application for exemption of New Personal Property under Act 328 for machinery and equipment having an estimated cost of \$4,500,000.00 for personal property to be located at 5252 Clay Avenue SW, Wyoming, Michigan, and

WHEREAS, Act 328 requires the City to hold a public hearing on the approval of this application; now therefore,

BE IT RESOLVED, that the Wyoming City Council takes the following action:

1. A public hearing on whether to approve the application by Agropur inc., Division Natrel USA, for Exemption of New Personal Property shall be held at 7:01 p.m. on September 19, 2011 in the City Council Chambers, City Hall, 1155 28<sup>th</sup> Street SW, Wyoming, Michigan.

2. Notice of this hearing shall be given to the applicant, the City Assessor, and a representative of each affected taxing unit, and shall be published in a newspaper of general circulation in the City and posted in City Hall.

Councilmember \_\_\_\_\_ moved, seconded by Councilmember \_\_\_\_\_, that the above Resolution be adopted.

Motion carried: \_\_\_\_\_ Yeas, \_\_\_\_\_ Nays.

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 the 6th day of September, 2011.

\_\_\_\_\_  
Heidi A. Isakson  
City Clerk

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

09/06/11  
Manager/KV

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

RESOLUTION TO SET A PUBLIC HEARING FOR THE APPROVAL OF AN  
APPLICATION FOR AN INDUSTRIAL FACILITIES EXEMPTION  
CERTIFICATE IN THE CITY OF WYOMING FOR LEE STEEL CORPORATION

WHEREAS, the City established Industrial Development District Number 241, under Act 198, Public Acts of 1974, as amended by adopting Resolution Number 19327 on October 18, 1999, and

WHEREAS, after the district was established Lee Steel Corporation filed an application for an Industrial Facilities Exemption Certificate under Act 198 for new machinery and equipment having an estimated cost of \$1,535,000.00 for real property and \$675,000.00 for personal property to be located at 5875 Weller Court SW, Wyoming, and

WHEREAS, Act 198 requires the City to hold a public hearing on the approval of this application; now therefore,

BE IT RESOLVED, that the Wyoming City Council takes the following action:

1. A public hearing on whether to approve the application by Lee Steel Corporation for an Industrial Facilities Exemption Certificate shall be held at 7:02 p.m. on September 19, 2011, in the City Council Chambers, City Hall, 1155 28<sup>th</sup> Street SW, Wyoming, Michigan.

2. Notice of this hearing shall be given to the applicant, the City Assessor, and a representative of each affected taxing unit, and shall be published in a newspaper of general circulation in the City and posted in City Hall.

Councilmember \_\_\_\_\_ moved, seconded by Councilmember \_\_\_\_\_, that the above Resolution be adopted.

Motion carried: \_\_\_\_\_ Yeas, \_\_\_\_\_ Nays.

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 the 6<sup>th</sup> day of September, 2011.

\_\_\_\_\_  
Heidi A. Isakson  
Wyoming City Clerk

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

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

RESOLUTION TO APPROVE  
TRAFFIC CONTROL ORDER NO. 3.02-11

WHEREAS, Traffic Control Order No. 3.02-11 as set forth in exhibit attached hereto and made a part of this Resolution, has been proposed in the City of Wyoming, and

WHEREAS, it is recommended by the City Traffic Engineer, as required by the Uniform Traffic Code for Cities, Townships and Villages, Part 2, Section R 28.1153, issued in October 2002 by the Commissioner of the Michigan State Police, and adopted by the City of Wyoming, that said Traffic Control Order should be approved by the City Council as permanent; now, therefore,

BE IT RESOLVED that such final approval be and is hereby granted that the aforesaid Traffic Control Order No 3.02-11 be made a permanent part of the Traffic Control Order Files of the City of Wyoming.

Councilmember \_\_\_\_\_ moved, seconded by Councilmember \_\_\_\_\_, that the above Resolution be adopted.

Motion carried: \_\_\_\_\_ Yeas, \_\_\_\_\_ Nays.

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan, at a \_\_\_\_\_ session held on the \_\_\_\_\_ day of \_\_\_\_\_, 2011.

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HEIDI A. ISAKSON  
Wyoming City Clerk

Attachments

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



MAYOR  
Jack A. Poll

AT-LARGE COUNCILMEMBER  
Sam Bolt

AT-LARGE COUNCILMEMBER  
Dan Burrill

AT-LARGE COUNCILMEMBER  
Kent Vanderwood

1ST WARD COUNCILMEMBER  
William A. VerHulst

2ND WARD COUNCILMEMBER  
Richard K. Pastoor

3RD WARD COUNCILMEMBER  
Joanne M. Voorhees

CITY MANAGER  
Curtis L. Holt

September 6, 2011

**PERMANENT  
TRAFFIC CONTROL ORDER NO. 3.02-11**

Pursuant to provisions of Wyoming City Code, Chapter 78, Article II, adopting Sections R 28.1125 and R 28.1153 of the Michigan Uniform Traffic Code, the following regulatory order has been issued and shall take effect immediately:

1. LOCATION:

Floyd Street, south side, from Clyde Park Avenue west approximately 380 feet

2. REGULATION:

- A. Traffic Control Order Number 3.01-80, dated June 2, 1980, is hereby revoked
- B. Parking will be allowed

3. SIGNS:

Remove existing "No Parking – Bus Stop" signs

4. EFFECTIVE:

Immediately

Authority,

  
William D. Dooley, P.E.  
Traffic Engineer

WDD:kh

cc: Police Dept



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

RESOLUTION TO DESIGNATE AN OFFICIAL REPRESENTATIVE  
AND ALTERNATE OFFICIAL REPRESENTATIVE  
TO THE ANNUAL BUSINESS MEETING OF THE  
MICHIGAN MUNICIPAL LEAGUE

WHEREAS, the Annual convention of the Michigan Municipal League will be held in Grand Rapids, Michigan on October 4 through 7, 2011; and

WHEREAS, the annual business meeting of this convention will be held on October 5, 2011; and

WHEREAS, it is necessary for the City of Wyoming to designate an Official Representative and an Alternate Official Representative to the annual business meeting of the Michigan Municipal League; now, therefore,

BE IT RESOLVED that \_\_\_\_\_ is hereby named the Official Representative and \_\_\_\_\_ as the Alternate Official Representative of the City of Wyoming at the annual business meeting of the Michigan Municipal League on October 5, 2011.

Councilmember \_\_\_\_\_ moved, seconded by Councilmember \_\_\_\_\_, that the above resolution be adopted.

Motion carried: \_\_\_\_\_ Yeas, \_\_\_\_\_ Nays.

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular meeting held on the 6<sup>th</sup> day of September, 2011.

\_\_\_\_\_  
HEIDI A. ISAKSON  
Wyoming City Clerk

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

JST  
09/06/11

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

RESOLUTION TO WAIVE CERTAIN REQUIREMENTS OF THE CODE OF THE CITY OF  
WYOMING FOR ST. JOHN VIANNEY CHURCH PARISH FESTIVAL TO BE HELD  
SEPTEMBER 9, 10 AND 11, 2011

WHEREAS, St. John Vianney Church has submitted a request for a Carnival Permit for their Parish Festival, and

WHEREAS, Section 14-282 of the Code of the City of Wyoming allows the City Council to waive any of the restrictions of "DIVISION 3. CARNIVALS" if the sponsor is a nonprofit, religious, fraternal, school or community organization that has been established in the City for at least five years and a waiver is deemed to be in the best interest of the City and,

WHEREAS, Section 14-276 of the Code of the City of Wyoming states that the application must be accompanied by payment of all fees and bonds, and,

WHEREAS, Section 14-280 of the Code of the City of Wyoming requires outdoor carnivals to be located within areas zoned B-2 or B-3, and,

WHEREAS, it has been deemed advisable by the Wyoming City Council to waive the requirements of Section 14-276, and 14-280 stated above, now therefore,

BE IT RESOLVED, the Wyoming City Council does hereby waive the requirements of Section 14-276 and 14-280 of the Code of the City of Wyoming and allow St. John Vianney Church to have a carnival at their Parish Festival on September 9, 10 and 11, 2011.

Councilmember \_\_\_\_\_ moved, seconded by Councilmember \_\_\_\_\_, that the above Resolution be adopted.

Motion carried: \_\_\_\_\_ Yeas \_\_\_\_\_ Nays

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a \_\_\_\_\_ session held on the \_\_\_\_\_ day of September, 2011.

\_\_\_\_\_  
Heidi A. Isakson  
Wyoming City Clerk

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



st. John Vianney

faith formation

...to know, love and serve God

616.532.2397 / 4101 Clyde Park, S.W. / Wyoming, MI 49509

August 8, 2011

To: Wyoming City Council Members  
From: St. John Vianney Community Festival Committee

Dear City Council Members,

St. John Vianney Church, 4101 Clyde Park Ave SW, will be holding its annual Community Festival on September 9, 10, 11, 2011

Our operating hours are as follows:

- Friday, September 9th from 5pm – 12am
- Saturday September 10th from 12pm – 12am
- Sunday September 11th from 12pm – 6pm

In compliance with the City Ordinance, the carnival rides will close down at 11pm. Our Vegas area and Refreshment area will close at 12am. The rest of the festival (food, games and bingo tents) will close at 10pm.

At this time, we are requesting a carnival permit from the City Council. In past years, the Council has approved this request and waived the carnival application and permit fee involved. Our hope is that you will choose to do the same again this year.

Thank you for your consideration of our request.

Sincerely,

Jim Kulfan  
Business Manager  
4101 Clyde Park Ave  
Wyoming, MI 49509  
(616) 534-5449

# Business License Application

# City of Wyoming

City Clerk's Office  
 1155 28<sup>th</sup> Street SW  
 Wyoming, MI 49509-0905  
 616-530-7296 fax 616-530-7200



<b>Owner Name:</b> <u>Rev Michael Alber</u>		<b>DATE BUSINESS OPENED:</b>
<input checked="" type="checkbox"/> <b>Sole proprietor</b> <input type="checkbox"/> <b>Partnership</b> <input type="checkbox"/> <b>Corporation</b>	<b>Owner Mailing Address:</b> <u>4101 Clyde Park SW</u> <u>Wyoming MI 49509</u>	Phone: <u>616-724-3125</u> (not business phone) Fax: <u>616-530-8224</u> Email: <u>fr.mike@stjohnvinnay.net</u>
<b>FEIN:</b>	<b>State Tax ID#</b>	<b>State License #</b>
	<u>38-1550061</u>	
<b>Business Name:</b> <u>St John Vinnay</u>		
<b>Business Address:</b>		<b>Business Phone:</b>
<u>4101 Clyde Park SW</u> <u>Wyoming MI 49509</u>		<u>616-534-5449</u>
		<b>Business Fax:</b> <u>616-530-8224</u>
<b>Description of Business:</b> <u>Church Festival</u>		
<b>Business Classification:</b> <u>813000</u>		From attached list of Business Activity Codes, enter code for activity from which business derives its largest percentage of total receipts.
<b>Additional Owner Info:</b>		
Home Phone: <u>616-724-3125</u>	Name: <u>Rev Michael Alber</u>	
Business Phone: <u>616-534-5449</u>	Address: <u>4101 Clyde Park SW</u>	
Cell Phone: <u>616-443-6545</u>	City, State, Zip: <u>Wyoming MI 49509</u>	
<b>Emergency Contact #1:</b>		
Home Phone: <u>616-608-4391</u>	Name: <u>Jim Kustan</u>	
Business Phone: <u>616-724-3126</u>	Address: <u>4274 Tuttle Bend Dr Apt B3</u>	
Cell Phone: <u>616-915-9423</u>	City, State, Zip: <u>Grandville MI 49418</u>	
<b>Emergency Contact #2:</b>		
Home Phone: _____	Name: _____	
Business Phone: _____	Address: _____	
Cell Phone: _____	City, State, Zip: _____	

I declare, under penalty of perjury, that the information contained in this application is true and correct.

Signature: [Signature] Title: Pastor Date: 8-15-11

### FOR OFFICE USE ONLY

<b>BUSINESS TYPE:</b>	<input type="checkbox"/> Entered
<b>DATE APP RECEIVED:</b>	<b>DATE FEE RECEIVED:</b>
<b>INITIALS:</b>	<b>FEE RECEIVED: \$</b>
	<b>LIC #</b>

## Carnival License Application Addendum City of Wyoming

Applicant Name St John Vianney Church

Location of Carnival 4101 Clyde Park Dates of Carnival Sept 9-11, 2014

Opening & Closing Time of Carnival 9/9 5pm-12am, 9/10 12pm-12am, 9/11 12pm-6pm

Total Number of Rides Games or Amusements 15

Number of Tents 5 Are Food & Beverage Sold  Yes  No

Number of Trash Boxes/Containers 23 Number of Security People 2 6pm-mid.

Person (s) in Charge of the Carnival			
Name	Address	City, State	Phone Number
Ben Ora	8038 Kuley Ct SE	Oakland MI	416-891-5756
Jim Kulgan	9274 Turtle Bend Dr	Grandville MI	416-915-9623
	Apt 3		

Calculate License Fee	
Nonrefundable Application Fee	\$75.00
Additional Permit Fee Per Day	50.00
Application Fee	\$75.00
Number of days _____ x \$50.00 = + _____	
<b>Total License Fee Due</b>	

**Other Requirements:**

- Bond - \$1,000.00
- Insurance
  - Property \$20,000.00
  - Liability Amount \$100,000/500,000
  - Name the City of Wyoming as Additional Insured

**Office Use Only**

Approval  
City Clerk

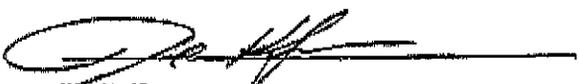
August 11, 2011

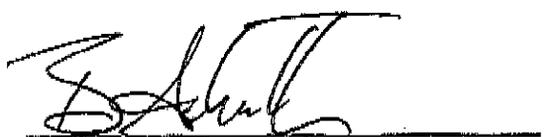
**Security Plan – St John Vianney Parish Festival**

Per City Ordinance Number 14-276, 14-281, 14-282

Section 14-281 – Security Plan – This is written for the St John Vianney Parish Festival Carnival for the 2011 dates.

- A. Pinkerton Security/Off Duty Wyoming Police will be on duty at all times and will be clearly identifiable as security and will have no other duties in the operation of the festival.
  - B. Immediately available mean of communications with the police department for reach reservist. The personnel will have a radio and cell phone for contact with the police department or other emergencies.
  - C. Ben Ora will be the contact person for St John Vianney issues, with Jim Kulfan as a secondary contact.
  - D. Contact information is as follows:
    - a. Ben Ora
    - b. Home Phone 616-891-5756
    - c. Cell Phone 616-648-1367
- |                         |
|-------------------------|
| Jim Kulfan              |
| Home Phone 616-608-4391 |
| Cell Phone 616-915-9623 |

  
Jim Kulfan  
St John Vianney Business Manger

  
Chief of Police



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VEGAS TENT

ENTRANCE/  
EXIT

TICKETS/  
CHECK ID  
TENT

SNOW FENCE

SCHOOL

FOOD/BEVERAGE TENT

SNOW FENCE

MUSIC TENT

SCHOOL

SPORTS BAR

BINGO TENT

CHURCH

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

A RESOLUTION TO APPROVE A NEW PERSONAL PROPERTY  
EXEMPTION APPLICATION AND TO APPROVE A PROPERTY  
TAX EXEMPTION AGREEMENT FOR KEEBLER COMPANY  
MODIFYING PARTS OF RESOLUTION #23808

Whereas, Act 328 of the Public Acts of Michigan of 1998, as amended MCL 211.9f (“Act 328”), authorizes the governing body of an “eligible local assessing district” to adopt a resolution to exempt from the collection of taxes under the Michigan General Property Tax Act all new personal property owned by an eligible business; and

Whereas, on September 13, 2007, the City Council by resolution approved and recommended to the State Tax Commission issuance of a personal property tax exemption for Kellogg Company, a manufacturing eligible business under Act 328, for certain personal property installed at Kellogg’s facility located at 3300 and 3750 Roger B. Chaffee in the City, said facility being located within an “eligible district” as defined in subsection 7(e) of Act 328; and

Whereas, the State Tax Commission issued that 2007 tax exemption with a term to expire on December 31, 2012, together with rights to extend subject to the terms and conditions of the Agreement until December 31, 2017; and

Whereas, Keebler Company, a wholly-owned subsidiary of Kellogg Company intends to acquire and install new personal property at its facility located at 3300 and 3750 Roger B. Chaffee in the City (the “Kellogg Facility”); and

Whereas, Keebler Company has filed a new application for Exemption of New Personal Property seeking full 10 years of tax exemption on this new equipment to be located in the specific area of the Kellogg Facility; and

Whereas, Keebler Company wishes to create a new district within the existing eligible district which is shown on the attached drawing and will be visibly marked on the floor in the Kellogg Facility so that the new personal property will be installed in the new district and be distinguishable from existing personal property; and

Whereas, the Wyoming City Council has determined that the acquisition and installation of the new personal property by Keebler Company at its facility in the City will reduce unemployment, promote economic growth, and increase capital investment in the City; and

Whereas, before acting on Keebler Company’s application, the Wyoming City Council held a public hearing on March 7, 2011, at Wyoming City Hall, at which a representative of Keebler Company, the City Assessor and representatives of the effected taxing jurisdictions were given written notice and were afforded an opportunity to be heard; and

Whereas, after the public hearing on March 7, 2011, the Wyoming City Council approved Keebler Company’s new application for Exemption of New Personal Property by Resolution No. 23808; and

Whereas, in April 2011, the Wyoming City Council entered into a Property Tax Exemption Agreement with Keebler Company, a copy of which is attached as Exhibit A (the

“Agreement”), finding it to be in the best interests of Wyoming after considering all of the factors and issues recited in the Agreement; and

Whereas, the City Clerk filed a copy of Resolution 23808 and the fully executed Agreement with the Michigan Tax Commission; and

Whereas, after a review of those documents, the Michigan Tax Commission has asked for a clarifying modification to Resolution No. 23808 to recognize Keebler Company’s Application for Exemption of New Personal Property is approved for a period of 10 years, pursuant and subject to the terms and conditions of the Agreement; and

Whereas, the Wyoming City Council wishes to make the requested modifications by rescinding Resolution No. 23808 and replacing it with this Resolution.

