

AGENDA
WYOMING CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
MONDAY, DECEMBER 2, 2013, 7:00 P.M.

- 1) Call to Order**
- 2) Invocation**
Pastor Dennis Gilbert, Church of the Open Door
- 3) Pledge of Allegiance**
- 4) Roll Call**
- 5) Student Recognition**
- 6) Approval of Minutes**
From the regular meeting of November 18, 2013
- 7) Approval of Agenda**
- 8) Public Hearings**
7:01 p.m. To Consider the Proposed Ordinance to Amend the 2009 Restated Downtown Development Plan and Tax Increment Financing Plan
7:02 p.m. To Consider the Revocation of the Business License of La Hacienda & Unique Catering in the City of Wyoming
- 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**
 - 1) Budget Amendment No. 32 – To Appropriate \$105,000 of Budgetary Authority to Provide Additional Funding for Sewer System Repairs per Attached Staff Report
- 14) Consent Agenda**

(All items under this section are considered to be routine and will be enacted by one motion with no discussion. If discussion is desired by a Council member, that member may request removal from the Consent Agenda.)

 - a) Of Appreciation to Michael Wright for His Service as a Member of the Community Development Committee for the City of Wyoming
 - b) To Confirm the Appointment of Keith Morgan as a Member of the Board of Directors of the Economic Development Corporation and the Brownfield Redevelopment Authority for the City of Wyoming
 - c) To Reappoint Members to the Greater Wyoming Community Resource Alliance for the City of Wyoming
 - d) To Reappoint Representatives to the West Michigan Regional Planning Commission
 - e) To Confirm the Reappointment of Lillian Vanderveen as a Member of the Board of Directors of the City of Wyoming Downtown Development Authority

- f) To Reappoint Tim Cochran as a Representative of the City of Wyoming on the Interurban Transit Partnership Board

15) Resolutions

- g) To Set Meeting Days and Times for the City of Wyoming Boards and Commissions
- h) To Establish and Change Certain Regular City Council Meeting Dates in the 2014 Calendar Year
- i) To Approve the Use of Lamar Park for a 24 Hour Charity Event and to Waive Reservation Fees for the Event
- j) To Adopt the Kent County Hazard Mitigation Plan
- k) To Revoke the Business License for La Hacienda & Unique Catering

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

- l) To Authorize the Mayor and City Clerk to Execute an Agreement with New World Systems to Create an Interface
- m) To Authorize the Purchase of Equipment and Supplies for the Police Department Forensic Science Unit Drug/Toxicology Laboratory
- n) To Authorize Contracting with Life Therapeutic Solutions, Inc. and to Authorize the Mayor and City Clerk to Execute the Agreement
- o) To Authorize a Contract Change Allowing for Full Payment for Work Performed for the 2013 Pinery Park Restroom & Concession Building Project
- p) To Authorize Payment for Emergency Sanitary Sewer Repair by Dykema Excavators, Inc.
- q) To Authorize the Purchase of Four Valve Actuators from Actuators Specialties, Inc.
- r) To Authorize the Extension of the Bid for Automotive Body Repair to Auto Body Xperts
- s) To Terminate the Award of Bid for Work Uniforms & Carhartt Clothing Items with Arrow Uniforms and to Award the Bid to Cintas Location 301
- t) For Award of Bids
 - 1. Gravel & Blast Furnace Slag
 - 2. Winter Mix Asphalt

17) Ordinances

- 19-13 To Amend Section 90-32 of the Code of the City of Wyoming by Adding Subsection (94) Thereto to Rezone 21.3 Acres from ER Estate Residential to R-7 Special Multiple Family Residential (Northwest corner of 56th Street and Canal Avenue) (FINAL READING)
- 21-13 To Amend the 2009 Restated Downtown Development Plan and Tax Increment Financing Plan Proposed by the Downtown Development Authority of the City of Wyoming and to Provide for the Collection of Tax Increment Revenues (FIRST READING)

18) Informational Material

19) Acknowledgment of Visitors

20) Closed Session (as necessary)

21) Adjournment

CITY OF WYOMING BUDGET AMENDMENT

Date: December 2, 2013

Budget Amendment No. 032

To the Wyoming City Council:

A budget amendment is requested for the following reason: To appropriate \$105,000 of budgetary authority to provide additional funding for sewer system repairs per attached staff report.

<u>Description/Account Code</u>	<u>Current</u>	<u>Increase</u>	<u>Decrease</u>	<u>Amended</u>
<u>Sewer Fund</u>				
Public Works - Transmission - Repairs and Maintenance				
590-441-54200-930.000	\$195,000	\$105,000		\$300,000
Fund Balance/Working Capital (Fund 590)				\$105,000

Recommended: Tim Smith / [Signature]
Finance Director

Chris Holt / [Signature]
City Manager

Motion by Councilmember _____, seconded by Councilmember _____ that the General Appropriations Act for Fiscal Year 2013-2014 be amended by adoption of the foregoing budget amendment.

Motion carried: _____ yeas, _____ nays

I hereby certify that at a _____ meeting of the Wyoming City Council duly held on _____ the foregoing budget amendment was approved.

City Clerk

STAFF REPORT

DATE: November 21, 2013

SUBJECT: Budget Amendment – Sewer Fund Repairs and Maintenance

FROM: W. Scott Zastrow, Assistant Director of Public Works

Date of Meeting: December 2, 2013

RECOMMENDATION

It is recommended that the City Council authorize a budget amendment of \$105,000 to the Sewer Fund, Public Works, Transmission, Repair and Maintenance account number 590-441-54200-930.000.

DISCUSSION

During the current fiscal year, the Sewer Repairs and Maintenance account has had unusually high activity. While the Sewer Fund, Public Works, Transmission Activity is currently under budget, I am projecting the activity will be over budget by the end of the year by approximately \$105,000 due to

- 1.) An unusually high number of sewer damage cleanups (to date, the costs have reached \$20,000)
- 2.) Approximately \$15,000 for restoration that would normally be completed by City staff and
- 3.) A sewer failure on 28th Street on October 11 (required hiring a contractor for approximately \$45,000).

BUDGET IMPACT

In order to meet the obligations being completed by the Public Works Department, \$105,000 needs to be transferred from the Sewer Working Capital to the Sewer Fund, Public Works, Transmission, Repair and Maintenance account number 590-441-54200-930.000.

RESOLUTION NO. _____

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

WHEREAS:

1. Michael Wright has served faithfully and effectively as a member of the Community Development Committee since May 20, 2013.

NOW, THEREFORE, BE IT RESOLVED:

1. Council Members and citizens of the City of Wyoming wish to express their deep appreciation to Michael Wright for his dedicated service as a member of the Community Development Committee.

Moved by Councilmember:

Seconded by Councilmember:

Motion Carried Yes
 No

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular session held on December 2, 2013.

Heidi A. Isakson, Wyoming City Clerk

RESOLUTION NO. _____

RESOLUTION TO CONFIRM THE APPOINTMENT OF KEITH MORGAN
AS A MEMBER OF THE BOARD OF DIRECTORS OF THE
ECONOMIC DEVELOPMENT CORPORATION AND THE BROWNFIELD
REDEVELOPMENT AUTHORITY FOR THE CITY OF WYOMING

WHEREAS:

1. Keith Morgan has submitted an application requesting appointment to the Economic Development Corporation and the Brownfield Redevelopment Authority for the City of Wyoming.
2. A vacancy exists in an unexpired term ending February 13, 2019 on the Economic Development Corporation and the Brownfield Redevelopment Authority.
3. Mayor Jack Poll has recommended that Keith Morgan be appointed as a member of the Board of Directors of the City of Wyoming Economic Development Corporation and the Brownfield Redevelopment Authority.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council for the City of Wyoming, Michigan, does hereby confirm the appointment of Keith Morgan as a member of the Board of Directors of the City of Wyoming Economic Development Corporation and the Brownfield Redevelopment Authority for the unexpired term ending February 13, 2019.

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 December 2, 2013.

Heidi A. Isakson, Wyoming City Clerk

RESOLUTION NO. _____

RESOLUTION TO REAPPOINT MEMBERS TO THE GREATER WYOMING
COMMUNITY RESOURCE ALLIANCE FOR THE CITY OF WYOMING

WHEREAS:

1. The term of office for some members of the Greater Wyoming Community Resource Alliance expires on January 1, 2014.
2. It is the desire of the City Council that members be reappointed to serve on the Greater Wyoming Community Resource Alliance for the City of Wyoming.

NOW, THEREFORE, BE IT RESOLVED:

1. That the City Council for the City of Wyoming, Michigan, does hereby reappoint the following named persons to serve on the Greater Wyoming Community Resource Alliance for the City of Wyoming for the terms so stated.

<u>BOARD, COMMISSION OR COMMITTEE</u>	<u>TERM ENDING</u>
<u>Greater Wyoming Community Resource Alliance</u>	
Rebecca Rynbrandt	01/01/17
Jeff Koeze	01/01/17

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 December 2, 2013.

 Heidi A. Isakson, Wyoming City Clerk

Resolution No. _____

RESOLUTION NO. _____

RESOLUTION TO REAPPOINT REPRESENTATIVES TO THE
WEST MICHIGAN REGIONAL PLANNING COMMISSION

WHEREAS:

1. The By-Laws and Rules of Procedure for the West Michigan Regional Planning Commission entitle the City of Wyoming to three (3) representatives and one (1) alternate representative to serve on the West Michigan Regional Planning Commission Board.

NOW, THEREFORE, BE IT RESOLVED:

1. That Councilmember Sam Bolt, Principal Planner Tim Cochran, Citizen Representative Lillian VanderVeen and Alternate representative Joanne Voorhees be reappointed as the City's representatives for 2014.
2. That the City Clerk be directed to send a copy of this resolution to the West Michigan Regional Planning Commission.

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 December 2, 2013.

Heidi A. Isakson, Wyoming City Clerk

RESOLUTION NO. _____

RESOLUTION TO CONFIRM THE REAPPOINTMENT OF LILLIAN VANDERVEEN
AS A MEMBER OF THE BOARD OF DIRECTORS OF THE CITY OF WYOMING
DOWNTOWN DEVELOPMENT AUTHORITY

WHEREAS:

1. The term of office for Lillian VanderVeen expires on January 1, 2014.
2. Mayor Jack Poll has recommended the reappointment of Lillian VanderVeen as a member of the Board of Directors of the City of Wyoming Downtown Development Authority.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council of the City of Wyoming, Michigan does hereby confirm the reappointment of Lillian VanderVeen as a member of the Board of Directors of the Downtown Development Authority for the City of Wyoming, Michigan for the regular term ending January 1, 2018.

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 December 2, 2013.

Heidi A. Isakson, Wyoming City Clerk

RESOLUTION NO. _____

RESOLUTION TO REAPPOINT TIM COCHRAN AS A REPRESENTATIVE OF THE CITY
OF WYOMING ON THE INTERURBAN TRANSIT PARTNERSHIP BOARD

WHEREAS:

1. The term of Tim Cochran as a Wyoming representative on the Interurban Transit Partnership Board, expires on December 31, 2013.
2. It is the desire of the Wyoming City Council to reappoint Tim Cochran as a Wyoming representative to the Interurban Transit Partnership Board.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council for the City of Wyoming, Michigan, does hereby designate Tim Cochran as a representative of the City of Wyoming on the Interurban Transit Partnership Board for a two-year term expiring December 31, 2015.

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 December 2, 2013.

Heidi A. Isakson, Wyoming City Clerk

Resolution No. _____

RESOLUTION NO. _____

RESOLUTION TO SET MEETING DAYS AND TIMES FOR THE
CITY OF WYOMING BOARDS AND COMMISSIONS

WHEREAS:

1. Section 2.113 of the City Code of Ordinances states that days and times of board and commission meetings shall be set by City Council resolution.

NOW, THEREFORE, BE IT RESOLVED:

1. Wyoming City Council does hereby set the days and times for the Wyoming Boards and Commissions as listed on the attached schedule.

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 December 2, 2013.

Heidi A. Isakson, Wyoming City Clerk

ATTACHMENT:
Schedule

CITY OF WYOMING
BOARDS - COMMISSIONS - COMMITTEES
2014 MEETING SCHEDULE

BOARD OF REVIEW	
Tuesday, March 4 - Executive Session, No Appointments	City Hall - 1155 28 th Street SW
Monday, March 17, Executive Session, No Appointments	
Monday, March 10, 9:00 a.m. – 12:00 noon and 1:30 – 4:30 p.m.	
Tuesday, March 11, 1:30 – 4:30 p.m. and 6:00 - 9:00 p.m.	
Wednesday, March 12, 9:00 a.m. – 12:00 noon and 1:30 – 4:30 p.m.	
Thursday, March 13, 1:30 – 4:30 p.m. and 6:00 – 9:00 p.m.	
Tuesday, July 22, 2:00 p.m.	
Tuesday, December 9, 2:00 p.m.	
BUILDING AUTHORITY	
At the call of the Chair	City Hall - 1155 28 th Street SW
COMMUNITY DEVELOPMENT COMMITTEE	
At the call of the Chair	City Hall - 1155 28 th Street SW
COMMUNITY ENRICHMENT COMMISSION	
7:00 p.m. on the 3 rd Tuesday of each month (no meeting in June, July and August)	City Hall - 1155 28 th Street SW
CONSTRUCTION BOARD OF APPEALS	
3:00 p.m. on the 2 nd Monday of each month at the call of the Chair	City Hall - 1155 28 th Street SW
DOWNTOWN DEVELOPMENT AUTHORITY	
7:30 a.m. on Tuesday, January 7, April 1, July 1, October 7	City Hall - 1155 28 th Street SW
ECONOMIC DEVELOPMENT CORPORATION AND BROWNFIELD REDEVELOPMENT AUTHORITY	
At the call of the Chair	City Hall - 1155 28 th Street SW
ELECTION COMMISSION	
At the call of the City Clerk	City Hall - 1155 28 th Street SW
GREATER WYOMING COMMUNITY RESOURCE ALLIANCE	
9:00 a.m. on the 4 th Tuesday of each month	City Hall - 1155 28 th Street SW
HEALTH INSURANCE TRUST BOARD	
3:00 p.m. on the 4 th Monday of January, April, July, October	City Hall - 1155 28 th Street SW
HISTORICAL COMMISSION	
6:30 p.m. on the 3 rd Wednesday of each month (no meeting in December)	Wyoming Public Library - 3350 Michael SW
HOUSING BOARD OF APPEALS	
7:00 p.m. on the 1 st Thursday of each month at the call of the Chair	City Hall - 1155 28 th Street SW
HOUSING COMMISSION	
1:00 p.m. on the 3 rd Tuesday, January 21, March 18, May 20, August 19, October 21, December 16	Housing Commission - Westwood Apartments 2450 36 th Street SW
OFFICERS COMPENSATION COMMISSION	
In every odd-numbered year at the call of the Chair	City Hall - 1155 28 th Street SW
PARKS AND RECREATION COMMISSION	
7:00 p.m. on the 2 nd Wednesday of each month (no mtg in July & Aug)	City Hall - 1155 28 th Street SW
PLANNING COMMISSION	
7:00 p.m. on the 3 rd Tuesday of each month	City Hall - 1155 28 th Street SW
RETIREMENT BOARD	
3:00 p.m. on the 4 th Monday of each month	City Hall - 1155 28 th Street SW
WKTU COMMISSION	
7:00 p.m. on the 1 st Tuesday of each month	WKTU - 5261 Clyde Park Avenue SW
ZONING BOARD OF APPEALS	
1:30 p.m. on the 1 st and 3 rd Monday of each month	City Hall - 1155 28 th Street SW

** NOTICE GIVEN PURSUANT TO PUBLIC ACT 267, OF 1976, AS AMENDED, BEING MCL 15.261
For further information regarding a scheduled meeting, contact the office of the City
Clerk at 1155 28th St. SW, Wyoming, MI 49509-0905. Phone 616-530-7296.

RESOLUTION NO. _____

RESOLUTION TO ESTABLISH AND CHANGE CERTAIN REGULAR CITY COUNCIL
MEETING DATES IN THE 2014 CALENDAR YEAR

WHEREAS:

1. Public Act 267 of 1976 requires that the meeting dates of the City Council be publicly posted, listing the dates, times and places of all the regularly scheduled meetings for the 2014 calendar year.
2. On certain regularly scheduled meeting dates in 2014, the City and the Nation will celebrate holidays which conflict with the regular schedule.
3. It is deemed advisable to adjust the regular meeting schedule to accommodate holiday scheduling.

NOW, THEREFORE, BE IT RESOLVED:

1. That the regular meetings of the Wyoming City Council will be held on the first and third Mondays at 7:00 p.m., except in September, when the first meeting shall be on Tuesday, September 2.
2. That the work sessions of the City Council shall be held on the second Monday of each month at 7:00 p.m.
3. That committee of the whole meetings of the City Council shall be called as needed.
4. That all dates for regular and work session meetings of the Wyoming City Council be as described on the attached schedules.

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 December 2, 2013.

Heidi A. Isakson, Wyoming City Clerk

Resolution No. _____

**SCHEDULED MEETING DATES OF THE WYOMING CITY COUNCIL
REGULAR COUNCIL MEETINGS FOR THE YEAR 2014**

ALL MEETINGS BEGIN AT 7:00 PM AND ARE HELD IN THE WYOMING CITY HALL LOCATED AT 1155 28TH ST SW, WYOMING, MICHIGAN IN THE CITY COUNCIL CHAMBERS.

THE COMPLETE ADDRESS OF WYOMING CITY HALL IS 1155 28TH STREET SW, P.O. BOX 905, WYOMING, MICHIGAN 49509-0905.

REGULAR COUNCIL MEETING DATES

MONDAY, JANUARY 6, 2014
MONDAY, JANUARY 20, 2014

MONDAY, FEBRUARY 3, 2014
MONDAY, FEBRUARY 17, 2014

MONDAY, MARCH 3, 2014
MONDAY, MARCH 17, 2014

MONDAY, APRIL 7, 2014
MONDAY, APRIL 21, 2014

MONDAY, MAY 5, 2014
MONDAY, MAY 19, 2014

MONDAY, JUNE 2, 2014
MONDAY, JUNE 16, 2014

MONDAY, JULY 7, 2014
MONDAY, JULY 21, 2014

MONDAY, AUGUST 4, 2014
MONDAY, AUGUST 18, 2014

TUESDAY, SEPTEMBER 2, 2014
MONDAY, SEPTEMBER 15, 2014

MONDAY, OCTOBER 6, 2014
MONDAY, OCTOBER 20, 2014

MONDAY, NOVEMBER 3, 2014
MONDAY, NOVEMBER 17, 2014

MONDAY, DECEMBER 1, 2014
MONDAY, DECEMBER 15, 2014

**SCHEDULED WORK SESSION MEETING DATES OF THE
WYOMING CITY COUNCIL FOR THE YEAR 2014**

ALL MEETINGS BEGIN AT 7:00 PM AND ARE HELD IN THE WYOMING CITY HALL
LOCATED AT 1155 28TH ST SW, WYOMING, MICHIGAN IN THE CITY COUNCIL
CHAMBERS.

THE COMPLETE ADDRESS OF WYOMING CITY HALL IS 1155 28TH STREET SW, P.O.
BOX 905, WYOMING, MICHIGAN 49509-0905.

WORK SESSION MEETING DATES

MONDAY, JANUARY 13, 2014

MONDAY, FEBRUARY 10, 2014

MONDAY, MARCH 10, 2014

MONDAY, APRIL 14, 2014

MONDAY, MAY 12, 2014

MONDAY, JUNE 9, 2014

MONDAY, JULY 14, 2014

MONDAY, AUGUST 11, 2014

MONDAY, SEPTEMBER 8, 2014

MONDAY, OCTOBER 13, 2014

MONDAY, NOVEMBER 10, 2014

MONDAY, DECEMBER 8, 2014

RESOLUTION NO. _____

RESOLUTION TO APPROVE THE USE OF LAMAR PARK FOR A 24 HOUR CHARITY
EVENT AND TO WAIVE RESERVATION FEES FOR THE EVENT

WHEREAS:

1. The American Cancer Society has requested the use of Lamar Park commencing at 3:00 p.m. until 8:00 p.m. Thursday, May 8, 2014 and 7:00 a.m. Friday, May 9, 2014 through 3:00 p.m. Saturday, May 10, 2014, to host a Relay for Life event for the purpose of raising funds to combat cancer.
2. Section 54-6 of the City Code states that no person is to be in or upon a City Park between the hours of 11:00 p.m. and 7:00 a.m. without specific written consent from the City.
3. The American Cancer Society has also requested the waiver of all facility fees related to the event in lieu of the City of Wyoming's co-sponsorship of the event.

NOW, THEREFORE, BE IT RESOLVED:

1. The Mayor and City Clerk are hereby authorized to grant permission to waive Section 54-6 of the City Code.
2. The Mayor and City Clerk are hereby authorized to approve the waiver of all facility fees related to the event.

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 December 2, 2013.

Heidi A. Isakson, Wyoming City Clerk

Resolution No. _____

STAFF REPORT

Date: November 4, 2013

Subject: American Cancer Society's Wyoming-Grandville Relay For Life

From: Eric Tomkins, Recreation Supervisor

Cc: Rebecca Rynbrandt, Director of Community Services

Meeting Date: December 2, 2013

RECOMMENDATION:

It is recommended that the City Council approve the request from the American Cancer Society to host a Relay For Life event at Lamar Park on Friday, May 9 and Saturday, May 10, 2014 (some event set-up will need to take place on the evening of Thursday, May 8). The request is being brought to the City Council for approval as the American Cancer Society is requesting the City of Wyoming co-sponsor the event (waiving all facility fees, estimated to be \$3,400) and the event is a 24 hour event which requires written consent to waive the City of Wyoming Ordinance, Sec. 54-6 related to the Closing of City Parks.

SUSTAINABILITY CRITERIA:

Environmental Quality – The American Cancer Society's Relay For Life event is based on walking and experiencing an outdoor setting for the activities related to the event.

Social Equity – Relay For Life is a charitable activity designed to raise funds for cancer research and treatment. It brings together many businesses and organizations in the Wyoming area to participate together in this cause.

Economic Strength – Outside of raising much needed funding in the fight against cancer, Relay For Life brings together employees and volunteers from many area businesses and organizations to work together towards developing pride in the community.

DISCUSSION:

This will be the tenth year of City's support of a Relay for Life event being held at Lamar Park. The event traditionally attracts approximately 1,000 participants over the entire 24 hour period, with approximately 250 individuals being on site at any one time. The event would utilize all Lamar Park sections, the open air shelter, grandstand, 300' softball field and the department's portable stage. The American Cancer Society will be responsible for a) notifying the immediate neighborhood of the event and its related activities, b) provide an emergency service plan of action, event insurance naming the City of Wyoming as an additional insured and any other items as required, c) affirm that pets are prohibited from event participation, and d) adhere to any

and all other park rules and regulations. As mentioned in their letter of request, the American Cancer Society recognizes that music and other related noise will be subjected to the City's existing noise ordinance. There are no other considerations necessary in regards to ordinance or zoning for overnight activities, including camping, except for the written consent necessary to waive Ordinance, Sec. 54-6 related to the Closing of Parks.

BUDGET IMPACT:

The City of Wyoming shall lose approximately \$3,400 in fees through sponsoring the event. Without such sponsorship, the event would most likely not occur.

