

AGENDA
WYOMING CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
TUESDAY, JANUARY 3, 2012, 7:00 P.M.

- 1) Call to Order**
- 2) Invocation by Pastor Dean Prentiss, Wesley Park United Methodist Church**
- 3) Pledge of Allegiance**
- 4) Roll Call**
- 5) Student Recognition**
- 6) Approval of Minutes**
From the December 19, 2011 Regular Meeting
- 7) Approval of Agenda**
- 8) Public Hearings**
7:01 p.m. Consider Approval of an Application for an Industrial Facilities Exemption Certificate for Mark-Maker Company, Inc.
- 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**
- 14) Consent Agenda**
- 15) Resolutions**
 - a) To Assert the Right to Adopt the Turn-On 28th Street Subarea Plan as an Amendment to the City of Wyoming Land Use Plan 2020
 - b) To Approve the Application of Mark-Maker Company, Inc. for Industrial Facilities Exemption Certificates in the City of Wyoming for New Facilities and Authorizing the Mayor and City Clerk to Sign the IFT Agreement
- 16) Award of Bids, Contracts, Purchases, and Renewal of Bids and Contracts**
 - c) To Approve Final Payment for the Gezon Parkway Widening Project
- 17) Ordinances**
1-12 To Add Article VI, Division II to the Code of the City of Wyoming (Community Enrichment Commission) (Final Reading)
- 18) Informational Material**
- 19) Acknowledgment of Visitors**
- 20) Closed Session** (as necessary)
- 21) Adjournment**

RESOLUTION NO. _____

A RESOLUTION TO ASSERT THE RIGHT TO ADOPT THE TURN-ON 28TH STREET
SUBAREA PLAN AS AN AMENDMENT TO THE CITY OF WYOMING LAND USE PLAN
2020

WHEREAS:

1. The Wyoming Planning Commission is preparing the Turn-on 28th Street Subarea Plan for adoption as an amendment to the City of Wyoming Land Use Plan 2020, as per the requirements of the Michigan Planning Enabling Act 33 of 2008.
2. The Michigan Planning Enabling Act 33 of 2008 permits the legislative body by resolution to assert the right to approve or reject the proposed amendment.
3. The Wyoming City Council desires to take an active part in this important land use planning process.

NOW, THEREFORE, BE IT RESOLVED:

1. The Wyoming City Council does hereby notify the Wyoming Planning Commission that the Wyoming City Council is asserting its right to approve or reject the Turn-on 28th Street Subarea Plan as an amendment to the City of Wyoming Land Use Plan 2020. Any rejection action will include a statement describing the objections for further review by the Planning Commission and City Council.

Moved by Councilmember:

Seconded by Councilmember:

Motion Carried Yes
 No

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

Heidi A. Isakson, Wyoming City Clerk

ATTACHMENTS:

Memorandum

MEMORANDUM

TO: Curtis Holt, City Manager

FROM: Timothy Cochran, City Planner

CC: Barb VanDuren, Deputy City Manager
Rebecca Rynbrandt, Community Services Director

DATE: December 13, 2011

SUBJECT: City Council assertion of the right to adopt or reject the Turn-on 28th Street Subarea Plan as an amendment to the City of Wyoming Land Use Plan 2020.

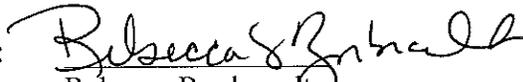
Since June 2010, the City of Wyoming has been actively developing the Turn-on 28th Street Subarea Plan as an amendment to the City of Wyoming Land Use Plan 2020. The development of this Subarea Plan involved extensive staff and financial resources, multi-disciplinary consultant engagement, and far reaching community outreach and participation, with conscientious deliberations throughout in its evolution. This exhaustive process has resulted in the Draft Turn-on 28th Street Subarea Plan. It is considered to be visionary, economically prudent, viable, and appropriate by the majority of the planning process participants and the Turn-on 28th Street Steering Committee. The Draft Turn-on 28th Street Subarea Plan is scheduled for potential adoption by the Planning Commission on February 21, 2012.