Now, therefore, be it resolved as follows:

1. The Wyoming City Council finds and determines that the granting of the Exemption of New Personal Property under Act 328 to Keebler Company shall not have the effect of substantially impeding the operation, or impairing the financial soundness of the taxing unit which levies ad valorem property taxes in the City.
2. The Application for Exemption of New Personal Property filed by Keebler Company and dated March 3, 2011, for new personal property installed at 3300 and 3750 Roger B. Chaffee, SW, in the City of Wyoming by December 31, 2013, is hereby approved for a period of 10 years, pursuant and subject to the terms and conditions of the Agreement.
3. As requested within the Application for Exemption of New Personal Property filed by Keebler Company and dated March 3, 2011, a new eligible district is established within the existing eligible district located at 3300 and 3750 Roger B. Chaffee in the City, the dimensions and boundaries of the “new district”, which shall be delineated by actual lines on the floors and walls of the facility by the Keebler Company, are described and depicted on the attached Exhibit B.
4. The Agreement remains approved in all respects.
5. The City Clerk is authorized and directed to file a copy of this Resolution and the fully executed Agreement with the Michigan Tax Commission.
6. All resolutions and parts of resolutions are, to the extent of any conflict with this resolution, rescinded.

Councilmember \_\_\_\_\_ moved, seconded by Councilmember \_\_\_\_\_, that the above Resolution be adopted.

Motion carried: \_\_\_\_\_ Yeas, \_\_\_\_\_ Nays.

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 the 6<sup>th</sup> day of September, 2011.

\_\_\_\_\_  
Heidi A. Isakson  
Wyoming City Clerk

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

## EXHIBIT "A"

### PROPERTY TAX EXEMPTION AGREEMENT

This Property Tax Exemption Agreement is made as of 4/18, 2011, by the City of Wyoming, a Michigan municipal corporation the principal business address of which is 1155 28<sup>th</sup> Street, SW, PO Box 905, Wyoming, MI 49509-0905 (the "City") and Keebler Company, a Delaware corporation that is a wholly-owned subsidiary of Kellogg Company, the principal business address of which is One Kellogg Square, Battle Creek, MI 49016 ("Keebler").

### RECITALS

- A. Keebler Company currently has an exemption for personal property within its facility located at 3300 and 3750 Roger B. Chaffee in the City (the "Kellogg Site") as described in the Property Tax Exemption Agreement between Kellogg and City dated September 13, 2007. Keebler desires to acquire and install new personal property consisting of that machinery and equipment and other personal property to be installed at the Kellogg Site after March 7, 2011 (the "New Personal Property").
- B. The New Personal Property is anticipated to cost as much as \$25 million.
- C. When the New Personal Property is installed and operational, Keebler anticipates 36 full-time equivalent jobs will be added at the Kellogg Site which currently employs 353 full-time equivalents.
- D. The addition of the New Personal Property at the Kellogg Site will enable Keebler to add and enhance the production of an additional product line at the Kellogg Site and enhance the Kellogg Site's competitive position in relation to plants owned by other manufacturers and plants in Latin America and the Southern part of the United States.
- E. On or about March 3, 2011, Keebler filed with the City an "Application for Exemption of New Personal Property," Michigan Department of Treasury Form 3427 (Rev. 5-06), seeking, pursuant to 1998 P.A. 328, as amended, MCL 211.9f ("Act 328"), an exemption of all personal property taxes that would otherwise be levied against the New Personal Property (the "Application"). The Application seeks to create a new district within the existing district such that the New Personal Property can be distinguished from the existing personal property. The dimensions and boundaries of the "new district" are set forth in attached Exhibit "A".
- F. For the reasons provided above, the City is amenable to granting a tax exemption on the New Personal Property but seeks assurance that the anticipated Keebler investment and job growth occurs.

### TERMS AND CONDITIONS

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

1. Keebler's Acknowledgements, Representations and Covenants. The City Council's approval of the Application by a resolution adopted at its regular meeting of March 7, 2011, was based in significant part on each of the following representations and covenants such that, if Keebler had not made each of them, the City would not approve the Application.
  - (a) Keebler expects to invest about \$25,000,000.00 in acquiring and installing the New Personal Property within the Kellogg Site.
  - (b) Keebler expects to add not less than 36 full-time equivalent manufacturing jobs (the "New Keebler Jobs") at the Kellogg Site as a result of installing the New Personal Property within the Kellogg Site.
  - (c) Keebler's investment in the Kellogg Site by installing the New Personal Property will make the Kellogg Site more competitive in the global market place, better ensuring its long-term sustainability.

(d) Keebler expects that all of the New Personal Property (or replacements for it) and all of the New Keebler Jobs will remain at the Kellogg Site for not less than 10 years in addition to the 353 current full-time equivalent positions.

2. Annual Certification and Record Keeping.

(a) Personal Property Statements. Keebler will file a separate personal property statement in the form required under Michigan law for all New Personal Property for each year that the exemption is in effect. These statements will be filed no later than February 20 following each year of the exemption.

(b) Asset Record Keeping. Keebler will keep sufficient personal property fixed asset records to determine which items of personal property on the Kellogg Site are covered by the exemption and which are not.

(c) Job Reports. No later than February 20 following each year that the exemption is in effect, Keebler will file an annual letter certifying as of the previous December 31, the number of full-time equivalent jobs created since the date the City adopted a resolution approving the exemption, an indication of the annual pay range (without revealing confidential information), and the total number of full-time equivalent jobs located at the Kellogg Site. The first letter will be due on February 20, 2012 and the last one will be due on February 20 following the year in which the exemption expires or is terminated. Each letter shall include a certification that its contents are true to the best knowledge of the person signing the letter.

3. Term and Termination.

(a) This Agreement shall only apply to personal property located within the new district (including the New Personal Property) and shall terminate on the last day the exemption is effective, but no later December 31, 2021.

(b) If at least \$25 million of the New Personal Property was installed within the new district on the Kellogg Site by December 1, 2013, and employment at the Kellogg Site totals at least 389 full-time equivalent jobs as of December 1, 2014, the City Council will act before December 31, 2014 to extend this Agreement and the Act 328 personal property tax exemption as to the new district for two years until December 31, 2016. Otherwise, the exemption as to the new district and this Agreement will terminate on December 31, 2014.

(c) If at least \$25 million of the New Personal Property was installed within the new district on the Kellogg Site not later than December 31, 2013, and/or replacements for it remain on the Kellogg Site on December 1, 2016, and employment at the Kellogg Site totals at least 389 full-time equivalent jobs as of December 1, 2016, the City Council will act before December 31, 2016, to extend this Agreement and the Act 328 personal property tax exemption as to the new district for three years until December 31, 2019. Otherwise, the exemption and this Agreement will terminate on December 31, 2016.

(d) If at least \$25 million of the New Personal Property was installed on the Kellogg Site not later than December 31, 2013, and/or replacements for it remain on the Kellogg Site on December 1, 2019, and employment at the Kellogg Site totals at least 389 full-time equivalent jobs as of December 1, 2019, the City Council will act before December 31, 2019, to extend this Agreement and the Act 328 personal property tax exemption for two years until December 31, 2021. Otherwise, the exemption and this Agreement will terminate on December 31, 2019.

4. Miscellaneous.

(a) This is the entire agreement between the parties as to its subject including the New Personal Property and the new district. It shall not be amended or modified except in writing

signed by all the parties. It shall not be affected by any course of dealing and the waiver of any breach shall not constitute a waiver of any subsequent breach of the same or any other provision.

(b) This Agreement and the rights and obligations under this Agreement are unassignable and non-transferable without the consent of the other party. It shall, however, be binding upon any successors or permitted assigns of the parties.

(c) This Agreement shall terminate when all reimbursements required under this Agreement have been made or upon the expiration of the obligation to make such reimbursements, whichever occurs first.

(d) To the extent permitted by law, the jurisdiction and venue for any action brought pursuant to, arising from or to enforce any provision of this Agreement shall be solely in the state courts in Kent County, Michigan and the prevailing party in any such action shall, in addition to any other remedy, be entitled to recover its costs, including, without limitation, actual, reasonable filing fees, legal fees, expert fees, discovery expenses and other costs incurred to investigate, bring, maintain or defend any such action for its first accrual or first notice thereof through all appellate and collection proceedings.

(e) Notices shall be made by personal delivery or by FED EX, UPS or some other delivery service that provides notification to the sender of the delivery date and time sent to the address first given above or such other address as is provided by notice to the other party. If made to the City, notice shall be addressed to the City Manager with a copy to the City Clerk. If made to Keebler, it shall be addressed to General Counsel, with a copy to Vice President, Corporate Taxes.

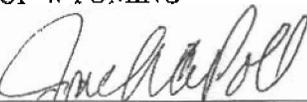
(f) The City's ability to refuse an extension of the Act 328 personal property tax exemption is the City's sole remedy against Keebler for any breach of this Agreement or failure by Keebler to achieve the capital investment or job creation requirements as required by this Agreement.

(g) The City's reviews at the end of the years identified in Section 3(a)-(d) above shall include the opportunity for Keebler representatives to meet informally with City staff as well as the City Council to discuss the state of the project.

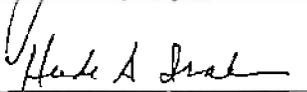
The parties have signed this Agreement as of the date first written above.

CITY OF WYOMING

By:

  
\_\_\_\_\_  
Jack Poll, Mayor

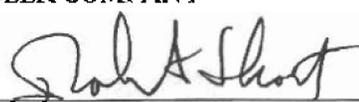
By:

  
\_\_\_\_\_  
Heidi Isakson, City Clerk

Date signed: April 21, 2011

KEEBLER COMPANY

By:

  
\_\_\_\_\_  
VPTRX, Treasurer

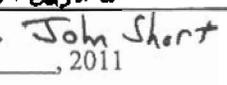
Date signed: 4/18, 2011 

EXHIBIT "A" OF THE  
KEEBLER COMPANY PROPERTY TAX EXEMPTION AGREEMENT  
OF APRIL 18, 2011

NEW DISTRICT DRAWING AND DESCRIPTION

KEEBLER COMPANY  
PERSONAL PROPERTY TAX EXEMPTION APPLICATION

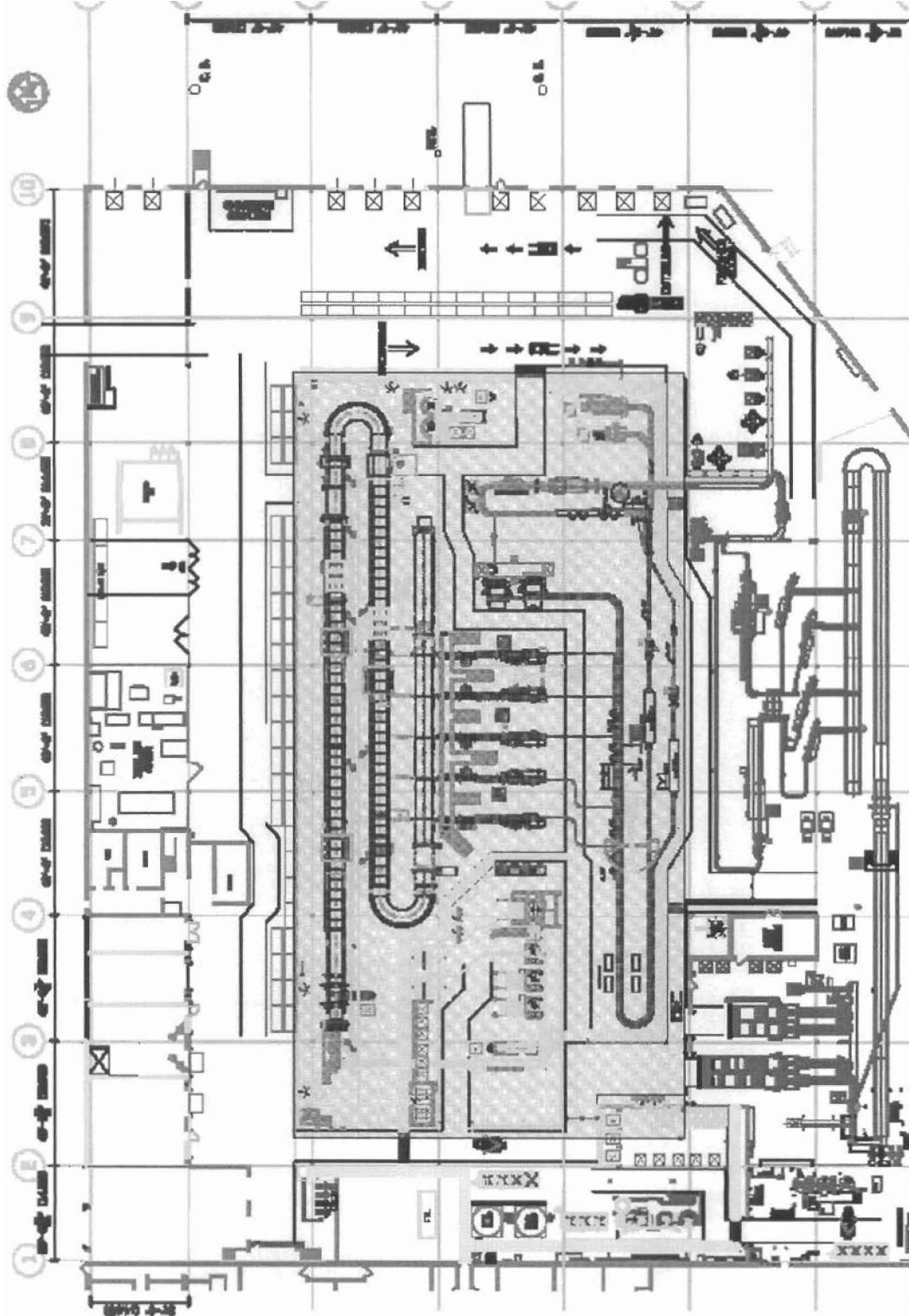
DRAWING: SEE ATTACHED

LEGAL DESCRIPTION

Commencing from a point on the northern wall of the building that is 60 feet from the eastern corner of the north wall and 280 feet from the western corner of the north wall, then south 70 feet to the north eastern corner of the district which is the starting point of the description of the district; then west 240 feet to the north western corner of the district; then south 120 feet to the south western corner of the district; then east 240 feet to the south eastern corner of the district; then north 120 feet to the place of beginning of the district.

# Wyoming 3750 Plant

## Exhibit B



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

RESOLUTION TO PROVIDE THE CITY OF WYOMING'S APPROPRIATION  
TO THE CHILDREN'S ASSESSMENT CENTER AND TO AUTHORIZE THE  
MAYOR AND CITY CLERK TO EXECUTE THE AGREEMENT

WHEREAS, the Wyoming Police Department wishes to join the participating local agencies of the Grand Rapids Police Department and Kent County Sheriff's Department in funding the Children's Assessment Center, and

WHEREAS, the City of Wyoming frequently utilizes the services provided by the Children's Assessment Center, and

WHEREAS, the services are provided to children from the City of Wyoming, who may be victims of criminal sexual conduct cases, and

WHEREAS, adequate funds for the annual City appropriation to the Children's Assessment Center exist in the Police Department account number 101-305-30500-956000, and

WHEREAS, the current year City appropriation of \$15,000.00 is now requested, now therefore

BE IT RESOLVED, that the Wyoming City Council does hereby authorize the annual City appropriation to the Children's Assessment Center and authorizes the Mayor and City Clerk to execute the agreement.