12/2/2013
Fire/RCA

RESOLUTION NO. _____

RESOLUTION TO ADOPT THE
KENT COUNTY HAZARD MITIGATION PLAN

WHEREAS:

1. The City of Wyoming recognizes the threat that natural hazards, as well as human related hazards, pose to the citizens within its community.
2. The City of Wyoming recognizes that developing and implementing hazard mitigation actions will reduce the potential for harm to the people and/or property within the community.
3. An adopted Hazard Mitigation Plan is required as a condition of future funding for mitigation projects under Federal Emergency Management Agency (FEMA) disaster mitigation grant programs.
4. FEMA requires that a Hazard Mitigation Plan is reviewed and updated every five years.
5. The Kent County Emergency Management Office has provided an updated Hazard Mitigation Plan for the County.
6. The Michigan State Police/Emergency Management Division and FEMA Region V officials have reviewed and approved the Kent County Hazard Mitigation Plan.

NOW, THEREFORE, BE IT RESOLVED:

1. The Wyoming City Council does hereby adopt the Kent County Hazard Mitigation Plan that was updated in March 2012, as the official plan for the City of Wyoming.
2. The City of Wyoming will provide this approved resolution to the Kent County Emergency Management Office to indicate our participation.

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 December 2, 2013.

Heidi A. Isakson, Wyoming City Clerk

Resolution No. _____

STAFF REPORT

DATE: November 21, 2013
SUBJECT: Hazard Mitigation Plan
FROM: Bob Austin, Fire Chief
MEETING DATE: December 2, 2013

RECOMMENDATION:

It is recommended that the City Council adopt the Kent County Hazard Mitigation Plan that was updated in March 2012 as the official plan for the City of Wyoming.

SUSTAINABILITY CRITERIA:

Environmental Quality - The threat of both natural and human-related hazards is present within the City of Wyoming and can result in destruction of property and infrastructure.

Social Equity - These threats may also affect residents of the City of Wyoming. Developing and implementing hazard mitigation actions will reduce the potential for harm to the citizens and property.

Economic Strength - By adopting the Kent County Hazard Mitigation Plan, Wyoming would remain eligible for future funding for mitigation projects under Federal Emergency Management Agency (FEMA) disaster mitigation grant programs.

DISCUSSION:

Hazard mitigation is the process identifying a potential hazard and performing analysis and strategy to reduce or eliminate the risk. While disaster and tragedy will continue to occur, the implementation of the hazard mitigation plan will help decrease the negative impact on the community.

The Kent County Emergency Management Office has created an updated Hazard Mitigation Plan for the County which is updated every five years. The most recent update was done in March of 2012 and must be adopted by the City of Wyoming. The complete plan can be reviewed at http://www.accesskent.com/Sheriff/pdfs/GGRHazMitPlan_2012.pdf

BUDGET IMPACT:

An adopted Hazard Mitigation Plan is required as a condition of future funding for mitigation projects under Federal Emergency Management Agency (FEMA) disaster mitigation grant programs.

RESOLUTION NO. _____

RESOLUTION TO REVOKE BUSINESS LICENSE
FOR LA HACIENDA & UNIQUE CATERING

WHEREAS:

1. On October 22, 2013, the City Clerk suspended the business license of La Hacienda & Unique Catering, for violations of Section 14-52(4) and 14-52(5) of the Code of the City of Wyoming.
2. On November 18, 2013, the City Council set a public hearing for 7:02 p.m. on December 2, 2013, to consider the City Clerk's request to revoke the business license, pursuant to Section 14-53 of the Code of Ordinances.
3. A public hearing was held by the City Council on December 2, 2013 to hear comment on the proposed business license revocation.
4. The City Council has determined that the business license of La Hacienda & Unique Catering should be revoked in order to protect the public health, safety and welfare.

NOW, THEREFORE, BE IT RESOLVED:

1. Business License #2214, issued to La Hacienda & Unique Catering, 1548B 28th Street SW, Wyoming, Michigan, owned by Anjenette Barnes, is hereby revoked.

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 December 2, 2013.

Heidi A. Isakson, Wyoming City Clerk

ATTACHMENTS:

Staff Report

Email Response of Anjenette Barnes

Police Department Memorandum

Staff Report

Date: November 19, 2013
Subject: Revocation of Business License for La Hacienda & Unique Catering
From: Heidi A. Isakson, City Clerk
Meeting Date: December 2, 2013 City Council Meeting

Recommendation:

The City Clerk recommends revocation of the business license for La Hacienda & Unique Catering, 1548B 28th Street SW, upon information from the Police Department for repeated violations of Section 14-52 of the Code of the City of Wyoming. A resolution revoking the business license is provided for Council consideration.

Sustainability Criteria:

Environmental Quality – No environmental impact identified.

Social Equity – The suspension and requested revocation of the business license of La Hacienda & Unique Catering has adversely affected the business. However, the operation of the business resulted in repeated and significant incidents which posed a significant danger to the general public and to police officers.

Economic Strength – The creation and operation of businesses is important to the City of Wyoming and its residents, but business owners must control and operate their businesses in a manner which complies with local and state law, and actively discourages illegal activity in order to be a positive contribution to the economic strength of the City of Wyoming.

Discussion:

On October 18, 2013, Police Chief James E. Carmody requested the City Clerk suspend and seek revocation of the business license of La Hacienda & Unique Catering, 1548B 28th Street SW, for reasons described in the attached memorandum.

A license may be suspended for:

Section 14-52(4) failure to comply with an authorized requirement of any city official as relates to the operation or business.

Section 14-52(5) failure to perform any act or the performing of any act, either of which is contrary to or would endanger the public health, safety and welfare.

The City Clerk suspended the license on October 22, 2013, and notified the licensee, Anjenette Barnes, by regular mail, certified mail, email and voice mail. The business location was posted with a notice that the license was suspended. I was verbally informed the following week by the Police Det. Lt. Beckman that employees or relatives of Ms. Barnes removed the notices and began to prepare the location for a scheduled event over the weekend, but this activity was halted, and new notices posted.

Ms. Barnes responded via email (attached) and appeared at the City Council meeting on November 4, 2013. Both these communications indicated that Ms. Barnes intended to close the business.

Budget Impact:

La Hacienda & Unique Catering would pay an annual \$40.00 license fee if it is permitted to continue operation.



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

October 22, 2013

CERTIFIED MAIL, RET RCPT

Anjenette Barnes
La Hacienda & Unique Catering
1548B 28th Street SW
Wyoming, MI 49509

Dear Ms. Barnes:

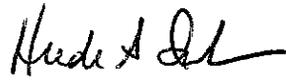
Pursuant to Sections 14-52 through 14-54 of the Code of the City of Wyoming, Wyoming business license #2214 for La Hacienda & Unique Catering is suspended, effective immediately.

Sec. 14-52(2) of the Code of the City of Wyoming states that a business license may be suspended for a violation of any section of this Chapter [Chapter 14] as it relates to the operation or business. Upon information provided by Chief James Carmody, Director of Police and Fire Services, I believe you have operated your business in violation of Sections 14-52(2 through 5) of the Code of Ordinances.

Continued operation of the business while the license is suspended would be a violation of Section 14-51 of the Code, and punishable as a municipal civil infraction. Fines for a first offense are \$75.00; second offense, \$225.00; third offense, \$500.00

Revocation of your business license will be sought from the City Council of the City of Wyoming. A committee of Council will be appointed to consider the revocation and to conduct a hearing. The committee will make a recommendation to the City Council as to whether the license should be revoked. You will be notified of the time and place for that hearing. Copies of the cited sections of the ordinance are enclosed.

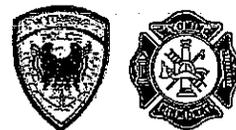
Sincerely,

A handwritten signature in black ink, appearing to read "Heidi A. Isakson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Heidi A. Isakson
City Clerk

Interdepartmental Correspondence

TO: Heidi Isakson – City Clerk
FROM: Chief James E. Carmody
DATE: October 18, 2013
SUBJECT: Business License Revocation



Public Safety
Administration

Heidi,

With the recent incident involving the arrest of two subjects for the illegal possession of a firearm at the La Hacienda Banquet Hall located at 1548 28th St SW, I asked Lieutenant Beckman to compile this chronology of the events that have occurred there over the past few months that have posed a significant danger to the general public and to my officers.

Officers and Command Staff have met with the owner, Anjeanette Barnes, to discuss our concerns regarding who she was renting the hall to and her absenteeism during these events. Promises have been made to address our concerns, but the events of last week would indicate that little or nothing has been done.

Historical Information

During January through March 2013, the Community Services Unit became aware of an increased amount of calls to La Hacienda, located at 1548 28th St SW. The calls were for disorderly conduct, narcotics, fighting, and open alcohol.

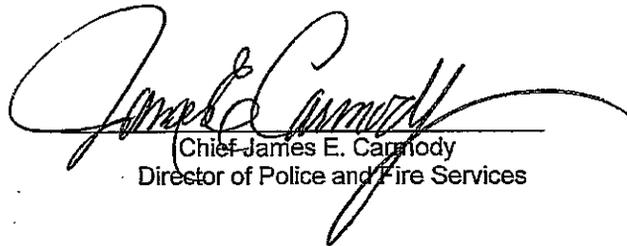
- 01-12-13 Arrest for urinating in public. Bullets were also located on the arrested subject.
- 02-02-13 Felonious Assault, subject hit in the face with a beer bottle.
- 03-01-13 Subjects arrested for open alcohol.
- 03-02-13 Subjects arrested for VCSA and open alcohol.
- 04-03-13 Meeting between Barnes, Sgt. Pols, and Ofc. Caster regarding calls for service. Barnes advises she is a new owner and the limitations of her business license were explained to her regarding maximum occupancy, alcohol, cover charges, dancing, and things that would be considered "open to the public".
- 04-19-13 Flyer advertising a rap party from 10p-2a at La Hacienda with a cover charge was located and Barnes was advised. She stated she was told it was a private music party or something like that. She was asked to cancel the event and she did.

HONOR - COURAGE - DUTY - TRUST

MEMO – La Hacienda (Contd.)

- 04-06-13 Assault Complaint
- 05-04-13 Large crowd of people and vehicles in the parking lot. Odor of marijuana.
- 05-11-13 Two subjects arrested for Open Alcohol in a Motor Vehicle (OAMV) and Drugs (VCSA). Ofc. Cook spoke with two females and was advised that they were going to La Hacienda to see male strippers and that there was a \$10.00 cover charge.
- 06-08-13 Large fight at the banquet hall.
- 07-06-13 Dispatched to a large fight with a subject having a gun. Sgt. Wiler advised that there were several hundred people in the lot when night shift responded and there were still in the parking lot at 0630hrs.
- 07-06-13 VCSA/OAMV arrests
- 10-11-13 Ofc. Caster received a flyer advertising a party for a rapper for 10-25-13 at 1548 28th St. SW. The flyer advertised \$20.00 cover at the door with a \$50.00 cover for VIP. Barnes was advised and she cancelled the event.
- 10-12-13 Ofc. Eagen and McConaha observed a large number of vehicles in the parking lots at La Hacienda and surrounding businesses. While they were observing as group of subjects a call came out at that location for a man with a gun. As they pulled across the street they observed two subjects passing a gun back and forth. The subjects ran towards the hall and were eventually taken into custody for the weapons offense and felonious assault on the security person at the door. Sgt. Wiler also advised there was a large group of people over the 157 capacity and the odor of marijuana in the hall itself.

Given the number of incidents at this location over the past few months, and the obvious disregard of the owner to address these issues, we are requesting the immediate suspension of the business license for this location, based on numerous violations as outlined in City Ord. 14-52.



Chief James E. Carnody
Director of Police and Fire Services

cc: Curtis Holt
Capt. Snyder
Capt. Koster
Chief Austin
Lt. Beckman

File - LaHaciendaRevoke

HONOR - COURAGE - DUTY - TRUST

ARTICLE II. BUSINESS LICENSES

Sec. 14-52. Suspension and revocation.

Any license, registration or permit issued by the city may be suspended for any one of the following reasons:

- (1) Misrepresentation of any material fact on the application for obtaining such license, registration or permit.
- (2) Violation of any section of this chapter as it relates to the operation or business.
- (3) Violation of any state or federal statute or duly adopted federal, state or local rule and regulation as relates to the operation or business.
- (4) Failure to comply with an authorized requirement of any city official as relates to the operation or business.
- (5) Failure to perform any act or the performing of any act, either of which is contrary to or would endanger the public health, safety and welfare.

If the license or registration of any person is suspended, the city official who suspends such license or registration shall inform the licensee in writing as to the reasons why the license has been suspended and the effective date of such suspension. If there are conditions to be corrected, the city official in the notice shall inform the licensee of such. The city official may lift such suspension if he finds that the conditions have been corrected.

Sec. 14-53. Hearing on revocation or refusal to grant a license or registration.

If a person's license or registration has been suspended, it shall not be revoked until and at such time as a hearing has been held as provided in section 14-54. A person who has been refused a license or registration shall be entitled to a hearing in the same manner as provided for in a revocation.

Sec. 14-54. Hearing.

Any person who has been refused a license or registration, or whose license has been suspended, may request a hearing on a date as set by the city. Hearings shall be conducted as follows:

- (1) The city council may appoint a committee of not less than three of its members to sit as a factfinding body for the purpose of holding the hearing. One of the three members shall be appointed as chairman.
- (2) The committee shall establish the date, time and place for the hearing.
- (3) At the hearing, testimony may be given, under oath given by the city clerk, by any interested persons. Other evidence may also be presented. The committee may, on its own, view any premises.
- (4) After the hearing the committee shall make a determination of facts and recommendations for consideration by the city council.
- (5) The recommendation of the committee shall be referred by the city clerk to the city council, which shall make a final determination on the matter. It may make such decision as it deems best will serve the public health, safety and welfare by revoking the license or registration, lifting the suspension or by making certain conditions to correct the conditions within a specified time.

PART II - CODE OF ORDINANCES

Chapter 14 - BUSINESSES

ARTICLE II. BUSINESS LICENSES

- (6) The city clerk shall forward the decision of the committee and the final decision of the city council to the persons desiring copies.

From: [Anjenette Barnes](#)
To: [Isakson, Heidi](#)
Subject: Re: Suspension of business license
Date: Monday, November 04, 2013 9:26:37 AM
Attachments: [Response to City of Wyoming.docx](#)

Good morning Ms. Isakson,
I have attached a response to the suspension at La Hacienda 1548
28th St SW Wyoming, MI 49509.

I was told that there will be a City Counsel meeting held today and I
would like to attend so would you please forward me the time and place
the meeting will be held, It would be greatly appreciated.

Thanks, Anjenette Barnes

On 10/22/13, Isakson, Heidi <IsaksonH@wyomingmi.gov> wrote:

> Dear Ms. Barnes,
>
>
>
> Please see attached document suspending your City of Wyoming business
> license, effective immediately. It has also been mailed to you at your
> business address by certified mail.
>
>
>
> Please respond that you have received this email.
>
>
>
> Heidi A. Isakson, MMC, City Clerk
>
> City of Wyoming, Michigan
>
>
> City Clerk's Office - We Connect People with
> Government
>
>
>
> 1155 28th Street SW
>
> Wyoming, MI 49509-0905
>
> 616-530-7296 office
>
> 616-530-7295 direct
>
> 616-530-7200 fax
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>
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>
>
>

La Hacienda & Unique Catering Banquet Facility

1548 B 28th St. SW

Wyoming MI. 49509

November 3rd, 2013

Wyoming City Counsel,

My name is Anjenette Barnes I am a mother, daughter, sister, Aunt and business owner. I have been in the catering business since 2010 and have provided quality services for over 3 years to my clients.

I purchased La Hacienda from Jesus Enriquez on November 27th, 2012 and as part of the sell I took in the previously booked dates. I was not part of the process of what was booked and any previous safety issues and or concerns for the property. I was assured by Jesus Enriquez that there had been no major incidents at this location.

My goal is to offer families an inexpensive place to make memories – anniversary parties, birthday milestone celebrations, baby showers, Qinceanero's, etc. and provide the same quality catering services I have in the past at a permanent location. I believe this was a perfect match for me and my business and was hoping I would be a wanted and welcomed new business addition in this community by bringing potential new business patrons not only to my business but other local businesses as well boosting the economy in a small way.

There have been several incidents/issues from proposed patrons either attending an event or claiming they were attendees. As any business I cannot control individual behavior coming to and from an event hosted at La Hacienda. That would be like Frankie V's; being responsible for someone robbing a bank and stopping by for dinner before they continue on their spree. Things are going to happen and I have tried my best to ensure that a criminal element is not using the banquet facility for wild parties; again my goal is to operate a successful and respected banquet and catering business in a responsible manner.

I pay taxes to this community and would like to think I have a positive reputation in this community. I do however think that my business is under additional scrutiny because of a previous reputation of the building and events that took place.

I need to make a living and closing my doors has cost me \$ 3640.00 in this short period of time and you \$ in tax revenue. I am a banquet facility owner, no positive memories being made at this time, only heartbreak because of cancelled events. I realize that some changes need to be made and I was willing to make them but I also would need the City of Wyoming to make changes and have an open mind on the subject..

I was going to ask that I be allowed to open my doors on tomorrow and I would be willing to revise my contract and institute vast security protocols for all events at La Hacienda. And after much thought I remembered my first visit prior to receiving my license at the Wyoming police department and then on to the City Hall and the reception I received on that day has been repeated time and time again. As I said above I nor a portion of clients of La Hacienda have not been made to feel welcome in the City of Wyoming, therefore I will not be asking for the suspension to be lifted at La Hacienda, the doors have been shut for good.

I am in the service business, creating good food, celebrations and life memories, not fighting with the law for a right to belong.

Sincerely,

Anjenette Barnes

1548 B 28th St SW

Wyoming, MI 49509

In response to Chief James E. Carmody's,

Interdepartmental Correspondence

I have given more attention to potential clients of La Hacienda. Clients are being screened further than the names they are giving on the contracts the use and purpose of the facility is being questioned, potential clients are not being rented to because their intent is to host functions that are not within my license limitations, added security has been put in place at most events and I myself have made unannounced appearances during events. If someone is planning to host paid parties without my knowledge it is usually brought to my attention by someone in my community or the Wyoming police department and they have been cancelled or not contracted. I do not have the vast resources of the Wyoming Police Department at my disposal but I am using the ones my business will allow me to afford.

In response to the historical information

All incidents listed were not due to calls made to La Hacienda, there is a thing called to and from and I was told that during the process of your officers doing their jobs several people were pulled over on 28th St. for various reasons and these items may have been found in their car or on their person, not at La Hacienda or Inside of the building housing La Hacienda. This information also suggests that these dates are representation of what La hacienda stood for and this is not true.

In January of 2013 there were nine events without incidents,

February 2013 10 events without incidents,

March 2013 9 events without incidents,

April 2013 7 events without incidents,

May 9 events without incidents,

June 2013 8 events without incidents,

July 11 events without incidents,

August 2013 7 events without incidents,

September 2013 5 events without incidents,

and October 2013 2 events without incident.

During midsummer there were several weekends that I and my staff had to work 3rd shift to insure the facility was ready for the next event, that would explain the building being occupied at 6:30 am not a party lasting until then but work going on – clean up and setup.

On the night of October 11th- 12th it is my understanding that security did not allow a patron inside the door of La Hacienda because he was not an invited guest and they suspected he was armed. The police report says the officers were dispatched to La Hacienda and officer Caster says they were never call to La hacienda that the police were sitting on the parking lot at Farmers Insurance. I have three versions of what took place on the night in question and my only concern is that no one was hurt and the suspects with guns were taken into custody.

I take this situation very seriously because it could have so easily had a different outcome that I and the family of the ones involved would have had to live with for the rest of our days.

I have invested time, energy, hard work and revenue into this business; it was not something I took lightly. My intent was to be a vital part of the community. I expected there would be some bumps in the road and hurdles to cross over but I expected a little more support from the Wyoming police Department and the City of Wyoming in dealing with situations that needed the law enforcement not the finger pointing and the boot out on the street , simple support.

Anjenette Barnes

RESOLUTION NO. _____

RESOLUTION TO AUTHORIZE THE MAYOR AND CITY CLERK
TO EXECUTE AN AGREEMENT WITH
NEW WORLD SYSTEMS TO CREATE AN INTERFACE

WHEREAS:

1. As detailed in the attached Staff Report from the Wyoming Police Department Captain, New World Systems has provided the City with an Agreement to create an interface between the Law Enforcement Records Management System (LERMS) and the Iyetek Crash database and it is recommended the City Council accept the Agreement.
2. New World has agreed to create the interface at a cost that would be shared by multiple agencies. Our portion of that cost, as outlined in the contract, is projected to be \$12,000.00.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council does hereby authorize the Mayor and City Clerk to execute an Agreement with New World Systems to create an interface as detailed on the attached Staff Report and Additional Services Agreement.

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 December 2, 2013.

ATTACHMENTS:

Staff Report
Agreement

Heidi A. Isakson, Wyoming City Clerk

Resolution No. _____

STAFF REPORT

Date: November 21, 2013
Subject: New World Interface
From: Captain Kim Koster
Meeting Date: December 2, 2013

Recommendation:

It is recommended that the City of Wyoming enter into a contract with New World Systems in order to create an interface between our Law Enforcement Records Management System (LERMS) and the Iyetek Crash database which currently contains our traffic citation data as well as the State of Michigan UD-10 traffic crash report data. This interface would automate the process of inserting citation and crash data that is not currently entered into the LERMS system as it would have to be done manually.

Sustainability Criteria:

Environmental Responsibility – This proposal will have no impact on the environment or our natural resources.

Social Equity – All Wyoming residents, and those that need Public Safety service, can enjoy equal access to the benefit of this interface proposal.

Economic Strength – Merging citation and crash data into LERMS increases efficiencies throughout the department. Currently, it is cost prohibitive and labor intensive to have these records entered manually. An interface will eliminate the labor required to make this information easily accessible to records clerks, police officers, detectives, analysts and administrators who rely on accurate information in order to make plans or take action. In addition, the proposal contains a significant cost reduction due to the fact that other agencies in Michigan are willing to share the cost of creating the interface.

Discussion:

See attached document.

Budget Impact:

The proposal from New World Systems was made in response to several requests from our agency as well as a number of other New World customers in the State (e.g., Kentwood PD and Sterling Heights PD). New World has agreed to create the interface at a cost that would be shared by multiple agencies. Our portion of that cost, as outlined in the contract, is projected to be \$12,000.

Our FY 2014 budget includes an account created for the purchase of our New World Systems Records Management project with an unencumbered balance of \$45,990 (see 101-305-30500-973.056-Admin-Capital Outlay Computer System). Although not included in the initial purchase of our Records Management System (LERMS), this interface is an extension of that project that makes it a more robust application.

Interdepartmental Correspondence

TO: Captain Kim Koster
FROM: Sgt. Mark Easterly
DATE: October 17, 2013
SUBJECT: New World Interface with Iyetek



Administrative Services

We have recently discussed the option of having New World create an interface to their LERMS Accident module with Iyetek. Iyetek currently is the software that we utilize for all of our crash reporting and traffic citation issuance. Currently the two databases are not cross referenced with each other and remain a separate database within each system. We have received a proposal from New World to provide this interface so that all of the data that Iyetek captures to complete the State of Michigan UD-10 Crash report and citation information would be directly input into New World LERMS Accident module. Iyetek is supportive of the proposal and will supply, at no charge, our information captured within their system and send it to us in whatever computer format that we need.

We have outlined the benefits of this interface below:

- 1) Person and vehicle data from crashes have not been manually entered in LERMS since late 2011. When Records does background checks we must check both LERMS and Iyetek for a complete background check. Having Iyetek crash data come directly into LERMS would increase the efficiency and accuracy of our records checks. It would also add global subject jackets and global vehicle files, improving intelligence for officers and investigators.
- 2) Our old RMS included crash data, which was converted into LERMS. There is currently a hole in our LERMS data. Crash data from before 11/2011 was either converted or manually entered. The hole is 10/2011 to present. If we had an interface for current crash data forward, it would be useful and doable to manually enter the missing 2 years of crash data. It could be a long term project for our new part-timer. The hole would be filled and our data would be complete for records check purposes.
- 3) Having complete crash data in the LERMS Accident module, with our Case and Incident (calls for service) data could greatly enhance DDACTs type analysis of hot spots. Crash data was entered in the LERMS Accident module consistently from 6/1/2010-11/2011. An interface would bring current crash data to the Accident module and allow for current analysis. (Manual entry of the 2 years of data into LERMS Accidents would provide 3 years plus of historical data for analysis.)
- 4) Ticket data coming into LERMS would be totally new. It would add even more global subject jackets and global vehicle files, improving intelligence for officers and investigators. It would make Records checks even more complete. It would add another dimension and add to the quantity of our data, which would be useful in hot spot analysis.