The process for adopting amendments to community land use plans is provided by the Michigan Planning Enabling Act 33 of 2008. The Act specifies that the community legislative body, by resolution, may assert the right to approve or reject a land use plan amendment. The Act further describes that if the legislative body rejects the proposed amendment, they will forward their objections to the Planning Commission. The Planning Commission shall then consider the legislative body's objections and revise the amendment to address the objections.

The City Council asserted this right in the initial adoption of the City of Wyoming Land Use Plan 2020 in 2006. Due to the profound effect the adoption of the Turn-on 28th Street Subarea Plan will have on the development community, City policies, zoning codes, and financial expenditures, it is advisable to establish consensus between the Planning Commission and City Council on this vital long-term redevelopment endeavor.

With your support, we ask that this matter be placed before the City Council for their approval consideration at the Tuesday, January 3, 2012 Regular Meeting.

Reviewed and recommended by:


Rebecca Rynbrandt

RESOLUTION NO. _____

RESOLUTION TO APPROVE THE APPLICATION OF MARK-MAKER COMPANY, INC.
FOR INDUSTRIAL FACILITIES EXEMPTION CERTIFICATES IN
THE CITY OF WYOMING FOR NEW FACILITIES AND
AUTHORIZING THE MAYOR AND CITY CLERK TO SIGN THE IFT AGREEMENT

WHEREAS:

1. The City established Industrial Development District Number 211 and 170, under Act 198, Public Acts of 1974, as amended, by adopting Resolution Number 18172 on July 21, 1997 and Resolution Number 16208 on April 19, 1993, respectively.
2. Mark-Maker Company, Inc. has filed applications for Industrial Facilities Exemption Certificates under Act 198 with respect to new facilities to be acquired and installed within Industrial Development District 211, with an estimated cost of \$364,300.00 for personal property to be located at 3920 Buchanan SW, and within Industrial Development District 170, with an estimated cost of \$666,036.00 for personal property to be located at 4157 Stafford SW.
3. Before acting on these applications, the City Council held a public hearing on January 3, 2012, in the Council Chambers, City Hall, 1155 28th Street SW, Wyoming, Michigan, at 7:01 p.m., at which hearing the applicant, the Assessor, and a representative of the affected taxing units were given written notice and were afforded an opportunity to be heard on this application.
4. Construction of the facility and installation of new machinery and equipment had not begun earlier than six (6) months before October 28, 2011, the date of acceptance of the applications for the Industrial Facilities Exemption Certificates.
5. Completion of the facilities is calculated to and will, at the time of issuance of the certificates, have the reasonable likelihood to retain, create or prevent the loss of employment in the City of Wyoming.
6. The aggregate SEV of real and personal property exempt from ad valorem taxes within the City of Wyoming, after granting these certificates, will not exceed 5% of an amount equal to the sum of SEV of the units, plus SEV of personal and real property thus exempted.

NOW, THEREFORE, BE IT RESOLVED:

1. The Wyoming City Council finds and determines that the granting of these Industrial Facilities Exemption Certificates considered together with the aggregate amount of certificates previously granted and currently in force under PA 198 of 1974, as amended and PA 225 of 1978, as amended shall not have the effect of substantially impeding the operation of the City of Wyoming, or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Wyoming.
2. The application from Mark-Maker Company, Inc., for Industrial Facilities Exemption Certificates, with respect to new facilities on the following described parcels of real property situated within Industrial Development Districts 211 and 170, to wit:

Address: 3920 Buchanan Avenue SW, Wyoming, MI 49548

Parcel No.: 41-17-24-402-017

Legal Description:

W 30 FT OF LOT 49 ALSO LOT 50 ALSO THAT PART OF VAC
PORTION OF BUCHANAN AVE ADJ SD LOT 50 ON THE W.
ROSELAWN PARK #1

and

Address: 4157 Stafford Avenue SW, Wyoming, MI 49548

Parcel No.: 41-17-24-402-017

Legal Description:

LOTS 46 & 47 EX W 6 FT OF LOT 47. SUN GLO PARK

be the same as hereby approved.

3. The Industrial Facilities Exemption Certificates, when issued, shall remain in force for a period of twelve (12) years.
4. The Mayor and City Clerk are authorized to sign the IFT agreement with Mark-Maker Company, Inc.

