

AGENDA
WYOMING CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
MONDAY, NOVEMBER 4, 2013, 7:00 P.M.

- 1) Call to Order**
- 2) Invocation**
Pastor Tim Gilleo, Resurrection Life Church
- 3) Pledge of Allegiance**
- 4) Roll Call**
- 5) Student Recognition**
- 6) Approval of Minutes**
From the regular meeting of October 21, 2013
- 7) Approval of Agenda**
- 8) Public Hearings**
- 9) Public Comment on Agenda Items** (3 minute limit per person)
- 10) Presentations and Proclamations**
 - a) Presentations
 - b) Proclamations
 1. The Honorable James R. Buck
- 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. 23 – To Appropriate \$6,500 of Budgetary Authority to Provide Funding for Replacement of One K-9 Unit to be Paid for With Drug Forfeiture Funds
 - 2) Budget Amendment No. 24 – To Appropriate \$8,000 of Budgetary Authority to Provide Funding for Preliminary Engineering and Easement Acquisition for a Federally Funded Trail Project in 2014
 - 3) Budget Amendment No. 25 – To Appropriate \$140,000 of Budgetary Authority to Provide Funding for Purchase and Setup of Motor Vehicles as Discussed in the Attached Staff Report
- 14) Consent Agenda**
- 15) Resolutions**
 - a) To Set a Public Hearing to Receive Comment on a Proposed Ordinance to Amend the 2009 Restated Downtown Development Plan and Tax Increment Financing Plan of the Downtown Development Authority (December 2, 2013 at 7:01 p.m.)
 - b) Objection to Transfer of Properties Not Sold at the 2013 Delinquent Property Tax Sale to the City of Wyoming
 - c) To Accept Grant Funding Received from the United States Department of Justice Bulletproof Vest Partnership Grant

- d) To Appoint a Committee of Council to Conduct a Business License Revocation Hearing for La Hacienda & Unique Catering
- e) To Rescind Resolution #24456 and Withdraw Approval for a Class C Liquor License for Latyn Rhythm Entertainment LLC at 1260 28th Street SW, Wyoming, Michigan
- f) To Consider an Application for a Class C Liquor License for Latyn Rhythm Entertainment LLC, 1020 28th Street SW, and Consider a Waiver if Necessary

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

- g) To Approve Payment of the Annual Grand Valley Metro Council Dues
- h) To Approve Payment for Water Damage at 16540 New Holland Street
- i) To Authorize Participation in the Regional Storm Water Pollution Prevention Initiative and the Regional Public Education Plan for the NPDES Phase II Storm Water Permit
- j) To Authorize the Mayor and City Clerk to Execute an Agreement with the Michigan Department of Transportation for the Milling and Resurfacing of 32nd Street from Division Avenue to Eastern Avenue and 36th Street from Byron Center to Burlingame
- k) To Authorize Hastings Air Control, Inc. to Perform Necessary Upgrades to Existing Fire Department Vehicle Exhaust Removal Systems (Budget Amendment No. 26)
- l) For Award of Bids
 - 1. Police Body Armor
 - 2. Leak Detection Equipment

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) (FIRST READING)

18) Informational Material

19) Acknowledgment of Visitors

20) Closed Session (as necessary)

21) Adjournment

PROCLAMATION
RECOGNIZING THE HONORABLE JAMES R. BUCK

WHEREAS, James R. Buck was elected to the Grandville City Council in 1971, and

WHEREAS, James R. Buck was first elected Mayor of the City of Grandville on November 6, 1984, and completed twenty-nine years as Grandville's Mayor, and

WHEREAS, James R. Buck has served tirelessly on many boards and committees, both within the City of Grandville and in the metropolitan area, promoting the City of Grandville and ensuring its continued growth, and

WHEREAS, James R. Buck currently chairs the Grand Valley Metropolitan Council, has received the Michigan Municipal League's "Exceptional Service Award" and been named an Honorary Life Member, and this year was given a Lifetime Achievement Award by the Grandville-Jenison Chamber of Commerce, and

WHEREAS, James R. Buck has dedicated many years to the residents of Grandville and its surrounding communities by working daily towards the betterment of the area, contributing his talents particularly in the areas of parks and recreation and commercial development, and

NOW, THEREFORE, I, JACK POLL, Mayor of the City of Wyoming, Michigan do hereby recognize

THE HONORABLE JAMES R. BUCK

And express deep and sincere appreciation to Mayor Buck for his dedicated and outstanding service to the City of Grandville and its residents, and wish him the very best in all future endeavors.

JACK POLL, MAYOR
City of Wyoming, Michigan

CITY OF WYOMING BUDGET AMENDMENT

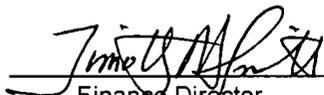
Date: November 4, 2013

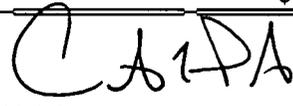
Budget Amendment No. 023

To the Wyoming City Council:

A budget amendment is requested for the following reason: To appropriate \$6,500 of budgetary authority to provide funding for replacement of one K-9 unit to be paid for with drug forfeiture funds.

<u>Description/Account Code</u>	<u>Current</u>	<u>Increase</u>	<u>Decrease</u>	<u>Amended</u>
<u>General Fund</u>				
Police - Patrol - Other Service K9 Program 101-305-31500-956.012	\$0	\$6,500		\$6,500
Transfer from Drug Law Enforcement 101-699.265	\$6,090	\$6,500		\$12,590
Fund Balance/Working Capital (Fund 101)		\$ -		
<u>Drug Law Enforcement Fund</u>				
Police - Transfers - Transfers to General Fund 265-305-99900-999.101	\$6,090	\$6,500		\$12,590
Fund Balance/Working Capital (Fund 265)				\$6,500

Recommended: 
Finance Director


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

CITY OF WYOMING BUDGET AMENDMENT

Date: November 4, 2013

Budget Amendment No. 025

To the Wyoming City Council:

A budget amendment is requested for the following reason: To appropriate \$140,000 of budgetary authority to provide funding for purchase and setup of motor vehicles as discussed in the attached staff report.

<u>Description/Account Code</u>	<u>Current</u>	<u>Increase</u>	<u>Decrease</u>	<u>Amended</u>
<u>Motor Pool Fund</u>				
Public Works - Capital Outlay - Depreciation and Reserve - Vehicles 662-441-58500-985.000	\$81,230	\$140,000		\$221,230
Fund Balance/Working Capital (Fund 662)				\$140,000

Recommended: 
Finance Director


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: October 30, 2013

SUBJECT: Budget Amendment in the Motor Pool Fund, Depreciation and Reserve, for the Replacement of Vehicles and Equipment

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

Date of Meeting: November 4, 2013

RECOMMENDATION

It is recommended that the City Council authorize a budget amendment of \$140,000 to the Motor Pool Depreciation and Reserve, Capital Outlay, Vehicles account number 662-441-58500-985.000.

DISCUSSION

The Motor Pool Fund owns and maintains approximately 242 pieces of equipment, ranging from leaf trailers to fire trucks. Each year, a limited number of vehicles are identified for replacement after a review of their service life and maintenance history. This takes place during the annual budget process which is 6 to 12 months before the vehicles are replaced. By the time the budget year begins, some of the anticipated vehicle replacements are deferred and some unanticipated replacements are added – due to problems which necessitate earlier than anticipated replacement. It is also common for the actual cost of replacement, including the bid price and set up cost, to differ from the budgeted amount.

In the current FY2014 budget, \$941,000 is budgeted for the replacement of 30 vehicles and pieces of equipment. The attached budget amendment will increase the current budget by \$140,000 to \$1,081,000, including \$60,000 for additional setup costs.

BUDGET IMPACT

As of October 29, 2013, the Motor Pool Restricted Fund Balance was approximately \$3,990,000, which is sufficient to fund the 55 vehicles in the fleet whose replacement has been postponed. Sufficient funds are also available for this budget amendment of \$140,000 to the Motor Pool Depreciation and Reserve, Capital Outlay, Vehicles account 662-441-58500-985.000.

RESOLUTION NO. _____

TO SET A PUBLIC HEARING TO RECEIVE COMMENT
ON A PROPOSED ORDINANCE TO AMEND THE 2009 RESTATED
DOWNTOWN DEVELOPMENT PLAN AND TAX INCREMENT FINANCING
PLAN OF THE DOWNTOWN DEVELOPMENT AUTHORITY

WHEREAS:

1. The Downtown Development Authority (DDA) of the City of Wyoming has approved an amendment to the 2009 Restated Downtown Development Plan and Tax Increment Financing Plan (Plan Amendment).
2. Before the City Council can consider an ordinance adopting such a Plan Amendment, it must hold a public hearing to 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.

NOW, THEREFORE, BE IT RESOLVED:

1. The Wyoming City Council will hold a public hearing on December 2, 2013 at 7:01 p.m. in the Council Chambers at City Hall, 1155 28th Street SW, Wyoming, Michigan 49509.
2. The City Clerk shall publish the notice in the form attached twice in the Advance Newspapers, with the first publication not less than 20 days before the date of the hearing.
3. The DDA Director shall ensure the notice is posted in at least 20 conspicuous and public places in the downtown district at least 20 days before the hearing.
4. The DDA Director shall mail the notice to all property taxpayers of record at least 20 days before the hearing.
5. The City Clerk shall ensure that notice of the hearing, a copy of the Plan Amendment, and a letter offering the taxing jurisdictions an opportunity to meet with the City Council is mailed to all taxing jurisdictions by certified mail.

Moved by Councilmember:

Seconded by Councilmember:

Motion Carried Yes
 No

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular session held on November 4, 2013.

Heidi A. Isakson, Wyoming City Clerk

ATTACHMENTS:

Form of Hearing Notice

Resolution No. _____

PUBLIC HEARING NOTICE

WYOMING, MICHIGAN CITY COUNCIL

DOWNTOWN REDEVELOPMENT 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 7:01 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.

[publish 11/09/13]

Heidi A. Isakson, Wyoming City Clerk

RESOLUTION NO. _____

OBJECTION TO TRANSFER OF PROPERTIES NOT SOLD AT THE 2013
DELINQUENT PROPERTY TAX SALE TO THE CITY OF WYOMING

WHEREAS:

1. Each year the Kent County Treasurer holds a foreclosure sale for delinquent property taxes.
2. Pursuant to MCL 211.78m (6) "...property not sold by the foreclosing governmental unit under this section shall be transferred to the clerk of the city, village, or township in which the property is located" unless the city, village, or township objects in writing to this transfer.
3. The following properties did not sell at the 2013 foreclosure sale:
PP# 41-17-02-228-002/ 801 Olympia St SW
4. After examining the properties listed above it was determined that the City has no interest in receiving these parcels.

NOW, THEREFORE, BE IT RESOLVED:

1. The City of Wyoming hereby formally objects to the transfer of these parcels to the City of Wyoming and asks that the county retain possession of these properties.

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

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular session held on November 4, 2013.

Heidi A. Isakson, Wyoming City Clerk

ATTACHMENTS:
Staff Report
Property Record Card

Staff Report

From: Andrea Boot, Treasurer's Office
Date: October 30, 2013
Subject: Objection to Transfer of Properties
Meeting Date: November 4, 2013, City Council Meeting

RECOMMENDTION

The Treasurer's Office recommends that the City Council approves the objection to the transfer of properties not sold at the 2013 delinquent property tax sale.

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

Each year the County Treasurer conducts several auctions to sell properties for delinquent property taxes. Occasionally not all properties sell at these auctions and the statute recognizes that possibility. MCL 211.78m (6) states that "...property not sold by the foreclosing governmental unit under this section shall be transferred to the clerk of the city, village, or township in which the property is located" unless the city, village or township objects in writing to this transfer. In previous years the City has all but once objected to the transfer of these properties, as they are generally parcels that serve no useful purpose, e.g. small or odd shaped residual parcels from splits or other property transactions.

During the 2013 property auction cycle, there is only one property within the City of Wyoming that did not sell at any of the auctions. This is a small triangle shaped parcel on Olympia Ave SW. This parcel is not adjacent to any City owned property and owning this parcel would not provide any significant benefit to the City.

BUDGET IMPACT

Since the status of this property would be tax exempt regardless of ownership by the City or by the County, there is no impact on the City's budget.

10/30/2013 10:09 AM
BY: dmterpst

FORECLOSURE LIST FOR KENT COUNTY
For 2013 Foreclosures of 2010 and prior taxes
CITY OF WYOMING
Interest Computed As Of Foreclosure Date
Unsold Parcels Only

Page: 1/1
DB: Real0510

PARCEL	TAX DUE	INTEREST/FEE DUE	TOTAL DUE	TAX YEARS	DELINQUENT
41-17-02-228-002	91.32	543.68	635.00	2012 2011 2010	

Property Address: 801 OLYMPIA ST SW WYOMING MI

PARCEL COUNT: 1	91.32	543.68	635.00		
-----------------	-------	--------	--------	--	--

RESOLUTION NO. _____

RESOLUTION TO ACCEPT GRANT FUNDING
RECEIVED FROM THE UNITED STATES DEPARTMENT OF JUSTICE
BULLETPROOF VEST PARTNERSHIP GRANT

WHEREAS:

1. The City of Wyoming Police Department has applied for and received an United States Department of Justice Bulletproof Vest Partnership Grant in the amount of \$4,090.70 to be used toward the procurement of bullet resistant vests directly related to basic law enforcement functions.
2. The City of Wyoming would accept \$4,090.70 in grant funds designated for the procurement of bullet resistant vests directly related to basic law enforcement functions.

NOW, THEREFORE, BE IT RESOLVED:

1. The City of Wyoming accepts the United States Department of Justice Bulletproof Vest Partnership Grant in the amount of \$4,090.70.
2. Chief James E. Carmody shall serve as the Program Director responsible for the Wyoming Police Department bullet resistant vest procurement and yearly status reports to be submitted to the United States Department of Justice.
3. Timothy Smith shall serve as the Finance Director responsible for the Wyoming Police Department financial status reports to be submitted to the United States Department of Justice.

Moved by Councilmember:

Seconded by Councilmember:

Motion Carried Yes
 No

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular session held on November 4, 2013.