Please let me know if you wish to discuss the proposed interface further.



September 6, 2013

ADDITIONAL SERVICES AGREEMENT

Chief James Carmody
Wyoming Police Department
2300 DeHoop SW
Wyoming, MI 49509

Dear Chief Carmody:

New World Systems is pleased to provide additional services for development and implementation of a custom iye Tek Accident Interface.

The attached forms (Exhibit AA, B and G) are to be reviewed and approved by you and/or your authorized representative. They describe the additional services you have requested along with the related fees.

Other than for the purposes of internal review, we ask that you treat our fees as confidential information. This is due to the competitive nature of our business.

The General Terms and Conditions from our original License Agreement are incorporated and continue to apply. Any taxes or fees imposed from the course of this Agreement are the responsibility of the Customer.

We thank you for your continued business with New World Systems. We look forward to working on this project with you.

APPROVED AS TO FORM:

ACKNOWLEDGED AND AGREED TO BY:

NEW WORLD SYSTEMS® CORPORATION
(New World)

WYOMING POLICE DEPT., MI
(Customer)

By: _____
Larry D. Leinweber, President

By: _____
Authorized Signature Title

By: _____
Authorized Signature Title

Date: _____

Date: _____

Each individual signing above represents that (s)he has the requisite authority to execute this Agreement on behalf of the organization for which (s)he represents and that all the necessary formalities have been met.

The "Effective Date" of this Agreement is the latter of the two dates in the above signature block.

PRICING IS VALID THROUGH DECEMBER 27, 2013.

EXHIBIT AA
TOTAL COST SUMMARY AND PAYMENT SCHEDULE

I. Total cost Summary: Implementation Services

<u>DESCRIPTION OF COST</u>	<u>COST</u>
A. IMPLEMENTATION SERVICES	\$12,000
1. IMPLEMENTATION SERVICES as further described in Exhibit B	\$2,000
2. CUSTOM SOFTWARE/MODIFICATION SERVICES as further described in Exhibit G	\$10,000

ONE TIME PROJECT COST: \$12,000

PRICING IS CONTINGENT UPON THE STERLING HEIGHTS POLICE DEPT., MI AND THE KENTWOOD POLICE DEPT. MI EXECUTING SIMILAR AGREEMENTS AND ASSUMES CONTRACT EXECUTION BY DECEMBER 27, 2013.

Exhibit AA / COST SUMMARY AND PAYMENT SCHEDULE

II. Payments for Implementation Services

<u>DESCRIPTION OF PAYMENT</u>	<u>PAYMENT</u>
A. IMPLEMENTATION SERVICES	\$12,000
1. Amount invoiced upon the Effective Date	\$12,000
	ONE TIME PAYMENTS: <u>\$12,000</u>

ALL PAYMENTS ARE DUE WITHIN FIFTEEN (15) DAYS FROM RECEIPT OF INVOICE.

Billings are applied ratably to each deliverable included under the total one-time cost. If any deliverable is subject to sales tax, the tax will be calculated and added as applicable to each billing.

EXHIBIT B
IMPLEMENTATION AND TRAINING SUPPORT SERVICES AND FEES

1. Implementation Support Services

The fixed fee for implementing the iye Tek Accident Interface will be \$2,000. The installation and training support services are typically performed at **Customer's** premises but may be provided at **New World** national headquarters in Troy, Michigan. **Customer** agrees to reimburse **New World** for support trips canceled by **Customer** less than ten (10) days before the scheduled start date to cover **New World's** out of pocket costs and lost revenues.

Additional support services provided by **New World** outside the scope of this Agreement will be provided at the **Customer's** daily rate in effect at that time, currently \$1,200 per day.

2. Additional Services Available

Other **New World** services may be required or requested for the following:

- (a) File conversion assistance;
- (b) Consulting with **New World** technical staff;
- (c) Modifying the Licensed Standard Software;
- (d) Designing and programming Custom Software;
- (e) Maintaining modified Licensed Standard Software and/or Custom Software;
- (f) **New World** Consultation with other vendors or third parties;
- (g) Software testing; and/or
- (h) Assistance as Customer is going "live".

Customer may request these additional services in writing using **New World's** Request For Service (RFS) procedure (or other appropriate procedure mutually agreed upon by **Customer** and **New World**).

EXHIBIT G
CUSTOMER REQUESTED STANDARD SOFTWARE ENHANCEMENTS / MODIFICATIONS AND / OR
CUSTOM SOFTWARE

1. Definition of Project

New World will provide the **Customer** requested Standard Software Enhancements and/or Custom Software as discussed below to address the **Customer's** requirements. **Customer** agrees to cooperate in not making modifications and enhancements too extensive as defined in the 2(b)(1) procedure below.

An analysis and assessment to verify the scope of effort for the project will be conducted. A revised estimate for the modifications/interfaces may be provided at the conclusion of the assessment. Customer may elect to cancel or proceed with the modifications/interfaces based on the revised estimate.

Capabilities included in the initial scope:

- a) Custom Software/Interfaces
- With **New World** providing consultation, **Customer** is responsible for obtaining technical contacts and/or technical specifications from the third parties involved.
- (1) iye Tek Interface:
- One-way import of crash data from iye Tek to Aegis LERMS Accident module.
 - Import to be limited to existing fields for Michigan Accidents module. No new field will be added.

2. Methodology to Provide Enhancements and/or Custom Software

a) Definition of New World's Responsibility

This project includes the following activities to be performed by **New World**.

- (1) Review of required features with **Customer**. Only items identified in Paragraph 1 above will be provided in this implementation plan.
- (2) Preparation of Requirements Document (RD) to include:
- Detailed description of the required feature
 - menu samples
 - screen samples
 - report samples
- (3) Programming and programming test.
- (4) On-site training, testing and/or other support services at the Daily Rate.

For modification requiring over seven (7) days of work, **New World** utilizes a design document procedure [see 2(b)(1) below]. For smaller modifications, **New World** uses a Request For Service (RFS) procedure. Both procedures are reviewed with **Customer** at a pre-installation planning meeting. The RFS procedure utilizes a form with a narrative description and supporting documentation if applicable to define the work to be done.

**Exhibit G / CUSTOMER REQUESTED STANDARD SOFTWARE ENHANCEMENTS /
MODIFICATIONS AND / OR CUSTOM SOFTWARE**

b) Implementation Schedule

	<u>Activity</u>	<u>Targeted Time Period</u>
(1)	Complete Design Review with Customer Staff. Customer agrees to be reasonable and flexible in not attempting to design the modifications to be more extensive than called for in the scope (cost and schedule) of this project.	To be determined
(2)	New World submits completed RD to Customer .	To be determined
(3)	RD is accepted and signed off by Customer (no programming will be done by New World until the formal sign-off and Customer's authorization to proceed in writing).	To be determined
(4)	New World completes programming from RD and provides modified software to Customer .	To be determined
(5)	Software Modification Acceptance Test based on RD.	To be determined

c) Customer's Responsibility

All **Customer** requested changes after RD sign-off must be documented by **Customer** and authorized in writing including potential costs, if any. Additional changes will most likely delay the schedule and may increase the cost.

RESOLUTION NO. _____

RESOLUTION TO AUTHORIZE THE PURCHASE OF
EQUIPMENT AND SUPPLIES FOR THE POLICE DEPARTMENT
FORENSIC SCIENCE UNIT DRUG/TOXICOLOGY LABORATORY

WHEREAS:

1. As detailed in the attached Staff Report, it is recommended the City purchase a Clarus 680 Gas Chromatograph/Clarus SQ8T Mass Spectrometer, supplies and training services from the PerkinElmer Life and Analytical Sciences Company in the approximate amount of \$100,000.
2. Funds for the purchase are available in the Police Technical Support Unit Capital Outlay Equipment account number 101-305-31200-984000.

NOW, THEREFORE, BE IT RESOLVED:

1. The Wyoming City Council does hereby authorize the purchase of the equipment and supplies for the Forensic Science Unit Drug/Toxicology Laboratory from PerkinElmer Life and Analytical Sciences Company.
2. The City Council does hereby waive the provisions of Sections 2-252, 2-253, 2-254 and 2-256 of the City Code regarding publication and posting of bid notices, notification of bidders and the bid opening procedure.

Moved by Councilmember:
Seconded by Councilmember:
Motion Carried Yes
 No

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular session held on December 2, 2013.

ATTACHMENTS:
Staff Report
Quotation

Heidi A. Isakson, Wyoming City Clerk

Resolution No. _____

STAFF REPORT

Date: November 21, 2013

Subject: Purchase of Equipment for the FSU Drug/Toxicology Laboratory

From: Terra Wesseldyk, Forensic Science Supervisor

Meeting Date: December 2, 2013

Recommendation:

It is recommended that the City of Wyoming authorize the purchase of a Clarus 680 Gas Chromatograph/Clarus SQ8T Mass Spectrometer from the PerkinElmer Life and Analytical Sciences Company. We feel it is in the best interest of the City, and request a waiver of the bidding requirements to process this as a sole source purchase.

Sustainability Criteria:

Environmental Responsibility: The Wyoming Department of Public Safety Forensic Science Unit actively engages in the protection of the natural environment and the public health of Wyoming's citizens. Due to the use of chemicals for analyzing evidence, we will utilize acceptable industry practices for use, storage and disposal of such chemicals. We will also utilize a fume hood during testing and sample preparation to protect our employee's health.

Acceptable industry practices will also be utilized in the handling of our biohazard evidence in the testing, disposal, and storage of these samples.

Social Equity: This recommendation will provide service to all residents of the City of Wyoming, and any other individual entered into the Criminal Justice System through the Wyoming Department of Public Safety, without regard to income level or socio-economic status.

Economic Strength: Sustainability is a key feature for this recommendation in that equipment from this company has proven to last upwards of 15-20 years, with yearly preventative maintenance. With a purchase of this magnitude, the longer we have this equipment, the more prudent the use of City funds.

Discussion:

PerkinElmer provides high powered chromatograph instruments as well as sample handling technology, detectors, data management, and reliable accessories and consumables. They have designed a system to meet all of our specifications, taking into consideration our desire to allow for future applications, such as arson investigation. Included in the price of this instrument is an essential NIST library we would otherwise have had to purchase separately, at a cost of approximately \$2500. They have also added 2 onsite training visits and a 4 day training course at their facility instructing our Drug Analysts in everything about the machine from sample prep to preventative maintenance; again at no cost to us.

Our Analysts having the ability to conduct our own yearly preventative maintenance will not only increase the life of the instrument, but save the City a yearly maintenance fee of 10% of the purchase price of this machine. Part of the package also includes a supply of 1,000 caps and vials which we would have had to otherwise purchase, saving the City of Wyoming approximately \$1,000. The company is also willing to provide us a \$51,000 allowance, bringing down our cost for this instrument to just over \$99,000. This leaves approximately \$20,000 for room remodel, supplies and the FTIR we would like to purchase.

The above estimation from PerkinElmer expires on December 27, 2013, at which time the \$51,000 allowance would be reduced to \$31,000; therefore costing the City of Wyoming over \$20,000 more in expense.

Budget Impact:

By working with PerkinElmer we will be saving the City of Wyoming \$54,500. Although we propose to spend up to \$100,000 on this instrumentation, we feel it is in the best interest of this City and this Public Safety Department to purchase this high quality product from PerkinElmer.

We recommend that the \$100,000 purchase be from account: Police Technical Support Unit Capital Outlay Equipment account number 101-305-31200-984000.



Anthony Dilley
 City of Wyoming Police Department
 2300 DeHoop Avenue SW
 Wyoming, MI, 49509

Telephone: 616-530-7309
 dilleya@wyomingmi.gov

PerkinElmer Life and Analytical Sciences
 LAS Sales and Service
 710 Bridgeport Avenue
 Shelton, CT 06484-4794, USA
 Telephone: 248 703 2832
 Fax: 203 944 4904
 Website: <http://las.perkinelmer.com>

PRELIMINARY QUOTATION

MB3USD0234

Sales Person: MIKE BAYLERIAN
 Quotation Date: 11/8/2013
 Expiry Date: 12/27/2013
 Your Ref:

GC/MS-FID& Headspace

Part Number	Quantity	Description	Unit Price	Total
N6659680	1	CLARUS 680 GC N665000A Clarus 680 Base GC N6650A00 CLARUS 680 GC for 120V, 20A, 50/60Hz 120 Volt Selection N66500A0 CLARUS680 GC W/ INTEGRAL LIQ AUTOSAMPLR N66510C0 CH A (FRONT) CAPILLARY COL INJ W/PPC N66520A0 CH A (FRONT) FLAME-ION DET (FID) W/PPC N665100C CH B (REAR) CAPILLARY COL INJECTOR W/PPC N66530A0 INTERNAL LINK CLARUS 680 GC	32,271.00	32,271.00
N6480012	1	CLARUS SQ8T MS 120/230V (EI)	68,700.00	68,700.00
N6480015	1	CONTROLLER-CLARUS SQ8	4,705.00	4,705.00
09406020	1	MONITOR-24 INCH LCD (NON-ATO)	449.00	449.00
09421085	1	PRINTER LASER BROTHER HL-5340D 120V^	473.00	473.00
09421130	1	CABLE-USB2 480MBPS A/B PLUG 10 FT	36.00	36.00
N6520220	1	S/W TURBOMASS NIST 2011	2,563.00	2,563.00
N6120105	1	AUTOSAMPLER STARTER KIT	701.00	701.00
09923518	1	FILTER-VAPOR MIST NW25	649.00	649.00
N9316633	1	COL-ELITE 200 30M 0.32MM 1.50UM	600.00	600.00
N9316282	1	COL-ELITE-5MS-30M-0.25UM-0.25MM	523.00	523.00
N9301193	2	TRAP-MOISTURE 70ML 1/8 FTG	142.00	284.00
N0200451	1	INSTALLATION-CLARUS GC/MS	3,270.00	3,270.00
N0200417	1	GCMS-GC/MS OPERATOR	2,700.00	2,700.00
N0200460	2	Onsite Scientific Consulting Svc GC/MS	3,200.00	6,400.00
M0413602	1	TURBOMATRIX HEADSPACE SAMPLER 120v Selection Headspace Base Unit M0413424 HEADSPACE SAMPLER MID-RANGE OPTION^	24,489.00	24,489.00

MB3USD0234 11/8/2013

[1/2]

GC/MS-FID& Headspace

Part Number	Quantity	Description	Unit Price	Total
		M0413410 PROGRAMMABLE PNEUMATIC CONTROL FOR HS ^		
		M0413531 STANDARD HEATED TRANSFER LINE-HS.		
		09991420 MAINS LEAD USA 2M 125V 16A		
N1011445	1	ZERO VOLUME LINER FOR THE AUTOSYSTEM XL	75.00	75.00
N1011446	1	ZERO VOLUME INSERT FOR THE AUTOSYSTEM XL	41.00	41.00
N6710198	1	Kit- Headspace 1000	861.00	861.00
REGDELGC	1	Regular Delivery	1,095.75	1,095.75
SDS-NRGC	1	Special Delivery services not required		
		Sub Total		150,885.75
		Allowance		51,410.85
		Total		99,474.90

Notes

This is a preliminary quotation, excluding taxes, and is issued for budgetary purposes only. Final prices may differ from those quoted here. Any orders resulting from this document are subject to the PerkinElmer Standard Terms and Conditions, available on request, and to final acceptance by PerkinElmer LAS.

RESOLUTION NO. _____

A RESOLUTION TO AUTHORIZE CONTRACTING WITH LIFE THERAPEUTIC SOLUTIONS, INC. AND TO AUTHORIZE THE MAYOR AND CITY CLERK TO EXECUTE THE AGREEMENT

WHEREAS:

1. The City receives funding from the Kent County Senior Millage to operate the Stepping Stones homebound older adult therapeutic recreation program.
2. It is in the City's best interest to reauthorize an agreement with Life Therapeutic Solutions, Inc. to provide contracted Certified Therapeutic Recreation Specialist to provide recreational therapy service.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council hereby authorizes contracting with Life Therapeutic Solutions, Inc. and authorizes the Mayor and City Clerk to execute the agreement.

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 December 2, 2013.

Heidi A. Isakson, Wyoming City Clerk

ATTACHMENTS:
Agreement

STAFF REPORT

Date: November 19, 2013

Subject: Contracted Therapeutic Recreation Services

From: Rebecca Rynbrandt, Director of Community Services

Cc: Blaine Kading, LTS

Meeting Date: December 2, 2013

RECOMMENDATION:

It is recommended that the City Council approve the Life Therapeutic Solutions (LTS) agreement allowing for the use of contracted staffing within the Stepping Stones Program. The City will pay LTS according to a unit rate of \$65 per standard unit and \$75 per aquatic therapy unit for a maximum total of 750 units during the term of this agreement.

SUSTAINABILITY CRITERIA:

Environmental Quality & Social Equity – Our Stepping Stones program seeks to promote independent functioning and to enhance optimal health and personal growth in an enjoyable manner for older adults who have been discharged from a hospital, rehabilitation center, and/or nursing home; or who are homebound due to illness, injury, or disability.

Economic Strength – The program provides personalized therapeutic recreation services including aquatic therapy, transportation assistance training, information and referral, etc. which works to return older adults to independent and active living within their community.

DISCUSSION:

Since 2009 the City Council has approved the KCSM grant agreement with the understanding that funding provided for a minimum of one full-time equivalent employee and that additional Certified Therapeutic Recreation Specialists (CTRS) would be hired as contracted staff.

Contracted therapists offer a wide variety of specialized training along with their certification in Recreation Therapy - expanding our ability to meet individual client needs. Specialties include: Certified Aquatic Therapist, Certified Massage Therapist used for therapeutic touch, Sensory Stimulation Training, and specific training in mental health related diagnosis and treatments.

Please find attached a renewal agreement with LTS which extends the unit rate cost without increase for up to two years. With the approval of Council, the City of Wyoming would contract with LTS to once again provide up to 750 units of recreational therapy service at a cost of \$65 (CTRS) or \$75 (CTRS who are also Certified Aquatic Therapist) per unit.

Special Disclosures:

- LTS is determined to be the only company of its nature in West Michigan. Their clients include the City of Greenville, County of Ionia, auto insurance companies, the Veterans Administration, and private pay.
- Kristine Schwab, the City of Wyoming's CTRS employee and administrator of the Stepping Stones program, is a contracted employee of LTS. Kristine shall continue to be employed with the City of Wyoming and shall remain a contracted employee of LTS during this agreement. LTS work has not been, nor shall be, completed by Kristine on city time.
- Blaine Kading, Kristine Schwab's father, is the owner and President of LTS. During the term of this agreement Kristine Schwab shall have no ownership interest in LTS.
- The City of Wyoming has placed internal controls within the billing process and program administration to ensure audit and payment responsibilities.

As the City will not be required to pay benefits (health insurance, pension, etc.), contracted services presents a savings which allows for a higher level of therapeutic services to be available for homebound older adults through the Stepping Stones program.

BUDGET IMPACT:

Stepping Stones is a grant funded program based upon the Kent County Senior Millage funding which is a calendar year award. The LTS agreement is concurrent with the grant year. A budget amendment providing for the grant will be processed by the Finance Director and presented to City Council for approval once the KCSM grant award is made by the Kent County Commission. Tentative approval has been received (see attachment). The LTS agreement is null and void should the KCSM grant not be awarded. However, processing of the LTS agreement at this time is necessary to ensure no disruption to service.

AGREEMENT

This agreement is made December 2, 2013 by and between **CITY OF WYOMING** ("City"), a Michigan Municipal Corporation, whose address is 1155-28th Street, S.W. Wyoming, Michigan 49509 and Life Therapeutic Solutions, Inc. ("Contractor"), whose billing address is P.O. Box 90002, Wyoming, Michigan, and whose corporate address is 1604 Como Lake Drive, Greenville, Michigan 48838.

WHEREAS, the City desires to obtain professional services from the Contractor to provide for the provision of Certified Therapeutic Recreation Specialist services, including certified aquatic therapeutic services, to promote the development of independent functioning with the eventual reintegration of the homebound senior (the "Client") back into community activities. The Parties agree as follows:

1. **SERVICES.**

- a. The City shall engage Contractor to recruit, interview, select and hire certified therapeutic recreation specialists to perform recreation therapy services (the "Services"). The parties acknowledge that Contractor shall provide certified specialists in their field and who shall not require direct supervision.
- b. All specialists provided by the Contractor shall demonstrate, through their professional experience and training an understanding of the human aging process, and network of older adult services and resources located throughout Kent County.

2. **PERFORMANCE OF SERVICES.**

- a. All services shall be performed by Certified Therapeutic Recreation Specialists as certified by the National Council for Therapeutic Recreation Certification.
- b. Contractor shall determine the method, details, and means of performing the therapeutic services based upon client needs and goals. Contractor shall diligently and faithfully devote whatever time is required to perform the Services, both direct and indirect, including therapy, travel, documentation, and information and referral, etc.
- c. Service hours shall be determined by the Client in accordance with the requests of the City.
- d. Clients shall be assigned to specialists by the City.
- e. Specialists shall represent themselves as contracted professionals of Life Therapeutic Solutions, Inc. under contract with of the City of Wyoming Stepping Stones Program.

3. TERM.

- a. Contractor shall provide services to the City pursuant to this Agreement for a term beginning on January 1, 2014 and ending December 31, 2014. The term shall be automatically renewed for one full calendar year subject to grant funding unless as revoked as provided herein
- b. This Agreement regardless of date signed by both parties, shall not go into affect without obtaining prior written approval of the Area Agency on Aging of Western Michigan pursuant to the City of Wyoming's contract for funding, Contract No. KCSM 104-6. (Ref. Older Americans Act Policies and Procedures Manual, Section 4.1, Subcontracts.)
- c. The City may revoke this agreement on 30 days written notice at any time for non-performance on Contractor's behalf.
- d. Either party may terminate this agreement without cause upon either party providing sixty (60) calendar days written notice to the other party.

4. COMPENSATION.

- a. For services provided, the City will pay Contractor according to a unit rate of \$65 per standard unit and \$75 per aquatic therapy unit for a maximum total of 750 units during the term of this agreement.
- b. Unit rate definition: 1 standard unit of service includes one hour of direct and/or indirect client support. Direct support shall be defined as intake, assessment, and direct treatment/therapy/assistance to a client. Indirect client support means information gathering, program planning, maintenance of case records, charting, and referrals and consultation with family members/caregivers/physicians. 1 aquatic therapy unit includes direct aquatic therapy treatment session and client assistance to direct aquatic therapy treatment session.
- c. Payment shall be made within thirty (30) calendar days from date of Contractor's invoice.

5. TANGIBLE EQUIPMENT AND EXPENSES

- a. That except as provided in this section, Contractor shall bear all expenses incurred in the performance of this Agreement.
- b. Contractor may utilize adaptive equipment owned by the City in the provision of therapy for Stepping Stones clients. Loss or damage of equipment by

contractor, excepting normal wear and tear, shall be immediately remedied by same through replacement or deduction of cost from unit payment due.

- c. Upon termination of services, Contractor will promptly return to the City all property belonging to the City including without limitation: keys, computer equipment, adaptive equipment, documents and other tangible manifestation of confidential information (and all copies and reproductions thereof), including work in process.