Moved by Councilmember:

Seconded by Councilmember:

Motion Carried Yes
 No

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

Heidi A. Isakson, Wyoming City Clerk

ATTACHMENT: Staff Memo

Resolution No. _____

MEMORANDUM

To: Wyoming City Council
Curtis L. Holt, City Manager

From: Barbara VanDuren, Deputy City Manager

Date: December 14, 2011

Subject: Mark-Maker Company, Inc.

The City has received a letter from Mark-Maker Company, Inc., requesting the approval of an Industrial Facilities Exemption Certificate (IFT). Staff has reviewed the IFT application for the project, which is summarized below:

Address of project: 3920 Buchanan SW and 4157 Stafford SW
Wyoming, MI 49548

Personal Property: \$1,030,336.00
Real Property: \$ 0.00

Estimated Jobs: 5 new jobs
43 jobs retained

Starting date of the project: December 2011

Mark-Maker Company, Inc. has been operating in the City of Wyoming for 42 years and is a supplier of flexographic printing plates and steel rule cutting dies to the web and sheet-fed packaging industry. Mark-Maker Company supplies these industries with various products, including die cutting, mounting and plate making, in addition to the services provided by their art and CAD departments. This planned expansion will allow the company to maintain current employment levels and add 5 new employees between both locations.

Staff is recommending a twelve year IFT be granted to Mark-Maker Company based on the City of Wyoming's Economic Development Policy. The calculation of the years of the IFT is summarized as follows:

Scoring Factors	Points
Firm Commitment	13.291
Quantity of Jobs	2.500
Retention of Jobs	10.750
Quality of Jobs	2.061
Citizenship	10.010
Diversification	0.000
Business Life	10.500
Redevelopment	0.000
Total points	<u>49.110</u>

The estimated first year tax savings for Mark-Maker Company, which is located in the Godwin Public School District, is \$31,711.78.

RESOLUTION NO. _____

RESOLUTION TO APPROVE FINAL PAYMENT FOR THE
GEZON PARKWAY WIDENING

WHEREAS:

1. On August 1, 2011, City Council awarded the Gezon Parkway Widening contract to Kamminga & Roodvoets, Inc. in the amount of \$434,518.30.
2. Subsequent to the award of the project, Change Order No. 1 was approved for the additional costs associated with the relocation of deep catch basins, adding \$12,000.00.
3. The project is now complete. Additional concrete and bituminous quantities were added to the project in order to extend three driveway entrances along Gezon Parkway onto the Gordon Food Service site.
4. The additional \$18,626.36 cost can be financed out of the Capital Improvement Program Fund account 400-441-50200-972.502, 2011 CP GFS Project.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council hereby approves the final payment of \$74,386.21 to Kamminga & Roodvoets, Inc. for the Gezon Parkway Widening.

Moved by Councilmember:

Seconded by Councilmember:

Motion Carried Yes
 No

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

Heidi A. Isakson, Wyoming City Clerk

ATTACHMENTS:

Final Pay Estimate

Resolution No. _____

CITY OF WYOMING

1155 28TH STREET S. W.
WYOMING, MI 49509

AUTHORIZATION FOR PAYMENT FOR WORK COMPLETED ON THE FOLLOWING CONTRACT

GEZON PARKWAY WIDENING

145.11 Estimate # 7 Final

IDR START 53
IDR END 54

ACCOUNT NO.	REQUISITION	THIS ESTIMATE	TOTAL
400-441-50200-972.502	\$434,518.30	\$74,386.21	\$465,144.66
2001 CP. GFS Prj. Mjr. St. Prj.			
Change order 1	\$12,000.00		
Final change order	\$18,626.36		
	<hr/>	<hr/>	<hr/>
	\$465,144.66	\$74,386.21	\$465,144.66

CONTRACTOR: Kamming & Roodvoets Inc.
Grand Rapids, MI 49512

2012-00000329 CONTRACT PRICE: \$434,518.30
Change order 1 \$12,000.00

DATE OF LAST ESTIMATE: 12/6/2011

DATE OF THIS ESTIMATE: 12/12/2011

TOTAL AMOUNT EARNED AS SHOWN ON ESTIMATE 7 \$465,144.66
LESS PREVIOUS ESTIMATES \$390,758.45
AMOUNT DUE CONTRACTOR \$74,386.21

PREPARED BY: 