Heidi A. Isakson, Wyoming City Clerk



1. Registration

- 1.1 [Agency Information](#)
- 1.2 [Agency Contacts](#)

2. Application

- 2.1 [Application Profile](#)
- 2.2 [Manage Application](#)
- 2.3 [Review Application](#)
- 2.4 [Submit Application](#)

3. Payment

- 3.1 [Bank Information](#)
- 3.2 [Print Bank Form](#)
- 3.3 [Manage Receipts](#)
- 3.4 [Payment Request](#)
- 3.5 [Payment History](#)

4. Status

- 4.1 [Current Status](#)
- 4.2 [LEA Status](#)
- 4.3 [Application History](#)

5. Personal Information

- 5.1 [User Profile](#)
- 5.2 [Change Password](#)



BVP HELP DESK
(Toll-Free 1-877-758-3787)

Section Bank Information > Bank Status > Application
Details

OMB #1121-0235
(Expires:
10/31/2006)

Application Profile

Participant	WYOMING CITY
Fiscal Year	2013
Number of Agencies Applied	0
Total Number of Officers for Application	86
Number of Officers on Approved Sub-Applications	86
<u>Unspent BVP Funds Remaining</u>	\$10.00
<u>Unspent BVP Funds Obligated for Vest Purchases</u>	\$10.00

Sub-Application Profile

Fiscal Year	2013
<u>Vest Replacement Cycle</u>	5
Number of Officers	86
Zylon Replacement	0
<u>Emergency Replacement Needs</u>	0
Stolen or Damaged Officer Turnover	2

Application Details

NIJ#	Quantity	Unit Price	Extended Cost	Tax Shipping and Handling	Total Cost
QTM-B-II	21	\$525.00	\$11,025.00	\$0.00	\$11,025.00
Grand Totals	21		\$11,025.00	\$0.00	\$11,025.00

Award Summary for FY2013 Regular Fund

Funds Type	Eligible Amount	Award	Date Approved	Status
Regular Fund	\$11,025.00	\$4,090.70	09/11/13	Approved by BVP
Grand Totals:	\$11,025.00	\$4,090.70		

[Return](#)

RESOLUTION NO. _____

A RESOLUTION TO APPOINT A COMMITTEE OF
COUNCIL TO CONDUCT A BUSINESS LICENSE
REVOCATION HEARING FOR LA HACIENDA & UNIQUE CATERING

WHEREAS:

1. On October 18, 2013 the Chief of Police requested that the City Clerk initiate proceedings to suspend 2013-14 Business License #82214, La Hacienda & Unique Catering, 1948B 28th Street SW, for violations of Section 14-52 of the Code of the City of Wyoming.
2. The City Clerk, on October 22, 2013, pursuant to Section 14-52 of the Code, suspended the license described and notified Anjenette Barnes, owner of La Hacienda & Unique Catering, of the suspension and the revocation hearing process by certified mail, regular mail and electronic mail.
3. Ordinance Section 14-53 states that a license which has been suspended shall not be revoked until a hearing has been held, and Ordinance Section 15-54 provides for the appointment of a committee of City Council to conduct such a hearing, take testimony under oath, and make a factual determination and recommendation to City Council.

NOW, THEREFORE, BE IT RESOLVED:

1. Councilmembers _____, _____,
and _____ be appointed to a committee for that purpose, with
_____ named as chairman of the committee, and that they conduct a
hearing to consider revocation of the above-described license, and provide a recommendation to
the City Council for a final determination.

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

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular session held on November 4, 2013.

Heidi A. Isakson, Wyoming City Clerk

ATTACHMENTS:
Police Department Memo
Notice to Licensee
Ordinance Citations

Resolution No. _____



MAYOR
Jack A. Poll

AT-LARGE COUNCILMEMBER
Sam Bolt

AT-LARGE COUNCILMEMBER
Dan Burrill

AT-LARGE COUNCILMEMBER
Kent Vanderwood

1ST WARD COUNCILMEMBER
William A. VerHulst

2ND WARD COUNCILMEMBER
Richard K. Pastoor

3RD WARD COUNCILMEMBER
Joanne M. Voorhees

CITY MANAGER
Curtis L. Holt

October 22, 2013

CERTIFIED MAIL, RET RCPT

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

Dear Ms. Barnes:

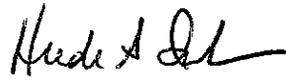
Pursuant to Sections 14-52 through 14-54 of the Code of the City of Wyoming, Wyoming business license #2214 for La Hacienda & Unique Catering is suspended, effective immediately.

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.

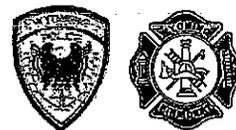
Sincerely,

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.

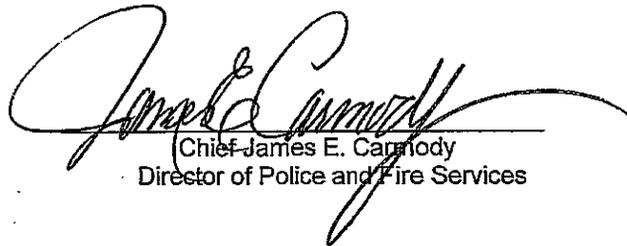
- 01-12-13 Arrest for urinating in public. Bullets were also located on the arrested subject.
- 02-02-13 Felonious Assault, subject hit in the face with a beer bottle.
- 03-01-13 Subjects arrested for open alcohol.
- 03-02-13 Subjects arrested for VCSA and open alcohol.
- 04-03-13 Meeting between Barnes, 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.

11/04/13
hai

RESOLUTION NO. _____

RESOLUTION TO RESCIND RESOLUTION #24456
AND WITHDRAW APPROVAL FOR A
CLASS C LIQUOR LICENSE FOR
LATYN RHYTHM ENTERTAINMENT LLC
AT 1260 28TH STREET SW, WYOMING, MICHIGAN

WHEREAS:

1. On May 6, 2013, the City Council of the City of Wyoming, Michigan adopted Resolution #24456, approving and recommending for issuance a new Class C licensed business at 1260 28th Street SW, Wyoming, Kent County, Michigan, for Latyn Rhythm Entertainment LLC.
2. The applicant has abandoned plans to conduct business at this location, and subsequently applied for approval of a Class C licensed business at another location in the City of Wyoming.

NOW, THEREFORE, BE IT RESOLVED:

1. Resolution #24456 is hereby rescinded.

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

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular session held on November 4, 2013.

Heidi A. Isakson, Wyoming City Clerk

ATTACHMENTS:
Resolution #24456

STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
LIQUOR CONTROL COMMISSION

RESOLUTION NO. 24456

At a Regular meeting of the City Council
(Regular or Special) (Township Board, City or Village Council)

called to order by Mayor Poll on May 6, 2013 at 7:00 P.M.

The following resolution was offered:

Moved by Bolt and supported by Ver Hulst

That the request from:

Latyn Rhythm Entertainment, LLC for a new Class C licensed business to be located at 1260 Twenty Eighth Street SW, Wyoming 49509, Kent County

be considered for Approval "above all others"
(Approval or Disapproval)

APPROVAL

DISAPPROVAL

Yeas: 5

Yeas: _____

Nays: 2 (Vanderwood,
Voorhees)

Nays: _____

Absent: _____

Absent: _____

It is the consensus of this legislative body that the application be:

Recommended for issuance
(Recommended or not Recommended)

State of Michigan)

County of Kent)

I hereby certify that the foregoing is a true and complete copy of a resolution offered and

adopted by the Wyoming City Council at a Regular
(Township Board, City or Village Council) (Regular or Special)

meeting held on May 6, 2013
(Date)

SEAL

(Signed) Heidi A. Isakson
(Township, City or Village Clerk)

Heidi A. Isakson, City Clerk
City of Wyoming, Michigan
1155 28th Street SW
Wyoming, MI 49509-0905

Resolution No. 24456

STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
LIQUOR CONTROL COMMISSION

RESOLUTION NO. _____

At a Regular meeting of the City Council
(Regular or Special) (Township Board, City or Village Council)

called to order by Mayor Poll on November 4, 2013 at 7:00 P.M.

The following resolution was offered:

Moved by _____ and supported by _____

That the request from:

Latyn Rhythm Entertainment, LLC for a new Class C licensed business to be located at 1020 Twenty Eighth Street SW, Wyoming 49509, Kent County

be considered for _____ **"above all others"**

(Approval or Disapproval)

APPROVAL

DISAPPROVAL

Yeas: _____

Yeas: _____

Nays: _____

Nays: _____

Absent: _____

Absent: _____

It is the consensus of this legislative body that the application be:

_____ for issuance

(Recommended or not Recommended)

State of Michigan)

County of Kent)

I hereby certify that the foregoing is a true and complete copy of a resolution offered and

adopted by the Wyoming City Council at a Regular
(Township Board, City or Village Council) (Regular or Special)

meeting held on November 4, 2013
(Date)

SEAL

(Signed) _____
(Township, City or Village Clerk)

Heidi A. Isakson, City Clerk
City of Wyoming, Michigan
1155 28th Street SW
Wyoming, MI 49509-0905

Resolution No. _____

RESOLUTION NO. _____

A RESOLUTION TO WAIVE CERTAIN REQUIREMENTS OF
THE CODE OF THE CITY OF WYOMING
FOR LATYN RHYTHM ENTERTAINMENT LLC IN
APPLICATION FOR A CLASS C LIQUOR LICENSE

WHEREAS:

1. Latyn Rhythm Entertainment LLC has made application for a new Class C licensed business at 1020 28th Street SW, in the City of Wyoming.
2. Section 14-178(1) of the Code of Ordinances states that no places where alcoholic beverages are sold for consumption on the premises shall be permitted: (1) within 500 feet of an improved and equipped school ground or playground.
3. Section 14-178(7) of the Code of Ordinances states that any of the subsections of this section may be waived by the City Council where it is deemed to be in the best interest of the city.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council determines that waiving the requirements of Sections 14-178(1) will benefit the applicant, help create a viable business in the City, and is in the best interest of the City.
2. Sections 14-178(1) is hereby waived for the purposes of approving an application for a new Class C liquor license for Latyn Rhythm Entertainment LLC at 1020 28th Street SW, Wyoming, Kent County, Michigan.

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

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular session held on: November 4, 2013.

Heidi A. Isakson, Wyoming City Clerk

RESOLUTION NO. _____

MEMORANDUM
City of Wyoming, Michigan

TO : Curtis L. Holt, City Manager

cc: Barbara VanDuren, Deputy City Manager
Jack Sluiter, City Attorney

FROM: Heidi A. Isakson, City Clerk

DATE: October 31, 2013

RE: Application for Class C Liquor License
Latyn Rhythm Entertainment LLC, 1020 28th Street SW

Latyn Rhythm Entertainment LLC has applied for a Class C liquor license for a proposed new business at 1020 28th Street SW (the former Big Boy location in Rogers Plaza). This company was previously approved for a Class C license at 1260 28th Street SW; a resolution to rescind this earlier approval is being presented at the November 4, 2013 Council meeting as well.

A review of the application was requested from the Police Department, Treasurer and Chief Building Official. Chief Carmody has approved the applicant, but noted that the location is within a 500' radius of the former Rogers Lane Elementary School, where Head Start programs are currently conducted. However, because there is no direct vehicle or pedestrian access between the school and Rogers Plaza, this requirement should be considered for a waiver. There is a high fence between the Plaza parking lot and the school, and access by street is approximately one-half mile between the two properties.

Treasurer Andrea Boot indicates the applicant is not in arrears. Chief Building Official James DeLange has provided information that indicates the applicant location does meet the minimum requirements of the ordinance for a restaurant with a liquor license, but substantial remodeling will be required.

I have drafted a resolution in the required Liquor Control Commission format, but have left blank whether to recommend "Approval" or "Disapproval". The Councilmember making the motion should state which motion they wish to make. I have also prepared a resolution with the required waiver of the 500' distance from a school, should the Council vote to recommend approval. They can take up this resolution if the liquor license is recommended for approval.

CITY OF WYOMING, MICHIGAN
APPLICATION FOR LIQUOR LICENSE

APPLICANT: <u>Andy Rosario-Latyn Rhythm Entertainment, LLC</u>		<input checked="" type="checkbox"/> SOLE PROPRIETOR <input type="checkbox"/> PARTNERSHIP <input checked="" type="checkbox"/> CORPORATION
BUSINESS ADDRESS: <u>5433 Sand Dune CT</u> <u>Wyoming, MI 49418</u>		TELEPHONE: <u>616-325-3271</u> FAX: _____
LICENSE REQUESTED: <input type="checkbox"/> TAVERN <input checked="" type="checkbox"/> CLASS C <input type="checkbox"/> CLASS B HOTEL		LOCATION OF THE PROPOSED BUSINESS: <u>1020 28th street sw Wyoming, Michigan 49509</u>
WILL THE PROPOSED BUSINESS OCCUPY A(N): <input checked="" type="checkbox"/> EXISTING BUILDING <input type="checkbox"/> NEW BUILDING		DO YOU: <input type="checkbox"/> OWN BUILDING <input checked="" type="checkbox"/> LEASE BUILDING
ARE FURNITURE & FIXTURES: <input checked="" type="checkbox"/> OWNED <input type="checkbox"/> LEASED		BUILDING OWNER: <u>Sun Valley, Ltd</u>
FURNITURE & FIXTURE OWNER: <u>Andy Rosario</u>		
NAME OF PERSON RESPONSIBLE FOR DAILY OPERATION OF BUSINESS: <u>Andy Rosario</u>		
NAME OF BANK FOR BUSINESS ACCOUNT: <u>Huntington</u>		
FIRM, ACCOUNTANT OR PERSON RESPONSIBLE FOR FINANCIAL RECORDS: <u>Unico Income Tax</u>		
NAME: ADDRESS: <u>2733 De Hoop Ave s.w. Wyoming, MI 49509</u>		
NAME OF PERSON COMPLETING APPLICATION: <u>Andy Rosario</u>		TITLE OF PERSON COMPLETING APPLICATION: <u>owner</u>
SIGNATURE: <u>Andy Rosario</u>		DATE: <u>9-23-13</u>

ATTACH:

1. A SCALED DRAWING WHICH SHOWS THE TOTAL SQUARE FOOTAGE, DINING SQUARE FOOTAGE, KITCHEN SQUARE FOOTAGE, TOTAL TABLE SEATING, AND TOTAL COUNTER SEATING.
2. A PERSONAL INFORMATION SHEET FOR EACH OWNER, PARTNER, CORPORATE OFFICER OR MANAGER.
3. APPLICATION FEE OF \$300 PAYABLE TO THE CITY OF WYOMING.