6. INDEPENDENCE OF SPECIALISTS.

- a. It is understood that the specialists provided by the Contractor for under this agreement are employees of or independent contractors of Life Therapeutic Solutions, Inc. Nothing contained in this Agreement shall be construed to be inconsistent with this status.
- b. Should the Contractor's specialists have any employment relationship with the City, the Contractor agrees that the services to be performed under this Agreement are separate and apart from any services performed or to be performed for the City as an employee, and agrees that none of the services to be provided under this Agreement shall be performed during hours worked in the City's employ.
- c. Contractor or their specialists will make no representation to any person or entity that may lead such person or entity to believe that Contractor or specialist has any authority to bind or to obligate the City in any manner.
- d. Contractor shall maintain separate management of their affairs and has full and absolute authority and responsibility regarding its separate organization and operation, including its general policies and procedures.
- e. Contractor shall be responsible for or require the payment of all taxes owed as a result of any payments received from the City in exchange for services, including, without limitation, all federal, state, and local income withholding and employment taxes of its specialists.
- f. Contractor shall maintain statutory worker's compensation insurance of its specialists and provide proof of such insurance to the City.
- g. Contractor specialists have permission to travel or operate motor vehicles and equipment while on assignment with the City.
- h. Contractor specialists have permission to transport clients by motor vehicle, subject to obtaining and maintaining necessary insurances, for the provision of client therapy or access to therapy there of. All necessary insurance shall be

provided by and placed on file with the City including appropriate insurance for motor vehicles used by the contractor specialists.

7. CONFIDENTIALITY.

- a. Contractor acknowledges that he/she may have access to the City's and client's confidential and proprietary information. Contractor agrees to not disclose to any other person, agency, or entity (unless required by law) or use for personal gain any confidential information at any time during or after the Agreement Term, unless the City grants express, written consent of such a disclosure. Contractor shall be bound by all laws regarding confidentiality provisions including any privacy requirements under HIPPA. In addition, Contractor will use his best efforts to prevent any such disclosure.
- b. Confidential information will not include information that is in the public domain, unless such information falls into public domain through Contractor's unauthorized actions.
- c. All information which Contractor has a reasonable basis to believe to be confidential information or which the Contractor has a reasonable basis to believe the City treat as confidential information, shall be deemed to be confidential information.

8. COVENANT NOT TO COMPETE AND RETURN OF CITY PROPERTY

- a. Contractor hereby covenants and agrees, that without first obtaining the City's express written consent, which may be granted or withheld in the City's sole discretion, Contractor shall not, either directly or indirectly during the period beginning with the date of this Agreement and ending two (2) years after this Agreement is terminated, solicit, induce or attempt to induce any client or funding agency of the City to cease using, receiving the services provided by the City, or funding the City for said services provided by the City, including, without limitation, recreational therapy services and aquatic therapy services, in favor of using or receiving services provided by Contractor.
- b. Contractor acknowledges the City's sole and exclusive property includes all documents, such as manuals, notebooks, reports, records, computer programs, employee lists, client lists, and the like in their custody or possession, whether delivered to Contractor by the City or made by the Contractor in the performance of the Services, relating to the business activities of the City, its clients, or suppliers and containing any information or data whatsoever, whether or not confidential information.
- c. Contractor agrees to deliver promptly all of the City's property and all copies of the City's property in Contractor's possession to the City at any time upon the City's request.

9. INDEMNIFICATION AND INSURANCE REQUIREMENTS

- a. Contractor shall agree by their signature to the City's Indemnification Agreement, which is attached made part of this Agreement.
- b. Contractor shall provide the City evidence that all subcontractor's performing recreational therapy, its direct or indirect service delivery including transportation of clients, shall have the same types and amounts of coverage as required herein or that the subcontractors are included under the contractors' policy.
 - i. All insurance providers shall be "A" rated by the A.M. Best Company (www.ambest.com)
 - ii. Professional Liability including General, Good Samaritan, Personal Injury, and Malplacement liability, \$1,000,000 per occurrence, \$3,000,000 aggregate.
 - iii. Business auto liability \$500,000 per person, per occurrence
 - iv. It is also understood and agreed that the following shall be Additional Insured's: The City of Wyoming and including all elected and appointed officials, all employees, all volunteers, all boards, commissions, and/or authorities and their board members, employees, and all parties involved as their interest may appear. The City reserves the right to waive this subsection.
- c. In addition the City requires that all contractors/subcontractors provide the City with written confirmation that they have obtained the necessary endorsement so that the City's rights as an additional insured are protected. Insurance companies require the endorsement as a means of notification both to itself and its underwriters of the fact that an additional insured has been added to the policy under the contract in question. Proof of insurance shall be provided to the City.
- d. It shall be the responsibility of the Contractor to ensure the full enforcement and maintenance of insurance requirements with any and all subcontractors.

10. OTHER RULES AND POLICIES.

- a. Contractor agrees to abide by all applicable rules, policies and procedures of the City.
- b. Contractor agrees to abide by all the applicable rules, policies and procedures of the Area Agency on Aging of Western Michigan Older Americans Act and Kent County Senior Millage.

- c. All specialists shall under go a criminal background check, driver's inquiry check, drug screen and physical, at the City's expense, prior to final acceptance of placement by the City.

11. CONTINUING OBLIGATIONS.

Notwithstanding the termination of this Agreement for any reason, the provisions of SECTION 7 CONFIDENTIALITY of this Agreement will continue in full force and effect following such termination.

12. BINDING EFFECT.

The covenants and conditions contained in the Agreement shall apply to and bind the Parties and the heirs, legal representatives, successors and permitted assigns of the Parties. This Agreement may not be assigned by Contractor without the written consent of the City.

13. CUMULATIVE RIGHTS.

The Parties' rights under this Agreement are cumulative, and shall not be construed as exclusive of each other unless otherwise required by law.

14. WAIVER.

The failure of either party to enforce any provisions of this Agreement shall not be deemed a waiver or limitation of that party's right to subsequently enforce and compel strict compliance with every provision of this Agreement.

15. SEVERABILITY.

If any part or parts of this Agreement shall be held unenforceable for any reason, the remainder of this Agreement shall continue in full force and effect. If any provision of this Agreement is deemed invalid or unenforceable by any court of competent jurisdiction, and if limiting such provision would make the provision valid, then such provision shall be deemed to be construed as so limited.

16. ENTIRE AGREEMENT.

This Agreement constitutes the entire agreement between the Parties and supersedes any prior understanding or representation of any kind preceding the date of this Agreement. There are no other promises, conditions, understandings or other agreements, whether oral or written, relating to the subject matter of this Agreement. This Agreement may be modified in writing and must be signed by both the City and Contractor.

17. NOTICE.

Any notice required or otherwise given pursuant to this Agreement shall be in writing and mailed certified return receipt requested, postage prepaid, or delivered by overnight delivery service, addressed as follows:

The City:

City Clerk
City of Wyoming
1155-28th Street S.W.
P.O. Box 905
Wyoming, Michigan 49506-0905

Contractor:

Life Therapeutic Solutions, Inc.
1604 Como Lake Drive
Greenville, Michigan 48838

Either party may change such addresses from time to time by providing notice as set forth above.

18. GOVERNING LAW.

This Agreement shall be governed by and construed in accordance with the laws of the State of Michigan.

CITY OF WYOMING:

Date: _____ By: _____
Jack A. Poll

Its: Mayor

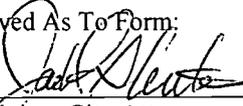
Date: _____ By: _____
Heidi A. Isakson

Its: Clerk

CONTRACTOR:

Date: _____ By: _____

Approved As To Form:



Jack Sluiter, City Attorney



City of Wyoming
INDEMNIFICATION AGREEMENT

The Contractor agrees to indemnify, hold harmless and defend the City of Wyoming, its officers, council members, employees and all parties involved, both past and present, from and against liability for any and all claims, liens, suits, demands, and actions for damages, injuries to persons (including death), property damage (including loss of use), and expenses, (including actual court costs, attorneys' fees and other reasonable costs of litigation) arising out of or resulting from Contractor's work and activities conducted in connection with or incidental to this Contract and from any liability arising out of or resulting from intentional acts or negligence of the Contractor, including all such causes of action based upon common, constitutional, or statutory law, or based in whole or in part upon the negligent or intentional acts or omissions of Contractor, including but not limited to its officers, employees, subcontractors, licensees, invitees, and all parties involved.

The Contractor further agrees that it shall at all times exercise reasonable precautions on behalf of, and be solely responsible for, the safety of its officers, employees, subcontractors, licensees, invitees and all parties involved, as well as their property, while in the vicinity where the work is being done. It is expressly understood and agreed that City shall not be liable or responsible for the negligence or other fault of the Contractor, its officers, employees, subcontractors, licensees, invitees, and all parties involved associated with the Contractor.

The Contractor agrees to indemnify and save the City harmless from all claims growing out of any demands of subcontractors, laborers, workers, mechanics, materialmen, and furnishers of supplies, equipment, financing, or any other goods or services, tangible or intangible. When the City so desires, the Contractor shall furnish satisfactory evidence that all obligations of the nature herein above designated have been paid discharged or waived.

INDEPENDENT CONTRACTOR

Contractor acknowledges that Contractor is an independent contractor of the City and that Contractor is not an employee or official of the City. Contractor shall not represent, either expressly or through implication, that Contractor is an employee or official of the City. Any income taxes, self-employment taxes, social security taxes and the like are the sole responsibility of the Contractor.

Nothing contained in this Contract shall be deemed or construed by the parties hereto or by any third party to create the relationship of principal and agent or of partnership or of joint venture or of any association whatsoever between the parties, it being expressly understood and agreed that no provision contained in this Agreement nor any act or acts of the parties hereto shall be deemed to create any relationship between the parties other than the relationship of independent parties contracting with each other solely for the purpose of effecting the provisions of this Contract.

I understand that the indemnification and Independent Contractor provisions are requirement of all City of Wyoming Contracts. I have read the provisions and agree to the terms of these provisions.

COMPANY NAME

TITLE

SIGNATURE

DATE



The Source for Seniors

EXECUTIVE COMMITTEE

CHAIRPERSON

Eleanor Nielsen

VICE CHAIRPERSON

Al Page

SECRETARY

Marilyn Burns

TREASURER

Art Adleman

MEMBER-AT-LARGE

Marilyn Snell

REPRESENTATIVE OF

ADVISORY COUNCIL

Robert Sundholm

EXECUTIVE DIRECTOR

Thomas E. Czerwinski

BOARD OF DIRECTORS

ALLEGAN COUNTY

Com. Don Black

Eleanor Nielsen

IONIA COUNTY

Com. Larry Tiejema

Tom Lee

KENT COUNTY

Com. Carol Hennessy

Al Page

LAKE COUNTY

Com. Colleen Carrington-Atkins

Marilyn Burns

MASON COUNTY

Com. Bill Carpenter

Susan Boes

MECOSTA COUNTY

Com. Bill Routley

Art Adleman

MONTCALM COUNTY

Com. John Johansen

Ralph Harrington

NEWAYGO COUNTY

Com. Philip Deur

Marilyn Snell

OSCEOLA COUNTY

Com. Larry Emig

Richard Karns

CITY OF GRAND RAPIDS

Com. James B. White

Esther Van Hammen

October 29, 2013

Rebecca Rynbrandt
Parks & Recreation Department
City of Wyoming
1155 - 28th Street SW
Grand Rapids, MI 49509

Dear Rebecca:

On October 28, 2013, the Executive Committee of the Board of Directors of the Area Agency on Aging of Western Michigan met and considered funding recommendations of the Kent County Senior Millage Review Committee for Fiscal Year 2014.

Your annual request and proposal was recommended for the following amounts:

Service	Award
Stepping Stones	\$120,512
Total Agency Award	\$120,512

This is a preliminary award letter. Your award is contingent on approval by the Kent County Finance & Physical Resources Committee along with the Kent County Board of Commissioners. Commissioners will consider the recommendations at their November 21, 2013 meeting. You will be notified of the results of that vote. If you have any questions or concerns, please contact me at 222-7014.

Congratulations on your tentative award! We look forward to working with you. Together we can further our goal of assuring that residents of Kent County who are 60 or older have access to assistance so they can maintain their quality of life and independence.

Sincerely,

Anne E. Ellermets
Contract Coordinator

3215 EAGLECREST DR NE
GRAND RAPIDS, MI
49525-7005
Ph: 616.456.5664
Fx: 616.456.5692
1.888.456.5664
www.aaawm.org

12/2/2013
RLR

RESOLUTION NO. _____

RESOLUTION TO AUTHORIZE A CONTRACT CHANGE ALLOWING FOR
FULL PAYMENT FOR WORK PERFORMED FOR THE 2013 PINERY PARK
RESTROOM & CONCESSION BUILDING PROJECT

WHEREAS:

1. On August 5, 2013, the City Council awarded the Pinery Park Restroom & Concession Building renovation project VanderKodde Construction, the low bidder, in the amount of \$176,242.
2. Over the course of construction, the project scope was amended to address Health Department requirements for the Pinery Park Little League full service concession operations as well as other unforeseen needs related to fire regulations and soil and drainage conditions, etc.
3. The additional scope of changes added quantities and increased the contract amount by \$18,292.
4. The additional cost can be financed out of the project account, 208-752-75600-975.113.

NOW, THEREFORE, BE IT RESOLVED:

1. The Wyoming City Council authorizes a contract change allowing for final payment for the Pinery Park Restroom & Concession Building Renovation Project of a total project cost of \$194,534 to VanderKodde Construction.

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 December 2, 2013.

Heidi A. Isakson, Wyoming City Clerk

Resolution No. _____

MEMORANDUM

TO: CURTIS HOLT, CITY MANAGER
FROM: REBECCA L. RYNBRANDT, DIRECTOR OF COMMUNITY SERVICES
SUBJECT: PINERY PARK RESTROOM & CONCESSION BUILDING – FINAL PAYMENT
DATE: NOVEMBER 25, 2013

The Pinery Park Restroom & Concession Building project was awarded to VanderKodde Construction on August 5, 2013 (Resolution No. 24557), in the amount of \$176,242. During construction, changes were necessary to comply with Fire and Health Department Code compliance, as well as to address unforeseen soil and drainage conditions. A listing of items added to the project is attached for your review. You'll note that the Pinery Park Little League requested changes originally discussed with City Council and projected to be \$11,700, actually came in at \$9,006. The additional unanticipated changes of \$9,286 or 5.2% fall well within our budgeted contingency. The total change order is \$18,292 resulting in a final total project cost of \$194,534.

The contractor's final construction punch list has been developed and is in process of being completed. In order to expedite payment, as well as to meet grant and purchasing requirements, I ask that the Council formally concur with the acceptance of project change orders and to authorize the final total payment amount of \$194,534 at the Monday, December 2, 2013 Council meeting.

No budget amendment. Funds are available in the project account of 208-752-75600-975.113.

CHANGE ORDER

**VANDER KODDE
CONSTRUCTION**

PROJECT: Pinery Park Concession Building
2525 DeHoop Avenue SW
Wyoming, MI 49509

CHANGE ORDER NUMBER: Accumulative
as of 11-08-13

TO: Vander Kodde Construction Co.
441 44th St SW
Grand Rapids, MI 49548

ARCHITECT'S PROJECT NO: G130344CD

CONTRACT FOR:

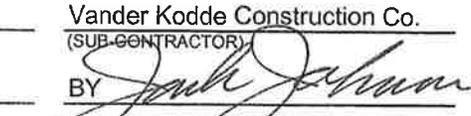
CONTRACT DATE: 8/5/2013

You are directed to make the following change in this Contract:

Bulletin #1	Add	\$9,006.00
Bulletin #2	Add	\$1,116.00
Removal of unsuitable soils & drain field	Add	\$4,965.00
Bulletin #3	Add	\$1,702.00
Bulletin #4	Add	\$145.00
Blowoff valve placed outside in main water service	Add	\$175.00
Knox Box installed per Plan review	Add	\$443.00
Install stainless steel counter at pass through window in lieu of prefinished metal	Add	\$740.00
Total Add		\$18,292.00

Please sign and return one copy.

The original Contract Sum was	.....	\$176,242.00
Net change by previous Change Orders	.....	\$0.00
The Contract Sum prior to this Change Order was	.....	\$176,242.00
The Contract Sum will be (increased)(decreased)(unchanged) by this Change Order	.....	\$18,292.00
The new Contract Sum including this Change Order will be	.....	\$194,534.00
The Contract Time will be (increased)(decreased)(unchanged) by () days	.....
The Date of Completion as of the date of this Change Order therefore is	.....

FTC&H ARCHITECT	Vander Kodde Construction Co. (SUB-CONTRACTOR)	City of Wyoming (OWNER)
BY 	BY 	BY
DATE 1-12-13	DATE 11-12-13	DATE

VANDER KODDE CONSTRUCTION CO.

441-44th St. SW / Grand Rapids, MI 49548-4173 / Ph:(616)538-7470 Fax:(616)538-9290

RESOLUTION NO. _____

RESOLUTION TO AUTHORIZE PAYMENT FOR EMERGENCY
SANITARY SEWER REPAIR BY DYKEMA EXCAVATORS, INC.

WHEREAS:

1. The Public Works Department maintains the sanitary sewer system within the City.
2. The City experienced an eight inch sanitary sewer main failure on 28th Street west of Division Avenue on October 11, 2013.
3. The sanitary sewer main is too deep at that location for the Public Works Department's equipment to make the repair.
4. Dykema Excavating, Inc. was contracted to repair the sanitary sewer.
5. The cost to excavate and replace thirty feet of sanitary sewer main is \$44,699.72
6. Sufficient funds are available in the Sewer Fund, Repairs and Maintenance account 590-441-54200-930.000.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council authorizes payment of \$44,699.72 to Dykema Excavators, Inc. for the repair of the sanitary sewer on 28th Street SW.

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 December 2, 2013.

Heidi A. Isakson, Wyoming City Clerk

ATTACHMENTS:

Staff Report

STAFF REPORT

DATE: November 13, 2013
SUBJECT: Authorization of Emergency Repair, Sewer on 28th Street
FROM: W. Scott Zastrow, Assistant Director of Public Works
Date of Meeting: December 2, 2013

RECOMMENDATION

It is recommended that the City Council authorize the payment of \$44,699.72 to Dykema Excavators, Inc. for the emergency repair of a sewer located at 28th Street and Division Avenue.

SUSTAINABILITY CRITERIA

Environmental Quality

The Public Works Department is ardently involved in the protection of Michigan's natural resources and the public's health and welfare. The City protects the public's health and welfare by providing a sanitary sewer system.

Social Equity

The maintenance of the sanitary sewer system within the City provides the same high quality service to all residents without regard to income level or socio-economic status. All of the City's residents enjoy equal access to the benefits of the City's sanitary sewer system.

Economic Strength

Repairing the sanitary sewer system insures the City's economic vitality and preserves the aesthetics of the City. The City's sanitary sewer system is a vital economic resource.

DISCUSSION

On October 11, an eight-inch sanitary sewer main failed on 28th Street. Because the sewer main failed, an emergency repair of the sewer was required from October 11 through October 15.

The sewer main, located at approximately 201 28th Street SW, was being cleaned on October 11 as part of a monthly cleaning program and historical problems in the area. During the cleaning process, the sewer main failed and collapsed. Public Works crews attempted to repair the sewer main but found the sewer main to be too deep for the City's equipment.

Dykema Excavating, Inc. was contracted to repair the sewer main. The repair required heavy equipment and the replacement of thirty-feet of pipe. The repair took five days due to the depth

of the sewer main and the sewer main's location being adjacent to 28th Street. The repair was completed for \$44,699.72.

BUDGET IMPACT

Sufficient funds are available upon the approval of a separate Budget Amendment in the Sewer Fund, Transmission and Distribution Main, Repairs and Maintenance Account, 590-441-54200-930.000.

RESOLUTION NO. _____

RESOLUTION TO AUTHORIZE THE PURCHASE OF FOUR
VALVE ACTUATORS FROM ACTUATOR SPECIALTIES, INC.

WHEREAS:

1. The City owns and operates a 36” watermain in 44th Street, which has eight 30” ball valves.
2. The Public Works staff has been determined that four of the valve actuators need to be replaced to make all eight 30” ball valves operational.
3. Actuator Specialties, Inc., has submitted a quote to supply four replacement valve actuators.
4. Sufficient funds are available in the Water Fund, Transmission and Distribution – Mains, Maintenance Supplies account, 591-441-56200-775.000.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council authorizes the purchase of four valve actuators from Actuator Specialties, Inc. for \$69,100.
2. The Wyoming City Council waives the provisions of Sections 2-252, 2-253, 2-254 and 2-256 of the City Code regarding publication and posting of bid notices, notification of bidders and the bid opening procedure.

Moved by Councilmember:

Seconded by Councilmember:

Motion Carried Yes
 No

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular session held on December 2, 2013.

Heidi A. Isakson, Wyoming City Clerk

ATTACHMENTS:

Staff Report

STAFF REPORT

DATE: November 21, 2013

SUBJECT: Purchase Authorization, Additional Valve Actuators for 30" Ball Valves

FROM: William Scott Zastrow, P.E., Assistant Director of Public Works

Date of Meeting: December 2, 2013

RECOMMENDATION

It is recommended that the City Council authorize the purchase of four additional valve actuators for 30" ball valves from Actuator Specialties, Inc.

SUSTAINABILITY CRITERIA

Environmental Quality

The Public Works Department is ardently involved in the protection of Michigan's natural resources and the public's health and welfare. In order to continue to protect the environment and the public, the water supply system needs to be maintained in an optimal working condition.

Social Equity

The water supply system within the City provides the same high quality service to all residents without regard to income level or socio-economic status. All of the City's residents enjoy equal access to the benefits of the City's water supply system.

Economic Strength

The water supply system provides the businesses and residents of the City with a safe and reliable source of water.

DISCUSSION

A 36" watermain was constructed in 44th Street from Burlingame Avenue to Kalamazoo Avenue in 1964. The watermain has eight 30" ball valves that serve as isolation valves. Four of the valves have been repaired since March of 2013. Four remaining valves are inoperable; therefore, the valves need to be repaired.

The watermain serves as a major source of supply for the City's businesses and residences east of Burlingame Avenue and north of Buck Creek. The watermain also serves as the primary source of supply for the City of Kentwood.

The valves would be utilized if a portion of the watermain failed and needed to be isolated. If the isolation valves were used, portions of the water supply system would see reduced flows, but the majority of the water supply system would still have water to protect the public and supply safe drinking water.

In November 2012, the City Council awarded the purchase of one actuator which allowed the Public Works staff to verify the replacement actuator would function properly. Wyoming subsequently purchased three more. The Public Works Department would now like to purchase the last four actuators.

The four remaining ball valves are broken and will not open or close. In order to repair the valves, the actuators need to be replaced. The actuators were manufactured by Limitorque. Actuator Specialties, Inc., is the only company located in Michigan that services Limitorque valve actuators.

Upon the completion of the repairs of these four valves, all of the valve actuators will have been replaced. The watermain will be back to a status that will allow for safe and reliable operation.

BUDGET IMPACT

Actuator Specialties has quoted the replacement actuators at approximately \$17,275 each, for a total cost of \$69,100.00. Sufficient funds are available in the Water Fund, Public Works, Transmission and Distribution – Mains, Maintenance Supplies account 591-441-56200-775.000.

RESOLUTION NO. _____

RESOLUTION TO AUTHORIZE THE EXTENSION OF THE BID
FOR AUTOMOTIVE BODY REPAIR TO AUTO BODY XPERTS

WHEREAS:

1. As detailed in the attached Staff Report from the Assistant Director of Public Works, Auto Body Xperts has offered to extend their current bid pricing for automotive body repairs through December 1, 2015.
2. Funds have been budgeted in the Motor Pool Equipment Operations Repairs and Maintenance account number 661-441-58200-930000.