Councilmember \_\_\_\_\_ moved, seconded by Councilmember \_\_\_\_\_, that the above Resolution be adopted.

Motion carried: \_\_\_\_\_ Yeas, \_\_\_\_\_ Nays

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan, at a \_\_\_\_\_ session held on the \_\_\_\_\_ day of \_\_\_\_\_, 2011.

Attachment: Memorandum

\_\_\_\_\_  
Heidi A. Isakson  
Wyoming City Clerk

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

## Interdepartmental Correspondence

**TO:** Kim Oostindie, Human Resources Supervisor  
**FROM:** Captain Kim Koster  
**DATE:** August 23, 2011  
**SUBJECT:** Administration / Payment Request



Administration Services

---

Please begin the process and necessary paperwork (Resolution write-up to replace Resolution #23646) to provide payment/donation for the current year to the Children's Assessment Center, which is located at 901 Michigan NE, Grand Rapids, MI 49503, as listed in the Police Department's 2011/12 Administrative Other Services approved fiscal budget, as follows:

Children's Assessment Center

Donation to Children's Assessment Center for their services provided to children who are victims of criminal sexual conduct cases. This donation is based on a prorated share of what other police agencies donate annually to this organization.

Funding (\$15,000) is available for this expenditure in account # 101-305-30500-956000.

Please advise if additional information is required to process this request.

## PROFESSIONAL SERVICES AGREEMENT

This professional services agreement ("Agreement") is made as of July 1, 2011, by and between the City of Wyoming, a Michigan municipal corporation having its principal place of business at 2300 DeHoop Ave, Wyoming, MI 49509 ("City"), and Children's Assessment Center, a Michigan not-for-profit corporation, whose registered address is 901 Michigan Street NE, Grand Rapids, Michigan 49503 ("C.A.C.").

### RECITALS

1. The C.A.C. provides a centralized and coordinated location and group of services that assists and supports children who are victims of sexual and other assaults and/or abuse, and at the same time, facilitates the investigation of these crimes so that the perpetrators can be successfully prosecuted.
2. The City wishes to contract with the C.A.C. for these services and the assistance of the C.A.C. in conducting investigations into actual or alleged sexual and other assaults and/or abuse of child victims.

In consideration of their respective obligations hereunder, the parties agree as follows:

### AGREEMENT

1. Scope of Services. The C.A.C. shall provide the City's Police Department with services in connection with sexual complaints or allegations where there are child victims. These services shall include, but are not limited to, providing a single location for and/or providing these services:
  - a. Children's Protective Services Workers from the Department of Social Services who handle child sexual and other abuse reports in Kent County.
  - b. Law enforcement detectives from the Grand Rapids Police Department and/or Kent County Sheriff's Department who are specially trained in investigating child sexual and other abuse complaints;
  - c. A medical team of contracted, specially trained pediatricians/family practitioners and a staff nurse; and
  - d. Assessment counselors who provide crisis intervention, mental health assessments, support, and information and referral to individuals with a concern about possible sexual abuse of a child.
2. Contract Amount. In return for the services set out herein, the City shall annually pay to the C.A.C. the amount of Fifteen Thousand and No/100 Dollars (US) (\$15,000.00) (the "Contract Amount"). The payment shall be made Net 30 days upon receipt by the City of an invoice from C.A.C. In the event that this Agreement shall be terminated by either party as provided herein before the end of the annual term of this Agreement, C.A.C. agrees to repay to the City a pro-rata share of the Contract Amount proportionate to the share of the annual term which shall have passed as of the date of termination of this Agreement.

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  - a. Children's Protective Services Workers from the Department of Social Services who handle child sexual and other abuse reports in Kent County.
  - b. Law enforcement detectives from the Grand Rapids Police Department and/or Kent County Sheriff's Department who are specially trained in investigating child sexual and other abuse complaints;
  - c. A medical team of contracted, specially trained pediatricians/family practitioners and a staff nurse; and
  - d. Assessment counselors who provide crisis intervention, mental health assessments, support, and information and referral to individuals with a concern about possible sexual abuse of a child.
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Professional Services Agreement

3. Term of Agreement. The term of this Agreement shall be from July 1, 2011, through June 30, 2012, and shall automatically renew for an additional term of one (1) year on July 1, 2012 and on each succeeding July 1 unless terminated or otherwise modified in writing by the parties hereto.
4. Hold Harmless and Waiver of Indemnification. The C.A.C. agrees to indemnify, protect and hold harmless the City, the City's officers, employees and/or agents from and against all liability, claims, demands, losses, damages, expense and costs (including attorney's fees), proximately resulting from the activities of C.A.C. officers, directors, employees, and agents. This shall include any indemnification claimed by the C.A.C.'s insurance carriers. The intent of the provision is that the C.A.C. shall be fully responsible for any and all injuries or damage resulting from the activities of the C.A.C. without any express or implied right of recourse to or indemnification from the City or any representative of the City. It is further the intent of this provision that the City shall be responsible for its own acts or omissions and that the C.A.C. shall not be responsible for those acts or omissions.
5. Termination. Either party may terminate this Contract upon reasonable advance notice to the other party.
6. Compliance with Laws. The parties agree that they will comply with all applicable laws, rules, and regulations in the performance of this agreement.
7. Non-Discrimination and Affirmative Action. The parties agree not to discriminate against any employee or applicant for employment, to be employed in the performance of this agreement, with respect to hire, tenure, terms, conditions or privileges of employment, or any matter directly or indirectly related to employment, because of race, color, religion, national origin, age, sex, height, weight, or marital status.
8. Assignment. This agreement shall not assigned by either party without the prior written consent of the other party to the Contract.
9. Integration and Amendment. This agreement is the whole agreement and may be amended only in writing executed by both parties.
10. Authority. The parties agree that the persons executing this Agreement below on behalf of each party have the requisite authority to enter into this Agreement and to thereby bind the respective party.

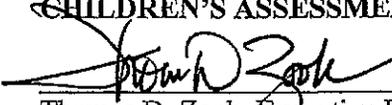
IN WITNESS WHEREOF, the parties have executed this agreement as of the date and year above first written.

CITY OF WYOMING

CHILDREN'S ASSESSMENT CENTER

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

\_\_\_\_\_  
Date

  
Thomas D. Zook, Executive Director

\_\_\_\_\_  
Date

7.19.2011

\_\_\_\_\_  
Heidi A. Isakson, City Clerk

\_\_\_\_\_  
Date

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

RESOLUTION TO AUTHORIZE THE MAYOR AND CITY CLERK TO  
EXECUTE AN AGREEMENT WITH THE MICHIGAN DEPARTMENT OF  
TRANSPORTATION FOR SIGNAL REPLACEMENT WORK AT THE INTERSECTION OF  
HIGHWAY M-11 (28<sup>TH</sup> STREET) AND BURLINGAME AVENUE  
IN THE CITY OF WYOMING

WHEREAS, the Michigan Department of Transportation (MDOT) proposes to remove the existing box span signal and replace with a new mast arm signal at the intersection of Highway M-11 (28<sup>th</sup> Street) and Burlingame Avenue in the City of Wyoming, and

WHEREAS, the project will upgrade the traffic signals and include a radius improvement at the north east quadrant of the intersection, and

WHEREAS, the Michigan Department of Transportation (MDOT) has prepared the attached City-State Agreement for the project, identifying the costs and obligations of each respective party, and

WHEREAS, the City's \$51,000.00 share of this project can be financed out of the Capital Improvement Program Fund, but a budget amendment is necessary; now, therefore,

BE IT RESOLVED that the City Council hereby authorizes the Mayor and City Clerk to execute the attached Agreement with MDOT for replacement of the traffic signals at the intersection of 28<sup>th</sup> Street (Highway M-11) and Burlingame Avenue in the City of Wyoming and hereby approves the attached budget amendment.

Councilmember \_\_\_\_\_ moved, seconded by Councilmember \_\_\_\_\_ ,  
that the above Resolution be adopted.

Motion Carried: \_\_\_\_\_ Yeas, \_\_\_\_\_ Nays.

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a \_\_\_\_\_ session held on the \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
HEIDI A. ISAKSON  
Wyoming City Clerk

Attachments: Agreement  
Budget Amendment

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

SPECIAL TRUNKLINE  
FEDERAL AID PROGRESS PAYMENT  
AND ADDED WORK

DAB  
Control Section STG 84913  
Job Number 111226A  
Federal Item STPG 1184(121)  
Federal Project JJ 4536  
Contract 11-5276

THIS CONTRACT is made and entered into this date of \_\_\_\_\_, by and between the MICHIGAN DEPARTMENT OF TRANSPORTATION, hereinafter referred to as the "DEPARTMENT"; and the CITY OF WYOMING, a Michigan municipal corporation, hereinafter referred to as the "CITY"; for the purpose of fixing the rights and obligations of the parties in agreeing to construction improvements located within the corporate limits of the CITY.

WITNESSETH:

WHEREAS, the DEPARTMENT is planning signal replacement work at the intersection of Highway M-11 and Burlingame Avenue within the corporate limits of the CITY; and

WHEREAS, the CITY has requested additional work in connection with a portion of the DEPARTMENT'S construction, which additional work in conjunction with the DEPARTMENT'S construction is hereinafter referred to as the "PROJECT" and is further described as follows:

PART A (100% FEDERAL PARTICIPATION)

Removal of the existing box span and replacement with new mast arm signal at the intersection of Highway M-11 (28<sup>th</sup> Street) and Burlingame Avenue; together with necessary related work; located within the corporate limits of the city.

PART B (100% CITY PARTICIPATION)

Installation of LED street name signs at the intersection of intersection of Highway M-11 (28<sup>th</sup> Street) and Burlingame Avenue; together with necessary related work, located within the corporate limits of the CITY; and

WHEREAS, the DEPARTMENT presently estimates the PROJECT COST as hereinafter defined in Section 1 to be:

PART A:	\$226,300
PART B:	<u>\$ 15,000</u>
TOTAL:	\$241,300

WHEREAS, the parties hereto have reached an understanding with each other regarding the performance of the PROJECT work and desire to set forth this understanding in the form of a written agreement.

NOW, THEREFORE, in consideration of the premises and of the mutual undertakings of the parties and in conformity with applicable law, it is agreed:

1. The CITY hereby consents to the designation of the PROJECT as a state trunkline highway. The parties shall undertake and complete the construction of the PROJECT as a state trunkline highway in accordance with this contract. The term "PROJECT COST", as herein used, is hereby defined as the cost of construction or reconstruction of the PROJECT including the costs of physical construction necessary for the completion of the PROJECT as determined by the DEPARTMENT; and construction engineering (CE), legal, appraisal, financing, and any and all other expenses in connection with any of the above. No PE costs will be charged for the PROJECT.

2. The cost of alteration, reconstruction and relocation, including plans thereof, of certain publicly owned facilities and utilities which may be required for the construction of the PROJECT, shall be included in the PROJECT COST; provided, however, that any part of such cost determined by the DEPARTMENT, prior to the commencement of the work, to constitute a betterment to such facility or utility, shall be borne wholly by the owner thereof.

3. The CITY shall make available to the PROJECT, at no cost, all lands required thereof, now owned by it or under its control for purpose of completing said PROJECT. The CITY shall approve all plans and specifications to be used on that portion of this PROJECT that are within the right of way which is owned or controlled by the CITY. That portion of the PROJECT which lies within the right of way under the control or ownership by the CITY shall become part of the CITY facility upon completion and acceptance of the PROJECT and shall be maintained by the CITY in accordance with standard practice at no cost to the DEPARTMENT. The DEPARTMENT assumes no jurisdiction of CITY right of way before, during or after completion and acceptance of the PROJECT.

4. The parties will continue to make available, without cost, their sewer and drainage structures and facilities for the drainage of the PROJECT.

5. The DEPARTMENT will administer all phases of the PROJECT and will cause to be performed all the PROJECT work.

Any items of PROJECT COST incurred by the DEPARTMENT may be charged to the PROJECT.

6. The CITY will approve the design intent of the PROJECT and shall accept full responsibility for the constructed PROJECT functioning as a benefit to the CITY facilities. The CITY is solely responsible for any input which it provides as it relates to the design of the PROJECT functioning as part of the CITY'S facilities.

7. Federal Funds shall be applied to the eligible items of the PART A portion of the PROJECT COST at a participating ratio equal to 100 percent. The betterment cost for PART A, which is the difference between installing the mast arms and box span signals, is estimated to be

\$36,000 and shall be paid as a lump sum. The B portion of the PROJECT COST shall be paid 100% by the CITY in the manner and at the times hereinafter set forth:

The PROJECT COST and the respective shares of the parties, after Federal-aid, is estimated to be as follows:

	TOTAL ESTIMATED COST	BETTERMENT	FEDERAL AID	CITY SHARE
PART A:	\$226,300	\$36,000	\$190,300	\$36,000
PART B	<u>\$ 15,000</u>	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$15,000</u>
TOTAL	\$241,300	\$36,000	\$ 190,300	\$51,000

The CE cost for PART B will be apportioned in the same ratio as the actual direct construction costs.

8. The DEPARTMENT shall maintain and keep accurate records and accounts relative to the cost of the PROJECT. The DEPARTMENT may submit progress billings to the CITY on a biweekly basis for the CITY'S share of the cost of work performed to date, less all payments previously made by the CITY. No biweekly billings of a lesser amount than \$1,000 shall be made unless it is a final or end of fiscal year billing. All billings will be labeled either "Progress Bill Number \_\_\_\_\_", or "Final Billing". Upon completion of the PROJECT, payment of all items of PROJECT COST and receipt of all Federal Aid, the DEPARTMENT shall make a final billing and accounting to the CITY.

9. In order to fulfill the obligations assumed by the CITY under the provisions of this contract, the CITY shall make prompt payments of its share of the PROJECT COST upon receipt of progress billings from the DEPARTMENT as herein provided. All payments will be made within 30 days of receipt of billings from the DEPARTMENT. Billings to the CITY will be based upon the CITY'S share of the actual costs incurred less Federal Aid earned as the work on the PROJECT progresses.

10. Pursuant to the authority granted by law, the CITY hereby irrevocably pledges a sufficient amount of funds received by it from the Michigan Transportation Fund to meet its obligations as specified herein. If the CITY shall fail to make any of its required payments when due, as specified herein, the DEPARTMENT shall immediately notify the CITY and the State Treasurer of the State of Michigan or such other state officer or agency having charge and control over disbursement of the Michigan Transportation Fund, pursuant to law, of the fact of such default and the amount thereof, and, if such default is not cured by payment within ten (10) days, said State Treasurer or other state officer or agency is then authorized and directed to withhold from the first of such monies thereafter allocated by law to the CITY from the Michigan Transportation Fund sufficient monies to remove the default, and to credit the CITY with payment thereof, and to notify the CITY in writing of such fact.

11. With respect to that portion of the PROJECT under the jurisdiction or control of the CITY:

- A. Any and all approvals of, reviews of, and recommendations regarding contracts, agreements, permits, plans, specifications, or documents, of any nature, or any inspections of work by the DEPARTMENT pursuant to the terms of this contract are done to assist the CITY. Such approvals, reviews, inspections and recommendations by the DEPARTMENT shall not relieve the CITY of its ultimate control and shall not be construed as a warranty of their propriety or that the DEPARTMENT is assuming any liability control or jurisdiction.
- B. When providing approvals, reviews and recommendations under this contract, the DEPARTMENT is performing a governmental function, as that term is defined in MCL 691.1401; MSA 3.996(101), which is incidental to the completion of the PROJECT.

12. The CITY certifies, by execution of this contract, that, upon completion of construction of the PROJECT and at no cost to the PROJECT or the DEPARTMENT, it will properly maintain or provide for the maintenance and operation of the PART A and PART B portions of the PROJECT according to standard practice, making ample provisions each year for the performance of such maintenance work as may be required.

13. The CITY, in conformance with Federal Aid Policy Guide (FAPG) Chapter I, Subchapter G, Part 630, Subpart C: Project Agreements, stipulates the following with respect to its specific jurisdiction of the PROJECT:

- A. That any facility to be utilized in performance under or to benefit from this contract is not listed on the Environmental Protection Agency (EPA) List of Violating Facilities issued pursuant to the requirements of the Federal Clean Air Act, as amended, and the Federal Water Pollution Control Act, as amended.
- B. That it agrees to comply with all of the requirements of Section 114 of the Federal Clean Air Act and Section 308 of the Federal Water Pollution Control Act, and all regulations and guidelines issued thereunder.
- C. That as a condition of Federal aid pursuant to this contract the CITY shall notify the DEPARTMENT of the receipt of any advice indicating that a facility to be utilized in performance under, or to benefit from this contract, is under consideration to be listed on the EPA List of Violating Facilities.