COPY AND COMPLETE THIS PAGE FOR EACH OWNER, PARTNER, CORPORATE OFFICER OR MANAGER

NAME: <u>Andy Rosario</u>	TITLE <u>owner/manager</u>
RESIDENT ADDRESS: <u>5433 Sand Dune Ct</u> <u>Wyoming, MI 49418</u>	PHONE: <u>616 325-3271</u>
SOCIAL SECURITY NUMBER:	DATE OF BIRTH: <u>- 1979</u>
RESIDENT OF THE STATE OF MICHIGAN? <input checked="" type="checkbox"/> YES <u>13</u> YEARS <input type="checkbox"/> NO	
Describe similar business ventures or related experience: <u>I used to own a Take out Restaurant within the City of G.R.</u>	
Do you, a member of your family or your corporation hold a license for the sale of alcoholic beverages at the present time: <input type="checkbox"/> Yes - List type and location of each <input checked="" type="checkbox"/> No	
Have you, a member of your family or your corporation previously held a license for the sale of alcoholic beverages in the State of Michigan? <input type="checkbox"/> Yes - List type and location of each <input checked="" type="checkbox"/> No	
Have you ever been convicted of any criminal act? <input type="checkbox"/> Yes - describe state, county and date of conviction <input checked="" type="checkbox"/> No	

I hereby authorize City officials to investigate any or all information supplied, related to, or implied by this application. I further authorize City officials to secure additional information necessary to complete this application. I understand that this information will be considered by the Wyoming City Council in review of this application, and that the information contained herein may be subject to public disclosure under the Freedom of Information Act.

Signature of owner, partner, corporate officer or manager: X [Signature]

State of Michigan
Acting in Kent County

HEIDI A. ISAKSON
Notary Public, Muskegon County, Michigan
My Commission Expires September 11, 2013

Subscribed and sworn to before me on this 24th day of September, 2013

X Heidi A Isakson
Signature of Notary
Heidi A. Isakson
Printed Name

My commission expires: 9/11/17

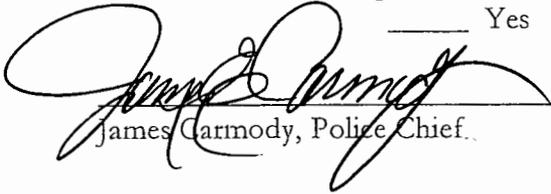
LIQUOR LICENSE APPLICATION - DEPARTMENT REVIEW

APPLICANT(S): <i>Andy Rosario</i>	PROPOSED LICENSE LOCATION: <i>1020 28th Street SW Wyoming, MI 49418</i>
LICENSE TYPE: <i>class C</i>	

POLICE DEPARTMENT

I have investigated the application and the applicant(s) listed above and make the following recommendation as provided in Section 14-182 of the City Code.

1. Is the applicant qualified to conduct this business in the City of Wyoming if licensed?
 Yes No
2. Is the proposed location satisfactory for this business?
 Yes No *Too close to an elementary school.*
3. Should this request be considered for approval by the City Council?
 Yes No


James Carmody, Police Chief

Date: *10/7/13*

CITY TREASURER

I have reviewed the financial records of the City of Wyoming as provided in Section 14-182 of the City Code and find the application(s) are in good standing with the City.

Yes No

The applicant(s) have the following outstanding obligations with the City of Wyoming (list)

Andrea Boot, Treasurer

Date: _____

BUILDING INSPECTOR

I have inspected the location of the proposed liquor license or reviewed plans for the proposed location and have determined that the location IS _____ IS NOT _____ in compliance with Section 14-177 through 14-179 of the City Code.

James DeLange, Chief Building Inspector

Date: _____

LIQUOR LICENSE APPLICATION - DEPARTMENT REVIEW

APPLICANT(S): <i>Andy Rosario</i>	PROPOSED LICENSE LOCATION: <i>1020 28th Street SW Wyoming, MI 49418</i>
LICENSE TYPE: <i>class C</i>	

POLICE DEPARTMENT

I have investigated the application and the applicant(s) listed above and make the following recommendation as provided in Section 14-182 of the City Code.

1. Is the applicant qualified to conduct this business in the City of Wyoming if licensed?
 _____ Yes _____ No
2. Is the proposed location satisfactory for this business?
 _____ Yes _____ No
3. Should this request be considered for approval by the City Council?
 _____ Yes _____ No

Date: _____

 James Carmody, Police Chief

CITY TREASURER

I have reviewed the financial records of the City of Wyoming as provided in Section 14-182 of the City Code and find the application(s) are in good standing with the City.

_____ Yes No

The applicant(s) have the following outstanding obligations with the City of Wyoming (list)

*Acc 520868-003 \$ 121.14 (water/sewer bill on personal residence)
 originally due 8/1/2013 - pd 9/26/13*

Date: 9/24/2013

Andrea Boot

 Andrea Boot, Treasurer

BUILDING INSPECTOR

I have inspected the location of the proposed liquor license or reviewed plans for the proposed location and have determined that the location IS _____ IS NOT _____ in compliance with Section 14-177 through 14-179 of the City Code.

Date: _____

 James DeLange, Chief Building Inspector

LIQUOR LICENSE APPLICATION - DEPARTMENT REVIEW

APPLICANT(S): <i>Myra Mexican Bar & Grill</i>	PROPOSED LICENSE LOCATION: <i>aprox. 1020 - 28th St, former</i>
LICENSE TYPE: <i>Class C</i>	<i>(former Big Boy rest. area)</i>

POLICE DEPARTMENT

I have investigated the application and the applicant(s) listed above and make the following recommendation as provided in Section 14-182 of the City Code.

1. Is the applicant qualified to conduct this business in the City of Wyoming if licensed?
 Yes No
2. Is the proposed location satisfactory for this business?
 Yes No
3. Should this request be considered for approval by the City Council?
 Yes No

_____ Date: _____
James Carmody, Police Chief

CITY TREASURER

I have reviewed the financial records of the City of Wyoming as provided in Section 14-182 of the City Code and find the application(s) are in good standing with the City.

Yes No

The applicant(s) have the following outstanding obligations with the City of Wyoming (list)

_____ Date: _____
Andrea Boot, Treasurer

BUILDING INSPECTOR

I have inspected the location of the proposed liquor license or reviewed plans for the proposed location and have determined that the location IS IS NOT in compliance with Section 14-177 through 14-179 of the City Code.

and a certificate of occupancy

pending extensive renovation

James W DeLange _____ Date: *Oct. 30 2013*
James DeLange, Chief Building Inspector

Sec. 14-178. Locations where license is not permitted. 

No places where alcoholic beverages are sold for consumption on the premises shall be permitted:

- (1) Within 500 feet of an improved and equipped school ground or playground.
- (2) Within 500 feet of a church. Such distance shall be measured from the nearest point of the church building to the nearest point of the building in which the business is to be conducted.
- (3) In residential zones.
- (4) Within 500 feet of a residential zone unless the application is accompanied by the written consent of the majority of the owners, including both husbands and wives of all residential property within 500 feet of the proposed locations, or unless the place is located on a recognized commercial street where three-fourths of the frontage within 500 feet on both sides of the street is devoted to some commercial use.
- (5) On a street where, by virtue of density of traffic or other conditions, the proposed use would, in the judgment of the city council, constitute a traffic hazard.
- (6) At any place where, by reason of insufficient lighting or lack of police patrol, or other conditions, the proposed use would constitute a nuisance in the judgment of the city council.
- (7) Any of the subsections of this section may be waived by the city council where it is deemed to be in the best interest of the city.

(Code 1983, § 80.93; Ord. No. 2-04, § 1, 1-19-04; Ord. No. 11-05, § 2, 6-20-05)

RESOLUTION NO. _____

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

WHEREAS:

1. The City of Wyoming is a member of the area's designated Metropolitan Planning Organization, the Grand Valley Metropolitan Council (GVMC)
2. The GVMC determines the distribution of Federal Highway Funds.
3. It is in the City of Wyoming's best interest to pay annual dues and be actively involved in the decision making process.
4. The City of Wyoming's dues for 2013-2014 are \$37,233.
5. Funds have been appropriated in the Major Street Administration account 202-441-48300-956.000.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council authorizes payment of the 2013-2014 GVMC dues in the amount of \$37,233.

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

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular session held on November 4, 2013.

Heidi A. Isakson, Wyoming City Clerk

ATTACHMENTS:
Invoices

Grand Valley Metro Council

678 Front Avenue NW
Grand Rapids, MI 49504

Phone # 616-776-3876

Invoice

Date	Invoice #
10/1/2013	831

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

RECEIVED

OCT 01 REC'D

CITY MANAGER

Description	Amount
GVMC Dues for 10/01/2013 - 09/30/2014	19,475.00
<p style="text-align: center;">OK CH 10.1.13</p>	
Total	\$19,475.00

RESOLUTION NO. _____

RESOLUTION TO APPROVE PAYMENT FOR WATER
DAMAGE CLAIM AT 16540 NEW HOLLAND STREET

WHEREAS:

1. The City of Wyoming operates a water treatment facility in Holland, Michigan.
2. On September 6, 2013 a leak developed causing flooding to adjacent properties.
3. The homeowners at 16540 New Holland Street have submitted a claim to be reimbursed for damages caused by the flooding.
4. The claim has been reviewed and the recommended reimbursement amount is \$11,914.
5. Funds are available in the Water Treatment and Pumping account 591-591-553.00-956.000.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council authorizes payment for water damage at 16540 New Holland Street in the amount of \$11,914.

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

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular session held on November 4, 2013.

Heidi A. Isakson, Wyoming City Clerk

ATTACHMENT:
Memo

MEMORANDUM

DATE: October 31, 2013
TO: Mayor and City Council
FROM: Lisa Barnes, Office Manager
SUBJECT: Water Damage Claim – 16540 New Holland Street

On September 6, 2013 a leak developed in the recently completed 30 inch diameter pipeline that connects the Wyoming and Holland water systems. Due to the location of the leak and the amount of water flowing from the pipe, two adjacent residential properties were flooded.

One of the affected properties is that of John and Maureen Bilsky at 16540 New Holland Street. The Bilsky's have a walkout basement which is used as daily living space. They were unable to stay at their home for approximately six days while the cleanup and dry out took place (hotel costs were paid by Wyoming). The Bilsky's have filed a claim for the damages incurred; I offer the following recommendation for reimbursement:

	<u>Claim</u>	<u>Offer</u>
Meals while away from home	\$ 354	\$ 354
Septic tank pumping	395	395
Drain field replacement	5,700	2,850*
Well inspection	100	100
Floor – painting	4,550	4,550
moving furniture	642	642
storage for furniture	250	250
Doors – replacing 2 interior	387	387
Dryer repair (electrical issues due to the drying equipment needed)	336	336
Misc. items on floor (rugs, shoes, etc.)	1,230	1,230
Furniture (mattresses, sofa)	<u>1,700</u>	<u>820*</u>
	\$15,644	\$11,914

(*Note: Initially requested 100% of these expenses; when denied, resident revised request to listed amount)

RESOLUTION NO. _____

RESOLUTION TO AUTHORIZE PARTICIPATION IN THE REGIONAL
STORM WATER POLLUTION PREVENTION INITIATIVE AND THE REGIONAL
PUBLIC EDUCATION PLAN FOR THE NPDES PHASE II STORM WATER PERMIT

WHEREAS:

1. The City of Wyoming has a NPDES Phase II Storm Water Permit issued by the Michigan Department of Natural Resources and Environment.
2. Said permit requires a Storm Water Pollution Prevention Initiative (SWPPI) and a Public Education Plan (PEP).
3. These two activities can be accomplished most efficiently and effectively on a regional basis.
4. The Grand Valley Metro Council offered to coordinate this regional effort on behalf of Wyoming and surrounding communities.
5. These costs can be financed from the Major and Local Street Fund accounts 202-441-46300-801.000 and 203-441-46300-801.000.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council hereby authorizes participation in the 2014 Storm Water Pollution Prevention Initiative and the Regional Public Education Plan and approves payment in the amount of \$15,887 to the Grand Valley Metro Council.

Moved by Councilmember:

Seconded by Councilmember:

Motion Carried Yes
 No

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular session held on November 4, 2013.

Heidi A. Isakson, Wyoming City Clerk

ATTACHMENT:

Invoice

RESOLUTION NO. _____

RESOLUTION TO AUTHORIZE THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT WITH THE MICHIGAN DEPARTMENT OF TRANSPORTATION FOR THE MILLING AND RESURFACING OF 32ND STREET FROM DIVISION AVENUE TO EASTERN AVENUE AND 36TH STREET FROM BYRON CENTER AVENUE TO BURLINGAME

WHEREAS:

1. The City of Wyoming in cooperation with the Michigan Department of Transportation (MDOT) proposes to perform rotomilling and resurfacing asphalt pavement on sections of 32nd Street and 36th Street in Wyoming.
2. The 2014 Federal Resurfacing project includes milling and resurfacing the following streets:
32nd Street, Division Avenue to Eastern Avenue
36th Street, Byron Center Avenue to Burlingame Avenue
3. The Michigan Department of Transportation has submitted the attached City-State Agreement outlining the rights and obligations for the parties.
4. The anticipated cost for the City of Wyoming's share, based upon the engineer's estimate, is \$254,380.
5. The costs for this project can be financed out of the Capital Improvements Program account number 400-441-50200-972502, 2014 Federal Resurfacing.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council hereby authorizes the Mayor and City Clerk to execute the attached Agreement with MDOT for the 2014 Federal Resurfacing project.

Moved by Councilmember:

Seconded by Councilmember:

Motion Carried Yes
 No

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular session held on November 4, 2013.