NOW, THEREFORE, BE IT RESOLVED:

1. The Wyoming City Council does hereby authorize the extension of the bid for automotive body repair services to Auto Body Xperts through December 1, 2015.

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 December 2, 2013.

ATTACHMENTS:
Staff Report
Letter

Heidi A. Isakson, Wyoming City Clerk

Resolution No. _____

STAFF REPORT

DATE: November 21, 2013

SUBJECT: Extend Bid – Automotive Body Shop Repair

FROM: William Scott Zastrow, P.E., Assistant Director of Public Works

Date of Meeting: December 2, 2013

RECOMMENDATION

It is recommended that the City Council extend the bid for Automotive Body Repair through December 1, 2015 to Auto Body Xperts.

SUSTAINABILITY CRITERIA

Environmental Quality

The Public Works Department is ardently involved in the protection of Michigan's natural resources and the public's health and welfare. In order to continue to protect the environment and the public, the motor pool fleet needs to be maintained in an optimal working condition.

Social Equity

The motor pool fleet within the City provides the same high quality service to all residents without regard to income level or socio-economic status. All of the City's residents enjoy equal access to the benefits of the motor pool fleet.

Economic Strength

The motor pool fleet provides the City the opportunity to provide the businesses and residents of the City with safe and reliable service.

DISCUSSION

The City of Wyoming operates a fleet of approximately 290 vehicles. The vehicles range from mowers to fire trucks. Occasionally one of the vehicles is involved in an accident. The damage sustained by the vehicles needs to be repaired. Accident damage typically requires unique skills, special tools and strict environmental regulation adherence. Because of the limited number of automotive body repairs, it is typically more economical to contract automotive body repair to an outside contractor.

In 2009, the City bid automotive body repair for a three year contract. The bid was awarded to Auto Body Xperts for the light fleet, cars and pick-ups. The bid allowed for one year extensions as mutually agreed to by both the City and the contractor. Auto Body Xperts has agreed to extend the bid through December 1, 2015 and the Motor Pool staff concurs.

BUDGET IMPACT

Sufficient funds have been budgeted in the Motor Pool, Equipment Operations, Repairs and Maintenance account number 661-441-58200-930000.

Attachment: Letter



3483 Highland Dr
Hudsonville, MI 49426
(616)-669-6692

October 23, 2013

Ted Seil
City Of Wyoming

This letter is to inform you of the intent of Auto Body Xperts to make no changes for the next two (2) years, 12/1/2013-12/1/2015, to the rates being charged for the Auto Body Repair work we do for the City of Wyoming. We will continue to honor the rates from the bid we submitted in the past.

Thank you for the opportunity to serve the City of Wyoming. If you have any questions feel free to call 616-669-6692.

Robert Arnoldink
President

RESOLUTION NO. _____

RESOLUTION TO TERMINATE THE AWARD OF BID
FOR WORK UNIFORMS & CARHARTT CLOTHING ITEMS
WITH ARROW UNIFORM AND TO AWARD THE BID
TO CINTAS LOCATION 301

WHEREAS:

1. On May 6, 2013, the Wyoming City Council adopted Resolution number 24463 awarding the bid for work uniforms and Carhartt clothing items to Arrow Uniform.
2. As detailed in the attached Staff Report it has been determined that it is in the best interest of the City to terminate the bid with Arrow Uniform and award the bid to Cintas Location 301.
3. It is recommended the Wyoming City Council award the bid to Cintas Location 301 in the discounted amounts as shown on the attached tabulation sheet.

NOW, THEREFORE, BE IT RESOLVED:

1. The Wyoming City Council does hereby terminate the bid for work uniform and Carhartt clothing bid with Arrow Uniform.
2. The Wyoming City Council does hereby award the bid for the purchase of work uniforms and Carhartt clothing items to Cintas Location 301 through May 6, 2014.

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 December 2, 2013.

ATTACHMENTS:

Staff Report
Tabulation Sheet

Heidi A. Isakson, Wyoming City Clerk

Resolution No. _____

STAFF REPORT

Date: November 21, 2013
Subject: Work Uniforms & Carhartt Clothing Items
From: Laura Jackson, Purchasing Department
cc: Kim Oostindie, Director of Human Resources

Meeting Date: December 2, 2013

Recommendation:

It is recommended the City Council terminate Arrow Uniform's award of bid for work uniforms and Carhartt clothing items and award the bid to Cintas Location 301 in the amounts as shown on the attached tabulation sheet through May 6, 2014.

Sustainability Criteria:

Environmental Quality – Does not significantly impact this criterion.

Social Equity – Does not significantly impact this criterion.

Economic Strength – Does not significantly impact this criterion.

Discussion:

On May 6, 2013, the Wyoming City Council awarded the bid for work uniforms and Carhartt clothing items to Arrow Uniform per Resolution number 24463.

On September 16, 2013 various City departments met with Arrow Uniform to address concerns with order accuracy, timely product delivery and quality control. Despite attempts to remedy our concerns departments continue to have issues with orders.

Budget Impact:

Work uniforms and Carhartt clothing items are purchased as required throughout the year and funds are budgeted in the various departmental accounts.

Attachment: Tabulation Sheet

CITY OF WYOMING, MICHIGAN

TABULATION OF BIDS

Work Uniforms & Carhartt Clothing Items

Opened By City Clerk On April 16, 2013 At 11:00 a.m. o'clock

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

Company	Name of Catalog	Work Uniforms		Carhartts		Minimum Orders	Service Charge for orders less than the minimum per order requirement	Number of Days Required for Deliveries			Offer Online Ordering & Online Account Monitoring
		% Discount Offered	Embroidery	% Discount Offered	Embroidery			Number of Clothing Items			
								1-20	20-100	100 or More	
Arrow Uniform	Red Kap Industries (owned by VF Imagewear, Inc.)	32%	\$5.50	25%	\$5.50	\$20.00	\$2.00	15	15	20	Yes
Cintas Location 301	Red Kap Industries (owned by VF Imagewear, Inc.)	15%	\$5.95	15%	\$7.40	\$0.00	\$0.00	16-18	16-18	20-22	Yes
	Cintas Source Book	30%	\$5.95								
	Cintas Apparel Bags & Caps	15%	\$5.95								
Executive Threads	Red Kap Industries (owned by VF Imagewear, Inc.)	20%	\$18.00	20%	\$18.00	\$250.00	\$50.00	21	21	21	Yes - company store available for \$75.00/ monthly maintenance Fee
Tele-Rad	5.11	20%	\$14.00	No Bid		\$200.00	\$10.00	35	45	45	No

RESOLUTION NO. _____

RESOLUTION FOR AWARD OF BIDS

WHEREAS:

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

NOW, THEREFORE, BE IT RESOLVED:

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

Item	Recommended Bidders	Cost
Gravel & Blast Furnace Slag	Yellow Rose Transport	Bid pricing as shown on the attached Staff Report
Winter Mix Asphalt	Superior Asphalt Inc.	Bid pricing as shown on the attached Staff Report

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:

ATTACHMENTS:
Staff Reports

Heidi A. Isakson, Wyoming City Clerk

Resolution No. _____

STAFF REPORT

DATE: November 25, 2013

SUBJECT: Bid Award, Gravel and Blast Furnace Slag

FROM: W. Scott Zastrow, P.E., Assistant Director of Public Works

Date of Meeting: December 2, 2013

RECOMMENDATION

It is recommended that the City Council award the bid for road gravel and blast furnace slag to the lowest bidder, Yellow Rose Transport.

SUSTAINABILITY CRITERIA

Environmental Quality

The Public Works Department is ardently involved in the protection of Michigan's natural resources and the public's health and welfare. The City's use of road gravel and blast furnace slag, made from materials that are recycled and able to be recycled, reduces the consumption of natural resources and the dumping of concrete and other materials in landfills.

Social Equity

Street and utility repairs are provided throughout the City without regard to income level or socioeconomic status. All of the City's residents enjoy equal access to the benefits of the Public Works Department's street and utility repairs.

Economic Strength

The use of road gravel and blast furnace slag allows the Public Works Department to provide high quality street and utility repairs. The high quality street and utility repairs allow the Public Works Department to maintain the City's streets and infrastructure which sustains public and private property values.

DISCUSSION

The City repairs the streets damaged by weather or utility failures throughout the year. In order to make proper repairs, inferior and/or saturated materials must be removed from underneath the street surface. Road gravel and blast furnace slag is utilized in the repairs. In order to acquire quality road gravel and blast furnace slag, bids are received each year.

One of the causes of street damage is from the weather through exposure to sun light, rain, snow, and ice. The weather slowly deteriorates the street surface until the moisture infiltrates under the asphalt. Once moisture has infiltrated the street surface, a freeze thaw cycle begins which leads to frost heaving. In order to eliminate the frost heaving problem, the saturated material must be removed and replaced with dry material to achieve proper compaction and insure that the street does not subside.

Another cause of street damage is from utility failures such as watermain breaks or water service failures. The utility failures release water into the surrounding soil. The saturated soil must be removed to allow for proper compaction during the restoration.

In both of aforementioned repair operations, the final 6-12” of backfill is placed with either road gravel or blast furnace slag. The placement of the road gravel or blast furnace slag, directly under the asphalt or concrete surface, provides proper drainage and support.

The City uses approximately 2,500 tons of road gravel and 1,500 tons of blast furnace slag each year in street and utility repairs. The road gravel and blast furnace slag is trucked to the City’s Public Works facility by contractors where the material is stored for the street and utility repairs.

On Tuesday, November 12, 2013, the City received four bids for road gravel and two bids for blast furnace slag. Thirty-seven invitations to bid were sent to prospective bidders. Yellow Rose Transport submitted the lowest bid of \$7.00 per ton for road gravel and the lowest bid of \$14.25 per ton for blast furnace slag.

BUDGET IMPACT

The low bid for road gravel is an increase in cost of 16% from last year and the bid for blast furnace slag is the same cost as last year.

Sufficient funds are available in the sewer and water maintenance accounts: 590-441-54200-775.000, 591-441-56200-775.000 and 591-441-56700-775.000.

BID TABULATION

Bidder	Road Gravel, 22-A M.D.O.T. (Per Ton)	Blast Furnace Slag, 22-A, M.D.O.T. (Per Ton)
Oetman Excavating	\$ 9.90	
Grand Rapids Gravel Company	\$ 10.00	
Yellow Rose Transport	\$ 7.00	\$ 14.25
Verplank Trucking Co.	\$ 7.85	\$ 14.95

STAFF REPORT

DATE: November 25, 2013

SUBJECT: Bid Award, Winter Mix Asphalt

FROM: W. Scott Zastrow, P.E., Assistant Director of Public Works

Date of Meeting: December 2, 2012

RECOMMENDATION

It is recommended that the City Council award the bid for winter cold mix and winter hot mix to the lowest qualified bidder, Superior Asphalt Inc.

SUSTAINABILITY CRITERIA

Environmental Quality

The Public Works Department is ardently involved in the protection of Michigan's natural resources and the public's health and welfare. The City's use of winter mix asphalt, made from materials that are recycled and able to be recycled, reduces the consumption of natural resources and the dumping of asphalt materials in landfills.

Social Equity

Street and utility repairs are provided throughout the City without regard to income level or socio-economic status. All of the City's residents enjoy equal access to the benefits of the Public Works Department's street and utility repairs.

Economic Strength

The use of winter mix asphalt allows the Public Works Department to provide high quality street and utility repairs. The high quality street and utility repairs allow the Public Works Department to maintain the City's streets and infrastructure which sustains public and private property values.

DISCUSSION

The City repairs asphalt streets damaged by weather and utility failures throughout the year. In order to make temporary repairs in the winter months, damaged asphalt must be removed and replaced with winter mix asphalt. In order to acquire quality winter mix asphalt, bids are received each year.

Throughout the year, the City's streets have failures. The street failures can be caused by weather through exposure to sun light, rain, snow, and ice. The weather slowly deteriorates the street surface until moisture infiltrates under the asphalt. Once moisture has infiltrated the street surface, a freeze thaw cycle begins which leads to frost heaving and ultimately a pot hole.

Another cause of street damage is from a utility failure such as watermain break or water service failure. The utility failures can release large volumes of water which undermine the road.

Both of the aforementioned failures require immediate attention to protect the traveling public. From December 1st through approximately May 1st, hot asphalt plants are closed due to the weather being too cold for hot asphalt placement. During this period, the Public Works Department uses both winter cold mix and winter hot mix to make repairs to the street surface.

Winter cold mix is used for pot holes and small repairs. Winter hot mix is used for larger street failures or larger utility repairs. The City uses approximately 600 tons of winter mix asphalt each year. The winter mix asphalt is manufactured at a contractor’s facility and picked up by the City’s staff.

On Tuesday, November 12, 2013, the City received three bids for winter cold mix and two bids for winter hot mix. Ten invitations to bid were sent to prospective bidders.

Superior Asphalt, Inc. submitted the lowest qualified bid for winter hot mix asphalt. Lakeland Asphalt Corp. submitted a bid for a different winter cold mixture than specified. The product submitted by Lakeland Asphalt was used by the City before and found to be ineffective compared to the product specified.

BUDGET IMPACT

The previous bid for winter cold mix was \$105.00 per ton yard, which is equal to the last two years. The previous bid for winter hot mix was \$95.00 per yard, which is also equal to the last two years.

Sufficient funds are available in the street, water and sewer maintenance accounts: 202-441-46300-775.000, 202-441-47800-775.000, 203-441-46300-775.000, 203-441-47800-775.000, 590-441-54200-775.000, 591-441-56200-775.000 and 591-441-56700-775.000.

BID TABULATION

Bidder	Winter Cold Mix UPM	Permanent Winter Hot Mix	Plant location within 10 miles of the City limits?
A-1 Asphalt	No bid	\$95.00	Yes
Superior Asphalt Inc.	\$105.00	\$95.00	Yes
Lakeland Asphalt Corporation*	Does not meet specifications		

* Lakeland Asphalt Corporation bid SMP-CP6, which does not meet specifications

11/04/13
Clerk/RG

ORDINANCE NO. 19-13

AN ORDINANCE TO AMEND SECTION 90-32 OF THE CODE
OF THE CITY OF WYOMING BY ADDING
SUBSECTION (94) THERETO

THE CITY OF WYOMING ORDAINS:

Section 1. That Section 90-32 of the Code of the City of Wyoming is hereby amended by adding Subsection (94) thereto, to read as follows:

- (94) To rezone 21.3 acres from ER Estate Residential to R-7 Special Multiple Family Residential (Northwest corner of 56th Street and Canal Avenue)

LEGAL DESCRIPTION:

Part of the NW fractional 1/4 of Section 31, T6N, R12W, City of Wyoming, Kent County, Michigan, described as: Commencing at the West 1/4 corner of said Section 31; thence S87°32'22"E 796.18 feet along the South line of said NW fractional 1/4 to a point on the West line of the East 528 feet of the West fractional 1/2 of said NW fractional 1/4 and the PLACE OF BEGINNING of this description; thence S87°32'22"E 528.00 feet along said South line to the East line of said West fractional 1/2; thence N00°30'25"E 333.00 feet along said East line; thence N87°32'22"W 170.00 feet; thence N00°30'25"E 127.00 feet; thence N87°32'22"W 203.00 feet; thence N00°30'25"E 350.00 feet; thence S87°32'22"E 373.00 feet to said East line; thence N00°30'25"E 130.56 feet along said East line to a point which is N00°30'25"E 281.63 feet along said East line from the SW corner of the NW 1/4 of the SE 1/4 of said NW fractional 1/4; thence S87°00'35"E 23.80 feet to the centerline of Canal Avenue; thence Northerly 57.19 feet along said centerline on a 996.96 foot radius curve to the right, the chord of which bears N09°31'31"E 57.18 feet; thence N81°08'51"W 441.19 feet; thence N60°29'04"W 255.32 feet; thence N02°59'20"E 226.64 feet to the South line of the North 38 acres of said West fractional 1/2; thence N87°00'40"W 377.71 feet along said South line to the East line of the West 328.06 feet of said West fractional 1/2; thence S00°33'00"W 1194.67 feet along said East line to the North line of the South 198 feet of said West fractional 1/2; thence S87°32'22"E 284.05 feet along said North line to the East line of the West 612 feet of said West fractional 1/2; thence N00°33'00"E 10.00 feet along said East line; thence S87°32'22"E 184.02 feet to the West line of the East 528 feet of said West fractional 1/2; thence S00°30'25"W 208.01 feet along said West line to the place of beginning.

Section 2. This ordinance shall be in full force and effect the ____ day of _____, 2013.

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 _____ day of _____, 2013.

Heidi A. Isakson, Wyoming City Clerk



October 30, 2013

Ms. Heidi A. Isakson
City Clerk
Wyoming, MI

Subject: Request to rezone 21.3 acres from ER Estate Residential to R-7 Special Multiple Family Residential. The property is located at the northwest corner of 56th Street and Canal Avenue.

Recommendation: To approve the proposed rezoning subject to entering into the development agreement voluntarily offered by the petitioner.

Dear Ms. Isakson:

The above referenced request was reviewed by the Wyoming Planning Commission at its regular meetings on August 20, September 17 and October 15, 2013. Staff had the following comments:

This 21.3 acre rezoning is part of an overall 26.2 acre parcel developed with a large single family home. If the rezoning is approved, the property will be divided with the owner retaining a five acre estate lot. The proposed rezoning is to allow up to a 54 unit condominium development on 27 building sites (see the attached description, floor plans and elevations). The proposed duplex units would be of high quality, very similar to those in the nearby Del-Mar Village Condominiums. Those condominiums were also constructed by the petitioner. The developer may also construct large single unit condominiums in place of a duplex, if desired by purchasers. The petitioner is voluntarily offering to enter into a development agreement as a condition of rezoning. If adopted by the City Council, the development agreement would guarantee that only the proposed condominiums would occur. With approval of the rezoning, a detailed site plan for construction of the project will then be submitted for approval to the Planning Commission. Private roads, and a private sanitary sewer system including a lift station, would be the significant infrastructure features of the development.

1. The City of Wyoming Land Use Plan 2020 was adopted in 2006. It identifies the area west of the Wilson Avenue corridor as being suitable for low density residential use (up to 3.5 dwelling units per acre). This is the lowest residential density within the City identified by the Land Use Plan. The proposed development has a maximum density of 2.5 dwelling units per acre (potentially less if single family condominiums are constructed) which is well below the master plan recommended density. The proposed rezoning and conceptual

- MAYOR
Jack A. Poll
- AT-LARGE COUNCILMEMBER
Sam Bolt
- AT-LARGE COUNCILMEMBER
Kent Vanderwood
- AT-LARGE COUNCILMEMBER
Dan Burrill
- 1ST WARD COUNCILMEMBER
William A. VerHulst
- 2ND WARD COUNCILMEMBER
Richard K. Pastoor
- 3RD WARD COUNCILMEMBER
Joanne M. Voorhees
- CITY MANAGER
Curtis L. Holt

development plan complies with the Land Use Plan.

2. Under the current ER Estate Residential zoning, the property could be developed as a single family subdivision with lot sizes of a minimum 10,000 square feet. Numerous nearby subdivisions were developed under these same provisions. The subject property is heavily encumbered by regulated wetlands. These wetlands effectively provide a natural barrier and buffer to the estate properties to the west. These wetlands prevent the possibility of extending streets from the proposed development to the west or north. If a conventional subdivision were to be proposed on this property, it would require more extensive grading and wetland alterations than is proposed with this condominium development.

3. The requested R-7 Special Multiple Family Residential zoning was created to accommodate condominium developments at a lesser density than typical multiple family zoning. The proposed density of 2.5 dwelling units per acre is substantially below that allowable under the R-7 zoning. The density restriction may only be set with the acceptance of the development agreement by the City Council.

4. The recently adopted Analysis of Impediments and Housing Study 2013 states "...the community survey indicated that residents want to live in single family homes in the southern and western neighborhoods. Reasons cited included proximity to M-6, newer homes, Grandville Public Schools and being close to shopping and workplaces. Regardless of housing price and type, different portions of the City should have a variety of housing types and price points." The proposed rezoning and subsequent development will provide a higher end residential development. The proposal complies with the recommendation of the AI Housing Study.

5. The City of Wyoming 2035 Thoroughfare Plan showed a 2009 daily traffic volume of 4600 trips on 56th Street adjoining this property. The volumes are projected to increase by 2035 to 5900 trips on 56th Street. Both existing and projected traffic volumes are very low in relation to the overall capacity of 56th Street.

Conformance with the City of Wyoming Sustainability Principals:
Sustainability: The advancement and promotion, with equal priority, of environmental quality, economic strength, and social equity so that a stable and vibrant community can be assured for current and future generations.

The proposed rezoning will provide for a high quality residential development in keeping with the character of this area of Wyoming. The upscale development will contribute to the economic strength of the City. The design proposes a private street with the residences constructed in close proximity. The development will

result in less reconfiguration of the property than would occur with a conventional subdivision. The proposed rezoning conforms to the City of Wyoming sustainability principals.

The Development Review Team suggested the Planning Commission recommend to the City Council the proposed rezoning subject to entering into the development agreement voluntarily offered by the petitioner.

At the public hearing, seventeen nearby residents spoke, with five letters received. A petition was also obtained. All were in opposition to the rezoning citing increased traffic, preservation of wildlife and wetland habitat, new construction in the area, and maintaining a rural character. A motion was made by Hegyi, supported by Woodruff, to recommend to the City Council denial of the proposed rezoning. Discussion followed regarding the development potential of the property, what impacts that may have on the property's wetlands, and street access. The Commission decided to table the request until September 17 to allow the petitioner time to develop a plan showing a potential subdivision of the property using the existing ER rights, along with greater delineation of the wetlands boundary. On September 17, the Commission tabled the proposal until October 15 to allow the petitioner time to prepare the requested information.

On October 15, the petitioner provided the requested information showing how the property could reasonably be developed with 44 single family lots under the existing ER zoning. It was noted that developing the property as a subdivision would have a greater impact on the wetlands. After discussion, a vote on the original motion to deny the proposed rezoning failed 1-8. A motion was made by Woodruff, supported by Arnoys, to recommend to City Council the proposed rezoning subject to entering into the development agreement voluntarily offered by the petitioner. After discussion, the motion carried 6-3 (Goodheart, Postema and Weller opposed). The voluntary development agreement, proposed project conceptual layout plan, conceptual subdivision layout plan, and unit plans, are attached. Additional explanation regarding this proposal may be obtained from the Planning Commission minutes of August 20, September 17, and October 15, 2013.

It must be noted that several of the adjoining property owners are in written opposition to the rezoning. Under Public Act 110 Michigan Zoning Enabling Act Section 403 (1), a 2/3 majority vote (5-2 minimum) of the City Council, is required to approve the rezoning. Verification of this requirement was provided by this office.

Respectfully submitted,

Handwritten signature of Timothy Cochran in black ink, written in a cursive style.