14. Failure of the CITY to fulfill its responsibilities as outlined herein may disqualify the CITY from future Federal-Aid participation in projects on roads or streets for which it has maintenance responsibility. Federal-aid may be withheld until such time as deficiencies in regulations have been corrected and the improvements constructed as the PROJECT are brought to a condition of maintenance satisfactory to the DEPARTMENT and the FHWA.

15. The DEPARTMENT shall secure from the Federal Government approval of plans, specifications, and such cost estimates as may be required for the completion of the PROJECT; and shall take all necessary steps to qualify for Federal Aid such costs of acquisition of rights of way, construction, and reconstruction, including cost of surveys, design, construction engineering, and inspection for the PROJECT as deemed appropriate. The DEPARTMENT may elect not to apply for Federal Aid for portions of the PROJECT COST.

16. In connection with the performance of the PROJECT work under this contract the parties hereto (hereinafter in Appendix "A" referred to as the "contractor") agree to comply with the State of Michigan provisions for "Prohibition of Discrimination in State Contracts", as set forth in Appendix A, attached hereto and made a part hereof. The parties further covenant that they will comply with the Civil Rights Acts of 1964, being P.L. 88-352, 78 Stat. 241, as amended, being Title 42 U.S.C. Sections 1971, 1975a-1975d, and 2000a-2000h-6 and the Regulations of the United States Department of Transportation (49 C.F.R. Part 21) issued pursuant to said Act, including Appendix "B", attached hereto and made a part hereof, and will require similar covenants on the part of any contractor or subcontractor employed in the performance of this contract.

17. This contract shall become binding on the parties hereto and of full force and effect upon the signing thereof by the duly authorized officials for the CITY and for the DEPARTMENT; upon the adoption of a resolution approving said contract and authorizing the signatures thereto of the respective officials of the CITY, a certified copy of which resolution shall be attached to this contract; and with approval by the State Administrative Board.

IN WITNESS WHEREOF, the parties hereto have caused this contract to be executed the day and year first above written.

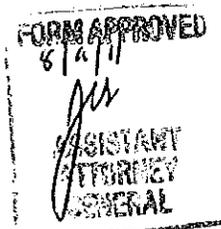
CITY OF WYOMING

MICHIGAN DEPARTMENT  
OF TRANSPORTATION

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

By \_\_\_\_\_  
Department Director MDOT

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



APPROVED AS TO FORM:

[Signature]

9/6/2011  
WSZ

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

RESOLUTION TO AUTHORIZE SERVICES  
FOR SOIL TESTING AND EVALUATION

WHEREAS, in early July 2011, underground bulk oil storage tanks were removed from the Wyoming public works facility located on Burlingame Avenue, and

WHEREAS, the soil which surrounded the tanks may be contaminated with Diesel Range Organics (DRO), and

WHEREAS, this soil must be further tested and evaluated, and

WHEREAS, Dixon Environmental Consulting, Incorporated submitted a proposal in the amount of \$10,220 to perform the required testing and evaluation activities, and

WHEREAS, sufficient funds are available for the aforementioned work in the Motor Pool Fund account 661-441-58300-930000, now, therefore

BE IT RESOLVED that the City Council hereby authorizes Dixon Environmental Consulting, Incorporated to perform soil testing and evaluation at the public works facility for the amount of \$10,200.

Councilmember \_\_\_\_\_ moved, seconded by Councilmember \_\_\_\_\_, that the above Resolution be adopted.

Motion carried: \_\_\_\_\_ Yeas, \_\_\_\_\_ Nays.

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan, at a \_\_\_\_\_ session held on the \_\_\_\_ day of \_\_\_\_\_, 2011.

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HEIDI A. ISAKSON  
Wyoming City Clerk

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

## MEMORANDUM

DATE: August 16, 2011  
TO: Mayor and City Council  
FROM: W. Scott Zastrow, Assistant Director of Public Works  
SUBJECT: Underground Storage Tank Soil Testing

The Motor Pool recently replaced the underground bulk oil storage tanks located at the Public Works facility. When underground storage tanks are replaced, the soil surrounding the tanks must be tested to insure the soil is free of contamination. Rose & Westra, Incorporated, an environmental consultant, completed the testing required by the Michigan Department of Environmental Quality (MDEQ). While replacing the tanks, the soil surrounding the tanks was found to contain Diesel Range Organics (DRO).

The discovery of DRO requires additional testing to verify the presence and level. The testing procedure will require three fifteen foot deep soil boring surrounding the original location of the tanks. The testing procedure also requires the installation of one shallow well in the area of the tanks to test the groundwater. Finally an Initial Assessment Report will need to be completed and submitted to the MDEQ

Proposals for the services to meet the MDEQ requirements were requested from three consultants, Rose & Westra, Incorporated, Dixon Environmental Consulting, Inc., and Materials Testing Corporation. Dixon Environmental submitted the lowest cost proposal of \$10,220 compared to Rose & Westra, Incorporated's proposal of \$10,400. Materials Testing Incorporated declined to submit a proposal.

It is recommended that the work be given to Dixon Environmental Consulting, Inc. Sufficient funds are available in the Motor Pool Fund account 661-441-58300- 930000.

Attachment:  
Dixon Environmental Consulting Proposal

**Project Cost Estimate**  
**Waste Motor Oil Investigation**  
**City of Wyoming Public Service Building**  
**2660 Burlingame Avenue, SW**  
**Wyoming, Kent County, Michigan**  
**DEC Project No: 11-08-005**  
**August 17, 2011**



**Task 1: Soil/Groundwater Sampling and Chemical Analysis**

Earthprobe Sampling Device (1 day)	\$ 1,600.00
Senior Field Scientist - Oversight, Drilling, Sample Collection and Delivery (12 hrs)	900.00
Project Scientist Setup/Coordination (1 hr)	80.00
Support Vehicle Rental (1 day)	70.00
Photoionization Device (1 day)	80.00
Low Flow Sampling Pump/Meters/Equipment (1 day)	300.00
Well Materials (screen, risers, plug, flush-mount cover)	200.00
Sample Collection Charge (glassware and handling 7 samples)	210.00
Chemical Analysis (6 soil samples/1 groundwater sample - standard turnaround)	
VOCs EPA Method 8260- Standard* (7 samples)	\$1,120.00
PNAs EPA Method 8270 (7 samples)	595.00
Diesel Range Organics (7 samples)	385.00
Cd, Cr (total), Pb (7 samples)	280.00

**Subtotal Task 1** **\$ 5,820.00**

**Task 2: Leaking Underground Storage Tank - Initial Assessment Report**

Senior Project Scientist Summary Report (35 hrs)	\$ 2,800.00
ACAD Operator Boring Logs & Figures (15 hrs)	900.00
Principal Review/Project Management (5 hrs)	700.00

**Subtotal Task 2** **\$ 4,400.00**

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**PROJECT COST ESTIMATE** **\$ 10,220.00**

\* 8260 - Standard Parameter Volatile Organic Compound List consists of BTEX, TMBS, 1,2-dibromoethane, 1,2-dichloroethane and the volatile halocarbon list.

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

RESOLUTION TO AUTHORIZE THE PURCHASE OF  
ONE REPLACEMENT AUTOMOBILE

WHEREAS, as detailed in the attached memorandum from the Director of Public Works, one Public Works automobile is in need of replacement, and

WHEREAS, Tony Betten and Sons submitted the low proposal of \$17,775.00 for the purchase of one Ford Fusion, and

WHEREAS, funds for the automobile are available in account number 662-441-58500-985000, now therefore,

BE IT RESOLVED, that the Wyoming City Council does hereby authorize the purchase of a Ford Fusion from Tony Betten and Sons in the amount of \$17,775.00, and

BE IT FURTHER RESOLVED, that the Wyoming 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.

Councilmember \_\_\_\_\_ moved, seconded by Councilmember \_\_\_\_\_, that the above Resolution be adopted.

Motion carried: \_\_\_\_\_ Yeas, \_\_\_\_\_ Nays

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan, at a \_\_\_\_\_ session held on the \_\_\_\_\_ day of \_\_\_\_\_, 2011.

Attachments: Memorandum  
Proposals

\_\_\_\_\_  
Heidi A. Isakson  
Wyoming City Clerk

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

## MEMORANDUM

Date: August 30, 2011  
To: Curtis Holt, City Manager  
From: William D. Dooley, Director of Public Works  
RE: Replacement of One Automobile

Each year the City of Wyoming purchases vehicles under the State of Michigan's cooperative purchasing program identified as MiDeal. The vehicles supplied under the MiDeal program are bid by the State of Michigan and include standard vehicles that are similar to the vehicles found on a dealer's lot. This year we reviewed bids from the County of Oakland, the County of Macomb, as well as the State of Michigan for the replacement of one automobile.

We also contacted local dealers and requested competitive quotes for a similar vehicle. The State bid price for a Ford Fusion is \$17,759 plus \$186 shipping, or a total of \$17,945. Borgman Ford responded with a quote of \$18,000 and Tony Betten and Sons Ford submitted a quote of \$17,775. The price submitted by Tony Betten and Sons will save Wyoming \$170. For this reason, it is recommended that Wyoming purchase one Ford Fusion from Tony Betten and Sons Ford in the amount of \$17,775.

Funds for the purchase of this vehicle are budgeted in the Motor Pool Fund account number 662 441 58500 985000.

# TONY BETTEN & SONS



We Treat You Like Family

3839 PLAINFIELD, NE • GRAND RAPIDS, MI 49525-2494  
PHONE (616) 363-6841 • FAX (616) 363-2452  
www.bettenford.com

City of Wyoming  
2660 Burlingame Ave, S.W.  
Wyoming, MI 49509

August 17, 2011

Attn: Ted Seil  
Motor Pool Supervisor

Per our discussion on August 15, 2011, please accept Tony Betten Ford's official bid proposal for one 2012 Ford Fusion SE Sedan. The car will be equipped as follows;

Fusion SE Sedan Exterior Color – Sterling Gray  
Interior Color – Medium Light Stone Cloth

Preferred Pep Package 201A – which includes the SYNC System  
3.0 L 24Valve V6 Engine  
6 – speed Automatic Transmission

MSRP - \$25,615

Delivered to the Motor Pool including Title - \$17,775

If you have any questions please feel free to contact me directly at (616) 447-4507 or email me at [stevengilbert@bettenford.com](mailto:stevengilbert@bettenford.com)

Thank you,

A handwritten signature in black ink, appearing to read "Steven Gilbert".

Steven Gilbert – Fleet Manager



# 2012 FUSION SE

WYOMING

MI

3150 28<sup>th</sup> St. SW  
 Grandville, MI 49418  
 Phone 616 534 7651 Fax 616 534 9659  
 JWilliams@borgmanfordmazda.com

FLEET

TO CITY OF WYOMING

TED

MAKE	MODEL	BODY STYLE	DRIVE	ENGINE	TRANSMISSION	COLOR
Ford	FUSION	4DR	2WD	3.0L	AUTO	GRAY

QTY	MODEL	DESCRIPTION	MSRP	REBATES	LINE TOTAL
1	FUSION	SE WITH 201A PCKG  INCLUDES ALL FLEET INCENTIVES	25,615	Fleet	18,000

Jonathan Williams

Commercial Account Manager

616-249-8888

616-240-9503 cell

TOTAL REBATES  
AND INCENTIVES

SUBTOTAL

SALES TAX AND FEES

TOTAL

18,000

Quotation prepared by: Jonathan Williams, Commercial Account Manager \_\_\_\_\_

This is a quotation on the goods named, subject to the conditions noted below: All prices and rebates are based on latest information from Ford Motor Co. Prices and rebates can change at any time with no notice and may affect the prices quoted.

To accept this quotation, sign here and return: \_\_\_\_\_

**THANK YOU FOR YOUR BUSINESS!**

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

RESOLUTION TO EXTEND THE BID FOR  
BALLISTIC TACTICAL ENTRY VESTS

WHEREAS, as detailed in the attached memorandum, the City Council adopted Resolution number 23622 on June 21, 2010 awarding the bid for ballistic vests to On Duty Gear, LLC, and

WHEREAS, the City has received a letter from On Duty Gear, LLC offering to lower their 2010 bid prices through December 31, 2011, and

WHEREAS, it is recommended the City Council accept the July 8, 2011 proposal from On Duty Gear, LLC for ballistic tactical entry vests, and

WHEREAS, funds for the ballistic vests are budgeted in account number 101-305-31500-744000, now therefore

BE IT RESOLVED, that the Wyoming City Council does hereby authorize acceptance of the proposal extending the bid for ballistic tactical entry vests in the amount of \$485.00 per vest through December 31, 2011.

Councilmember \_\_\_\_\_ moved, seconded by Councilmember \_\_\_\_\_, that the above Resolution be adopted.

Motion carried: \_\_\_\_\_ Yeas, \_\_\_\_\_ Nays

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan, at a \_\_\_\_\_ session held on the \_\_\_\_\_ day of \_\_\_\_\_, 2011.

Attachments: Memorandum  
Letter from On Duty Gear, LLC

\_\_\_\_\_  
Heidi A. Isakson  
City Clerk

## Interdepartmental Correspondence

**TO:** Kim Oostindie, Human Resources Supervisor  
**FROM:** Captain Kim Koster  
**DATE:** August 23, 2011  
**SUBJECT:** Patrol / Bid Extension (Ballistic Vests)



Administration Services

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Please begin the process and necessary paperwork for a Resolution (to replace Resolution #23622 dated 6/21/10) for an agreement to extend the prices provided by On Duty Gear (in their bid opened on Tuesday, May 11, 2010). On Duty Gear has lowered their price to \$485 each and agreed to extend this pricing through 12/31/2011 (see attached letter).

It is anticipated that we will spend approximately \$11,000 in the 2011/12 budget year. Funding is allocated and available in the following accounts:

101-305-31500-744000

**On Duty  
Gear** LLC  
309 Huron Ave.  
Port Huron, MI 48060  
[www.ondutygear.com](http://www.ondutygear.com)

June 8, 2011

City of Wyoming  
ATTN: Julie Pease  
2300 DeHoop Ave. SE  
Wyoming, MI 48509

Ms. Pease:

The purpose of this letter is to advise you that we have agreed to a new, lower price for the purchase of personal body armor. The new price of \$485 for an Armor Express Quantum Level II (NIJ 06 certified) with 2 Equinox Carriers and a 5x8 Ara-Shock Plate will be valid through 12/31/2011.

If you need anything additional from us, please feel free to call me at: 810-966-3445.

We look forward to working with you.

Thank You,



Paul S. Riddell  
President

cc: file

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

RESOLUTION TO AWARD A BID AND AUTHORIZE  
THE PURCHASE OF ELECTRIC LAMPS AND BALLASTS

WHEREAS, as detailed in the attached memorandum, bids were received for electric lamps and ballasts and the two bids received only guarantee pricing for ninety days, and

WHEREAS, it is recommended the bid be awarded to both Voss Lighting and WESCO Distribution for the ninety day period and it is further recommended that purchases after the ninety day bid period, through August 31, 2012, be made from the lowest supplier at the time of requisition, including from a State bid if awarded during this time frame, and

WHEREAS, funds for the electric lamps and ballasts are budgeted in various departmental accounts with the appropriate account being charged at the time of acquisition, now therefore

BE IT RESOLVED, that the Wyoming City Council does hereby award the bid for the electric lamps ballasts from both Voss Lighting and WESCO Distribution and authorizes purchases through August 12, 2012 from the supplier offering the lowest price at the time of requisition, including from a State bid if awarded during this time frame.

Councilmember \_\_\_\_\_ moved, seconded by Councilmember \_\_\_\_\_, that the above Resolution be adopted.

Motion carried: \_\_\_\_\_ Yeas, \_\_\_\_\_ Nays.

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan, at a \_\_\_\_\_ session held on the \_\_\_\_\_ day of \_\_\_\_\_, 2011.

Attachments: Memorandum  
Tabulation Sheet

\_\_\_\_\_  
Heidi A. Isakson  
City Clerk

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

## MEMORANDUM

DATE: August 24, 2011  
TO: Curtis Holt, City Manager  
FROM: Kimberly Oostindie, Human Resources Supervisor  
SUBJECT: Purchase of Electric Lamps and Ballasts

On July 26, 2011, two responses were received in answer to our invitation to bid on electric lamps and ballasts. Eighty-seven invitations to bid were sent to prospective bidders and the bids received are as shown on the attached tabulation sheet.