Heidi A. Isakson, Wyoming City Clerk

ATTACHMENT:
City-State Agreement

Resolution No. _____

STP	DA	
	Control Section	STU 41400
	Job Number	121405
	Project	STP 1341(389)
	Federal Item No.	HH 9047
	CFDA No.	20.205 (Highway Research Planning & Construction)
	Contract No.	13-5632

PART I

THIS CONTRACT, consisting of PART I and PART II (Standard Agreement Provisions), is made and entered into this date of _____, by and between the MICHIGAN DEPARTMENT OF TRANSPORTATION, hereinafter referred to as the "DEPARTMENT"; and the CITY OF WYOMING, a Michigan municipal corporation, hereinafter referred to as the "REQUESTING PARTY"; for the purpose of fixing the rights and obligations of the parties in agreeing to the following improvements, in the City of Wyoming, Michigan, hereinafter referred to as the "PROJECT" and estimated in detail on EXHIBIT "I", dated September 19, 2013, attached hereto and made a part hereof:

Hot mix asphalt cold milling and resurfacing work along 36th Street from approximately 100 feet north of Byron Center Avenue SW to approximately 100 feet north of Burlingame Avenue SW, along Byron Center Avenue SW from approximately 350 feet south of 36th Street to approximately 200 feet north of 36th Street, and along 32nd Street from Division Avenue to Eastern Avenue SE; including pavement removal, sidewalk ramp, and pavement marking work; and all together with necessary related work.

WITNESSETH:

WHEREAS, pursuant to Federal law, monies have been provided for the performance of certain improvements on public roads; and

WHEREAS, the reference "FHWA" in PART I and PART II refers to the United States Department of Transportation, Federal Highway Administration; and

WHEREAS, the PROJECT, or portions of the PROJECT, at the request of the REQUESTING PARTY, are being programmed with the FHWA, for implementation with the use of Federal Funds under the following Federal program(s) or funding:

SURFACE TRANSPORTATION PROGRAM

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

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

1. The parties hereto shall undertake and complete the PROJECT in accordance with the terms of this contract.

2. The term "PROJECT COST", as herein used, is hereby defined as the cost of the physical construction necessary for the completion of the PROJECT, including any other costs incurred by the DEPARTMENT as a result of this contract, except construction engineering and inspection.

No charges will be made by the DEPARTMENT to the PROJECT for any inspection work or construction engineering.

The costs incurred by the REQUESTING PARTY for preliminary engineering, construction engineering, construction materials testing, inspection, and right-of-way are excluded from the PROJECT COST as defined by this contract.

3. The DEPARTMENT is authorized by the REQUESTING PARTY to administer on behalf of the REQUESTING PARTY all phases of the PROJECT, including advertising and awarding the construction contract for the PROJECT or portions of the PROJECT. Such administration shall be in accordance with PART II, Section II of this contract.

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

4. The REQUESTING PARTY, at no cost to the PROJECT or to the DEPARTMENT, shall:

- A. Design or cause to be designed the plans for the PROJECT.
- B. Appoint a project engineer who shall be in responsible charge of the PROJECT and ensure that the plans and specifications are followed.
- C. Perform or cause to be performed the construction engineering, construction materials testing, and inspection services necessary for the completion of the PROJECT.

The REQUESTING PARTY will furnish the DEPARTMENT proposed timing sequences for trunkline signals that, if any, are being made part of the improvement. No timing adjustments shall be made by the REQUESTING PARTY at any trunkline intersection, without prior issuances by the DEPARTMENT of Standard Traffic Signal Timing Permits.

5. The PROJECT COST shall be met in part by contributions by the Federal Government. Federal Surface Transportation Funds shall be applied to the eligible items of the PROJECT COST up to the lesser of: (1) \$839,520, or (2) an amount such that 81.85 percent, the normal Federal participation ratio for such funds, is not exceeded at the time of the award of the construction contract. The balance of the PROJECT COST, after deduction of Federal Funds, shall be charged to and paid by the REQUESTING PARTY in the manner and at the times hereinafter set forth.

Any items of PROJECT COST not reimbursed by Federal Funds shall be the sole responsibility of the REQUESTING PARTY.

6. No working capital deposit will be required for this PROJECT.

In order to fulfill the obligations assumed by the REQUESTING PARTY under the provisions of this contract, the REQUESTING PARTY shall make prompt payments of its share of the PROJECT COST upon receipt of progress billings from the DEPARTMENT as herein provided. All payments will be made within 30 days of receipt of billings from the DEPARTMENT. Billings to the REQUESTING PARTY will be based upon an effective billing rate and the REQUESTING PARTY'S share of the actual costs incurred less Federal Funds earned as the PROJECT progresses. The initial effective billing rate for the federal funding of the PROJECT is calculated by using the federal funding for the PROJECT set at the time of the award of the construction contract, as described in Section 5, and dividing by the total costs of the PROJECT eligible for federal funding and authorized at the time of the award of the construction contract.

The effective billing rate for the federal funding of the PROJECT is determined by the current funding authorization for the PROJECT and may change as the PROJECT progresses and funding authorizations are increased or decreased.

In the event of any discrepancies between PART I and PART II of this contract, the provisions of PART I shall prevail.

7. Upon completion of construction of the PROJECT, the REQUESTING PARTY will promptly cause to be enacted and enforced such ordinances or regulations as may be necessary to prohibit parking in the roadway right-of-way throughout the limits of the PROJECT.

8. The performance of the entire PROJECT under this contract, whether Federally funded or not, will be subject to the provisions and requirements of PART II that are applicable to a Federally funded project.

Buy America Requirements (23 CFR 635.410) shall apply to the PROJECT and will be adhered to, as applicable, by the parties hereto.

9. The REQUESTING PARTY certifies that a) it is a person under the Natural Resources and Environmental Protection Act, MCL 324.20101 et seq., as amended, (NREPA) and is not aware of and has no reason to believe that the property is a facility as defined in the NREPA; b) the REQUESTING PARTY further certifies that it has completed the tasks required by MCL 324.20126 (3)(h); c) it conducted a visual inspection of property within the existing right of way on which construction is to be performed to determine if any hazardous substances were present; and at sites on which historically were located businesses that involved hazardous substances, it performed a reasonable investigation to determine whether hazardous substances exist. This reasonable investigation should include, at a minimum, contact with local, state and federal environmental agencies to determine if the site has been identified as, or potentially as, a site containing hazardous substances; d) it did not cause or contribute to the release or threat of release of any hazardous substance found within the PROJECT limits.

The REQUESTING PARTY also certifies that, in addition to reporting the presence of any hazardous substances to the Department of Environmental Quality, it has advised the DEPARTMENT of the presence of any and all hazardous substances which the REQUESTING PARTY found within the PROJECT limits, as a result of performing the investigation and visual inspection required herein. The REQUESTING PARTY also certifies that it has been unable to identify any entity who may be liable for the cost of remediation. As a result, the REQUESTING PARTY has included all estimated costs of remediation of such hazardous substances in its estimated cost of construction of the PROJECT.

10. If, subsequent to execution of this contract, previously unknown hazardous substances are discovered within the PROJECT limits, which require environmental remediation pursuant to either state or federal law, the REQUESTING PARTY, in addition to reporting that fact to the Department of Environmental Quality, shall immediately notify the DEPARTMENT, both orally and in writing of such discovery. The DEPARTMENT shall consult with the REQUESTING PARTY to determine if it is willing to pay for the cost of remediation and, with the FHWA, to determine the eligibility, for reimbursement, of the remediation costs. The REQUESTING PARTY shall be charged for and shall pay all costs associated with such remediation, including all delay costs of the contractor for the PROJECT, in the event that remediation and delay costs are not deemed eligible by the FHWA. If the REQUESTING PARTY refuses to participate in the cost of remediation, the DEPARTMENT shall terminate the PROJECT. The parties agree that any costs or damages that the DEPARTMENT incurs as a result of such termination shall be considered a PROJECT COST.

11. If federal and/or state funds administered by the DEPARTMENT are used to pay the cost of remediating any hazardous substances discovered after the execution of this contract and if there is a reasonable likelihood of recovery, the REQUESTING PARTY, in cooperation with the Department of Environmental Quality and the DEPARTMENT, shall make a diligent effort to recover such costs from all other possible entities. If recovery is made, the DEPARTMENT shall be reimbursed from such recovery for the proportionate share of the amount paid by the FHWA and/or the DEPARTMENT and the DEPARTMENT shall credit such sums to the appropriate funding source.

12. The DEPARTMENT'S sole reason for entering into this contract is to enable the REQUESTING PARTY to obtain and use funds provided by the Federal Highway Administration pursuant to Title 23 of the United States Code.

Any and all approvals of, reviews of, and recommendations regarding contracts, agreements, permits, plans, specifications, or documents, of any nature, or any inspections of work by the DEPARTMENT or its agents pursuant to the terms of this contract are done to assist the REQUESTING PARTY in meeting program guidelines in order to qualify for available funds. Such approvals, reviews, inspections and recommendations by the DEPARTMENT or its agents shall not relieve the REQUESTING PARTY and the local agencies, as applicable, of their ultimate control and shall not be construed as a warranty of their propriety or that the DEPARTMENT or its agents is assuming any liability, control or jurisdiction.

The providing of recommendations or advice by the DEPARTMENT or its agents does not relieve the REQUESTING PARTY and the local agencies, as applicable of their exclusive jurisdiction of the highway and responsibility under MCL 691.1402 et seq., as amended.

When providing approvals, reviews and recommendations under this contract, the DEPARTMENT or its agents is performing a governmental function, as that term is defined in MCL 691.1401 et seq., as amended, which is incidental to the completion of the PROJECT.

13. The DEPARTMENT, by executing this contract, and rendering services pursuant to this contract, has not and does not assume jurisdiction of the highway, described as the PROJECT for purposes of MCL 691.1402 et seq., as amended. Exclusive jurisdiction of such highway for the purposes of MCL 691.1402 et seq., as amended, rests with the REQUESTING PARTY and other local agencies having respective jurisdiction.

14. The REQUESTING PARTY shall approve all of the plans and specifications to be used on the PROJECT and shall be deemed to have approved all changes to the plans and specifications when put into effect. It is agreed that ultimate responsibility and control over the PROJECT rests with the REQUESTING PARTY and local agencies, as applicable.

15. The REQUESTING PARTY agrees that the costs reported to the DEPARTMENT for this contract will represent only those items that are properly chargeable in accordance with this contract. The REQUESTING PARTY also certifies that it has read the contract terms and has made itself aware of the applicable laws, regulations, and terms of this contract that apply to the reporting of costs incurred under the terms of this contract.

16. The parties shall promptly provide comprehensive assistance and cooperation in defending and resolving any claims brought against the DEPARTMENT by the contractor, vendors or suppliers as a result of the DEPARTMENT'S award of the construction contract for the PROJECT. Costs incurred by the DEPARTMENT in defending or resolving such claims shall be considered PROJECT COSTS.

17. The DEPARTMENT shall require the contractor who is awarded the contract for the construction of the PROJECT to provide insurance in the amounts specified and in accordance with the DEPARTMENT'S current Standard Specifications for Construction and to:

- A. Maintain bodily injury and property damage insurance for the duration of the PROJECT.
- B. Provide owner's protective liability insurance naming as insureds the State of Michigan, the Michigan State Transportation Commission, the DEPARTMENT and its officials, agents and employees, the REQUESTING PARTY and any other county, county road commission, or municipality in whose jurisdiction the PROJECT is located, and their employees, for the duration of the PROJECT and to provide, upon request, copies of certificates of insurance to the insureds. It is understood that the DEPARTMENT does not assume jurisdiction of the highway described as the PROJECT as a result of being named as an insured on the owner's protective liability insurance policy.
- C. Comply with the requirements of notice of cancellation and reduction of insurance set forth in the current standard specifications for construction and to provide, upon request, copies of notices and reports prepared to those insured.

18. This contract shall become binding on the parties hereto and of full force and effect upon the signing thereof by the duly authorized officials for the parties hereto and upon the adoption of the necessary resolutions approving said contract and authorizing the signatures thereto of the respective officials of the REQUESTING PARTY, a certified copy of which resolution shall be attached to this contract.

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

CITY OF WYOMING

MICHIGAN DEPARTMENT
OF TRANSPORTATION

By _____
Title:

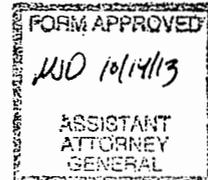
By _____
Department Director MDOT

By _____
Title:



APPROVED AS TO FORM:

Jad Shuk



APPROVED BY:
[Signature]

Administrator
Real Estate
for Matt DeLong

10-15-13
Date

RESOLUTION NO. _____

RESOLUTION TO AUTHORIZE HASTINGS AIR CONTROL, INC. TO
PERFORM NECESSARY UPGRADES TO EXISTING FIRE DEPARTMENT
VEHICLE EXHAUST REMOVAL SYSTEMS

WHEREAS:

1. The City installed a vehicle exhaust removal system in all fire stations in 1997 with the new construction of each building.
2. The existing exhaust removal systems are steadily increasing in necessary costs for repair and maintenance.
3. The new fire apparatus operate at a higher temperature exhaust, therefore creating melting problems within the current air line system.
4. A vehicle exhaust removal system is necessary to provide a safer and cleaner work area.
5. Hastings Air Energy Control, Inc. is the regional distributor/repair contractor for the existing Plymovent Systems.
6. Hastings has provided a quote to upgrade the existing systems at the three fire stations currently in operation, being 1500 Burton St SW, 4507 S. Division Ave and 1250 36th St SW, for the total cost of \$11,748.
7. The upgrade will require a fund transfer of \$12,000 into Fire - Buildings - Capital Outlay, account number 101-337-33800-975.000.

NOW, THEREFORE, BE IT RESOLVED:

1. The Wyoming City Council authorizes the purchase of upgrades to the existing vehicle exhaust removal system as quoted by Hastings Air Energy Control, Inc. and approves the attached budget amendment.

Moved by Councilmember:

Seconded by Councilmember:

Motion Carried Yes
 No

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular session held on November 4, 2013.

Heidi A. Isakson, Wyoming City Clerk

ATTACHMENTS:

Budget Amendment
Staff Report
Quote

Resolution No: _____

CITY OF WYOMING BUDGET AMENDMENT

Date: November 4, 2013

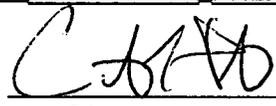
Budget Amendment No. 026

To the Wyoming City Council:

A budget amendment is requested for the following reason: To appropriate \$12,000 of budgetary authority to provide funding for purchase and installation of an exhaust system for the Burton Street, Division Avenue and 36th Street Fire Stations per attached resolution.