Timothy Cochran, City Planner
Planning and Development Department

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

Mr. Tim Cochran
City of Wyoming
Planning & Development
1155 – 28th Street SW
Wyoming, MI 49509

August 5, 2013

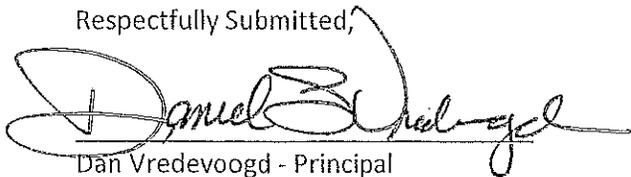
Re: Canal Ave Condominiums:

Mr. Tim Cochran,

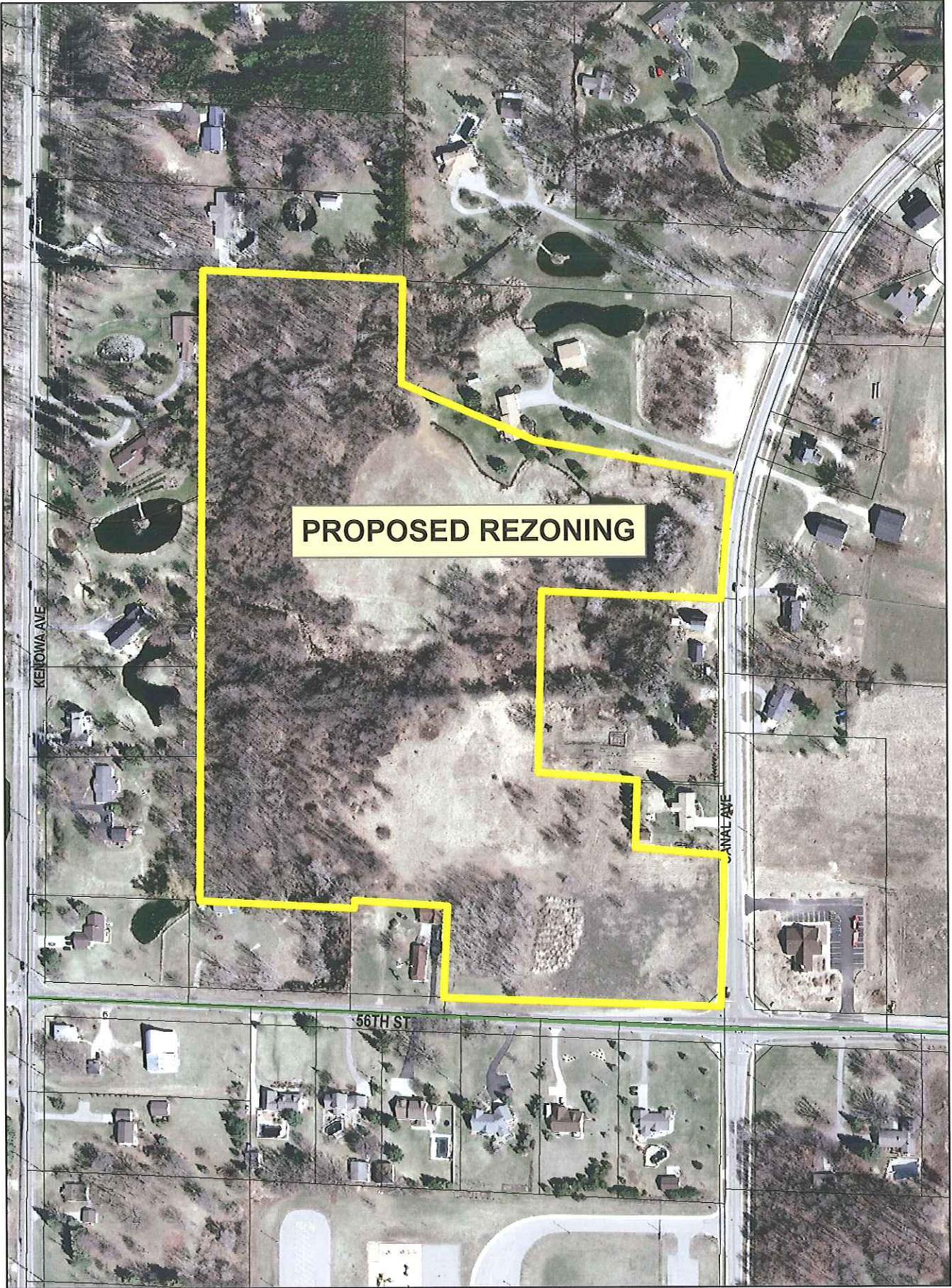
In accordance with section 405 of the Michigan Zoning Enabling Act, Rivertown Homes by Design, LLC. as the owner's representative make the following voluntary offer as a condition to rezoning the property by the City of Wyoming.

1. The property to be rezoned is described as follows:
 - Address: Split from: 5451 Canal Avenue SW
 - Parcel Number: Split from: 41-17-31-151-011
 - Legal Description: Attached Site Plan: Exxel Engineering, Inc. Concept Plan 7/23/2013
2. The property will be rezoned from Estate Residential (ER) Zone to Special Multiple Family Residential District (R-7).
3. The use of the parcel under the R-7 zoning will be for no more than 54 condominiums units for single family use. There will be a variety of layouts and designs, with main floor size ranging from 1100-2600 square feet. All units will have at least a two car garage with optional third stall as setbacks will allow.
4. Owner would have the flexibility of having different size and shaped units to accommodate the wishes of the new home owners.
5. Owners agree to comply with setbacks shown on Exxel Engineering, Inc. Concept Plan 7/12/13. The site has been designed to use as much of the natural existing landscape and wetland areas for the enjoyment of the new home owners, while preserving the privacy of the existing neighbors.
6. This project will be developed in phases.

Respectfully Submitted,

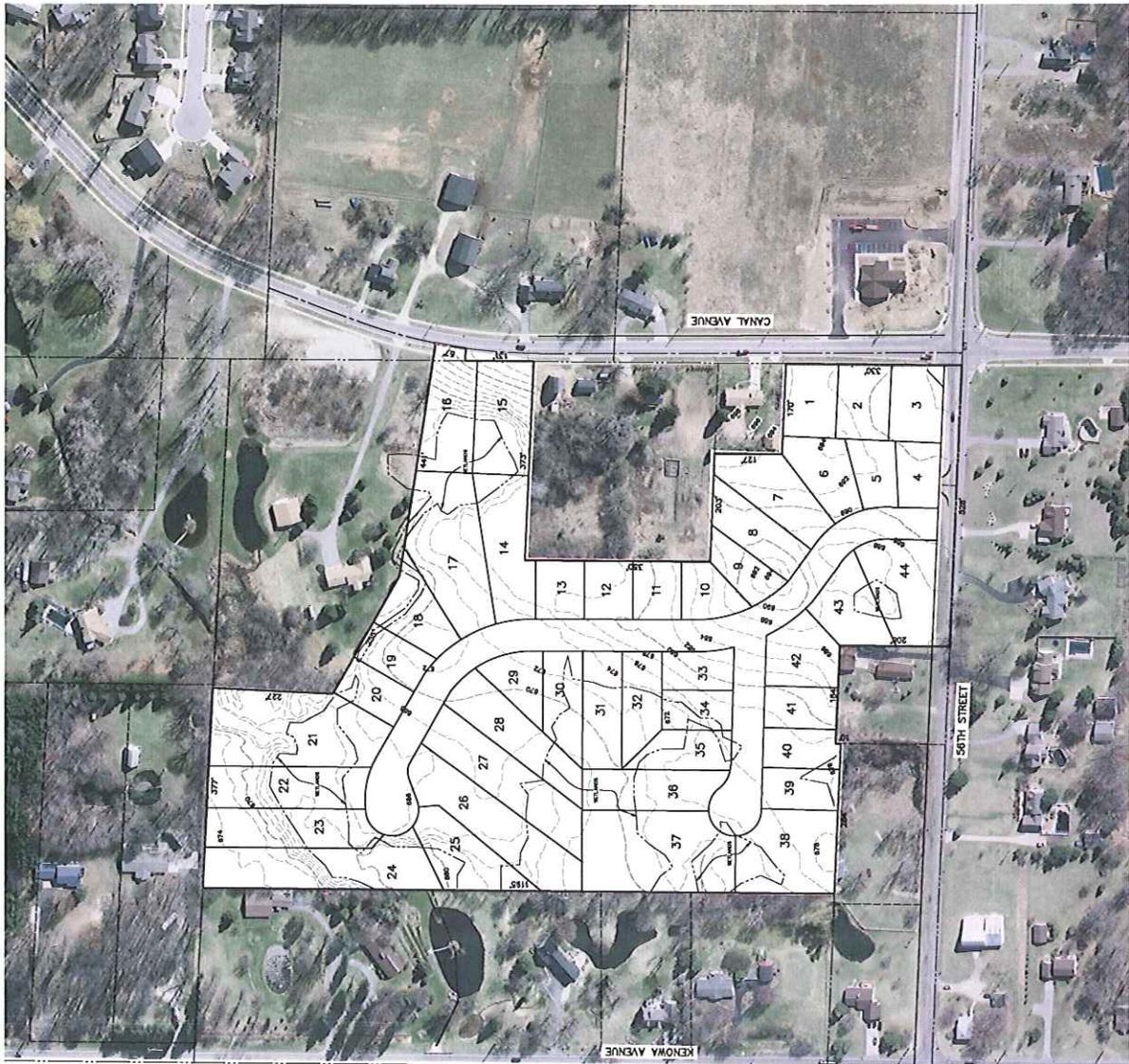


Dan Vredevoogd - Principal
Rivertown Homes by Design, LLC.
4175 Parkway Place SW
Grandville, MI 49418



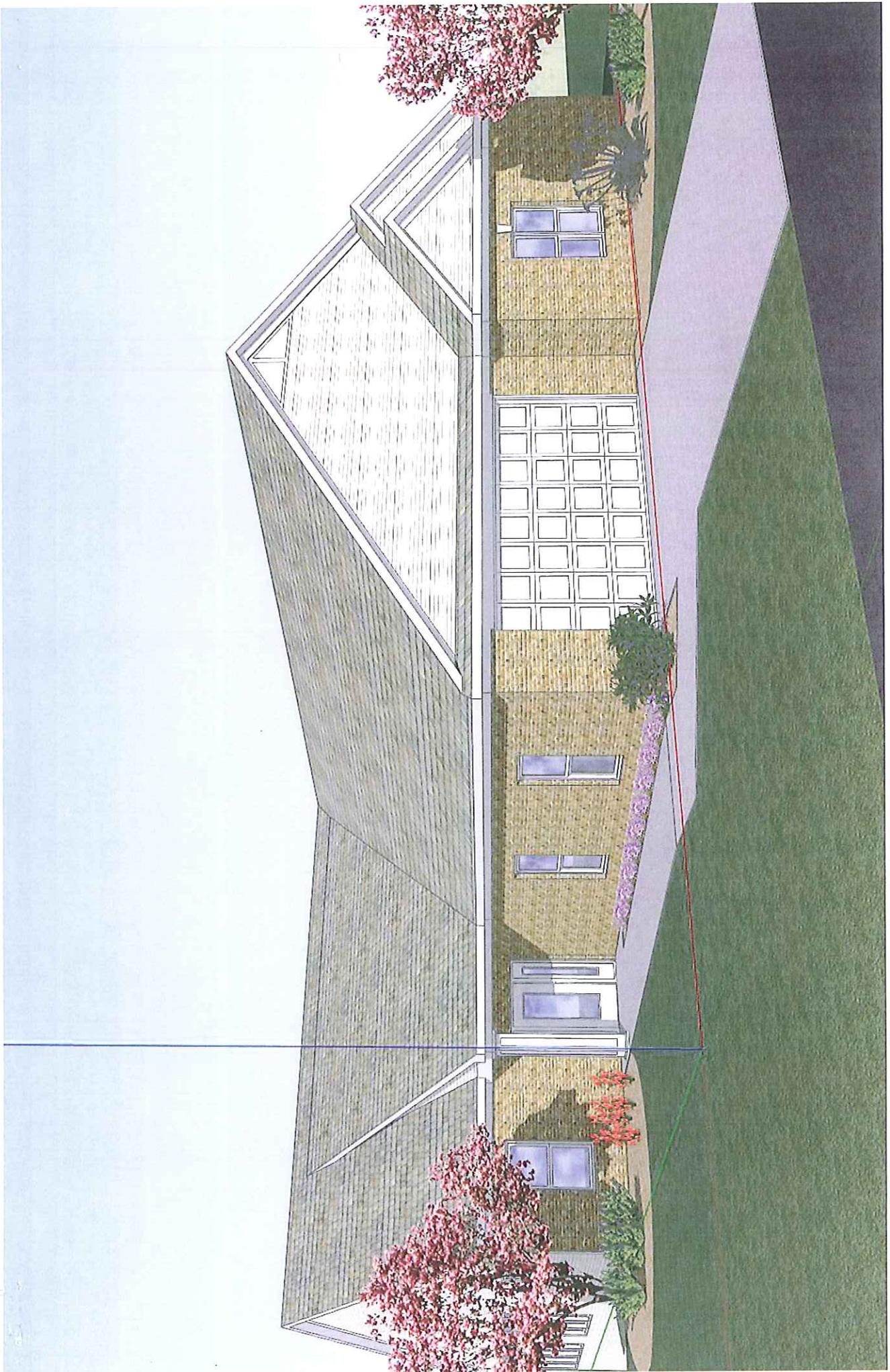


REGIS
 REAL ESTATE
 10000 N. 10th Street, Suite 100
 Omaha, NE 68114
 Phone: (402) 441-1111
 Fax: (402) 441-1112
 Website: www.regisre.com



SCALE: 1"=100'

ER ZONE - SINGLE FAMILY CONCEPT LAYOUT
 10/8/13 #122062





 4461 Wilson Bl., Gardville, Michigan 49419

 Ph: 616-34-0466 Fax: 616-32-7163

 www.rivertownhomesbydesign.com

Drawn By: JADV

 Issued For: Construction February 5, 2013

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 RiverTown Homes

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DEL-MAR VILLAGE CONDO

 SPRING PARADE

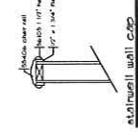
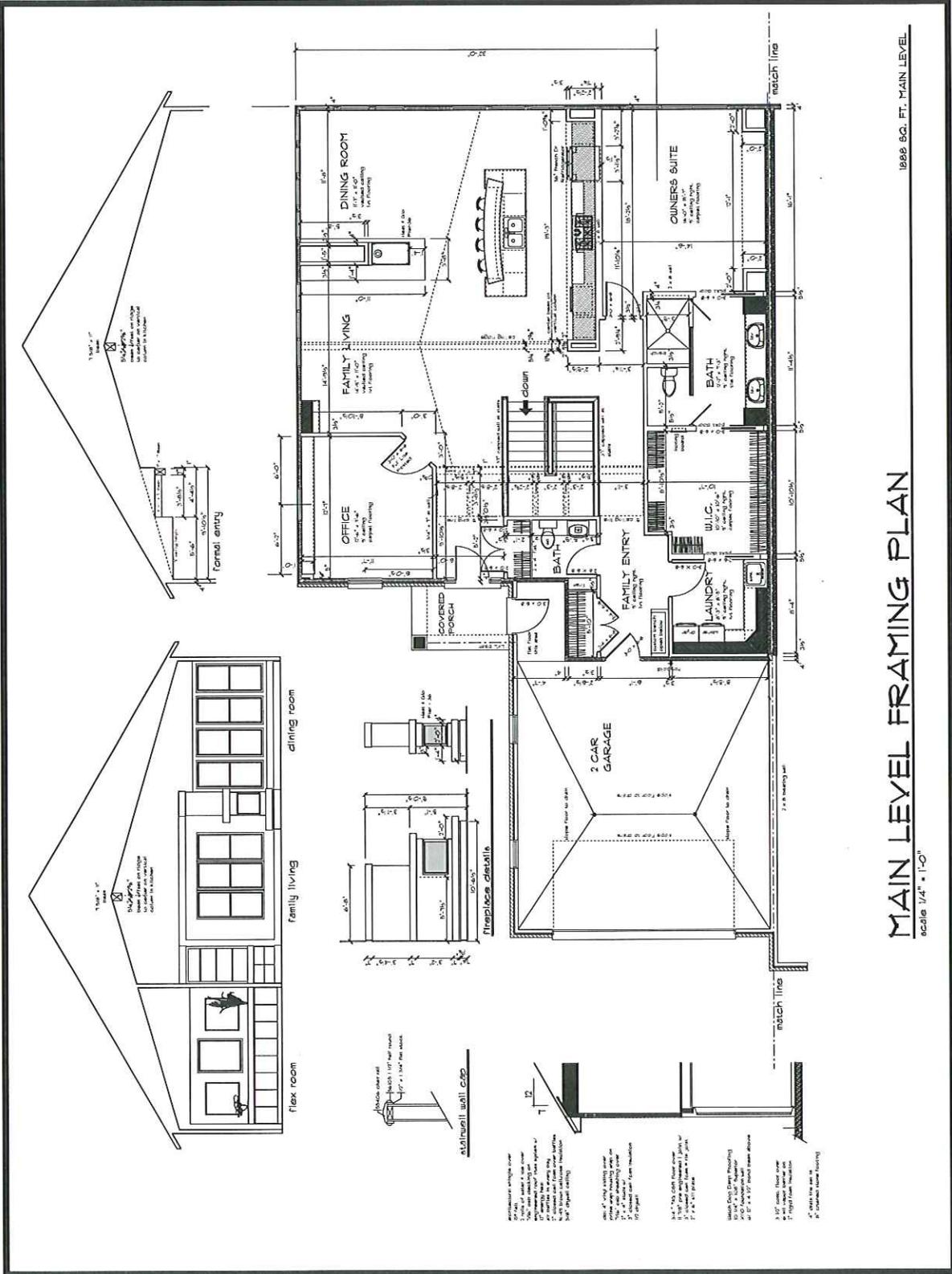
 UNIT #64

 DEL-MAR VIEW COURT

CLIENT APPROVAL

File ID: DMY Unit #64

Sheet Number: A 2.2



- 1. 2x12 joists over 2x12 studs
- 2. 1/2" gypsum board over 2x12 studs
- 3. 1/2" gypsum board over 2x12 studs
- 4. 1/2" gypsum board over 2x12 studs
- 5. 1/2" gypsum board over 2x12 studs
- 6. 1/2" gypsum board over 2x12 studs
- 7. 1/2" gypsum board over 2x12 studs
- 8. 1/2" gypsum board over 2x12 studs
- 9. 1/2" gypsum board over 2x12 studs
- 10. 1/2" gypsum board over 2x12 studs



 4461 Wilton B.W., Gardville, Michigan 48418

 PH: 616-534-0466 FAX: 616-532-1163

 www.riverfronthomesbydesign.com

Drawn By: JADV

 Issued For:

 Construction: January 16, 2012

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DEL-MAR VILLAGE CONDO

 2013

 SPRING PARADE

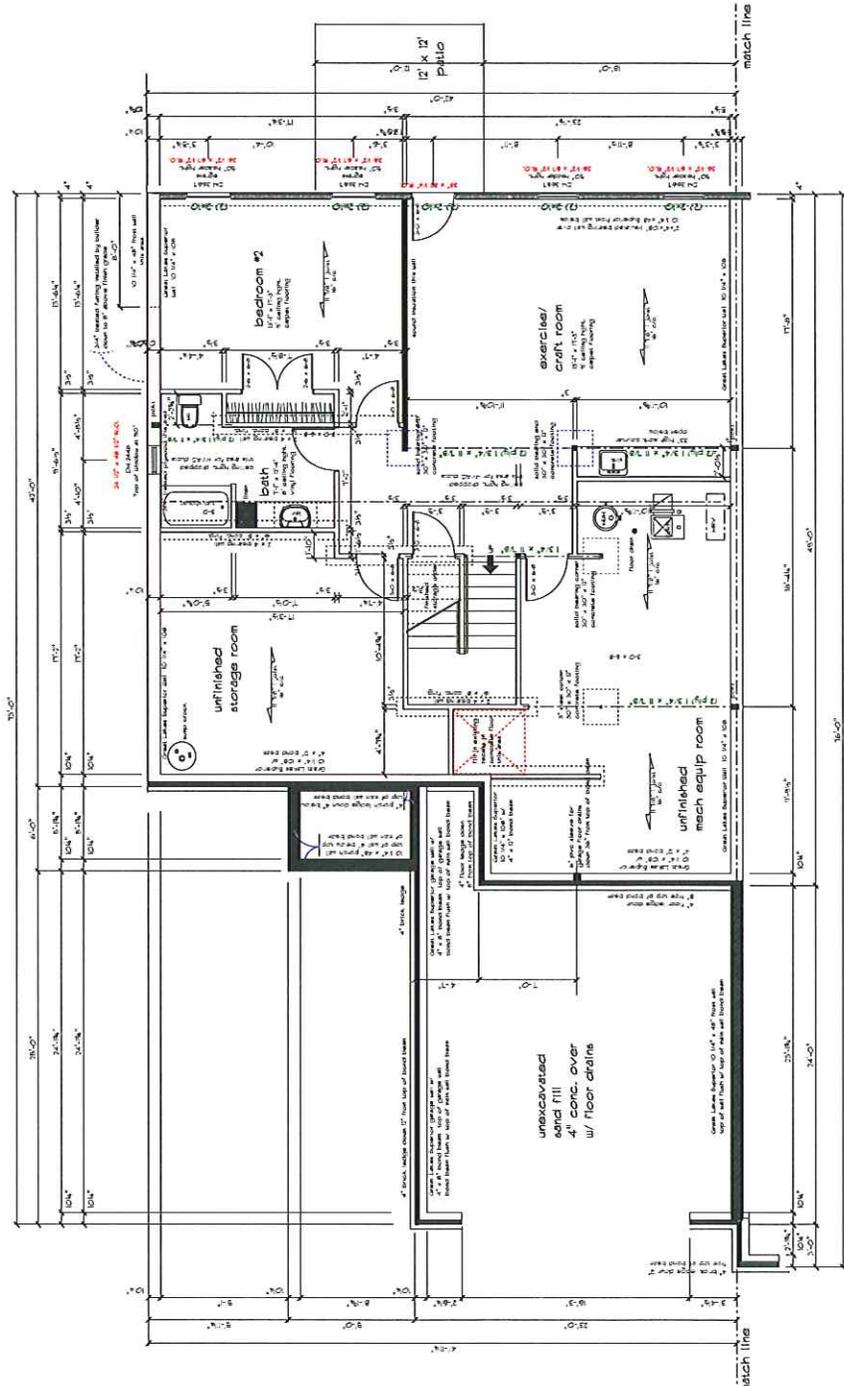
 UNIT #64

 DEL-MAR VILL COURT

CLIENT APPROVAL

File ID: DMV Unit #64

Sheet Number: A 2.1

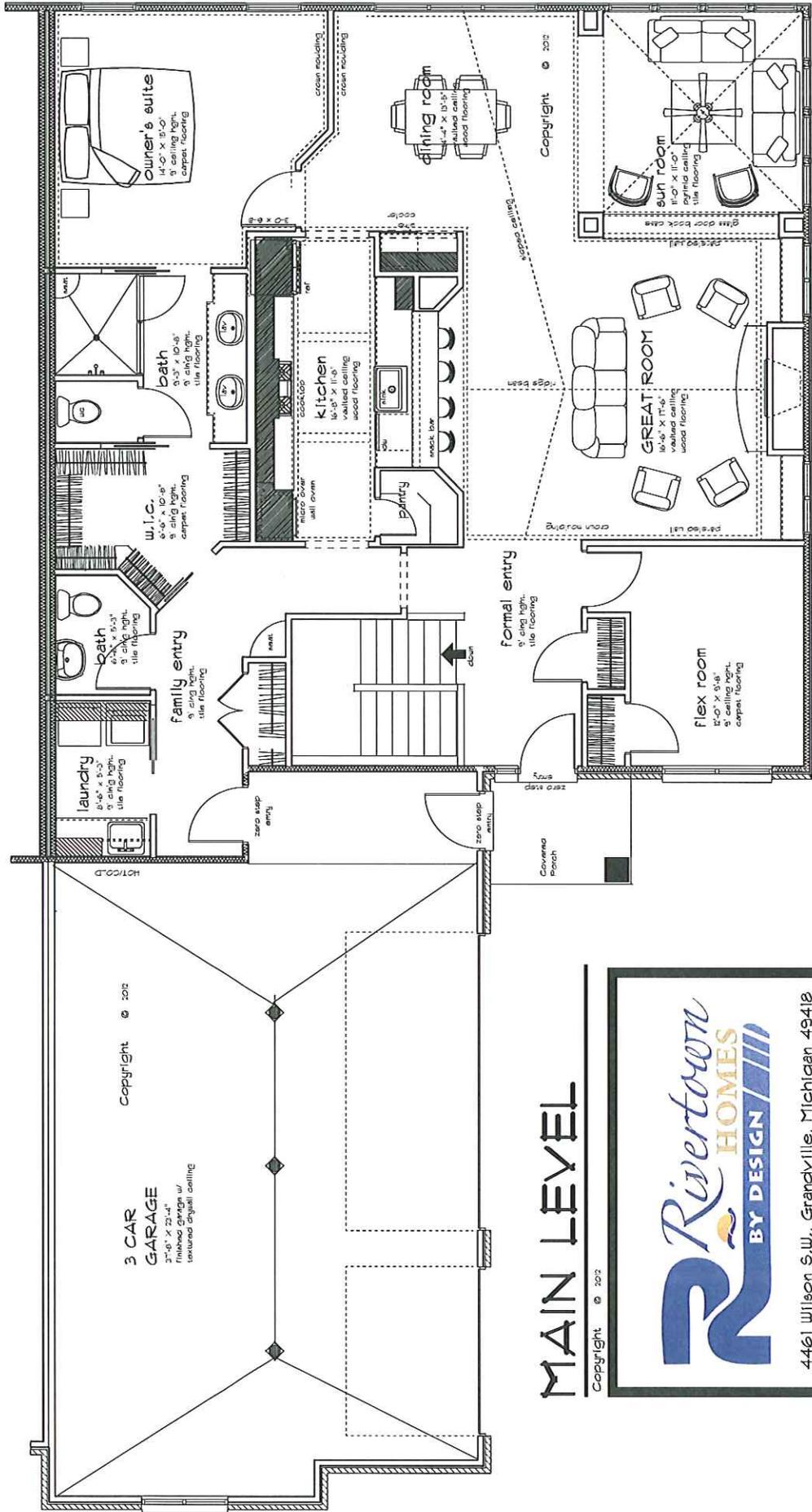


LOWER LEVEL FRAMING PLAN

 1406 SQ. FT. LOWER LEVEL

 scale 1/4" = 1'-0"