Voss Lighting and WESCO Distribution, the two bidders that responded to the bid, will only guarantee pricing for ninety days due to anticipated price increases in raw materials used to create fluorescent lamps, incandescent and halogen products. The City has also purchased electric lamps and ballasts from a State bid, however at this time there is no current State bid for these items.

It is recommended the bid be awarded to both Voss Lighting and WESCO Distribution for the ninety day period. It is further recommended that purchases after the ninety day bid period, through August 31, 2012, be made from the supplier offering the lowest price at the time of requisition, including from the State bid if awarded during this time frame.

City departments order electric lamps and ballasts as needed, and it is estimated the City will purchase approximately \$11,000 of electric lamps and ballasts over the next year.

**CITY OF WYOMING, MICHIGAN**

**TABULATION OF BIDS**

**On Electric Lamps and Ballasts**

**Opened By City Clerk On July 26, 2011 At 11:00 a.m.**

**All bid prices reduce to net.**

		<b>Voss Lighting</b>	<b>WESCO</b>
<b>Product</b>	<b>Description</b>	<b>Each Price</b>	<b>Each Price</b>
ADVICF2S26H1LDK	ADV ICF-2S26-H1-LD-K;11778	\$ 19.27	\$ 22.74
ADVICN2P32N	ADV ICN-2P32-N;06912	\$ 9.57	\$ 11.00
ADVICN2P60SC	ADV ICN-2P60-SC;08276	\$ 19.64	\$ 22.56
ADVICN2S110SC	ADV ICN-2S110-SC;2-96T12HO 08528	\$ 28.44	\$ 32.67
ADVICN2S28	A... ICN-2S28;02543	\$ 27.10	\$ 31.45
ADVICN2S28N	ADV ICN-2S28N;08072	\$ 27.10	\$ 31.23
ADVICN2S54	ADV ICN-2S54;11171	\$ 24.48	\$ 29.00
ADVICN3P32SC	ADV ICN-3P32-SC;10637	\$ 10.42	\$ 12.25
ADVICN4P32SC	ADV ICN-4P32-SC;10639	\$ 11.45	\$ 13.45
ADVIMH70DBLS	ADV IMH-70-D-BLS 1-70W;MH M98/143/139 04122	\$ 111.00	\$ 118.39
ADVIOPA1P32N	ADV IOPA-1P32-N;08677	\$ 9.90	\$ 11.37
ADVIOPA2P32N	ADV IOPA-2P32-N;08683	\$ 9.90	\$ 11.37
ADVIOPA3P32SC	ADV IOPA-3P32-SC;07505	\$ 10.96	\$ 11.37
ADVIOPA4P32SC	ADV IOPA-4P32-SC;07351	\$ 11.65	\$ 13.81
GNC50A277V	50A19/IF 277V	\$ 1.46	
min1820	1820 T3 28V .10A 1.6CP;40368	\$ 0.21	
PHL250QCLDC120V	P... 250Q/CL/DC 120V QTZ;14666	\$ 6.04	\$ 7.40
PHL70PAR38IRCHALFL	PHIL 70PAR38/IRC/HAL/;FL25 120V 13862	\$ 9.26	\$ 8.43
PHL75PAR30SHALWFL1	PHIL 75PAR30S/HAL/WFL40;130V 28492	\$ 3.83	\$ 4.07
PHLC150S55ALTO	PHIL C150S55/ALTO HPS;36874	\$ 11.87	\$ 12.32
PHLC400S51ALTO	PHIL C400S51/ALTO HPS;36881	\$ 11.87	\$ 12.32
PHLCDM150T6830	PHIL CDM150/T6/830 G12;(H) 23272	\$ 31.18	\$ 30.86
PHLELDT42W	PHIL EL/DT 42W;13948	\$ 6.72	\$ 7.40
PHLF17T8TL835ALTO	PHIL F17T8/TL835 ALTO;36791#	\$ 2.16	\$ 2.90
PHLF21T5835ALTO	PHIL F21T5/835 ALTO;23082#	\$ 6.23	\$ 6.17
PHLF25T8TL735ALTO	P... F25T8/TL735 ALTO;36828#	\$ 2.16	\$ 5.55
PHLF28T5835ALTO	PHIL F28T5/835 ALTO;23085 #	\$ 5.37	\$ 6.97
PHLF32T8TL735ALTO	PHIL F32T8/TL735 ALTO;27249#	\$ 1.09	\$ 1.85
PHLF32T8TL735PLUSA	PHIL F32T8/TL735/PLUS;ALTO 36005#	\$ 1.36	\$ 2.07
PHLF32T8TL741PLUSA	PHIL F32T8/TL741/PLUS;ALTO 36013#	\$ 1.36	\$ 2.07
PHLF32T8TL850PLUSALTO	PHIL F32T8/TL850/PLUS;ALTO 36003#	\$ 1.97	\$ 2.34
PHLF34CWRSEWALTO	PHIL F34CW/RS/EW ALTO;24470#	\$ 0.88	\$ 1.42
PHLF34T12CWEWLLALTO	PHIL F34T12/CW/EW/LL;ALTO 14251#	\$ 1.12	\$ 1.72
PHLF40T12841ALTO	PHIL F40T12/841 ALTO;14263 #	\$ 1.26	\$ 2.09
PHLF48T12CWHOALTO	PHIL F48T12/CW/HO ALTO;15PK 36978#	\$ 2.64	\$ 3.56
PHLF48T12CWWHO	PHIL F48T12/CW/VHO 15PK;21819#	\$ 5.18	\$ 7.14
PHLF96T12CWEWALTO	PHIL F96T12/CW/EW ALTO;25840#	\$ 1.89	\$ 3.43
PHLF96T12CWHOEWALTO	PHIL F96T12/CW/HO/EW;ALTO 26660#	\$ 2.39	\$ 3.39
PHLF96T12CWWHO	PHIL F96T12/CW/VHO;34234 #	\$ 5.66	\$ 7.59
PHLFB32T8TL7356ALT	PHIL FB32T8/TL735/6 ALTO;37893#	\$ 4.72	\$ 5.98
PHLFB32T8TL7416ALT	PHIL FB32T8/TL741/6 ALTO;37894#	\$ 4.72	\$ 5.98
PHLFB32T8TL7506ALT	PHIL FB32T8/TL750/6 ALTO;37882#	\$ 4.92	\$ 5.98
PHLFB32T8TL8306ALT	PHIL FB32T8/TL830/6 ALTO;37897#	\$ 6.10	\$ 6.17
PHLFB32T8TL8506ALT	PHIL FB32T8/TL850/6 ALTO;37880#	\$ 6.10	\$ 6.17
PHLH38JA100DX	PHIL H38JA-100/DX 12PK;33713	\$ 8.31	\$ 8.64
PHLMH175U	PHIL MH175/U ED28;28733	\$ 9.72	\$ 12.22

		<b>Voss Lighting</b>	<b>WESCO</b>
<b>Product</b>	<b>Description</b>	<b>Each Price</b>	<b>Each Price</b>
PHLMH175UM	PHIL MH175/U/M BD17;31358	\$ 14.91	\$ 14.09
PHLMH250U	PHIL MH250/U ED28;27484	\$ 10.98	\$ 12.28
PHLMH400U	PHIL MH400/U ED37;34415	\$ 10.42	\$ 12.38
PHLMH400UED28	PHIL MH400/U/ED28;27862	\$ 16.88	\$ 17.13
PHLMHC150UMP3KALTO	PHIL MHC150/U/MP/3K ALTO;(H) 13463	\$ 28.66	\$ 42.28
PHLMHC70UM4KALTO	PHIL MHC70/U/M/4K ALTO;(H) 28129#	\$ 19.84	\$ 17.50
PHLMP320BUPS	PHIL MP320/BU/PS ED37;13039	\$ 28.50	\$ 25.67
PHLMS320UPS	PHIL MS320/U/PS ED28;38381	\$ 21.50	\$ 20.61
PHLO150BR38FL	P... 150BR38/FL 130V PRO;6PK 14010#	\$ 2.45	\$ 4.56
PHLPLC18W35ALTO	PHIL PL-C 18W/35 ALTO;(H) 38318	\$ 4.87	\$ 5.28
PHLPLC26W354PALTO	PHIL PL-C 26W/35/4P ALTO;(H) 38336	\$ 4.87	\$ 4.81
PHLPLS5W8272PALTO	PHIL PL-S 5W/827/2P ALTO;14671#	\$ 1.44	\$ 1.71
PHLPLT32W274PALTO	PHIL PL-T 32W/27/4P ALTO;38443#	\$ 5.72	\$ 6.27
PHLPLT32W354PALTO	PHIL PL-T 32W/35/4P ALTO;26833#	\$ 5.72	\$ 6.27
PHLPLT32W835XEW4PALTO	PHIL PL-T 32W/835/XEW/4P;ALTO 27W 22022 #	\$ 7.75	\$ 8.14
PHLPLT42W354PALTO	PHIL PL-T 42W/35/4P ALTO;26875#	\$ 5.92	\$ 6.45
PHLPLT42W414PALTO	PHIL PL-T 42W/41/4P ALTO;26876#	\$ 5.92	\$ 6.45
QTZ150T4DC130V	QTZ 150T4/DC 130V;Q150CL/DC 107029#	\$ 3.50	\$ 3.50
QTZ60T4G9130V	QTZ 60T4/G9 130V;JCD60/G9 71002#	\$ 3.50	
SYLMCP150PAR38U830SPECO	SYL MCP150PAR38/U/830/SP;ECO PB 64841	\$ 49.95	
USHMHR100DL	USH MHR-100D/L;5000789	\$ 186.23	
VENMP320WBUE28UVS	VEN MP320W/BU/ED28/UVS;/PS 10103	\$ 28.96	
VOS20MR16FLFG	20MR16FL/FG BAB/FG;12V 1000014	\$ 2.69	
VOSESR	ESR A/V-STTV LAMP;1000364	\$ 5.09	
VOSESS	ESS A/V-STTV LAMP;1000365	\$ 5.09	
		*Fluorescent pricing is only good for 90 days due to current market conditions	All Phillip's lamp prices are good for 90 days only. Prices valid from 7/26/11 to 10/24/11. All Advance Ballast prices are good until 9/18/11.
	<b>Manufacturer:</b>	<b>Philips</b>	<b>Philips</b>
Percentage discount from the manufacturer's list price for other miscellaneous items that which you will offer the City	Incandescent Lamps	82%	20%
	LED Lamps	10%	
	Halogen Lamps	82%	20%
	Compact Fluorescent Lamps	82%	
	Fluorescent Lamps	82%	
	High Intensity Discharge Lamps	82%	20%
	Solid State Lamps	10%	

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

RESOLUTION TO AUTHORIZE THE PURCHASE OF  
DE-ICING SALT FROM THE NORTH AMERICAN SALT COMPANY

WHEREAS, as detailed in the attached memorandum, de-icing salt is purchased cooperatively with the Kent County Road Commission and City's of Wyoming, Kentwood and Walker, and

WHEREAS, the North American Salt Company submitted the lowest bid price of \$63.52 per ton of salt through August 10, 2012, and

WHEREAS, the costs for the salt purchases are budgeted for in the Major Street and Local Street Funds, Winter Maintenance Accounts 202-441-47800-740000 and 203-441-47800-740000, now therefore

BE IT RESOLVED that the City Council authorizes the purchase of de-icing salt from North American Salt Company at a price of \$63.52 per ton through August 10, 2012, and

BE IT FURTHER RESOLVED, that the Wyoming 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.

Councilmember \_\_\_\_\_ moved, seconded by Councilmember \_\_\_\_\_, that the above Resolution be adopted.

Motion carried: \_\_\_\_\_ Yeas, \_\_\_\_\_ Nays.

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan, at a \_\_\_\_\_ session held on the \_\_\_\_\_ day of \_\_\_\_\_, 2011.

Attachments: Memorandum  
Proposal

\_\_\_\_\_  
Heidi A. Isakson  
Wyoming City Clerk

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

**MEMORANDUM**

DATE: August 31, 2011  
TO: Mayor and City Council  
FROM: W. Scott Zastrow, Assistant Director of Public Works  
SUBJECT: De-icing Salt for the City's Streets

The City of Wyoming has purchased de-icing salt for the streets as a cooperative with the Kent County Road Commission, City of Kentwood, and the City of Walker for the last eight years. This year the North American Salt Company bid the lowest price of \$63.52 per ton from August 11, 2011 through August 10, 2012.

In comparison, last year the Cooperative purchased salt for \$62.74 per ton during the 2010-2011 season. The 2011-2012 price is a \$0.74 per ton or a 1.2% increase over last year.

Season	Cost per Ton	Percentage Increase
2002-2003	27.80	
2003-2004	27.80	0.0%
2004-2005	28.44	2.3%
2005-2006	30.88	8.6%
2006-2007	36.81	19.2%
2007-2008	38.90	5.7%
2008-2009	45.90	18.0%
2009-2010	58.64	27.8%
2010-2011	62.74	7.0%
2011-2012	63.52	1.2%

During the 2010-2011 season, the City of Wyoming used approximately 5,000 tons of salt. The City of Wyoming will contract for 5,800 tons of salt in the 2011-2012 season. Under the cooperative agreement, the City of Wyoming will be obligated to purchase at least 4,060 tons and limited to 7,540 tons. With the current inventory of approximately 6,500 tons of salt and the contract amount of 5,800 tons, the City of Wyoming will have access to approximately 12,300 tons of salt.

It is recommended that the City Council agree to purchase the salt from the North American Salt Company in cooperation with the Kent County Road Commission and other local agencies.



**Sold-To ("Purchaser"):**

Kimberly Oostindie  
 City of Wyoming  
 PO Box 905  
 WYOMING, MI 49509-0905

Date: July 28, 2011  
 Document: 85826

Tel: 616-530-7229  
 Fax: 616-249-3487  
 Customer #: H706426

**NASC (Seller) / Quotation for bulk de-icing salt**

Quantity (TN)	Delivery Location	Price Per Ton (USD)	
5,800 ✓	City of Wyoming (Kent Co) 2660 Burlingame SW WYOMING, MI 49509 Destination #: H706426 Delivery Lead Time: 3 days	63.52 Deliver	Depot: Farnsburg, MI Product: 6615U C.C. Rock Salt w/Anti-caking-North Mode of Transport: DUMP (END OR BOTTOM)

The Customer guarantees to purchase 70% and NASC agrees to supply up to 130% of the committed tons during the term of this agreement. The Customer will be invoiced for any tons not taken up to the 70%

Price(s) effective through Friday, 31 Aug 2012

Purchaser agrees to pay the seller for such salt as and when delivered, in accordance with the price and payment terms stated above and on the reverse side of this form.

Terms are NET 30 days from shipment with approved credit. Proposal protected through the above date provided the proposal is accepted and acknowledged within the number of days stated in the acceptance

- \* This proposal is open for acceptance for 30 days following date of issue, and supersedes any and all previous proposals and or contracts. Proposal must be signed indicating acceptance to be valid.
- \* Delivered price(s) via dump and based on full truck load quantities.
- \* Minimum 48 hours notice required for pick up or delivery. Requested dates and times cannot be guaranteed during peak periods or adverse weather conditions.
- \* Product is for bulk end use only and is not intended for blending and packaging without prior consent.
- \* Applicable taxes extra

Thank you for the opportunity to quote on your bulk de-icing salt needs.

Accepted By:

Patrick Heenan  
 Director of Sales  
 NASC

Signature: Mary K. Wiegerink KCRC  
 Title: Asst. Director of Finance - Purchasing  
 Name: for City of Wyoming  
 Date: 8/2/11

Please sign and return by fax to 913-338-7945 or by mail  
 Order placement and inquiries Monday through Friday - 7:00 am to 5:00 pm.

Page 4 of 10

9900 W. 109th Street, Suite 600, Overland Park, KS 66210

*Mary K. Wiegerink, C.P.M.*  
**Assistant Director of Finance – Purchasing**  
**Kent County Road Commission**  
 1500 Scribner Avenue NW  
 Grand Rapids, MI. 49504  
 Phone: 616-242-6928 Fax: 616-242-6980  
 mwiegerink@kentcountyroads.net

9/6/2011  
WSZ

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

RESOLUTION TO AWARD THE BID FOR  
FERTILIZATION OF MEDIANS AND  
MISCELLANEOUS SITES

WHEREAS, on April 5, 2010, the City Council awarded a three-year bid for broadleaf weed control (Resolution No. 23546), and

WHEREAS, the trial use of broadleaf weed control without fertilization has not worked satisfactorily, and

WHEREAS, it is in the best interest of Wyoming to now award the fertilization portion of the bid in addition to the broadleaf weed control, and

WHEREAS, Tuff Turf Molebusters submitted the low bid for the fertilization work in the amount of \$8,864 for 2011 and \$9,289 for 2012, and

WHEREAS, sufficient funds are available for the fertilization work in the Major Street Fund account 202-441-46300-930000 and the Motor Pool Fund account 661-441-583-930000; now, therefore,

BE IT RESOLVED that the City Council hereby awards the bid for fertilization of medians and miscellaneous sites to Tuff Turf Molebusters in the amount of \$18,153.