12.12.11

REVIEWED BY:  12.20.11

AUTHORIZED BY: _____



Construction Pay Estimate Report

City of Wyoming

12/12/2011 4:08 PM

FieldManager 4.7a

Contract: _145.11, Gezon Parkway Widening

Estimate Date	Estimate No.	Entered By	Estimate Type	Electronic File Created	All Contract Work Completed	Construction Started Date
12/12/2011	7	Carlos M Caceres	FINAL	No	10/28/2011	8/29/2011
Prime Contractor Kamminga & Roodvoets, Inc.				Managing Office City of Wyoming		

Item Usage Summary

Item Description	Item Code	Prop. Line	Project	Category	Project Line No.	Item Type	Mod. No.	Quantity	Dollar Amount
Drainage structure Cone Section	_2031	0195	145.11	0	0195	EA	001	1.000	\$650.00
VALVE BOX	_5207	0225	145.11	0	0225	EA	002	1.000	\$137.67
4" AGGREGATE BASE (CIP)	_6139	0075	145.11	0	0075	00	000	1,614.000	\$8,877.00
ADJUST CASTINGS	_6295	0095	145.11	0	0095	00	000	8.000	\$3,280.00
BITUMINOUS MIXTURE - 4C	_6335	0110	145.11	0	0110	00	000	192.960	\$10,641.74
CLASS A SEED HYDRO-MULCH	_7015	0145	145.11	0	0145	00	000	1,737.000	\$868.50
COLD MILLING EXISTING PAVEMENT 1 3/4"	_1207	0035	145.11	0	0035	00	000	2,155.500	\$2,694.38
CONCRETE CURB AND GUTTER, 30" - DET I25	_6240	0085	145.11	0	0085	00	000	1,397.000	\$18,161.00
CONCRETE SIDEWALK, 4"	_6270	0090	145.11	0	0090	00	000	2,171.500	\$6,080.20
DRAINAGE STRUCTURE CASTINGS S-6B	_4026	0045	145.11	0	0045	00	000	3,551.000	\$3,551.00
F & P HYDRANT EXTENSTION ON EXISTING HY	_5050	0220	145.11	0	0220	EA	002	1.000	\$406.96
PAVEMENT MARKING REGULAR 4" YELLOW	_6485	0130	145.11	0	0130	00	000	83.000	\$23.24
PLACE SAND CLII SUBBASE (AS REQUIRED)	_6010	0065	145.11	0	0065	00	000	1,419.500	\$5,678.00
RELOCATE EXISTING DRAINAGE STRUCTURE	_4380	0055	145.11	0	0055	00	000	1.000	\$1,450.00
REMOVE CURB & GUTTER	_1008	0010	145.11	0	0010	00	000	175.500	\$394.88
REMOVE EX COVER AND CASTINGS	_1142	0030	145.11	0	0030	00	000	1.000	\$200.00
REMOVE PAVEMENT	_1045	0025	145.11	0	0025	00	000	345.000	\$1,035.00
REMOVE SIDEWALK	_1035	0020	145.11	0	0020	00	000	287.500	\$862.50
SAW CUT EX BITUMINOUS OR CONCRETE	_1010	0015	145.11	0	0015	00	000	147.000	\$294.00
STORM SEWER CL III 12" 0' TO 14' DEEP	_4203	0050	145.11	0	0050	00	000	7.500	\$450.00
TOP SOIL 4" SCREENED	_7005	0140	145.11	0	0140	00	000	1,737.000	\$7,816.50



Construction Pay Estimate Report

Item Usage Summary

Item Description	Item Code	Prop. Line	Project	Category	Project Line No.	Item Type	Mod. No.	Quantity	Dollar Amount
VALVES 6"	_5076	0230	145.11	0	0230	EA	002	1.000	\$833.64
Total Estimated Item Payment:									\$74,386.21

Time Charges

Site	Site Description	Site Method	Days Charged	Liq. Damages
00	Overall Contract Site	Working Days	0	\$0
Total Liquidated Damages:				\$0

Pre-Voucher Summary

Project	Voucher No.	Item Payment	Stockpile Adjustment	Dollar Amount
145.11, Gezon Parkway Widening	0007	\$74,386.21	\$0.00	\$74,386.21
Voucher Total:				\$74,386.21