<u>Description/Account Code</u>	<u>Current</u>	<u>Increase</u>	<u>Decrease</u>	<u>Amended</u>
<u>General Fund</u>				
Fire - Fire - Buildings - Capital Outlay 101-337-33800-975.000	\$7,140	\$12,000		\$19,140
Fund Balance/Working Capital (Fund 101)				\$12,000

Recommended: 
Finance Director


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: October 30, 2013
SUBJECT: Vehicle Exhaust System Upgrades
FROM: Robert Austin, Fire Chief
MEETING DATE: October 30, 2013

RECOMMENDATION:

It is recommended that the City Council authorize Hastings Air Energy Control, Inc. to upgrade the existing vehicle exhaust removal system in three of the four fire stations.

SUSTAINABILITY CRITERIA:

Environmental Quality - The vehicle exhaust removal system is designed to remove the vehicle exhaust through a closed system, thereby eliminating the harmful exhaust gases from the truck bays. This system provides a clear environment within the fire station.

Social Equity – The current system is not able to be used on the newer apparatus, therefore creating an unhealthy air quality in the station when the new apparatus is run.

Economic Strength – The current system is old and requiring numerous repairs. This upgrade will provide a more cost effective system that will require less maintenance.

DISCUSSION:

In 1997, when the fire stations were built and/or remodeled, a vehicle exhaust removal system was installed in all the fire stations. This system was designed using individual hose drops that attached to the apparatus exhaust pipe. These systems would attach to the exhaust pipe using a pneumatic system that would inflate a “boot” on the exhaust pipe. An exhaust fan would activate upon sensing exhaust and carry this exhaust through the closed system to the outside of the building. This pneumatic system has become old and maintenance prone.

The requested upgrade will use the existing piping but replace the air operated boot and air equipment with an electromagnet attachment system. This system will eliminate the air lines which are prone to melting with the high exhaust system temperatures that are found with new apparatus. This upgrade will be completed at the Burton St, Division Ave and 36th St fire stations. As we are not currently using the Gezon fire station, the upgrade for this location is not being requested at this time.

The current exhaust removal system was installed and is still maintained by the dealer/distributor for the area, being Hastings Air Energy Control, Inc. A quote has been received from Hastings for total cost of \$11,748.00 which includes all three locations.

BUDGET IMPACT:

This purchase will require a fund transfer of \$12,000.00 into Fire - Buildings - Capital Outlay, account number 101-337-33800-975.000.



HASTINGS
 air energy control, inc.
creating a cleaner workplace

5555 South Westridge Drive
 New Berlin, WI 53151-7900

P: 800.236.8450 / 262.364.0500
F: 800.260.9199 / 262.364.0550

Illinois Office
 P: 847.362.9660

Michigan Office
 P: 248.888.9911

Minnesota Office
 P: 952.882.8450

Ship To:

Wyoming Fire Dept #1
 1500 Burton S.W.

Wyoming Fire Dept #1
 1500 Burton S.W.

Date: 9/4/2013
 Sales Person: Mary Comer
 Quote #: QUO-13417-V3Q2R6
 Expires: 10/31/2013

Wyoming MI 49509

Wyoming MI 49509

Part #	Description	Qty
VE-SBTA-MG-LH4	5" Magnetic Grabber - 4" Lower hose assembly . Includes: Safety Disconnect, 2' Hose, Reducer, Magnetic Grabber®, 5" Conical Tailpipe Adapter	2.00
SADL-012	4" 90 deg Black Elbow Metal Saddle	2.00
INST-M	Installation of magnetic features and remove pneumatic features to existing systems.	1.00
		\$2,937.00

NOTE: Shipping and Tax are NOT INCLUDED.

I have read the terms page, a single, separate page from the pricing, and I accept the terms and conditions of this quotation.

Signed: _____
 Name: _____ Title: _____

Terms:
 _____ Prepay - 3% Discount:
 _____ Net 30 Days from Shipment
 _____ Visa/Mastercard/Discover

Purchase Order # _____

Thank you for considering Hastings.

Please remit to:
Hastings Air-Energy Control, Inc.
5555 S. Westridge Drive
New Berlin, WI 53151-7900



HASTINGS
 air energy control, inc.
creating a cleaner workplace

5555 South Westridge Drive
 New Berlin, WI 53151-7900

P: 800.236.8450 / 262.364.0500
F: 800.260.9199 / 262.364.0550

Illinois Office
 P: 847.362.9660

Michigan Office
 P: 248.888.9911

Minnesota Office
 P: 952.882.8450

Ship To:

Wyoming Fire Dept #2
 4511 Division South

Wyoming Fire Dept #2
 4511 Division South

Date: 9/4/2013
 Sales Person: Mary Comer
 Quote #: QUO-13418-G3W2Z0
 Expires: 10/31/2013

Wyoming MI 49509

Wyoming MI 49509

Part #	Description	Qty
VE-SBTA-MG-LH4	5" Magnetic Grabber - 4" Lower hose assembly . Includes: Safety Disconnect, 2' Hose, Reducer, Magnetic Grabber®, 5" Conical Tailpipe Adapter	2.00
SADL-012	4" 90 deg Black Elbow Metal Saddle	2.00
INST-M	Installation of magnetic system and removal of all pneumatic features to existing equipment	1.00
		\$2,937.00

NOTE: Shipping and Tax are NOT INCLUDED.

I have read the terms page, a single, separate page from the pricing, and I accept the terms and conditions of this quotation.

Signed: _____
 Name: _____ Title: _____

Terms:
 _____ Prepay - 3% Discount:
 _____ Net 30 Days from Shipment
 _____ Visa/Mastercard/Discover

Purchase Order # _____

Thank you for considering Hastings.

Please remit to:
Hastings Air-Energy Control, Inc.
5555 S. Westridge Drive
New Berlin, WI 53151-7900



HASTINGS
air energy control, inc.
creating a cleaner workplace

5555 South Westridge Drive
New Berlin, WI 53151-7900

P: 800.236.8450 / 262.364.0500
F: 800.260.9199 / 262.364.0550

Illinois Office
P: 847.362.9660

Michigan Office
P: 248.888.9911

Minnesota Office
P: 952.882.8450

Ship To:

Wyoming Fire Dept #4
1250 36th Street Southwest

Wyoming Fire Dept #4
1250 36th Street Southwest

Date: 9/4/2013
Sales Person: Mary Comer
Quote #: QUO-13415-W3X1R2
Expires: 10/31/2013

Wyoming MI 49509

Wyoming MI 49509

Part #	Description	Qty
VE-SBTA-MG-LH4	5" Magnetic Grabber - 4" Lower hose assembly . Includes: Safety Disconnect, 2' Hose, Reducer, Magnetic Grabber®, 5" Conical Tailpipe Adapter	4.00
SADL-012	4" 90 deg Black Elbow Metal Saddle	4.00
INST-M	Installation of magnetic system changeover from pneumatics.	1.00
		\$5,874.00

NOTE: Shipping and Tax are NOT INCLUDED.

I have read the terms page, a single, separate page from the pricing, and I accept the terms and conditions of this quotation.

Signed: _____
Name: _____ Title: _____

Terms:
_____ Prepay - 3% Discount;
_____ Net 30 Days from Shipment
_____ Visa/Mastercard/Discover

Purchase Order # _____

Thank you for considering Hastings.

Please remit to:
Hastings Air-Energy Control, Inc.
5555 S. Westridge Drive
New Berlin, WI 53151-7900

11,748

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
Police Body Armor	On-Duty Gear, LLC	\$650.00/each
Leak Detection Equipment	Gutermann Inc.	\$35,000

Moved by Councilmember:

Seconded by Councilmember:

Motion Carried Yes

 No

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular session held on November 4, 2013.

ATTACHMENTS:
Staff Reports

Heidi A. Isakson, Wyoming City Clerk

STAFF REPORT

Date: October 14, 2013
Subject: 2013 – 2014 Police Body Armor Purchase
From: Lt. James Maguffee, DPS, Police Operations
Meeting Date: November 4, 2013

Recommendation:

It is recommended that the City of Wyoming accept the bid from On-Duty Gear, LLC for the purchase of approximately 24 bullet resistant vests we anticipate purchasing in budget year 2013-2014. The recommended model is a lighter, more flexible, slightly more protective, and much more comfortable vest than previous models.

Sustainability Criteria:

Environmental Responsibility – This equipment purchase and choices we have relating to it do not significantly impact this criterion.

Social Equity – This equipment purchase and choices we have relating to it do not significantly impact this criterion.

Economic Strength – We put a very specific model out to bid with detailed specifications provided by the manufacturer. The company being recommended entered the lowest bid price for the purchase. These vests are more expensive than previous models, but the increase cost is justified.

Discussion:

Historically we have replaced body armor every five years - the industry standard – in a rotation schedule that approximates 20% of sworn staff each year. This year a new model that is thinner, lighter, more flexible, and slightly more protective is available. Any officer will tell you the most uncomfortable part of their worn equipment is the protective vest. 10+ hours of wearing it is a long time. It is mandatory that all officers working patrol wear a protective vest. It is my opinion this new model will be much more comfortable. The benefit from the lighter more flexible model, while not quantifiable, will be an investment in the comfort and safety of our police officers. It should be noted that I am not requesting immediate replacement of all vests, but only permission to introduce the new model as replacements for vests that expire this budget year.

Forty-five invitations to be were sent to prospective bidders and the three bids received are as follows:

Company	Bid Price for 1 (each)	Total Bid Price for 24	
On Duty Gear, LLC	\$650.00	\$15,600.00	Armor Express Razor Model RZR-B-II
CMP Distributors, Inc.	\$673.18	\$16,156.32	Armor Express Razor (As Specified)
Kiesler Police Supply Inc.	\$708.30	\$16,999.09	Armor Express Razor RZR-B-II; RZRF-A-II

Budget Impact:

Vest replacement costs are covered in budget line 101-305-31500-744000. The anticipated cost for replacement vests this year, based on the previous model, was \$13,660 with half of that amount anticipated as revenue from a federal grant of \$6,830. Sgt. Easterly, who handles grant applications, reports we have received a grant award for this year but because of the current federal government shutdown he does not yet know the amount. The cost for the new model will exceed \$13,660 by \$1,940. Account Clerk Julie Pease reports the overage could be absorbed by other categories in the uniform budget.

Respectfully Submitted,

Lt. James B. Maguffee

STAFF REPORT

DATE: October 21, 2013

SUBJECT: Bid Award, Leak Detection Equipment

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

Date of Meeting: November 4, 2013

RECOMMENDATION

It is recommended that the City Council award the bid for Leak Detection Equipment to the lowest qualified bidder, Gutermann, Inc., in the amount of \$35,000.

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 leak detection equipment will improve the Public Works Department's ability to maintain and repair the water distribution system.

Social Equity

Water utility maintenance and 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 water utility maintenance and repairs.

Economic Strength

The use of leak detection equipment will improve the Public Works Department high quality utility maintenance and repairs. The high quality water utility maintenance and repairs allow the Public Works Department to maintain the City's water distribution system which sustains public and private property values.

DISCUSSION

The City of Wyoming owns and operates a water distribution and transmission system which has approximately 350 miles of water mains and 22,500 water services. Within this system there may be a number of leaks that are not visible on the surface of the ground. Such leaks can remain dormant or become catastrophic failures. In an effort to prevent dormant leaks from becoming catastrophic failures, the Public Works Department recommends the purchase of leak detection equipment.

Modern leak detection equipment is used to identify the exact location of leaks within a metal pipe water system. Knowing the exact location would allow the Public Works Department to reduce the disruption to the neighborhood and adjacent property owners by reducing the number and size of the excavations.

During the winter, a leak can cost more than \$20,000 to repair because frost in the ground can conceal the exact location of a leak. The use of leak detection equipment would reduce the problems related to winter frost.

With appropriate staffing, the leak detection equipment will be used during the winter and summer months to identify unknown leaks through a monitoring program. The program will involve the installation of survey equipment in areas of the City with the highest number of leak occurrences. Data from the survey equipment will be utilized to pin point the exact location of the concealed leaks.

On September 10, 2013, the City Clerk received three bids for Leak Detection Equipment. Twenty-two invitations to bid were sent to prospective bidders. Fluid Conservation Systems submitted the lowest bid of \$32,800, however; the bid did not include a required ruggedized laptop which will cost an additional \$4,000. Gutermann, Inc., submitted the lowest qualified bid of \$35,000. Gutermann, Inc. will supply the equipment and train the City's staff as to how to utilize the equipment.

BUDGET IMPACT

Sufficient funds have been budgeted in the Water Fund, Public Works, Capital Outlay, Capital Outlay Equipment account 591-441-57300-987000.

**CITY OF WYOMING, MICHIGAN
TABULATION OF BIDS
ON LEAK DETECTION EQUIPMENT**

Opened By City Clerk On September 10, 2013 At 11:00 a.m. o'clock

All bid prices reduced to net.
All bid prices firm for acceptance for 60 days from bid opening date.

		Manufacturer	Make/Model	Estimated Quantity to be purchased	Each Bid Price		Total for Estimated Quantity
ITEM	CORRELATING RADIO LEAK NOISE LOGGER SYSTEM						
BIDDER	Fluid Conservation Systems	Fluid Conservation Systems	Permalog Plus Loggers with Patroller	10	\$ 1,100.00		\$ 11,000.00
	Lewis Municipal Sales	Vivax-MetroTech	L06 Corr 10 Logger Kit- (Laptop not included)	10	\$ 2,340.00	1 Kit with 10 Loggers	\$ 23,400.00
	Gutermann Inc.	Gutermann Inc.	Zonescan 820 "corrlating Radio Loggers"	10	\$ 4,500.00	CommLink Package	\$ 11,500.00
				\$ 700.00	Zonescan 820 Logger		
ITEM	DIGITAL ACOUSTIC LEAK DETECTOR						
BIDDER	Fluid Conservation Systems	Fluid Conservation Systems	XMIC	1	\$ 3,900.00		\$ 3,900.00
	Lewis Municipal Sales	Vivax-MetroTech	HL-5000-CtGM	1	\$ 3,950.00		\$ 3,950.00
	Gutermann Inc.	Gutermann Inc.	Aquascope 3 "Complete Kit"	1	\$ 4,000.00		\$ 4,000.00
ITEM	ANALOG LEAK NOISE CORRELATOR						
BIDDER	Fluid Conservation Systems	Fluid Conservation Systems	AC Digital	1	\$ 17,900.00		\$ 17,900.00
	Lewis Municipal Sales	Vivax-MetroTech	HL-6000XPC (Laptop not included)	1	\$ 18,300.00		\$ 18,300.00
	Gutermann Inc.	Gutermann Inc.	Aquascan 610 "Leak Noise Correlator"	1	\$ 19,500.00		\$ 19,500.00

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 cursive script.