Councilmember \_\_\_\_\_ moved, seconded by Councilmember \_\_\_\_\_, that the above Resolution be adopted.

Motion carried: \_\_\_\_\_ Yeas, \_\_\_\_\_ Nays.

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan, at a \_\_\_\_\_ session held on the \_\_\_\_ day of \_\_\_\_\_, 2011.

---

HEIDI A. ISAKSON  
Wyoming City Clerk

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

## MEMORANDUM

Date: August 31, 2011  
To: Mayor and City Council  
From: W. Scott Zastrow, Assistant Director of Public Works  
Re: Median Fertilization and Weed Control

On April 5, 2010, the City Council awarded a bid for broadleaf weed control to Tuff Turf Molebusters. The broadleaf weed control was a portion of the bid request which also included pricing for the fertilization of medians and miscellaneous sites.

The use of broadleaf weed control alone has not worked satisfactorily for the control of weeds. Many of the medians are becoming overgrown with weeds because the grass is not being fed with fertilizer.

It is recommended that the City Council award a bid for fertilization in addition to the broadleaf weed control. The cost of the fertilization will be \$18,153 for the next two years. Sufficient funds are available in the Major Street and Motor Pool Funds.

Attachment: Bid Tabulation (March 30, 2010)

## BID TABULATION

### FERTILIZATION OF MEDIANS & MISCELLANEOUS SITES (2010 - 2012) Bid Opening 11:00 am, Tuesday, March 30, 2010

	Tuff Turf Mole Busters	Heyboer Landscape Maintenance Inc.	Green View Lawn Care	Tru Green	Professional Lawn Care & Landscaping	Grand Rapids Landscape Services
2010 Fertilization & Broadleaf Weed Control	\$14,730.00	\$17,080.04	\$19,592.00	\$21,157.00	\$25,570.00	\$65,809.00
2010 Broadleaf Weed Control Only	\$6,110.00	\$7,374.00	\$8,850.00	\$7,671.00	\$12,950.00	\$23,840.00
2011 Fertilization & Broadleaf Weed Control	\$15,144.00	\$17,425.12	\$19,859.00	\$21,157.00	\$25,900.00	\$85,353.00
2011 Broadleaf Weed Control Only	\$6,280.00	\$7,521.48	\$8,972.00	\$7,671.00	\$13,060.00	\$25,032.00
2012 Fertilization & Broadleaf Weed Control	\$15,775.00	\$17,846.65	\$20,136.00	\$21,157.00	\$25,900.00	\$90,402.00
2012 Broadleaf Weed Control Only	\$6,486.00	\$7,741.94	\$9,100.00	\$7,671.00	\$13,060.00	\$26,276.00
Fertilization per .25 acre	\$43.00	\$25.68	\$104.00	\$40.00	\$38.00	\$39.89
Broadleaf Weed Control per .25 acre	\$37.50	\$32.00	\$35.10	\$10.00	\$26.00	\$25.58
Tree & Shrub Fertilization per .25 acre	\$20.00	\$68.00	\$120.00	\$59.00	\$40.00	\$9.30
Weed Control in Planting Beds per .25 acre	\$10.00	\$100.00	\$34.80	\$60.00	\$40.00	\$1.16
Weed Control in Concrete Areas per .25 acre	\$60.00	\$75.00	\$64.58	\$60.00	\$40.00	\$125.00

RESOLUTION NO. \_\_\_\_\_  
RESOLUTION FOR AWARD OF BIDS

WHEREAS, formal bids have been obtained on the below listed items, and

WHEREAS, the bids received have been reviewed and evaluated as per the attached memorandums, now therefore

BE IT RESOLVED, that the Wyoming City Council does hereby award the bid for the purchase of the listed items as recommended in the attached memorandums and summarized below:

<u>ITEM</u>	<u>RECOMMENDED BIDDER</u>	<u>COST</u>
1. Carbide Under-Scraper Blades	MHL Systems	\$15,529.50
2. Batteries	ACI Parts Warehouse, Inc. & Industrial Battery Warehouse	Bid prices as shown on the attached tabulation sheet

Councilmember \_\_\_\_\_ moved, seconded by  
Councilmember \_\_\_\_\_, that the above resolution be adopted.

Motioned carried: \_\_\_\_\_ Yeas, \_\_\_\_\_ Nays

I hereby certify that the foregoing Resolution was adopted by the City Council for  
the City of Wyoming, Michigan, at a \_\_\_\_\_ session held on the \_\_\_\_\_  
day of \_\_\_\_\_, 2011.

Attachments: Memorandums  
Tabulation Sheet

\_\_\_\_\_  
Heidi A. Isakson  
Wyoming City Clerk

## MEMORANDUM

Date: August 30, 2011

To: William Dooley, Director of Public Works

From: Ted Seil, Motor Pool Supervisor

RE: Carbide Under-Scraper Blades

On Tuesday July 26, 2011 the City received six bid responses for Carbide Under-Scraper Blades for snow plows. Thirteen invitations to bid were sent to prospective bidders. A tabulation of the bids received are as shown below.

	<b>Price for One</b>	<b>Total Price for 90</b>	<b>Manufacturer of Blades</b>
MHL Systems	\$172.55	\$15,529.50	Kennametal, Inc.
Chemung Supply Corp.	\$174.18	\$15,676.20	Evolution Edges
Valk Manufacturing Co.	\$223.96	\$20,156.40	Valk Manufacturing Co.
Shults Equipment, Inc.	\$236.76	\$21,308.40	Kennametal, Inc.
Truck & Trailer Specialties	\$277.94	\$25,014.60	Kennametal, Inc.
Winter Equipment Co.	\$283.76	\$25,538.40	Winter Equipment Co.

Carbide blades are used on the edge of the plow blade of the snow plow trucks. After reviewing the bids, it is our recommendation the City award the bid for ninety (90) Carbide Under-Scraper Blades to the lowest bidder MHL Systems for a one time purchase of \$15,529.50.

Sufficient funds have been budgeted in the Public Works Winter Maintenance Supplies Account numbers 202-441-47800-7400000 and 203-441-47800-7400000.

## **MEMORANDUM**

DATE: August 30, 2011

TO: William D. Dooley, Director of Public Works

FROM: Ted Seil, Motor Pool Supervisor

SUBJECT: Batteries

On Tuesday July 19, 2011, six responses were received to our invitation to bid on truck and automotive batteries. Fifty-six invitations to bid were sent to prospective bidders and the bids received are as shown on the attached tabulation sheet.

The batteries will be used in City of Wyoming vehicles and equipment and will be purchased on an as needed basis throughout the coming year. Sufficient funds are available in the Motor Pool Maintenance Supplies Account 661-441-58200-775000. It is anticipated that approximately \$9,000.00 will be spent on battery purchases over a one year period.

It is recommended the City Council award the bid to the two low bidders in the aggregate, ACI Parts Warehouse Inc. and Industrial Battery Warehouse at the prices as shown on the attached tabulation sheet.

Attachment: Tabulation Sheet

CITY OF WYOMING, MICHIGAN

TABULATION OF BIDS

On Batteries

Opened By City Clerk On July 19, 2011 At 11:00 a.m.

All bid prices reduce to net. All bid prices shown are firm for orders  
placed for one year from date of award of bid.

BCI	Terminal	Volts	Cold Cranking AMPS @ 0 F.	Cranking AMPS @ 32 F	Recovery Min @ 25 AMP @ 80 F	BID PRICE PER BATTERY MINUS CORE VALUE					
						ACI Parts Warehouse, Inc.	Industrial Battery Warehouse	Batteries Unlimited	Batteries Plus (Bid #1)	Batteries Plus (Bid #2)	O'Reilly Automotive Stores, Inc. DBA O'Reilly Auto Parts
27	A	12	750	940	135	\$ 56.93	\$ 68.00	\$ 65.50	\$ 72.00	\$ 72.00	\$ 83.78
65	A	12	850	1000	150	\$ 64.25	\$ 66.00	\$ 76.85	\$ 74.00	\$ 74.00	\$ 94.01
78	S	12	800	1000	110	\$ 59.37	\$ 59.00	\$ 70.10	\$ 67.00	\$ 67.00	\$ 85.98
H6(48)	A	12	640	800	121	\$ 73.20	\$ 62.00	\$ 77.41	\$ 79.00	\$ 79.00	\$ 87.46
H8(49)	A	12	720	900	176	\$ 76.45	\$ 68.00	\$ 85.11	\$ 96.00	\$ 96.00	\$ 87.46
34	A	12	700	875	120	\$ 54.49	\$ 55.00	\$ 63.03	\$ 64.00	\$ 64.00	\$ 76.82
78	S	12	700	875	120	\$ 55.30	\$ 55.00	\$ 63.14	\$ 60.00	\$ 70.00	\$ 76.04
31DP	T	12	900	1125	155	\$ 77.26	\$ 91.00	\$ 86.96	\$ 99.02	\$ 99.02	\$ 99.95
34/78DT	DT	12	750	870	120	\$ 56.93	\$ 62.00	\$ 66.86	\$ 65.00	\$ 65.00	\$ 85.98
24DC	M	12	550	690	140	\$ 58.56	\$ 75.00	\$ 67.84	\$ 69.00	\$ 69.00	\$ 72.61
27DC	M	12	600	750	160	\$ 66.69	\$ 75.00	\$ 77.68	\$ 79.00	\$ 79.00	\$ 77.26
4DDC	M	12	1314	1645	390	\$169.99	\$155.00	\$139.26	\$131.00	\$131.00	\$342.99
U1	X	12	300	375	33	\$ 30.09	\$ 29.00	\$ 28.53	\$ 31.00	\$ 34.00	\$ 37.62
31T	T	12	700	875	190	\$ 71.57	\$ 70.00	\$ 70.77	\$ 84.00	\$ 90.00	\$ 89.17
31T>	T	12	1000	1250	195	\$ 88.65	\$ 87.00	\$ 85.92	\$ 90.00	\$ 90.00	\$127.39
34/78DT	DT	12	875	1095	120	\$ 67.50	\$ 66.00	\$ 79.58	\$ 77.00	\$ 77.00	\$ 85.98
8D	A	12	1155	1445	380	\$121.19	\$130.00	\$140.57	\$150.00	\$150.00	\$156.79
GC2	V	6	474			\$ 91.09	\$ 92.00	\$ 83.32	\$ 88.50	\$ 88.50	\$105.83

JRS/sak  
9/6/11

ORDINANCE NO. 10-11

AN ORDINANCE TO AMEND ARTICLE XIX OF CHAPTER 90 TO  
THE CODE OF THE CITY OF WYOMING ENTITLED  
“OFF-STREET PARKING, LOADING, ACCESS AND  
CIRCULATION REQUIREMENTS”

THE CITY OF WYOMING ORDAINS.

Section 1. That Article XIX of Chapter 90, of the Code of the City of Wyoming is hereby amended to read as follows:

ARTICLE XIX. OFF-STREET PARKING, LOADING, ACCESS AND  
CIRCULATION REQUIREMENTS

Section 90-646 Off Street Parking Requirements

- (1) Applicability of Parking Requirements. For all buildings and uses established after the effective date of this Ordinance, off-street parking shall be provided as required by this Article.
  - a. Whenever use of a building or lot is changed to another classification of use, off-street parking facilities shall be provided as required by this Article.
  - b. If the intensity of use of any building (other than a single-or two-family residence) or lot is increased, through the addition of floor area, increase in seating capacity, number of employees or other means, additional off-street parking shall be provided for such increase in intensity of use.
  - c. Off-street parking facilities in existence on the effective date of this Ordinance shall not be reduced below the requirements of this Article.
  - d. An area designated as required off-street parking shall not be changed to another use, unless equal facilities are provided elsewhere in accordance with the provisions of this Article.
- (2) Location.
  - a. Off-street parking facilities required for all uses shall be located on the same lot or within three hundred (300) feet of the use(s) they are intended to serve, as measured from the nearest point of the parking facility to the nearest entry of the building(s) served.

- b. Parking facilities shall be in the same zoning district as the use to be served, except as otherwise permitted in Section 90-646 (6).
- (3) Shared/Common Parking
- a. Two (2) or more buildings or uses may use a common parking facility; provided the total number of parking spaces is equal to the required number of spaces for all of the uses computed separately. Cumulative parking requirements for mixed-use developments or shared facilities may be reduced in conjunction with site plan approval where it can be determined that one or more of the factors listed in subsection (4) below apply.
  - b. Parking facilities dedicated to and on the same site as a place of worship may be used to meet not more than fifty percent (50%) of the off-street parking requirement for theaters, stadiums, and other places of public assembly, stores, office buildings and industrial establishments lying within three hundred (300) feet of the place of worship, provided that the other uses are not normally operating between the hours of 6:00 a.m. and 6:00 p.m. on Sundays and that the place of worship, through written agreement, makes the spaces available. A copy of this agreement shall be furnished to the City. Should the agreement be voided or expire for any reason, the uses utilizing the parking facility of the place of worship shall provide all required parking spaces in accordance with the requirements of this Article, or shall be in violation thereof.
- (4) Modification of Parking Requirements. The parking space requirements may be reduced by no more than twenty-five (25) percent, as part of the site plan approval, based upon one (1) or more of the following conditions:
- a. Shared parking by multiple uses where there will be a high proportion of multipurpose visits or where uses have peak parking demands during differing times of the day or days of the week. Pedestrian connections shall be maintained between the uses. For separate lots, they shall be adjacent to each other, with pedestrian and vehicular connections maintained between the lots. Shared parking agreements shall be filed with the City Planning Department after approval.
  - b. Expectation of walk-in trade due to sidewalk connections to adjacent residential neighborhoods or employment centers. In allowing a parking space reduction, the site design shall incorporate pedestrian connections to the site and on-site pedestrian circulation providing safe and convenient access to the building .
  - c. Availability of other forms of travel such as transit. To qualify, the site design must incorporate transit stops, pedestrian connections to nearby transit stops, or bicycle parking facilities, as applicable.

- d. Where the applicant has provided a parking study, conducted by a qualified professional, that demonstrates that another standard would be more appropriate based on actual number of employees or expected level of customer traffic. Actual counts at a similar establishment provided by the applicant may also be acceptable.
  - e. A parking study may be required as part of site plan review to document that any one of the criteria a. through c. above would be met.
- (5) Banked Parking.
- a. Where a reduction in the number of parking spaces is not warranted but an applicant demonstrates that the parking requirements for a proposed use would be excessive, the site plan review authority may defer (“bank”) some of the required parking. The site plan shall designate portions of the site for future construction of the required parking spaces. This banked area shall be maintained in a landscaped appearance and not be located within required greenbelts or parking lot setback areas and shall not be used for any other purpose.
  - b. The site plan shall show the area proposed to be banked, with all required site plan elements, but shall indicate with hatching, dashed lines, or other means the area to be banked. The site plan shall include parking space requirements, with the number of spaces required, number proposed at initial construction, and number of spaces banked.
  - c. Construction of part or all of the additional spaces designated for the banked parking area may be initiated by the owner or required by the City, based on parking needs or observation of parking deficiencies, and shall require administrative approval of an amended site plan.
- (6) Parking lots serving adjacent commercial and industrial uses. A parking lot may be constructed in a different zoning district from the use being served, if approved by the Planning Commission. A parking lot constructed under this subsection must meet the following requirements:
- a. The area proposed for the parking lot shall be contiguous to, or immediately across a street right-of-way from, the property containing the use to be served. This parking shall not be located across a major thoroughfare.
  - b. The proposed parking area shall be intended only to accommodate parking of passenger vehicles serving employees or customers of the use served. Outdoor storage of material or parking of equipment or vehicles other than passenger vehicles of employees or customers is prohibited.
  - c. The parking area shall retain the requirements of the zoning district in which it is located. No use, other than accessory parking, shall be permitted upon the lot that is not otherwise permitted in that zoning district.

- d. The parking lot shall conform to the landscaping requirements of Sections 90-64. More extensive buffering or screening may be required during site plan review, if necessary, to protect adjacent uses, particularly if the lot is located within or adjacent to a Residential District.
- (7) Required Off-Street Parking Spaces. The minimum number of required off-street parking spaces shall be provided and maintained on the premises or as otherwise allowed by this Article, on the basis of the following and the specific requirements of Table 90-646.
- a. When units or measurements determining the number of required parking spaces result in a fraction over one-half (1/2), a full parking space shall be required.
  - b. In the case of a use not specifically mentioned, the requirement for off-street parking facilities for a specified use which is most similar shall apply, as determined by the City Planner.
  - c. Each twenty-four (24) inches of bench, pew or similar seating facilities shall be counted as one (1) seat.
  - d. Where parking requirements are based upon maximum seating or occupancy capacity, the capacity shall be as determined by the Building Code and the Fire Code.
  - e. In order to minimize excessive areas of pavement, which reduces aesthetics and contributes to high rates of storm water runoff, the minimum parking space requirements shall not be exceeded by more than twenty percent (20%), except as approved by the site plan approval authority. In granting additional spaces, the site plan approval authority shall determine that the parking is needed, based on documented evidence of use and demand provided by the applicant.