Summary

Current Voucher Total:	\$74,386.21	Earnings to date:	\$465,144.66
-Current Retainage:	\$0.00	- Retainage to date:	\$0.00
-Current Liquidated Damages:	\$0.00	- Liquidated Damages to date:	\$0.00
-Current Adjustments:	\$0.00	- Adjustments to date:	\$0.00
Total Estimated Payment:	\$74,386.21	Net Earnings to date:	\$465,144.66
		- Payments to date:	\$390,758.45
		Net Earnings this period:	\$74,386.21

Estimate Certification

I certify the items included on this report constitute my estimate of work completed and due the contractor as of the date of this document. I also certify the prime contractor is meeting all requirements for minority percentages and the payrolls are current.

Carlos Caceres (Project Engineer) and/or

12.12.11

(Date)

Russ Henckel

12.20.11

(Date)

ORDINANCE NO. 1-12

AN ORDINANCE TO ADD ARTICLE VI, DIVISION II TO
THE CODE OF THE CITY OF WYOMING

THE CITY OF WYOMING ORDAINS:

Section 1. That Article VI, Division II is hereby added to the Code of the City of Wyoming to read as follows:

DIVISION I. COMMUNITY ENRICHMENT COMMISSION

Sec. 2-401. ESTABLISHMENT AND PURPOSE.

The Wyoming Community Enrichment Commission is hereby established in accordance with the City Charter and Code of the City for the purpose of providing and promoting various civic and cultural activities for the residents of the City of Wyoming.

Sec. 2-402. ORGANIZATION.

The Community Enrichment Commission may be organized as a Michigan Non-Profit Corporation as provided by statute. The Commission shall be responsible for the filing and maintenance of the corporate status. The Commission shall prepare appropriate bylaws for operation of the corporation in accordance with the provisions of this Ordinance and all applicable laws and statutes. The bylaws shall be subject to approval of the City Council.

Sec. 2-403. MEMBERSHIP AND APPOINTMENT.

Members of the Commission shall consist of not less than 5 and not more than 9 members to be appointed by the Mayor with the approval of the City Council for a term of three years. The first members appointed pursuant to this section shall have terms adjusted to allow for 1/3 of the members to have terms expiring each year. The terms of office shall be as provided in this Chapter and all members shall be registered electors of the City of Wyoming.

The members appointed pursuant to this Section shall constitute the Board of Directors and shall be the voting members of the Commission. The Commission may add additional non-voting members in its discretion.

Sec. 2-404. FINANCE AND ACCOUNTING.

1. The Commission shall be financed by such fund raising activities including the solicitation of grants or gifts as shall be from time to time approved by the Board of Directors.

2. The City may make such financial or in kind contributions from time to time as shall be approved by the City Council.

3. The Commission shall, on an annual basis, provide an accounting to the City of all funds received and disbursed by the Commission. In addition, financial records of the Commission shall be provided to the City finance director upon request.

Sec. 2-405. COMMISSION PROPERTY.

The Commission may hold such property or other assets as are necessary and appropriate for its stated purposes. By its organizational documents and by written contract with the City, the Commission shall provide that upon dissolution of the Commission and/or the non-profit corporation, all assets of the Commission shall become the property of the City of Wyoming or a 501(c) (3) or similar tax exempt organization as directed by the City and in accordance with all applicable laws.

Sec. 2-406. CITY STAFF.

Subject to a written agreement with the City, the City may at its sole discretion provide the services of City departments and/or City staff to the Commission.

Sec. 2-407. EMPLOYEES.

The Commission may enter into employment contracts with individuals necessary to carry out the purposes of the Corporation subject to the following:

1. All such contracts shall be approved by the Commission Board and the City Council.
2. Such employees shall not be considered employees of the City of Wyoming.
3. The Commission shall comply with all local, federal and state tax laws and other laws regulating employees.
4. Appointed members of the Commission may not be compensated for services to the Commission.

Section 2. This ordinance shall be in full force and effect on the 16th day of January, 2012.

I hereby certify that the above-entitled Ordinance was adopted by the City of Wyoming at a regular session of the City Council held on the 3rd day of January, 2012.

Heidi A. Isakson
Wyoming City Clerk

Ordinance No. 1-12