4039 DEL-MAR VIEW COURT

MAIN LEVEL

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4461 Wilson S.W., Grandville, Michigan 49418
 ph: 616-534-0466 fax: 616-532-1163
www.rivertownhomesbydesign.com

4555 Wilson Ave SW, Grandville Michigan 49116
Ph: 616-534-0466 Fax: 616-532-7763
www.rivertownbuilders.com



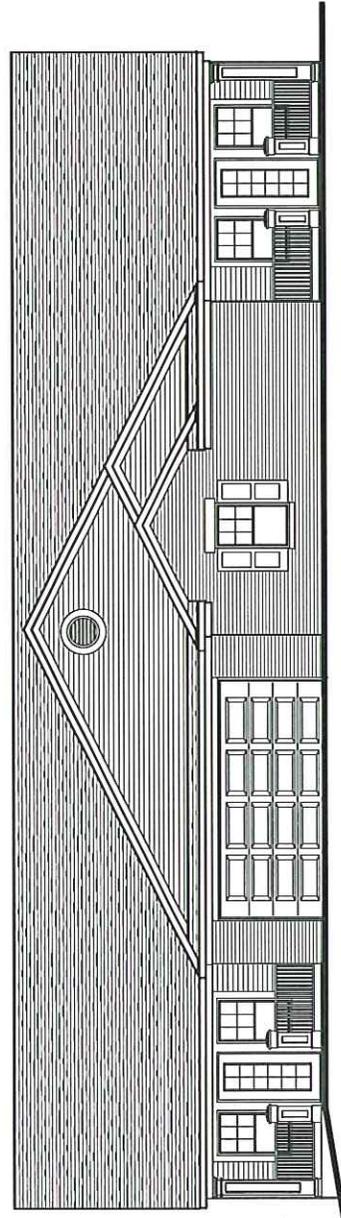
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DEL-MAR VILLAGE CONDO
Unit #61 & 62

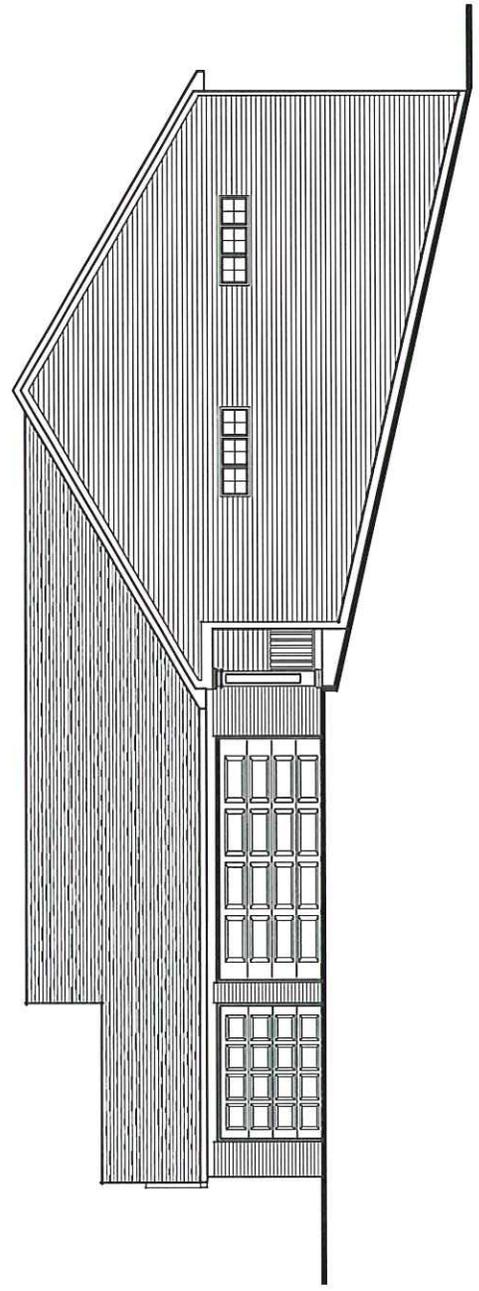
CLIENT APPROVAL
DATE: _____
DATE: _____

Sheet Number
A 1.1



FRONT ELEVATION

SCALE 1/4" = 1'-0"



RIGHT ELEVATION

SCALE 1/4" = 1'-0"



 4569 Wilson Ave. Bld. Grandville, Michigan 49439

 Ph: 616-534-0466 Fax: 616-532-7763

 www.riverfrontbuilders.com

Drawn By **JADY**

 Issued For **POC CONSTRUCTION DEC. 31, 2011**

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ALAN & DIANE ZOET

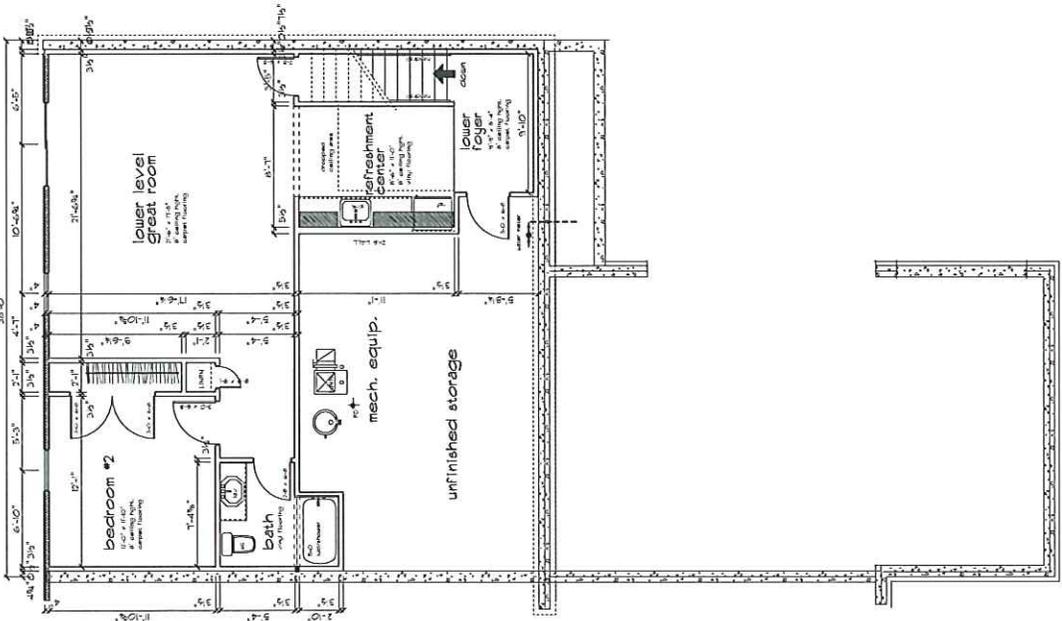
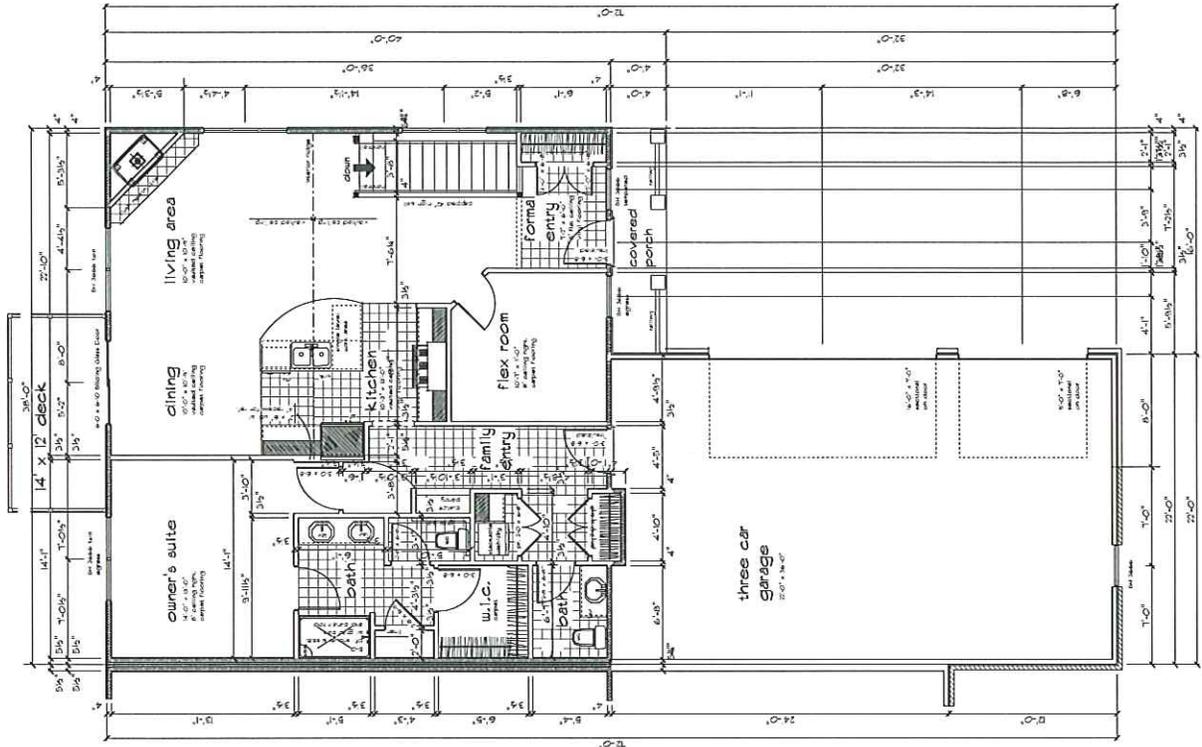
 4068 DEL-MAR VIEW DRIVE

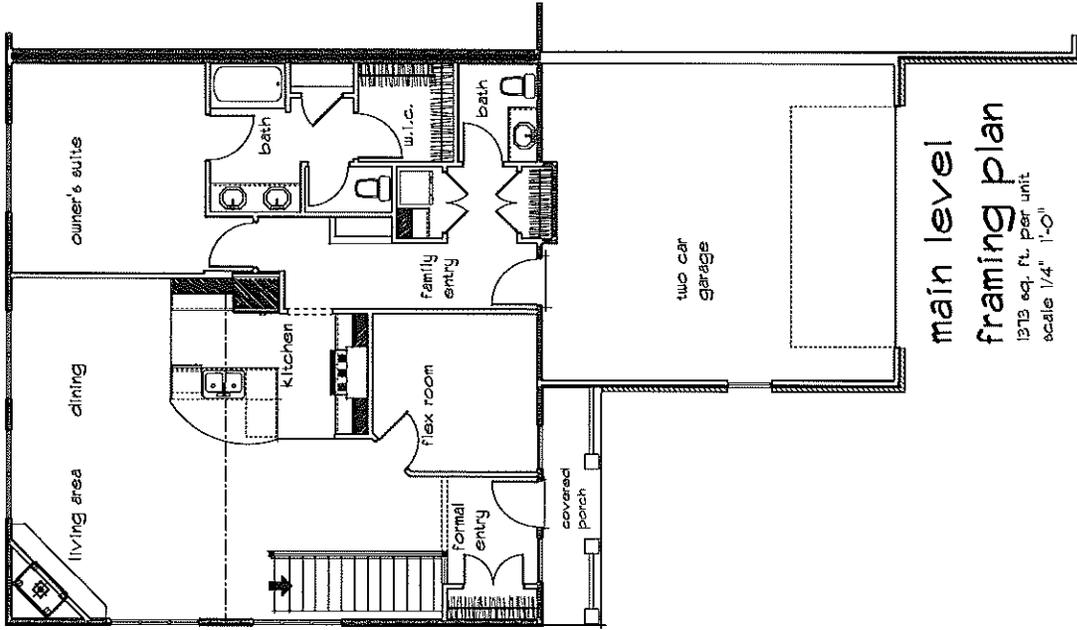
 DEL-MAR VILLAGE CONDO

CLIENT APPROVAL

Sheet Number

A2.1 / A 2.2

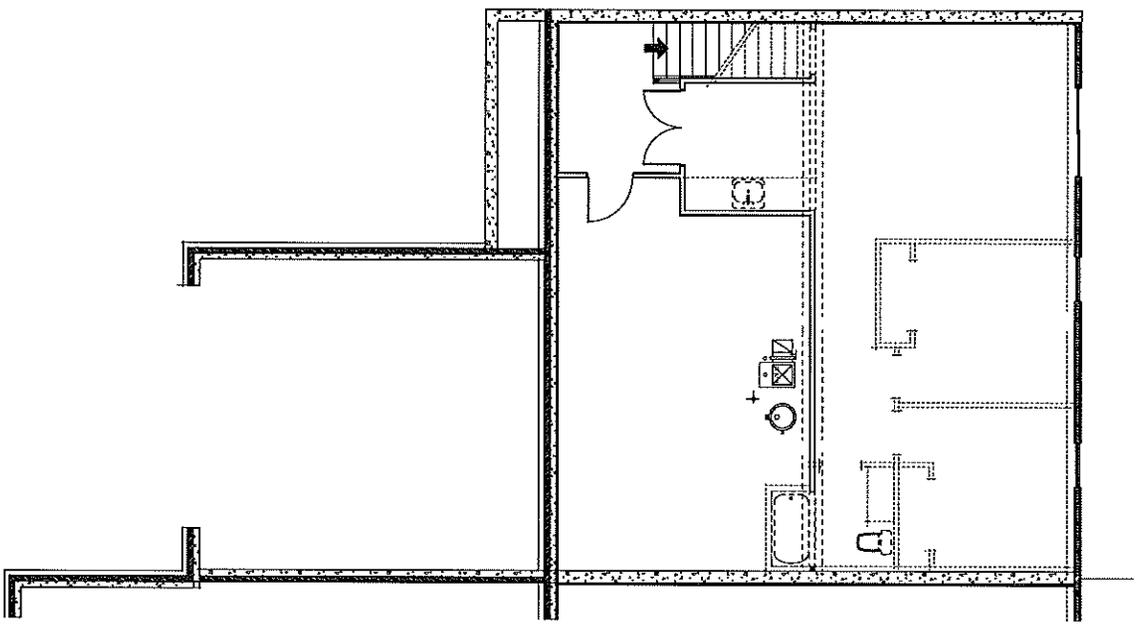




main level
framing plan

1379 sq. ft. per unit
scale 1/4" = 1'-0"

Lower level framing plan



MEMORANDUM

TO: Curtis Holt, City Manager

FROM: Timothy Cochran, City Planner 

DATE: October 30, 2013

SUBJECT: Estate Residential District

CC: Rebecca Rynbrandt, Director of Community Services

You requested information regarding the Estate Residential District (ER) and what role it has played in the evolution of land uses in the Wyoming panhandle. This historical perspective may aid in the evaluation of the current request to rezone property from ER to R-7 Special Multiple Family at Canal Avenue and 56th Street.

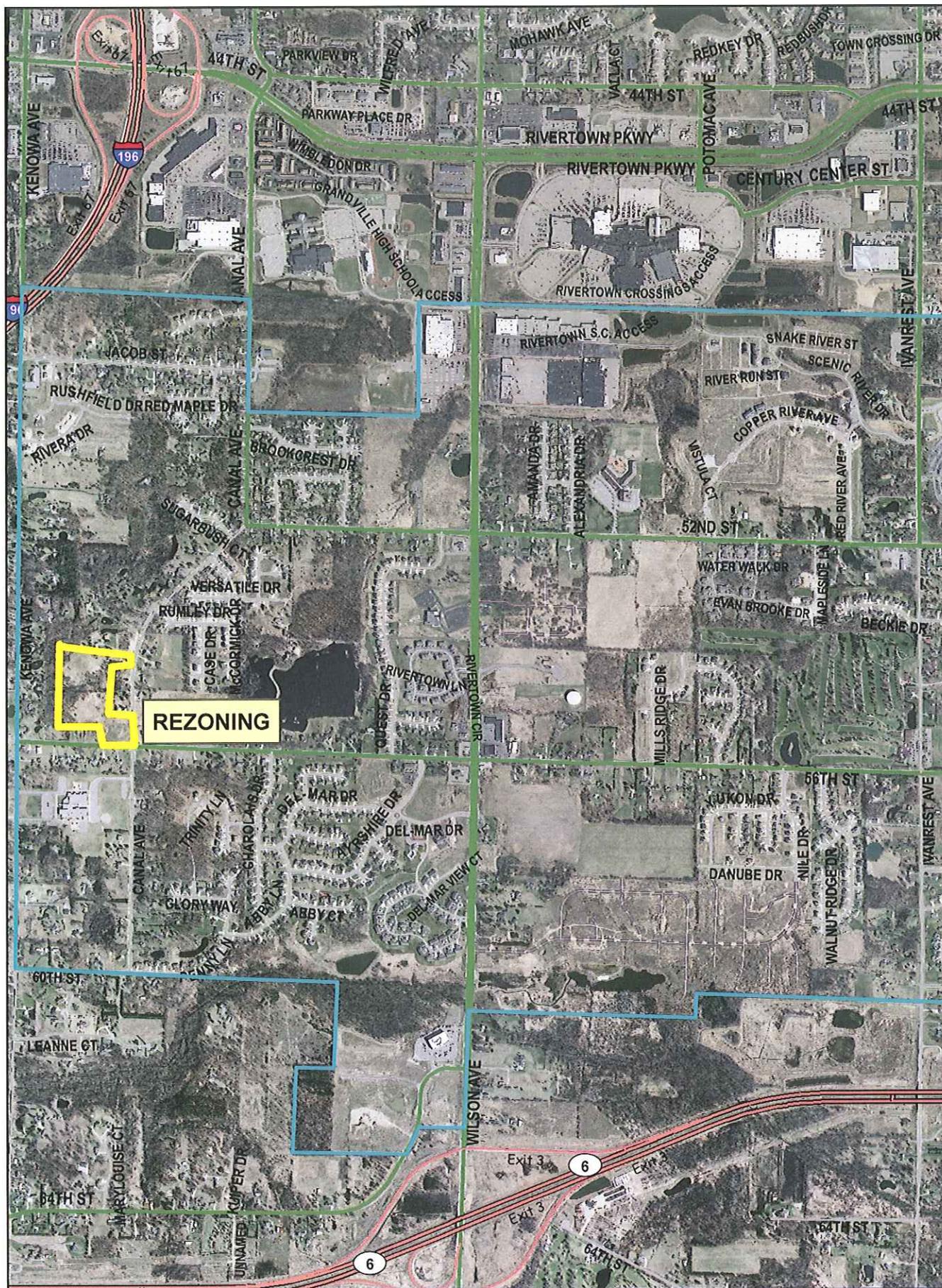
The ER District was adopted by the City Council in 1983. The district was subsequently applied to the entire three square mile area west of Ivanrest Avenue (see attached current REGIS zoning map). That area was comprised of residences on large parcels and small farms with primarily well and septic service. The ER properties were rezoned from R-1 Single Family Residential, which remains the primary residential zoning for most of Wyoming south of 44th Street and east of Ivanrest Avenue. The purpose of the ER district was to effectively act as a holding zone until more intense land uses could be accommodated. It was known that the Southbelt Freeway (M-6) was under intense evaluation, although an exact route was as yet undetermined. The City was planning major utility extensions to service this area. The ER district was structured requiring a two acre minimum lot size, but allowed lots of 10,000 square feet (the R-1 District requirement), if within a subdivision served by public water and sewer services.

In 1989, a major trunk sewer service was provided into the ER District which opened Sections 29, 30 and 31 to development. Immediately, hundreds of single family lots were under development in subdivisions such as Stable Ridge, Canaltown Woods, Hickory Ridge, Applewood, Mill Ridge, Maple Tree and Grand Ridge. In addition, the rezoning of ER properties into large mixed use Planned Unit Developments such as Del-Mar Farms, Rivertown Run, Rivertown Valley, and Vineyard Place (Rivertown Park) occurred. The Wilson town Shopping Center, a powercenter that includes Best Buy, Home Depot, Michaels and the soon-to-be constructed Gordmans, was rezoned from ER to PUD-2 Commercial in 1999. The Costco property also on Wilson Avenue, was rezoned from ER to B-3 Planned Business in 2003. Other, less significant rezonings of ER properties to RO-1 Office, B-1 Local Business, R-4 Multiple Family and R-7 Special Multiple Family have also occurred. Attached you will find two REGIS maps of the original ER District area. The first provides aerial photography (as of 2009) of the area's development. The second shows the current zoning for this area (the remnant ER zoning is shown in dark green). Both show the site of the proposed rezoning to R-7 at Canal Avenue and 56th Street.