TABLE 90-646: REQUIRED MINIMUM NUMBER OF PARKING SPACES BY USE	
USE	NUMBER OF PARKING SPACES
Residential Uses	
Single and two-family dwellings	2 spaces for each dwelling unit.
Multiple-family residential dwellings	2 spaces for each dwelling unit.
Multiple-family residential dwellings in the DC, Downtown Center District	1.5 spaces for each dwelling unit.
Senior apartments and senior independent living	1 space for each unit, and 1 space for each employee. Should units revert to general occupancy, 2 spaces per unit shall be provided.

TABLE 90-646: REQUIRED MINIMUM NUMBER OF PARKING SPACES BY USE	
USE	NUMBER OF PARKING SPACES
Manufactured home parks	2 for each manufactured home plus 1 for each employee of the manufactured home park. No motorized recreational vehicles shall be parked on individual home sites.
Dormitories or fraternities.	1 space for every 2 beds, plus 2 additional spaces for owner or employees.
Bed and breakfast dwellings	2 for the owner and operator and 1 for each leasable room.
<b>Institutional Uses</b>	
Auditorium, assembly halls, meeting rooms, theaters and similar places of assembly	1 space for every 3 seats based on maximum seating capacity in the main place of assembly therein.
Elementary and middle schools	1 for each 1 teacher, employee or administrator, in addition to the requirements of the auditorium
Nursing and convalescent homes	2 for every 3 beds or occupants and 1 space for each staff member or employee on the largest shift.
Hospitals and similar facilities for human care	1 for each 2 beds, plus 1 for each employee on the largest shift.
Nursery schools and child care centers	1 for every 350 sq. ft. of gross floor area (GFA), plus 1 per employee. Sufficient area shall be designated for drop-off of children in a safe manner that will not result in traffic disruptions.
Places of worship	1 for every 3 seats in the main place of assembly or 1 for every 6 feet of pew.
High schools	1 for each 1 teacher, employee, or administrator, and 1 for every 10 students, in addition to the requirements of the auditorium.
<b>Retail Uses</b>	
Retail stores except as otherwise specified herein	1 for every 250 sq. ft. of gross floor area (GFA).
Multi-tenant shopping centers	1 for every 250 sq. ft. of retail gross floor area (GFA), plus the number of parking spaces required for restaurants.
Greenhouses and nurseries	1 for each 1 employee plus 1 for every 100 sq. ft of area devoted primarily to sales.
Animal grooming, training and boarding	1 for every 300 sq. ft. of gross floor area (GFA).
Furniture and appliance, household equipment, show-room of a plumber, decorator, electrician, hardware, wholesale and repair shop, or other similar uses	1 for every 800 sq. ft of gross floor area (GFA).

TABLE 90-646: REQUIRED MINIMUM NUMBER OF PARKING SPACES BY USE		
USE	NUMBER OF PARKING SPACES	
Grocery store/supermarket	1 for every 200 sq. ft of gross floor area (GFA).	
Home improvement centers	1 for every 300 sq. ft of gross floor area (GFA).	
Motor vehicle sales establishment, including automobiles, RV's, motorcycles, snowmobiles, ATV's and boats	1 for every 400 sq. ft of floor space of sales room and 1 for each automobile service stall, plus 1 for each employee.	
Open air businesses, except as otherwise specified herein	1 for every 500 sq. ft of lot area for retail sales, uses and services.	
Service Uses		
Motor vehicle service stations (gas stations)	1 for each employee, plus additional parking required for other uses within an automobile service station, such as the retail floor area, restaurants or automotive repair stalls. Each automobile fueling position shall count as one half (½) of a required space for the spaces required for other uses within an automobile service station.	
Vehicle repair establishment, major or minor	2 for each service stall, plus 1 for each employee.	
Vehicle quick oil change	2 stacking spaces for each service stall, rack or pit plus 1 for each employee.	
Vehicle wash	Self-service (coin operated)	4 spaces plus stacking spaces as required in Section 90-895.
	Full-service	4 spaces, plus 1 per employee, plus stacking spaces as required in Section 90-895.
Banks and other financial institutions	1 for each 200 sq. ft of gross floor area for the public, plus 3 for each walkup ATM. Drive-up windows shall be provided 4 stacking spaces for each window.	
Beauty parlor or barber shop	3 parking spaces for each chair/station.	
Dry cleaners	1 per 500 sq. ft of gross floor area	
Laundromats	1 for each washer, plus 1 space for each employee.	
Mortuary establishment, funeral home	1 for every 50 sq. ft. of assembly room or parlor floor space.	
Motel, hotel or other commercial lodging establishment	0.75 for each unit, plus 1 for each employee. Spaces required for ancillary uses such as lounges, restaurants or conference areas shall be determined on the basis of the individual requirements for that use.	
Restaurants, Bars and Clubs		
Standard sit-down restaurants	1 for each 100 sq. ft. of gross floor area (GFA).	

TABLE 90-646: REQUIRED MINIMUM NUMBER OF PARKING SPACES BY USE	
USE	NUMBER OF PARKING SPACES
Carry-out restaurant (with no or limited seating for eating on premises)	6 per service or counter station, plus 1 for each employee.
Drive-through restaurant	1 for every 50 sq. ft. of gross floor area (GFA), plus 10 stacking spaces for each food pickup window.
Bars, lounges, taverns, nightclubs (majority of sales consist of alcoholic beverages)	1 for every 3 persons allowed within the maximum occupancy load as established by the City fire and building codes.
Private clubs, lodge halls or banquet halls	1 for every 3 persons allowed within the maximum occupancy load as established by the City fire and building codes.
<b>Recreation</b>	
Athletic clubs, exercise establishments, health studios, sauna baths, martial art schools and other similar uses	1 for each 3 persons allowed within the maximum occupancy load as established by City fire and building codes, plus 1 per employee. In those instances where memberships are provided for, not less than 1 per each 5 memberships shall be provided plus 1 per employee or 1 for each 2 clothing lockers, plus 1 per employee, whichever is the larger.
Billiard parlors	1 for each 3 persons allowed within the maximum occupancy load as established by City building and fire codes or 1 for each 300 square feet of gross floor area (GFA), whichever is greater.
Bowling alleys	5 for each bowling lane plus additional for accessory uses such as bars.
Indoor recreation establishments including gymnasiums, tennis courts and handball, roller or ice-skating rinks, exhibition halls, dance halls, and banquet halls	1 space for every 3 persons allowed within the maximum occupancy load as established by the City fire and building codes.
Golf courses, excepting miniature or "par-3"	6 for each 1 golf hole plus 1 for each employee plus additional for any bar or restaurant.
Miniature or "par-3" courses	3 for each 1 hole plus 1 for each employee.
Stadium, sports arenas, or similar place of outdoor assembly	1 for every 3 seats or 1 for every 6 feet of bench, plus 1 for each employee. For fields without spectator seating, there shall be a minimum of 30 spaces per field.
<b>Offices</b>	
Business offices, post offices or professional offices of lawyers, architects or similar professionals	1 for every 400 sq. ft. of gross floor area (GFA), but no less than 5 parking spaces.

TABLE 90-646: REQUIRED MINIMUM NUMBER OF PARKING SPACES BY USE	
USE	NUMBER OF PARKING SPACES
Medical offices of doctors, dentists, veterinarians or similar professions	1 for every 200 sq. ft. of gross floor area (GFA).
<b>Industrial Uses</b>	
Industrial establishments, including manufacturing, research and testing laboratories, creameries, bottling works, printing, plumbing or electrical work-shops	1 for every 1½ employees in the largest working shift or 1 for every 2,000 sq. ft. of gross floor area (GFA), whichever is greater. Plus spaces for office use.
Warehouses and storage buildings	1 for each employee computed on the basis of the greatest number of persons employed at any one time during the day or night, or 1 for every 1,500 square feet of useable floor area (UFA), whichever is greater. Plus spaces for office use.
Mini warehouses/self-storage	Unobstructed parking area equal to 1 for every employee, plus parking for other uses on site such as truck rental, but no less than 5 spaces.
Truck terminal	1 automobile space for each employee plus 2 truck spaces of 10 by 70 feet for each truck berth or docking space.

Section 90-647. Off-Street Parking Facility Design

(1) Off-Street Parking Location and Setbacks

Off street parking lots shall meet the setback requirements of the zoning district in which they are located.

Off-street parking facilities required for single-and two-family dwellings shall be located on the same lot or parcel as the building they are intended to serve, and shall consist of a driveway and/or garage. All residential driveways shall provide a minimum width of at least eight (8) feet. Driveways must be paved and shall be set back at least one (1) foot from adjoining side lot lines. In the ER Estate Residential zone, portions of driveways located more than fifty (50) feet from the public street may be graveled. All parking spaces shall be paved and no more than one (1) parking space shall be located within the required front yard. Additions to existing single-and two-family dwellings shall not require the paving of an unpaved driveway.

(2) Parking Construction and Development. The construction of any parking lot shall require approval of a site plan in accordance with Section 48. Upon completion, the parking lot shall be inspected and approved by the Building Department before issuance of a certificate of occupancy.

- a. All parking lots and vehicle and equipment storage areas shall be paved with an asphalt or concrete binder, and shall be graded and drained so as to dispose of surface water which might accumulate. Alternative paving materials, such as permeable/grass pavers or porous pavement, may be approved for overflow, seasonal or low use parking areas, based upon the review and recommendation of the City Engineer. For storage areas, a substitute for hard-surfaced pavement may be approved during site plan review upon a determination that there are no adverse effects on adjoining properties.
- b. Surface water from parking areas shall be detained on site in accordance with the City of Wyoming Engineering Standards.
- c. Parking space and aisle dimensions are in the following table. Angled parking between these ranges shall be to the nearest degree. All parking lots shall be striped and maintained showing individual parking bays and spaces, in accordance with the following minimum dimensions:

TABLE 90-647: PARKING SPACE AND AISLE DIMENSIONS				
	90°	60°	45°	Parallel
Space Width	9 ft.	9 ft.	9 ft.	8.5 ft.
Space Length	18 ft.	21 ft.	21 ft.	22 ft.
One Way Aisle Width	15 ft.	13 ft.	12 ft.	12 ft.
Two Way Aisle Width	24 ft.	24 ft.	20 ft.	20 ft.

- d. Waiting/stacking spaces for drive through uses (such as banks, restaurants, car washes and oil change) shall be at least twenty four (24) feet long and ten (10) feet wide. Required stacking spaces shall not block customer parking spaces. Where the drive-through waiting lane provides for a single lane of five (5) or more vehicles an escape lane shall be provided to allow vehicles to exit the waiting lane.
- e. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for vehicles in accordance with Section 90-138. All parking lots shall provide on-site circulation aisles and parking spaces shall be designed to not require vehicles to back into public right-of-way. Ingress and egress to a parking lot in a non-residential zoning district shall not be through a residential district, except in instances where access is provided by means of an alley that forms the boundary between a residential and non-residential district.
- f. Off-street parking areas shall be landscaped in accordance with the requirements of Section 90-64.

(3) Parking Structures

- a. Dimensional Requirements. Parking stall and driving aisles shall meet the minimum dimensional requirements of subsection (2) c., above.
  - b. Internal arrangement. Internal arrangement and design shall be approved by the City Engineer for appropriate grades, traffic circulation, aisle length, column spacing, ceiling height, exit stairwell and elevator location.
  - c. Access Points/Lanes. Storage areas for entering and exiting traffic should be long enough to minimize backups of traffic onto surrounding streets or within the garage.
  - d. Lighting and Security. Adequate lighting is necessary for the safe movement of vehicles and pedestrians and for the security of patrons and parked vehicles.
  - e. Location and Setback Requirements. Parking structures shall be set back the same distance as required for main buildings.
  - f. Architecture. Parking structures shall be architecturally compatible with the buildings they serve. Landscaping improvements may be required to screen the structure.
- (4) Maintenance. All parking lots shall be maintained free of trash and debris. Surface, curbing, light fixtures and signage shall be maintained in good condition.

(5) Limitations on Use of Parking Lots.

- a. It shall be unlawful for any person, firm, or corporation to use private property for vehicle parking without the express consent, authorization, or ratification of the owner, holder, occupant, lessee, agent or trustee of the property.
- b. Off-street parking areas are intended only for temporary vehicle parking for public safety by keeping parked cars off the streets. Except when land is used as storage space in connection with the business of a repair or service garage, use of parking areas or open land is not permitted for the storage or parking of wrecked or junked cars, or for creating a junk yard or nuisance in the area.
- c. Loading spaces as required in Section 90-648, and parking spaces required in Section 90-646 shall be considered separate and distinct requirements and shall be considered separate components on the proposed site plan. In no case shall one component be construed as meeting the requirements of the other required components.
- d. Parking lots and loading areas shall not be used for the storage of trucks or trailers, except for uses approved for this in the Industrial Districts.

- e. Parking lots accessory to uses other than licensed vehicle sales lots shall not be used for private sales of vehicles.

Section 90-648. Off-Street Loading Requirements

- (1) Uses Requiring Loading Area. On the same premises with every building, structure or part thereof, erected and occupied for manufacturing, storage, warehouse, retails sales, consumer services or other uses similarly involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services in order to avoid undue interference with public use of the streets, alleys and parking spaces.
- (2) Loading Area Requirements. Loading and unloading spaces, unless otherwise adequately provided for, shall be ten (10) feet by fifty (50) feet, with fifteen (15) foot height clearance, according to the following schedule:

TABLE 90-648: LOADING AREA REQUIREMENTS	
Useable Floor Area (UFA)	Minimum Truck Loading Spaces
0–2000 sq. ft.	None
2001–20,000 sq. ft.	1 space
20,001–100,000 sq. ft.	1 space plus 1 space for each 20,000 sq. ft .in excess of 20,000 sq. ft.
100,001–500,000 sq. ft.	5 spaces plus one 1 space for each 40,000 sq. ft. in excess of 100,000 sq. ft.
Over 500,000 sq. ft.	15 spaces plus 1 space for each 80,000 sq. ft. in excess of 500,000 square feet.

- (3) Loading Deferment.
  - a. Where an applicant demonstrates that the loading requirements for a particular proposed use would be excessive, a parking lot plan can be administratively approved designating portions of required loading spaces and paving reserved for future use. Likewise, a loading deferment may be imposed upon a finding that the standard loading requirements would be initially excessive.
  - b. The approval shall include conditions under which the reserved loading areas must be provided.
  - c. Alterations to the deferred loading area to add loading spaces may be initiated by the owner or required by the City Planner, based on loading needs, and shall require the submission and approval of an amended site plan.
  - d. The City Planner may require the construction of additional loading within the deferred loading area if a change of use occurs for the building

or

- (4) Orientation of Overhead Doors: Overhead doors for truck loading areas shall not face the front yard and shall be screened from view from a public street or an adjacent Residential District.
- (5) Adjacency to Residential Districts: No loading space shall be located closer than 55 feet to any residential zoning district unless adjoining a public alley or located within a completely enclosed building or enclosed on all sides facing a residential zoning district by a solid masonry wall or ornamental fence five feet in height of a type approved by the Planning Commission.

Section 90-649. Driveway Access Management

- (1) Purpose: The regulations of this section are designed to accomplish the following purposes:

- a. Preserve the capacity of the City’s major streets by limiting and controlling the number, location and design of access points and by requiring alternate means of access through shared driveways, service drives, and access via cross streets in certain locations.
- b. Encourage efficient flow of traffic by minimizing the disruption and conflicts between through traffic and turning movements.
- c. Improve safety and reduce the potential for crashes.
- d. Avoid the proliferation of unnecessary curb cuts and driveways and, when the opportunities arise, eliminate or reconfigure existing access points that do not conform to the standards of this section.
- e. Implement the recommendations of the *City of Wyoming Land Use Plan*.
- f. Require longer frontages or wider minimum lot widths than required in underlying zoning districts to help achieve acceptable distances for separation of driveways.
- g. Require coordinated access among adjacent lands where possible.
- h. Avoid the need for unnecessary and costly reconstruction of roadways which disrupts business operations and traffic flow.
- i. Ensure efficient access by emergency vehicles.
- j. Improve safety for pedestrians and other non-motorized travelers by reducing the number of conflict points at access crossings.
- k. Establish uniform standards to ensure fair and equal treatment among property owners.