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

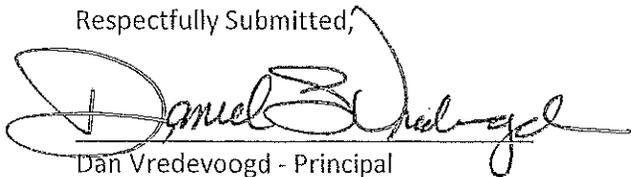
Re: Canal Ave Condominiums:

Mr. Tim Cochran,

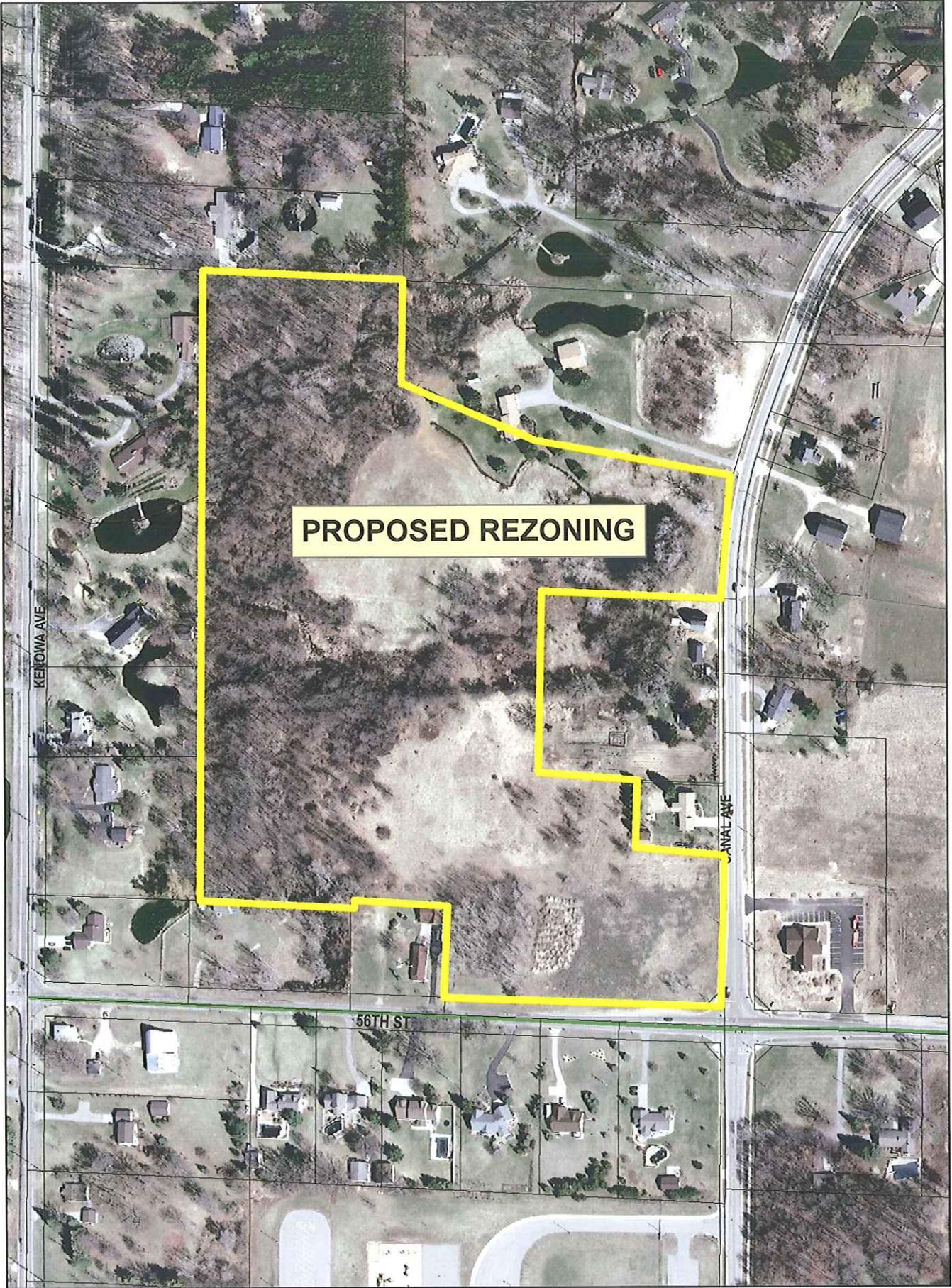
In accordance with section 405 of the Michigan Zoning Enabling Act, Rivertown Homes by Design, LLC. as the owner's representative make the following voluntary offer as a condition to rezoning the property by the City of Wyoming.

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



PROPOSED REZONING

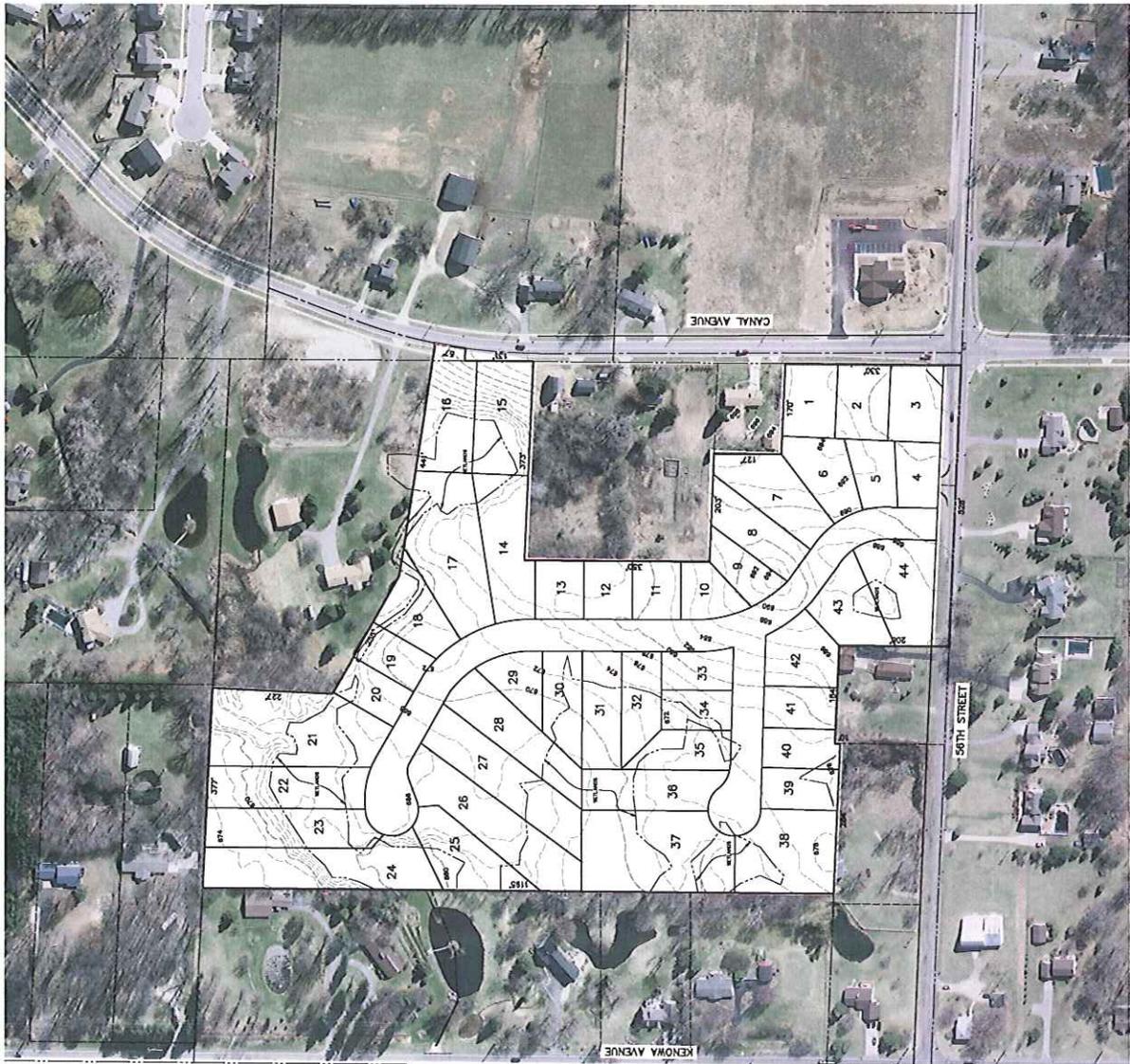
KENOWA AVE

56TH ST

CANAL AVE

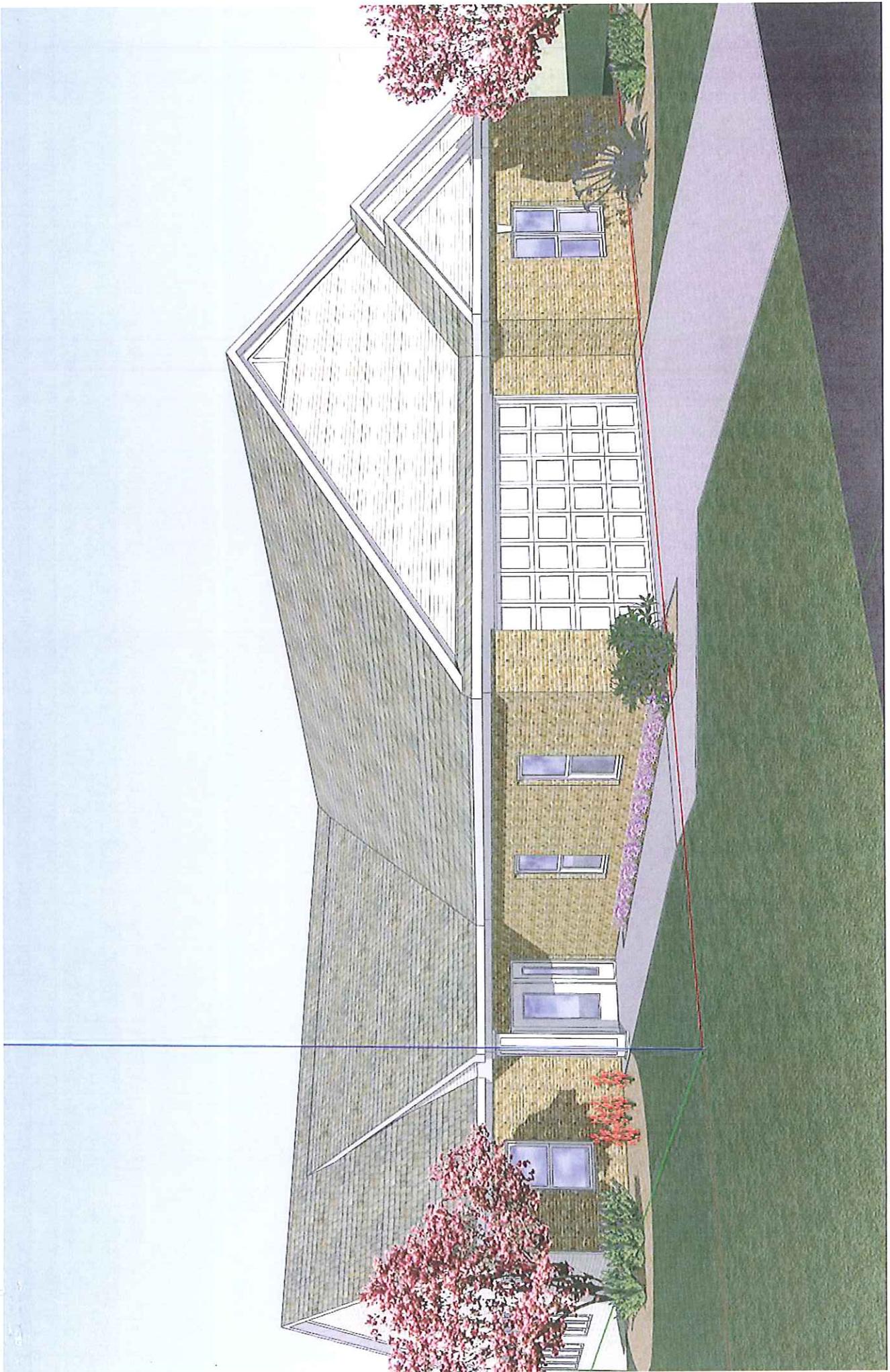


REGIS
 REALTY
 REALTY OF ILLINOIS, INC.
 1111 W. WASHINGTON ST., SUITE 200
 CHICAGO, IL 60606
 TEL: 312.467.1000
 FAX: 312.467.1001
 WWW.REGISREALTY.COM



SCALE: 1"=100'

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





 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

Copyright © 2012 DESIGN

 All rights reserved. Reproduction and/or use in

 any form without written permission is prohibited.