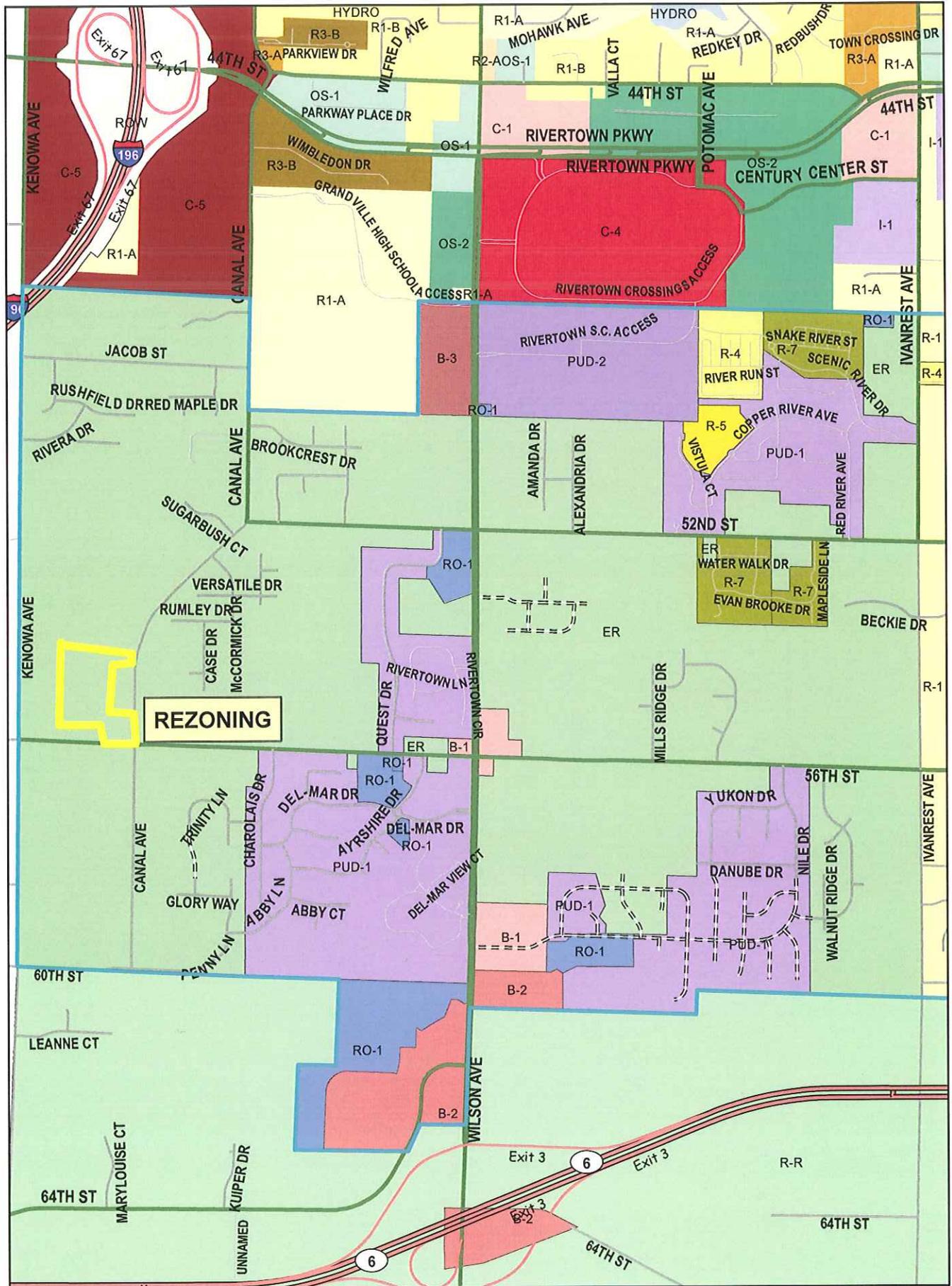
Page 2

As a side note, the R-7 Special Multiple Family District (the pending zoning requested) was created in 1988. As described in the attached Planning Commission minutes, its purpose was to encourage higher quality multifamily condominium construction in a low density development pattern that would be more compatible with existing single family developments. It was envisioned that this zoning would be primarily applicable on suitable properties in the South Wyoming area.

If you need additional information please advise.



REZONING



REZONING

HYDRO R3-B R1-B R1-A MOHAWK AVE HYDRO R1-A
R3-A PARKVIEW DR WILFRED AVE R2-AOS-1 R1-B VALLA CT REDKEY DR REDBUSH DR TOWN CROSSING DR
OS-1 PARKWAY PLACE DR OS-1 C-1 RIVERTOWN PKWY 44TH ST POTOMAC AVE 44TH ST
WIMBLEDON DR OS-1 C-4 RIVERTOWN CROSSINGS A ACCESS OS-2 CENTURY CENTER ST
R1-A GRAND VILLE HIGH SCHOOL ACCESS R1-A R1-A I-1
R1-A RIVERTOWN S.C. ACCESS R-4 SNAKE RIVER ST R-7 SCENIC RIVER DR RO-1 I-1
RUSHFIELD DR RRED MAPLE DR B-3 PUD-2 RIVER RUN ST ER R-1
RIVERA DR RIVERA DR CANAL AVE BROOKCREST DR AMANDA DR ALEXANDRIA DR R-5 COPPER RIVER AVE PUD-1 R-4
SUGARBUSH CT CANAL AVE 52ND ST VISTULA CT RED RIVER AVE R-1
VERSATILE DR RUMLEY DR CASE DR MCCORMICK DR QUEST DR RIVERTOWN LN RIVERTOWN CIR ER
R-7 WATER WALK DR R-7 EVAN BROOKE DR MAPLESIDE LN BECKIE DR R-1
REZONING ER B-1 ER
DEL-MAR DR RO-1 RO-1 DEL-MAR DR RO-1
AYRSHIRE DR DEL-MAR DR
PUD-1 DEL-MAR VIEW CT
ABBY LN ABBY CT
DANUBE DR PUD-1 PUD-1
WILSON AVE B-1 RO-1 B-2
60TH ST 56TH ST
LEANNE CT
MARYLOUISE CT MARYLOUISE CT UNNAMED
KUIPER DR
64TH ST
Exit 3 6 Exit 3
Exit 3
64TH ST R-R

smaller lots available in the City and region. They also felt a lot of businesses in Wyoming want to move to larger lots. Also Birgit Klohs from the Right Place Program said she has had many requests for the larger lot sizes, and suggested a minimum of five acre lots.

Mears indicated that if the minimum lot size increased to five acres, there would also have to be increases in minimum lot width, building size, etc. He suggested numbers. He also mentioned the facade requirement of face brick or equivalent quality materials was not included in that draft, but it would be added.

Motion by Simon, supported by Strating, to recommend to the City Council adoption of the text for the new I-3, Restricted Industrial District, subject to the changes recommended by Staff, plus a minimum lot size of five acres. Motion carried unanimously.

CHAIRMAN MULLER PRESENTED AGENDA ITEM NO. 7

Review of the proposed R-7, Special Multiple Family Residential District.
(Planning/Community Development Department)

Flynn mentioned the concept of a new zoning district was first suggested by City Councilmembers, to encourage condominium construction. The proposed text creates a new multiple family district which has approximately 30 percent lower density than the existing R-4 District. Higher quality multi-family could develop in this low density zone, including condominiums, which would be more compatible with single family development. Provisions for this type of development are not identified on the Wyoming Land Use Plan. Therefore, Staff included a Statement of Purpose with the new text. Staff suggested that the Planning Commission recommend to the City Council approval of this zoning text change.

Dieterman asked where this zoning district would be located. Mears responded it was subject to City officials' approval of developer requests. Some developers will try to obtain this zoning where they cannot get R-4 zoning, as in the South Wyoming area.

Motion by Simon, supported by Strating, to recommend to City Council adoption of the text for the proposed new R-7, Special Multiple Family Residential District. Discussion followed.

Mears explained the major difference between the proposed R-7 district and the existing R-4 multiple family district was the density. The R-7 district allows a maximum of 10 units per acre for two bedroom apartments, while the R-4 district allows a maximum of 14 units per acre. For two bedroom townhouse units the R-7 district allows seven units per acre, while the R-4 district allows ten units per acre. Staff believes that the lower R-7 density will both increase the quality of rental multiple family housing and encourage condominium projects.

A vote on the motion carried unanimously.

CITY COUNCIL
CITY OF WYOMING
Kent County, Michigan

Councilmember _____, seconded by Councilmember _____ moved the adoption of the following ordinance.

ORDINANCE NO _____

AN ORDINANCE TO AMEND THE 2009 RESTATED DOWNTOWN DEVELOPMENT PLAN AND TAX INCREMENT FINANCING PLAN PROPOSED BY THE DOWNTOWN DEVELOPMENT AUTHORITY OF THE CITY OF WYOMING AND TO PROVIDE FOR THE COLLECTION OF TAX INCREMENT REVENUES.

THE CITY OF WYOMING ORDAINS:

Section 1. Title. This Ordinance shall be known and may be cited as the "Ordinance providing for the Year 2014 Amendment to the Downtown Development Plan and Tax Increment Financing Plan."

Section 2. Definitions. The terms used herein shall have the same meaning given them in Act 197 (defined below), unless the context clearly indicates to the contrary. As used in this Ordinance:

- (a) "Act 197" shall mean Act 197, Public Acts of Michigan, 1975, as amended, as now in effect or hereinafter amended, being known as the Michigan Downtown Development Authority Act.
- (b) "Board" shall mean the Board of the DDA, its governing body.
- (c) "City Council" shall mean the City Council of the City of Wyoming, Kent County, Michigan, a municipal corporation of the state of Michigan.
- (d) "DDA" or "Authority" shall mean the Downtown Development Authority of the City of Wyoming.
- (e) "Development Area" shall mean the development area designated in the Development Plan, as amended.
- (f) "Development Plan" shall mean the Development Plan portion of the Plan.
- (g) "Plan" shall mean the 2009 Restated Downtown Development Plan and Tax Increment Financing Plan of the City of Wyoming.
- (h) "Tax Increment Financing Plan" shall mean the Tax Increment Financing plan portion of the Plan for the collection of tax increments.
- (i) "Year 2014 Amendment" shall mean the Year 2014 Amendment to the 2009 Restated Downtown Development Plan and Tax Increment Financing Plan of the City of Wyoming.

Section 3. Public Purpose. The City Council finds and confirms the continued necessity to halt property value deterioration, to eliminate the causes of such deterioration and to promote economic growth, and hereby determines that the Year 2014 Amendment adopted by the Board on _____, 2013, and presented to the City Council constitutes a public purpose.

Section 4. Considerations. In accordance with Section 19 of Act 197, the City Council has considered the factors enumerated in that section and herein stated, making the following determinations:

- (a) The City Council invited the findings and recommendations of the Development Area Citizen's Council and comments were received.

- (b) The Development Plan meets the requirements set forth in Section 17(2) of Act 197.
- (c) The proposed method of financing the development is feasible and the DDA has the ability to arrange the financing.
- (d) The development is reasonable and necessary to carry out the purposes of Act 197.
- (e) The land included within the Development Area which may be acquired is reasonably necessary to carry out the purposes of the Development Plan and of Act 197 in an efficient and economically satisfactory manner.
- (f) The Development Plan is in reasonable accord with the City's master plan.
- (g) Public services, such as fire and police protection and utilities, are or will be adequate to service the project area.
- (h) Changes in zoning, streets, street levels, intersections and utilities are reasonably necessary for the project and for the municipality.

Section 5. Meetings. Representatives of all taxing jurisdictions within which all or a portion of the Development Area lies have had reasonable opportunity to present their opinions and comments regarding the Year 2014 Amendment to the City Council.

Section 6. Public Hearing. The City Council has held a public hearing on the Year 2014 Amendment with notice properly given in accordance with Section 18 of Act 197, and the City Council has provided an opportunity for all interested persons to be heard regarding such Amendment.

Section 7. Amendment. The 2009 Restated Downtown Development Plan and Tax Increment Financing Plan Proposed by the Downtown Development Authority of the City of Wyoming, sections III. A., III. E., and Exhibits E and F, are amended as follows in the attached **Appendix A**.

Section 8. Development Area. The boundaries of the Development Area are as set forth and described in the Plan, and these boundaries are hereby approved and confirmed.

Section 9. Transmittal of Revenues. The City Treasurer shall transmit to the DDA that portion of the tax levy of all taxing bodies paid each year on real and personal property in the Development Area on the captured assessed value as set forth in the Tax Increment Financing Plan.

Section 10. Publication and Effective Date. This Ordinance shall take effect upon its publication or the publication of a synopsis thereof in the *Advance Newspapers*, a newspaper of general circulation within the City.

Section 11. Severability and Repeal. If any portion of this Ordinance shall be held to be unlawful, the remaining portions shall remain in full force and effect. All ordinances and parts of Ordinances in conflict herewith are hereby repealed.

YEAS: Councilmember(s) _____

NAYS: Councilmember(s) _____

ABSTAIN: Councilmember(s) _____

ABSENT: Councilmember(s) _____

APPROVED: _____, 2013

I, Heidi Isakson, City Clerk of City of Wyoming, certify that this ordinance was adopted by the City Council of City of Wyoming at a regular meeting of the City Council held on _____, 2013, and published in the *Advance Newspapers*, a newspaper of general circulation in the City of Wyoming on _____, 2013.

Jack Poll, Mayor

Heidi Isakson, Clerk

Introduced: _____

Adopted: _____

Published: _____

Effective: _____

APPENDIX A

Section III. A. of the 2009 Restated Downtown Development Plan and Tax Increment Financing Plan is amended to read as follows:

A. Detailed Explanation of the Tax Increment Procedure. Section 14(1).

The Act permits the DDA to undertake a broad range of activities which will promote economic growth and eliminate the causes of value deterioration in its business district. These activities include the adoption and implementation of a plan of development in the downtown district necessary to achieve the purposes of the Act.

One of the DDA's means of implementing a plan of development is tax increment financing. A tax increment financing plan must be prepared, submitted to, and approved by the governing body of the municipality through an ordinance adopting a tax increment financing plan.

The purpose of tax increment financing is to capture tax revenues attributable to increases in value of real and personal property¹ within the boundaries of the development area. The increases in property value may be attributable to new construction, rehabilitation, remodeling, alterations, additions, inflation or other factors the assessor may deem appropriate.

Section 1(b) of the Act defines "assessed value" for valuations made after December 31, 1994 as taxable value as determined under MCL 211.27a. The most recently assessed values, as finally equalized by the State Board of Equalization, of all the taxable properties located within the boundaries of the development area at the time the ordinance establishing the tax increment financing plan is approved became the plan's original "initial assessed value." The initial assessed value is amended to be the 2013 taxable value as all taxable properties located within the boundaries of the development, except that, to the extent state law allows, now or in the future, the initial assessed value shall not include the value of any personal property. At the time the ordinance adopting the tax increment financing plan is approved, property exempt from taxation is given an initial assessed value of zero.

Except as provided in case of a change in law allowing exclusion of personal property from the initial assessed value, in each year after the tax increment financing plan is approved, the total assessed value of real and personal property within the boundaries of the development area is referred to as the "current assessed value." If state law allows for the exclusion of personal property from the initial assessed value, it shall also be excluded from the current assessed value. The difference between the current assessed value and the initial assessed value in each year is known as the "captured assessed value."

Each year tax increments will be captured from all local taxing jurisdictions whose taxes are eligible for capture under the Act, except the taxes levied for Senior Citizens approved by the electors of Kent County on November 3, 1998 and the taxes levied for the Kent County Correctional Facility approved by the electors of Kent County on August 7, 1990. During the period the development plan and tax increment financing plan are in force, the local taxing jurisdictions continue to receive the full amount of tax revenue based on the initial assessed value. However, the portion allocable to the captured assessed value is transmitted to the DDA for use according to the tax increment financing plan. This portion is known as "tax increment revenue." The tax increment revenue will be used for the purposes set forth in this tax increment financing plan and, if bonds are issued to finance a project in the development plan, the tax increment revenues will be pledged to the repayment of such bonds.

¹ To the extent subsequently permitted by law, the DDA may elect to stop capturing tax increment revenues attributable to personal property within the development area.

The amount of tax increment revenue to be transmitted to the DDA by the City and County Treasurers will be that portion of the tax levy of all taxing bodies, whose taxes are eligible for capture, paid each year on real and personal property in the project area on the captured assessed value. The DDA will expend the tax increments revenue received for the development program only pursuant to this tax increment financing plan. Any surplus funds shall revert proportionately to the respective taxing bodies.

This tax increment financing plan shall be administered in full compliance with Sections 14, 15 and 16 and all other provisions of the Act.

Section III. E. of the 2009 Restated Downtown Development Plan and Tax Increment Financing Plan is amended to read as follows:

E. A statement of the estimated impact of tax increment financing on the assessed values of all taxing jurisdictions in which the development area is located. Section 14(1).

The tax increment financing plan will in no way diminish the current assessed values of property within the area boundaries at the time of the amendment. Local taxing jurisdictions will suffer no loss of current tax revenues.²

For the period during which the tax increment financing plan is in effect, the assessed values of properties within the development area will effectively remain constant insofar as the local taxing jurisdictions are concerned. Any increase in property values will generate tax increment revenues which will be available only to the Authority during the duration of the plan unless excess funds are available and if available will be distributed proportionally to the taxing units.

It is anticipated that the development activities of the DDA, financed in whole or in part by tax increment revenues, will produce a positive material effect on the assessed values of property within and in the proximity of the development and will ultimately result in the eventual collection of greater real property tax revenues than would otherwise have been available. Since local taxing jurisdictions will suffer no loss of current tax revenues, the initial assessed value for property within the development area shall be based on the 2013 taxable value as determined under section 27a of the general property tax act, 1893 PA 206, MCL 211.27a.

Pursuant to Section 14(4) of the Act, the DDA shall fully inform the taxing jurisdiction within the development area subject to capture of the fiscal and economic implications of the proposed development.

A Schedule containing an estimate of the impact on the taxing jurisdictions is included as Exhibit E in the Appendix.

² To the extent subsequently permitted by law, the DDA may elect not to capture tax increment revenues attributable to personal property within the development area. To the extent the DDA makes such a determination, the taxing jurisdictions will be further insulated from losing revenues.

Exhibit E to the 2009 Restated Downtown Development Plan and Tax Increment Financing Plan is amended to read as follows:

EXHIBIT E

Impact of Tax Increment Financing on Taxing Jurisdictions

<u>Taxing Jurisdiction</u>	<u>Millage Rates</u>	<u>Estimated 2014 Tax Increment Revenues Captured</u>
Kent County*	4.2803 mills*	\$3,834.55
City of Wyoming	11.6573 mills	\$10,443.31
Grand Rapids Community College	1.7865 mills	\$1,546.86
Library	0.88 mills	\$788.36
Interurban Transit	1.47	\$1,316.91

*The Kent County millage rate does not include voted millages which have been specifically excluded by agreement with Kent County and Resolution 18968 of the City dated February 8, 1999.

Exhibit F to the 2009 Restated Downtown Development Plan and Tax Increment Financing Plan is amended to read as follows:

EXHIBIT F

Estimated Real Property Tax Capture On Base Year Taxable Value Of \$54,452,588
Wyoming DDA, 2013 Thru 2029

Year	Captured Taxable Value	Tax Increment Revenues
2014	\$871,241	\$17,486
2015	\$1,106,477	\$22,207
2016	\$1,128,606	\$22,651
2017	\$1,151,178	\$23,104
2018	\$1,174,202	\$23,566
2019	\$1,197,686	\$24,038
2020	\$1,221,640	\$24,518
2021	\$1,246,072	\$25,009
2022	\$1,270,994	\$25,509
2023	\$1,296,414	\$26,019
2024	\$1,322,342	\$26,539
2025	\$1,348,789	\$27,070
2026	\$1,375,765	\$27,612
2027	\$1,403,280	\$28,164
2028	\$1,431,345	\$28,727

Estimated Personal Property Tax Capture On Base Year Taxable Value Of \$4,923,400
Wyoming DDA, 2013 Thru 2029

Year	Captured Taxable Value	Tax Increment Revenues
2014	\$24,617	\$494
2015	\$24,740	\$497
2016	\$24,864	\$499
2017	\$24,988	\$502
2018	\$25,113	\$504
2019	\$25,239	\$507
2020	\$25,365	\$509
2021	\$25,492	\$512

2022	\$25,619	\$514
2023	\$25,747	\$517
2024	\$25,876	\$519
2025	\$26,005	\$522
2026	\$26,135	\$525
2027	\$26,266	\$527
2028	\$26,397	\$530

10/20/20
10/20/20

PUBLIC HEARING NOTICE

WYOMING CITY COUNCIL

DOWNTOWN DEVELOPMENT AUTHORITY
ORDINANCE TO AMEND THE 2009 RESTATED DOWNTOWN DEVELOPMENT PLAN
AND TAX INCREMENT FINANCING PLAN

The Wyoming City Council will hold a public hearing on December 2, 2013, at 7:00 p.m. at the Wyoming City Hall, 1155 28th Street, SW, Wyoming, Michigan, to receive comment on a proposed ordinance to amend the 2009 Restated Downtown Development Plan and Tax Increment Financing Plan (the "Plan Amendment") of the Downtown Development Authority of the City of Wyoming (the "DDA"), pursuant to 1975 PA 197, as amended.

The boundaries of the DDA's Development Area will not be changed by the Plan Amendment. The boundaries of the Development Area, which is the area to which the Plan Amendment applies is generally described as follows:

The Development Area of the DDA runs along 28th Street in the City of Wyoming from Division Avenue to Byron Center Avenue, including property lying approximately 300 feet to the north and 300 feet to the south of 28th Street.

The legal description of the Development Area, along with corresponding maps and plats, is included in the 2009 Restated Downtown Development Plan and Tax Increment Financing Plan (collectively, the "2009 Restated Plan") which is available for public inspection as provided below.

The Plan Amendment proposes to adjust the initial assessed value within the 2009 Restated Plan to the 2013 taxable value of all taxable properties located within the boundaries of the Development Area. Copies of the 2009 Restated Plan and the Plan Amendment are available for public inspection and copying at Wyoming City Hall, 1155 28th Street, SW, Wyoming, Michigan 49509. At the hearing, the City Council will hear and consider any comments or written communications from the public and from jurisdictions levying taxes subject to capture under the Plan Amendment concerning any aspects of the Plan Amendment. All aspects of the Plan Amendment will be open for discussion at the public hearing. No persons shall be displaced or need to be relocated as part of the Plan Amendment.

Heidi A. Isakson
Wyoming City Clerk

CITY OF WYOMING
DOWNTOWN DEVELOPMENT AUTHORITY
Kent County, Michigan

Board member VanderVeen, supported by Board member Van der Klok, moved the adoption of the following resolution:

RESOLUTION NO. 2013-1

**RESOLUTION APPROVING AND RECOMMENDING CITY COUNCIL APPROVAL OF AN
ORDINANCE AMENDING THE 2009 RESTATED DOWNTOWN DEVELOPMENT PLAN AND
TAX INCREMENT FINANCING PLAN**

Whereas, pursuant to the Downtown Development Authority Act, 1975 PA 197, as amended, MCL 125.1651 *et seq.* ("Act 197") the City Council established the City of Wyoming Downtown Development Authority (the "DDA"); and

Whereas, in accordance with Act 197, the DDA and the City have adopted a Downtown Development Plan and Tax Increment Financing Plan that were most recently amended in 2009 (collectively, the "2009 Restated Plan"); and

Whereas, pursuant to Section 14 of Act 197, the 2009 Restated Plan may be modified if such modification is approved by the City Council after complying with such notice and public hearing requirements as were required for the approval of the original plans; and

Whereas the DDA has prepared an ordinance to amend the 2009 Restated Plan entitled "an ordinance to amend the 2009 Restated Downtown Development Plan and Tax Increment Financing Plan" (the "Plan Amendment") which is attached to this resolution as Exhibit A; and

Whereas, the DDA desires to approve the Plan Amendment and to recommend it for City Council approval.

NOW, THEREFORE, it is resolved as follows:

1. The Plan Amendment, attached and marked as Exhibit A, is hereby approved by the Board of the DDA and recommended to the City Council for its approval.
2. The Plan Amendment shall be submitted to the City Council for approval and adoption in accordance with the provision of Act 197.

YEAS: 6

NAYS: 0

ABSENT: 2

ABSTAIN: 0

RESOLUTION DECLARED ADOPTED.

CERTIFICATION

I certify that this is a true and complete copy of a resolution adopted by the Board of the Downtown Development Authority of the City of Wyoming, Michigan, at its meeting of October 1, 2013.



Lillian VanderVeen, Secretary

City of Wyoming Downtown Development Authority