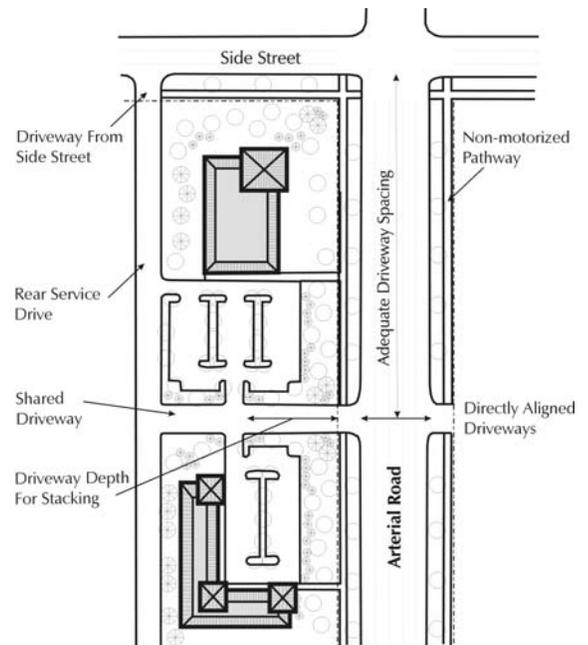


Figure 90-649-1: Driveway Types and Terms

(2) Driveway Location in General

- g. The requirements of this section shall apply to all commercial / industrial driveways.
- h. Driveways shall be located to minimize interference with the free movement of traffic, provide adequate sight distance, and provide the most favorable driveway grade.
- i. Driveways, including the radii but not including right turn lanes, passing lanes and tapers, shall be located entirely within the right-of-way frontage, unless approved by the City Engineer and upon written agreement from the adjacent property owner agreeing to such encroachment.
- j. In the case of expansion, alteration or redesign of an existing development where it can be demonstrated that pre-existing conditions prohibit adherence to the minimum standards of this Section, the City Engineer may modify these requirements. Modifications shall be the minimum necessary, but in no case shall spacing of full-access driveways be less than sixty (60) feet, measured centerline to centerline.

(3) Driveway Spacing Standards

Minimum spacing requirements between a proposed commercial / industrial driveway and an intersection, either adjacent or on the opposite side of the street, may be established on a case-by-case basis, but in no instance shall be less than the distances listed below. The following measurements are from the near edge of the proposed driveway, measured at the throat perpendicular to the street, to the near lane edge of the intersecting street or pavement edge for uncurbed sections.

TABLE 90-649-1: MINIMUM COMMERCIAL / INDUSTRIAL DRIVEWAY SPACING FROM STREET INTERSECTIONS (b)		
Location of Driveway	Minimum Spacing	
	Full Movement Driveway	Channelized Driveway Restricting Left Turns
Along Arterial roadway, intersecting with Arterial roadway	250 feet	125 feet
Along Arterial roadway, intersecting non-Arterial roadway	200 feet	125 feet
Along other Roads	75 feet	50 feet

- b. For sites with insufficient street frontage to meet the above criterion, the driveway may be required to be located along a side street, shared with an

adjacent property, constructed along the property line farthest from the intersection, or accessed from a service road.

- c. Minimum spacing, between two (2) commercial / industrial driveways, measured from centerline to centerline, shall be determined based upon posted speed limits along the parcel frontage as indicated below.

TABLE 90-649-2: MINIMUM SPACING BETWEEN COMMERCIAL / INDUSTRIAL DRIVEWAYS		
Posted Speed (mph)	Driveway Spacing (in feet) <sup>1</sup>	
	Arterial Road	Other Roads
25	130	90
30	185	120
35	245	150
40	300	185
45	350	230
50 +	455	275

<sup>1</sup> Unless greater spacing is required by MDOT or required to meet other standards herein.

- d. To reduce left-turn conflicts, new commercial / industrial driveways shall be aligned with those across the street, where possible. If alignment is not possible along arterial streets, driveways shall be offset from those on the opposite side of the street a minimum of one-hundred-fifty (150) feet. These standards may be reduced as part of site plan approval, based upon the recommendation of the City Engineer, on a case-by-case basis. Longer offsets may be required depending on the expected volumes of left-turns into the driveways.

(4) Number of Commercial / Industrial Driveways

- a. The number of commercial / industrial driveways serving a property shall be the minimum necessary to provide reasonable access for traffic and emergency vehicles, while preserving traffic operations and safety along the public roadway.
- b. Access shall be provided for each separately owned parcel. This access may be from an individual driveway, shared driveway or a service drive. The Planning Commission may permit additional driveways for property meeting the following requirements:
  - 1. One (1) additional driveway for properties with a continuous frontage of over three-hundred (300)

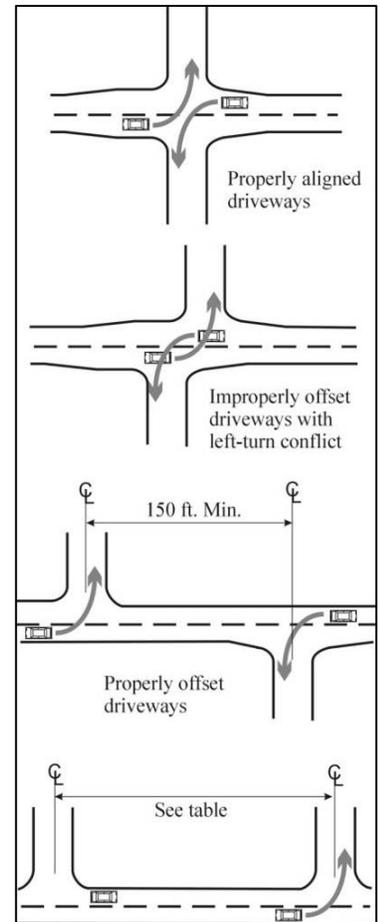


Figure 90-649-2: Driveway Alignments/Offsets

feet, and one (1) driveway for each additional three-hundred (300) feet of frontage.

2. A traffic impact study determines that additional access is justified without compromising traffic operations along the public street.
3. Two (2) one-way driveways may be permitted where the frontage is at least one-hundred-twenty-five (125) feet.

(5) Commercial / Industrial Driveway Design

- a. All commercial / industrial driveways shall be constructed according to the City of Wyoming or MDOT standards, as applicable. In commercial redevelopment areas, these standards shall be complied with to the maximum extent possible.
- b. For high traffic generators, or for commercial / industrial driveways along streets experiencing or expected to experience congestion, two (2) egress lanes may be required.
- c. For a boulevard entrance, a fully curbed island, at least one-hundred-eight (180) square feet in area, shall separate the ingress and egress lanes. The radii forming the edges on this island shall be designed to accommodate the largest vehicle that will normally use the driveway.

(6) Shared Driveways, Frontage Roads and Service Roads

- a. The number of access points may be reduced where it is determined by the site plan review authority that there may be a beneficial effect on traffic operations and safety, while preserving the property owner's right to reasonable access. In this case, a shared commercial / industrial driveway, frontage road or rear service drive connecting two (2) or more properties or uses may be required. Service roads may be required near existing traffic signals or near locations having potential for future signalization; along arterial roadways with high traffic volumes; and where a relatively high number of crashes or limited sight distances are found.
- b. Shared commercial / industrial driveways and service roads shall be within a recorded access easement. A draft of the access easement shall be provided to the City Engineer for review prior to filing.
- c. Service Road and Shared Driveway Design Standards
  1. Location. Service roads shall generally be parallel or perpendicular to the front property line and may be in front of, adjacent to, or behind, principal buildings. The site plan review authority shall determine the most appropriate alignment, taking into account setbacks of existing buildings and anticipated traffic flow for the site and the corridor.

2. Access Easement. The service road shall be within an access easement permitting traffic circulation between properties. This easement shall be sixty (60) feet wide, except an access easement parallel to a public street right-of-way may be forty (40) feet wide, if approved by the City Engineer. The required width shall remain free and clear of obstructions, unless otherwise approved.
3. Construction and Materials. Service roads shall have a base, pavement and curb with gutter in accordance with the City Engineer requirements. The minimum required width of the service road shall be twenty-seven (27) feet, measured back to back of curb.
4. Parking. The service road is not intended as a parking maneuvering aisle. The site plan review authority may require the posting of "no parking" signs along the service road. Temporary parking may be permitted in the easement area where a continuous service road is not yet available, provided that the layout provides for the removal of the parking to allow extension of the service road.
5. Access to Service Road. All access to the service road shall be in accordance with the driveway spacing standards of this Section. The Planning Commission may allow additional driveways if recommended by the City Engineer.
6. Temporary Access. The site plan review authority, with concurrence of the City Engineer, may approve temporary access where a continuous service road is not yet available and a performance guarantee is provided to assure elimination of temporary access when the service road is continued. Building permits shall not be issued until the performance guarantee has been deposited with the City.
7. Elevation. The site plan shall indicate the proposed elevation of the service road at the property line. The City Engineer shall maintain a record of all service road elevations so that their grades can be coordinated.
8. Maintenance. Each property owner shall be responsible for maintenance of the easement and service drive across their frontage. The maintenance provisions shall be specified in the recorded access easement.

Section 2. This ordinance shall be in full force and effect on the \_\_\_\_\_ day of \_\_\_\_\_, 2011.

I hereby certify that the above-entitled Ordinance was adopted by the City of Wyoming at a \_\_\_\_\_ session of the City Council held on the \_\_\_\_\_ day of \_\_\_\_\_, 2011.

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Heidi A. Isakson



August 18, 2011

MAYOR  
Jack A. Poll

Ms. Heidi A. Isakson  
City Clerk  
Wyoming, MI

AT-LARGE COUNCILMEMBER  
Sam Bolt

AT-LARGE COUNCILMEMBER  
Dan Burrill

Subject: Request to amend Zoning Code Chapter 90 Article XIX  
pertaining to Parking, Loading, Access and Circulation.

AT-LARGE COUNCILMEMBER  
Kent Vanderwood

Recommendation: To approve the subject Zoning Code amendments.

1ST WARD COUNCILMEMBER  
William A. VerHulst

Dear Ms. Isakson:

2ND WARD COUNCILMEMBER  
Richard K. Pastoor

The above referenced request was reviewed by the Wyoming Planning Commission at their regular meetings on June 21, July 19, and August 16, 2011. Staff had the following comments:

3RD WARD COUNCILMEMBER  
Joanne M. Voorhees

CITY MANAGER  
Curtis L. Holt

**PREPOSED AMENDMENTS:**

The attached amendments encompass three areas: parking, loading and access/circulation. The Zoning Code currently contains standards for parking and loading. These standards have not been thoroughly reviewed by the City in over three decades. The access/circulation provisions would be new to the Zoning Code. They have been combined with the parking and loading regulations due to compatibility. The following is a summary of the amendments for each of the subject areas:

**PARKING:**

In recent years, many developers have requested relief from City parking requirements. These have been in areas of reduced parking space sizes, number of spaces required, or banking of spaces until a demonstrated need is determined. These developments have included such prestigious facilities as Metro Health Hospital and Gordon Foods International Headquarters. As these requests became more frequent, it became apparent that the City should look at the entire parking requirements to assess their appropriateness. In addition, the City is looking to redevelop vacated or underutilized properties such as the Division Avenue and 28<sup>th</sup> Street corridors and the former GM Stamping Plant. It is reasonable for the City to take advantage of accepted nation-wide practices to both encourage and facilitate high quality developments. From the Development Review Team's perspective, the proposed parking amendments would accomplish the following:

- Allow developers to attain a high level of development on their properties without excessive parking standards
- Potentially reduce overall development costs, or allow transfer of parking costs to more aesthetic property treatments
- Parking spaces would be appropriately sized to be compatible of the majority of vehicles in use today and foreseen
- The number of parking spaces required by use is derived from currently accepted national development standards
- Aids developers obtaining LEED certification for their projects
- Shared use parking may be utilized where it can be demonstrated that peak parking demands are at differing times of the day or days of the week
- Potentially allows reduced parking by utilizing other forms of travel such as bus transit
- Allows banked parking which retains green space on properties, reduces development costs, reduces storm water run-off, and reduces heat build-up
- Limits the maximum number of parking spaces to that reasonably needed by the use to prevent large areas of rarely used paving
- Ensures that all parking facilities are reasonable for the proposed use so as to not detriment adjoining properties or the public streets
- Establishes standards for parking structures

In addition, attached is a table showing several of our current standards compared with the proposed parking amendments and provisions for the City's of Grand Rapids and Kentwood. This table helps validate the proposed City requirements as being appropriate within the region.

#### LOADING:

The proposed number of loading spaces by building area is the same as our current standards. It is also identical with the requirements for the City of Kentwood. The City of Grand Rapids allows smaller loading spaces and numbers, probably due to their more compact development pattern. The proposed amendments would allow an administrative loading area deferment when appropriate, or may require additional loading areas with a change of property use.

#### ACCESS AND CIRCULATION:

The City currently regulates driveway access management primarily through a negotiation process involving the Engineering Department's professional determinations and developer desires. The proposed amendments establish several minimum spacing requirements and overall design considerations to help guide

this process. The Engineering Department has thoroughly reviewed, and endorses, these provisions. They are derived from generally accepted traffic management practices. They will provide initial guidance to developers and their consultants. The provisions will help the City in negotiating driveway locations and when implemented, will reduce vehicle conflicts along the public streets, enhance traffic flow and management, improve overall public safety, and ensure fair and equal treatment to property owners. The Engineering Department would retain the ability to grant relief to specific spacing requirements on redevelopment projects where pre-existing conditions would prohibit compliance.

At the Planning Commission meetings on June 21, July 19, and August 16, 2011, discussions occurred regarding specific ordinance provisions and their appropriateness for Wyoming. Relatively minor, but important, revisions to the proposed ordinance occurred from these deliberations. With this final proposal, the Development Review Team suggested the Planning Commission recommend to the City Council the proposed Zoning Code Chapter 90 Article XIX amendments pertaining to Parking, Loading, Access and Circulation.

A motion was made by Woodruff, supported by Micele, to recommend to City Council the Zoning Code Chapter 90 Article XIX amendments pertaining to Parking, Loading, Access and Circulation as recommended by the DRT. After discussion, and without further amendments, the motion carried 7-1. Additional explanation regarding this proposal may be obtained from the Planning Commission minutes of June 21, July 19, and August 16, 2011.

Respectfully submitted,

  
\_\_\_\_\_  
Timothy Cochran, City Planner  
Planning and Development Department

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

**SELECTED PARKING REQUIREMENTS FOR THE CITIES OF  
KENTWOOD, GRAND RAPIDS AND WYOMING  
PLANNING DEPARTMENT – May 10, 2011**

**Table 1 Parking Space Size:**

Parking Space	Kentwood	Grand Rapids	Wyoming Current	Wyoming Proposed
90 degree parking space minimum size	9' x 18'	8.5' x 18'	10' x 20' typically 9.5' x 20' (18' with overhang) in DC and PUD- 3 districts with 9' x 18' in auto plant redevelopment zone	9' x 18' minimum

**Table 2 Parking Space by Use and Area:**

Use	Kentwood	Grand Rapids	Wyoming Current	Wyoming Proposed
Multi Family	2 / du	1.5/ du	2 / du	2 / du
General Retail	4/ 1000 sf first 25,000 then 1/300 sf additional	3.33/ 1000 sf	5/1000 sf	4/1000 sf
Restaurant	1/50 sf	1.25/3 occupants From Building Code	1/100 s.f	1/100 sf sit down 1/50 sf drive through
Office	3.33/1000 sf	3/1000 sf	2.5/1000 sf	2.5/1000 sf
Medical Office	3/exam room plus 1/lab or recovery room	6/1000 sf	5/1000 sf	5/1000 sf
Industrial Production	1/2000 sf	1/3000 sf	1/1 ½ employees or 1/2000 sf (greater)	1/1 ½ employees or 1/2000 sf (greater)
Warehouse	1/1500 sf	2/employee	1/employee	1/employee or 1/1500 sf (greater)

**Table 3 Parking Space Reduction:**

Parking Relief	Kentwood	Grand Rapids	Wyoming Current	Wyoming Proposed
Shared Use Reduction	None – Cumulative use requirement	Yes- Mixed use coefficients	None – Cumulative use requirement	Limited to particular uses such as office/assembly
Banked Parking	Zoning Administrator authorized with proper validation	Planning Commission authorized only for Special Uses	None	Permitted with proper validation
Overall Reduction	None	Up to 50% reduction with public parking, transit, bicycle connectivity	Only in auto plant redevelopment zone	Up to 25% reduction with transit, proven parking study or shared uses

Notes: du refers to dwelling units  
sf refers to square feet