DEL-MAR VILLAGE CONDO

 2013

 SPRING PARADE

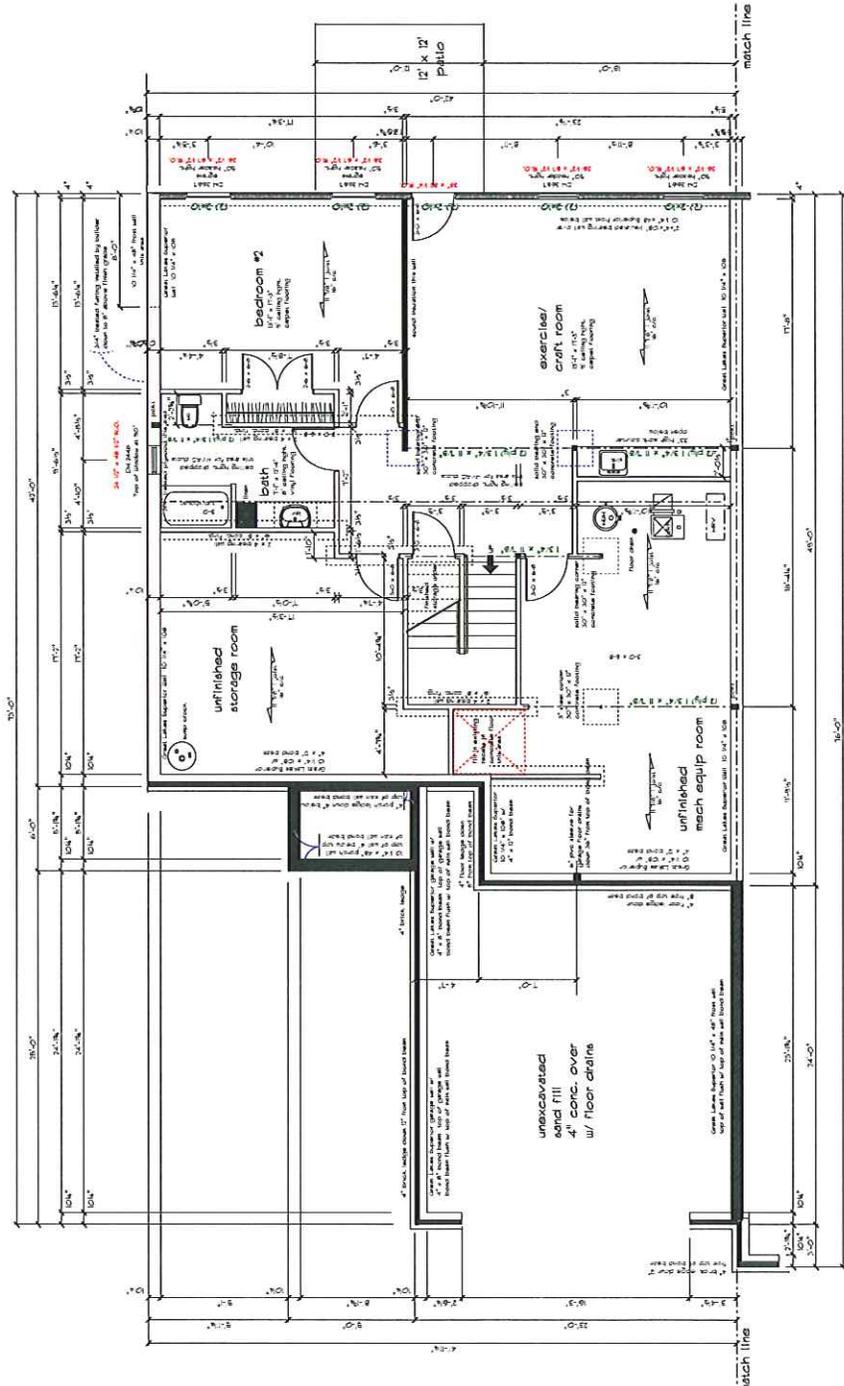
 UNIT #64

 DEL-MAR VEU COURT

CLIENT APPROVAL

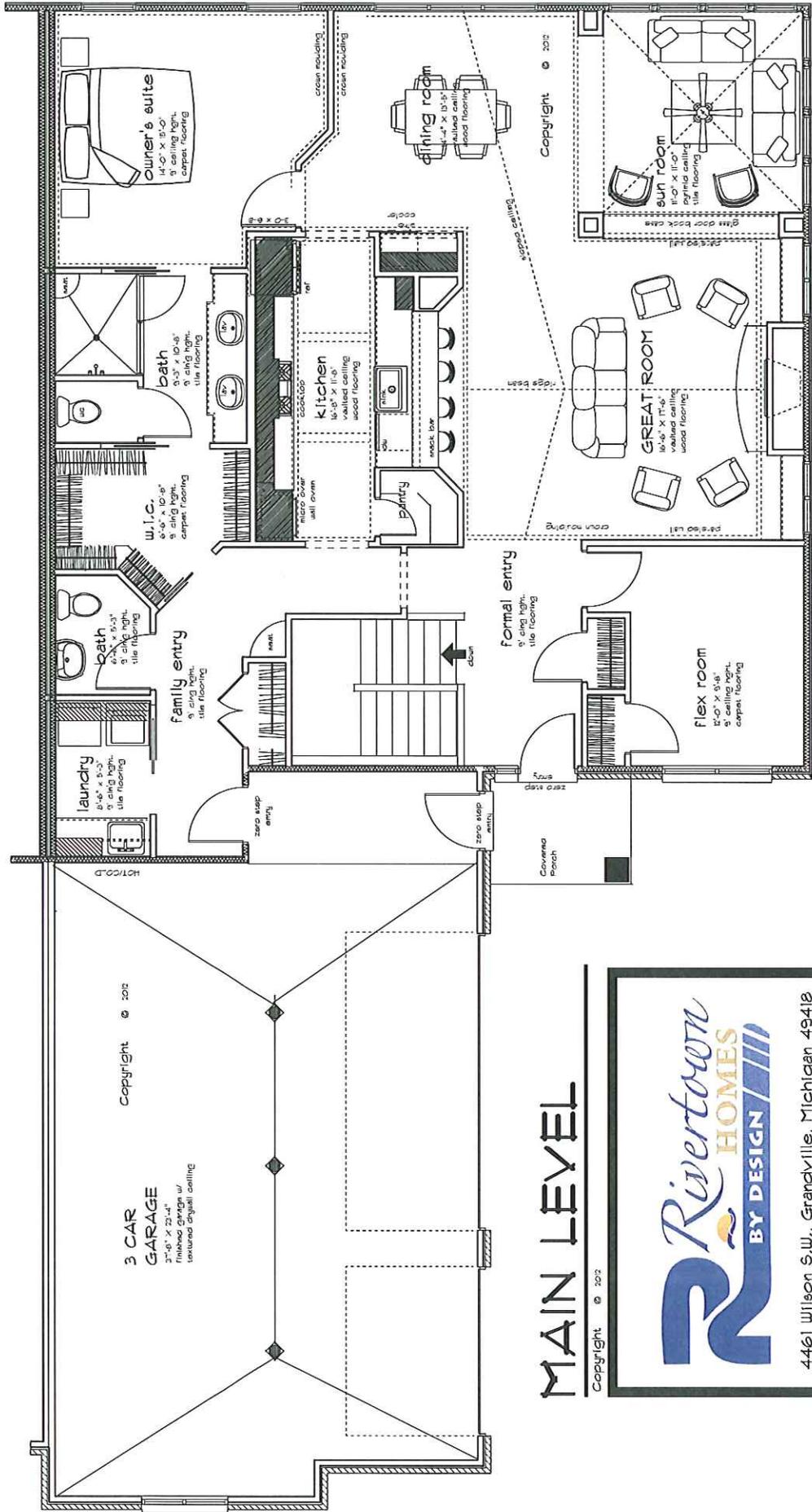
File ID: DMV Unit #64

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

Copyright © 2012



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



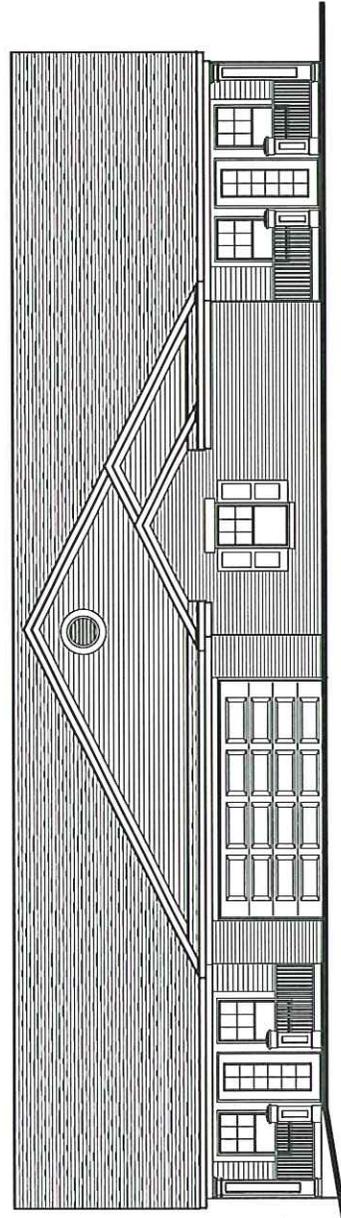
Drawn By: JADV
Issued For:

Copyright © 2011
RiverTown Homes, By DESIGN, LLC
All rights reserved. No part of this drawing may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying, recording, or by any information storage and retrieval system, without the prior written permission in writing from RiverTown Homes, By DESIGN, LLC.

DEL-MAR VILLAGE CONDO
Unit #61 & 62

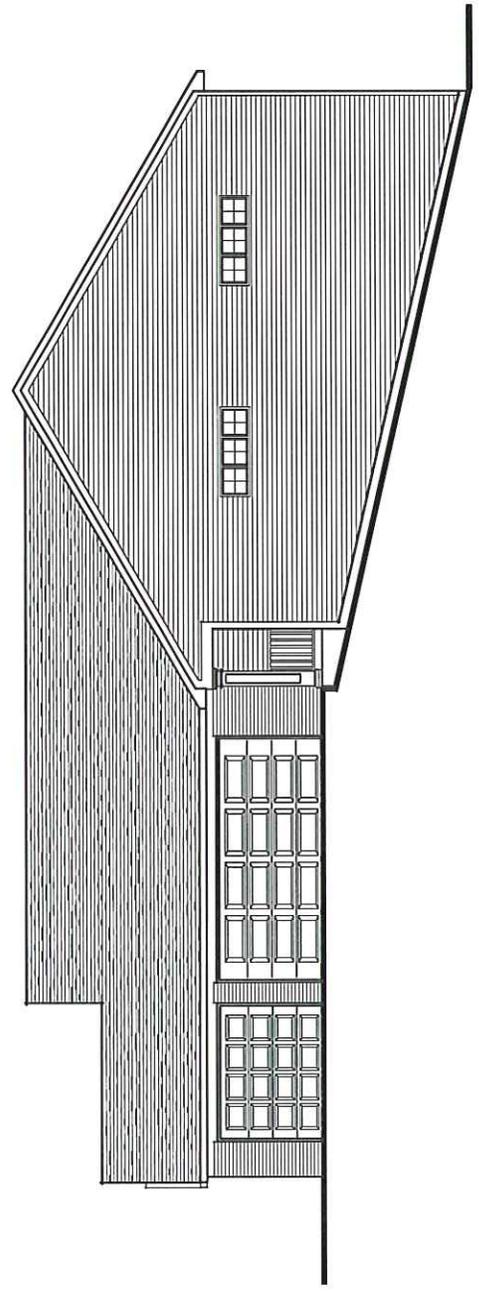
CLIENT APPROVAL

Sheet Number
A 1.1



FRONT ELEVATION

SCALE 1/4" = 1'-0"



RIGHT ELEVATION

SCALE 1/4" = 1'-0"



 4569 Wilson Ave. Bldg. Grandville, Michigan 49439

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

 www.riverfrontbuilders.com

Drawn By **JADY**

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

Copyright © 2011

RIVERFRONT HOMES BY DESIGN LLC

 All rights reserved. Permission to photocopy this

 drawing is granted by the copyright owner.

ALAN & DIANE ZOET

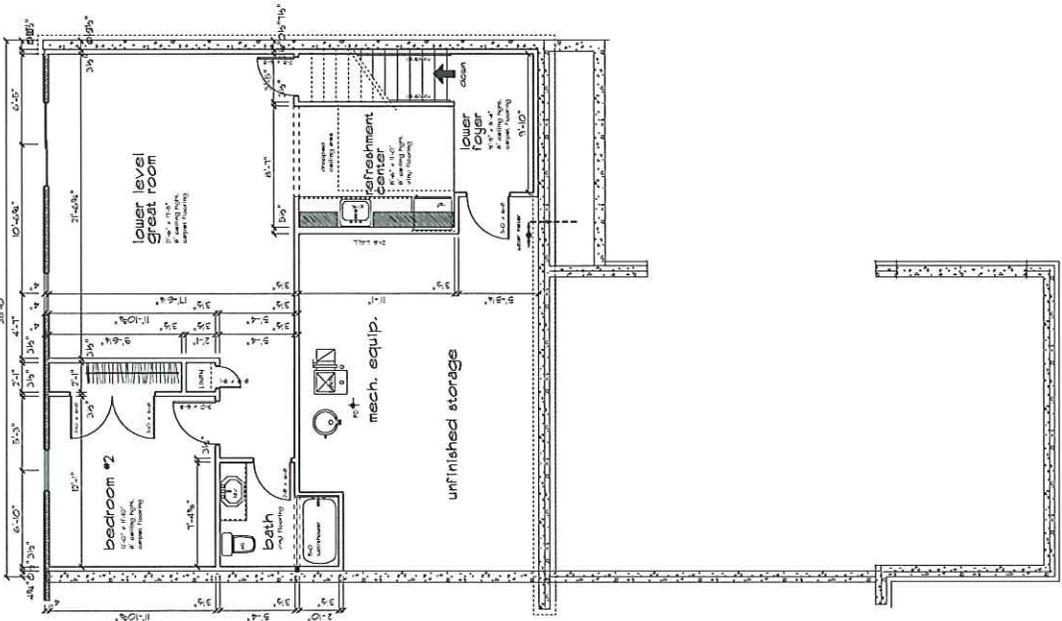
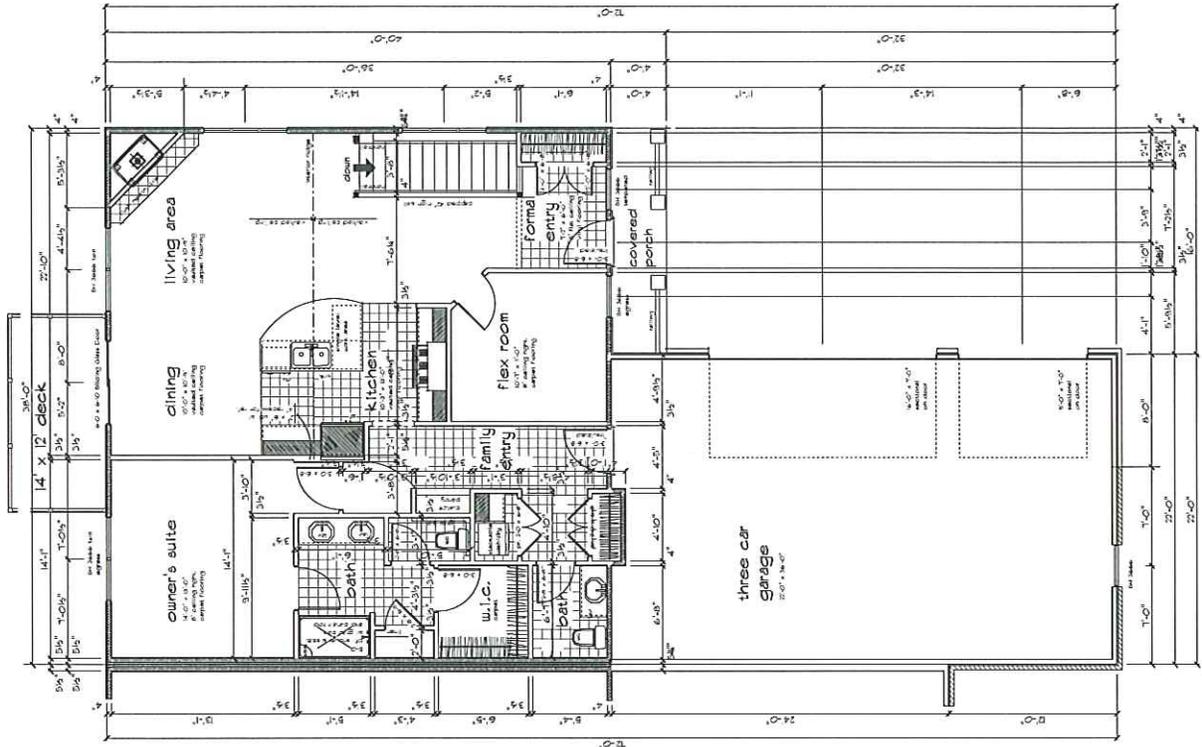
 4068 DEL-MAR VIEW DRIVE

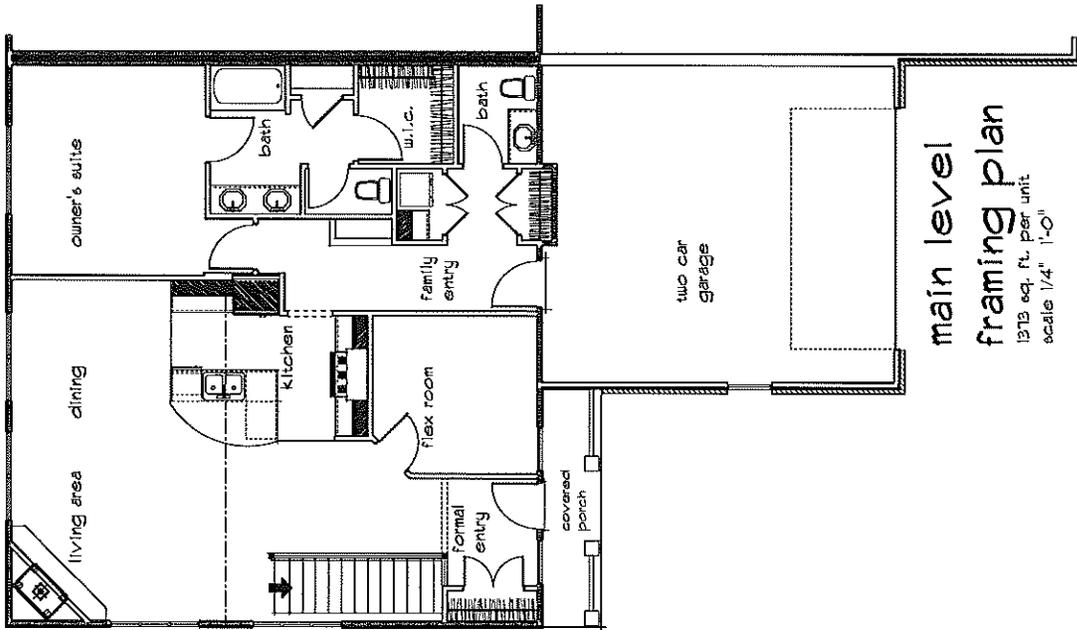
 DEL-MAR VILLAGE CONDO

CLIENT APPROVAL

Sheet Number

A2.1 / A 2.2

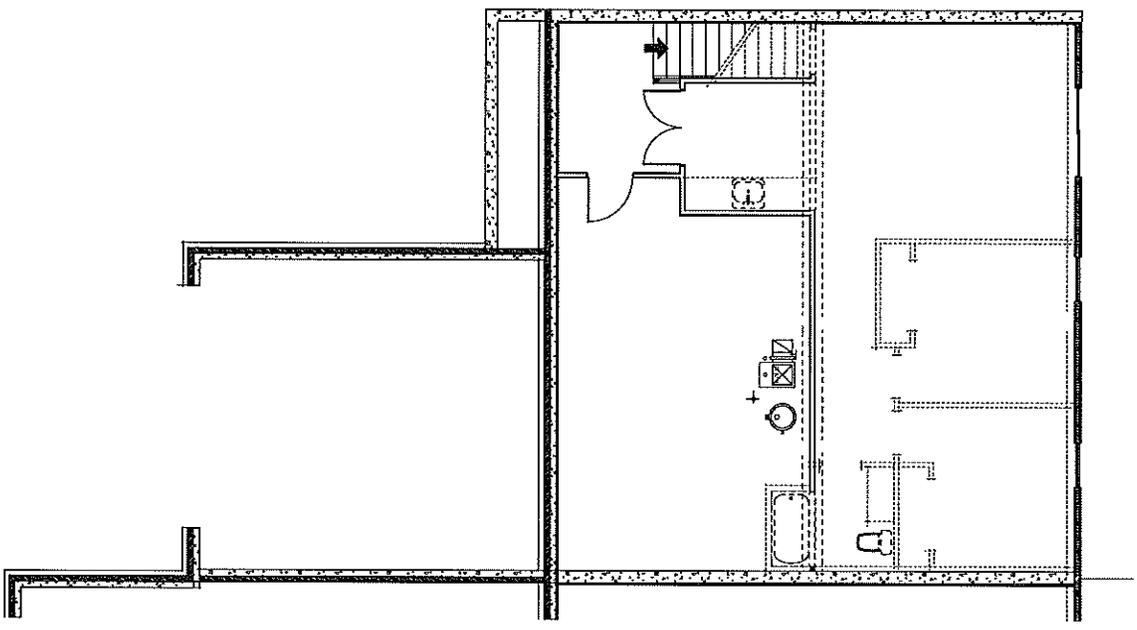




main level
framing plan

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.

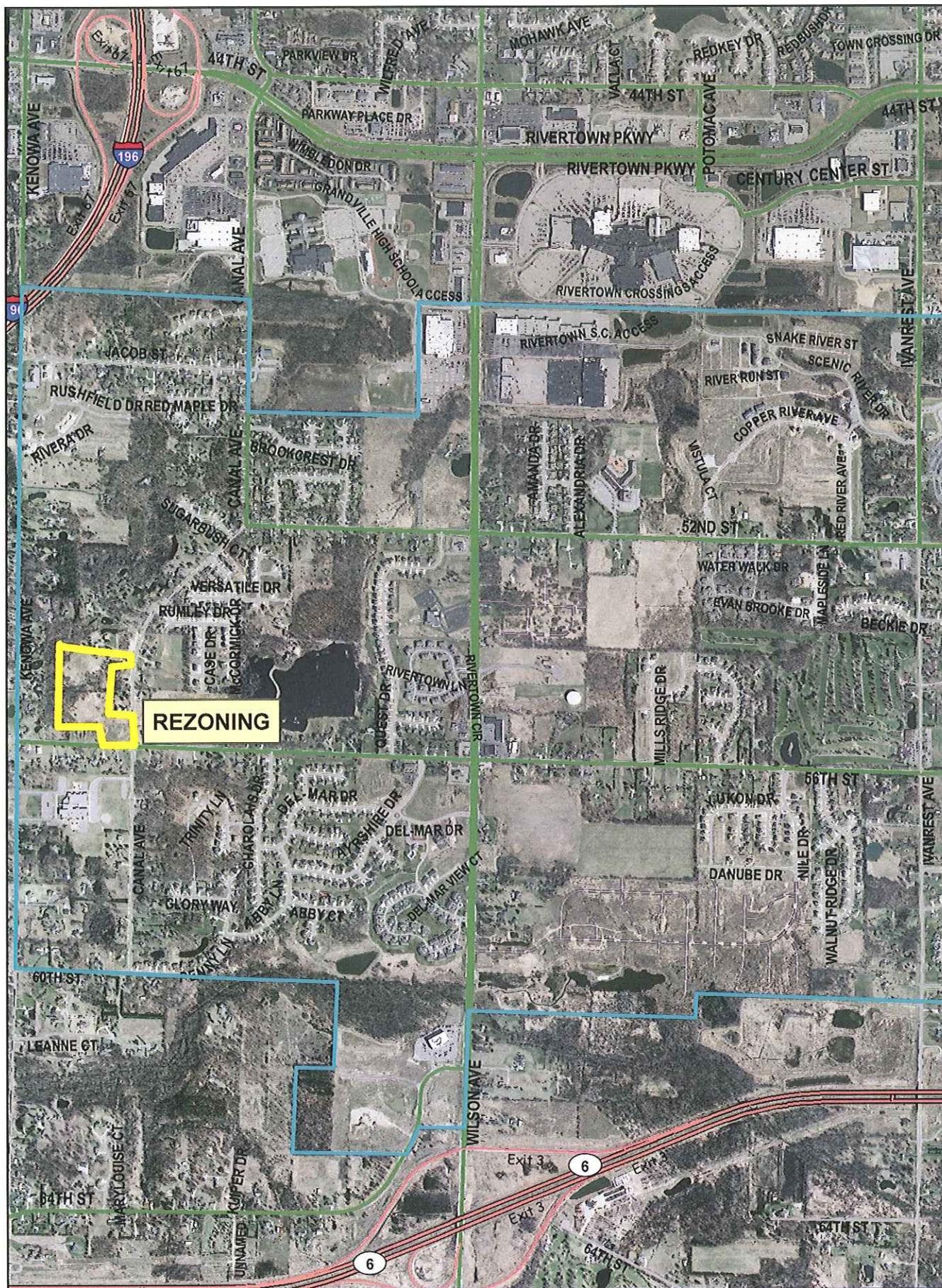
The ER District was adopted by the City Council in 1983. The district was subsequently applied to the entire three square mile area west of Ivanrest Avenue (see attached current REGIS zoning map). That area was comprised of residences on large parcels and small farms with primarily well and septic service. 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.

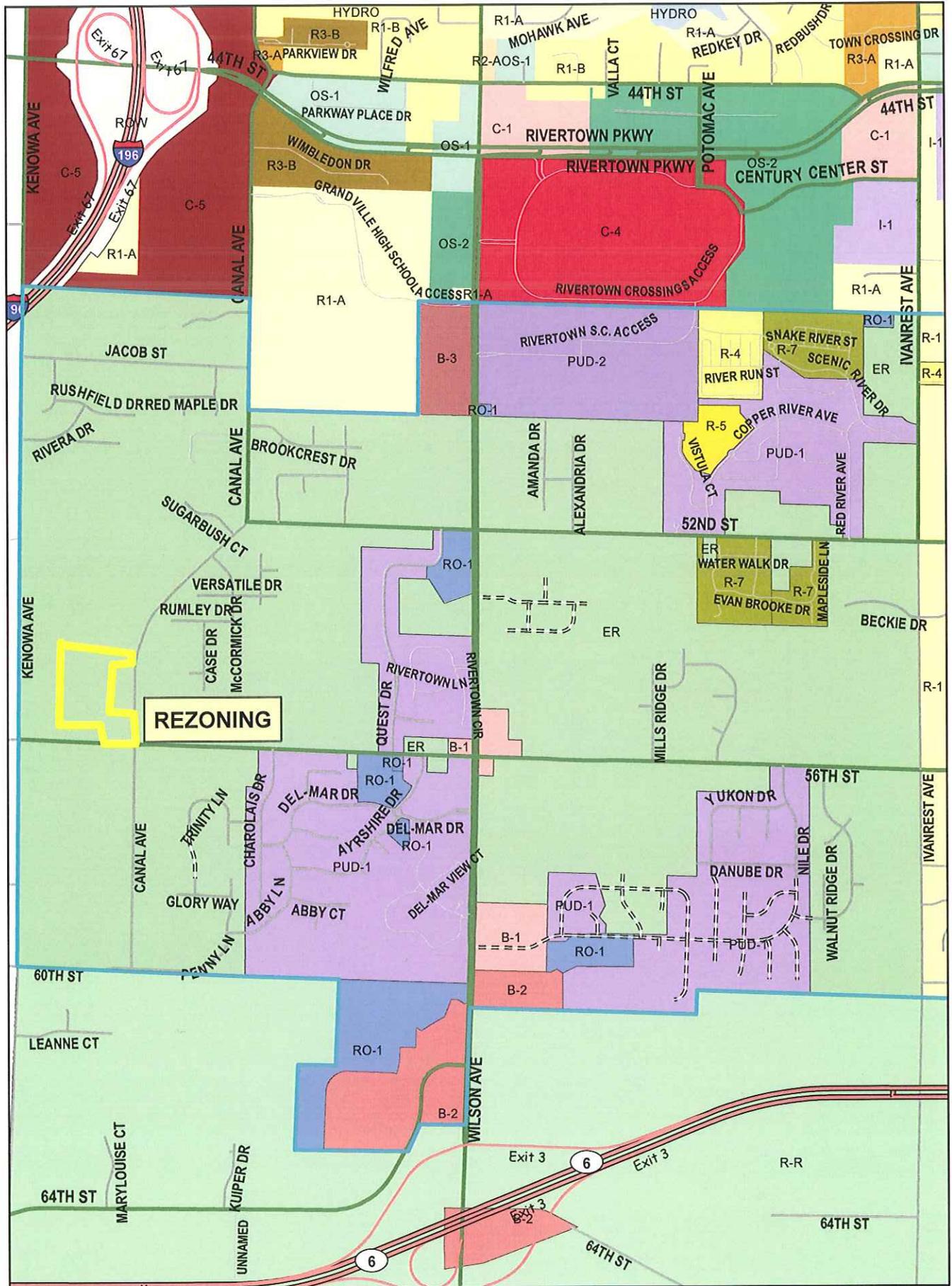
Page 2

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

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.