

**WORK SESSION AGENDA
WYOMING CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS**

Monday, January 13, 2014, 7:00 P.M.

- 1) Call to Order**
- 2) Student Recognition**
- 3) Public Comment on Agenda Items (3 minute limit per person)**
- 4) AMR Use Agreement – Gezon Fire Station**
- 5) Fire Service Purchases**
- 6) Liquor License Proposed Changes**
- 7) Transfer of Funds from Health Insurance Fund to Retiree Health Trust Fund**
- 8) Soliciting/Begging Ordinance**
- 9) Harassing/Threatening Communications Ordinance Amendment**
- 10) Kent County Essential Needs Task Force Memorandum of Understanding**
- 11) Any Other Matters**
- 12) Acknowledgement of Visitors/Public Comment (3 minute limit per person)**

Interdepartmental Correspondence

TO: Curtis Holt – City Manager
FROM: Chief James E. Carmody
DATE: January 8, 2014
SUBJECT: AMR Use Agreement – Gezon Fire Station



Public Safety
Administration

Curtis;

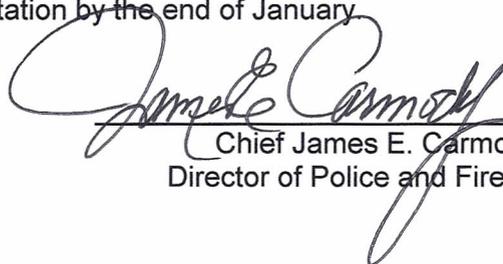
Several weeks ago we proposed a number of initiatives for the Department of Public Safety. One of those initiatives involved the limited staffing of the Gezon Fire Station (Station #3) by both a paid on call team, and the periodic use of one of the apparatus bays by the American Medical Response (AMR) Company.

AMR deploys their ambulances through a system-status deployment process, where ambulances are assigned to take up a stationary position in a predetermined geographic area based on certain temporal issues. Such as, the frequency of calls in that area and what day and time they occur. As proof of this deployment application, quite often you will see an AMR ambulance sitting stationary in a parking lot somewhere along Gezon Parkway.

We have been in discussions with AMR regarding their use of one of the apparatus bays at Station #3 to stage their ambulance rather than have the crew sit idle in the ambulance exposed to the elements, and they have agreed to the concept. To be frank, they are extremely excited by the idea.

I have attached the draft of a use agreement for your consideration. This draft has received tentative approval from the Director of AMR, Mr. Dick Whipple, who is also currently working on an internal policy for his staff addressing the use of the facility.

I ask that you approve the draft and present it to City Council for their approval of your signature. If we can get the facility cleaned up and ready within the next few weeks, we should see an AMR ambulance running out of the Gezon Station by the end of January.



Chief James E. Carmody
Director of Police and Fire Services

cc: Chief Austin
Capt. Snyder
Capt. Koster

HONOR - COURAGE - DUTY - TRUST

CITY OF WYOMING

AMERICAN MEDICAL RESPONSE (AMR) License Agreement

THIS USER AGREEMENT is entered into between the CITY OF WYOMING, of 1155 - 28th Street, S.W., Wyoming, Michigan, hereinafter referred to as the "City," and the American Medical Response, 517 South Division Avenue, Grand Rapids Michigan, 49503, hereinafter referred to as "AMR."

Preliminary Statement

The City is the owner of the property and facilities known as Fire Stations #3, located at 2300 Gezon Parkway SW, Wyoming, Michigan. AMR has requested the use of an apparatus bay inside of Fire Station #3 for the placement of one of its ambulance units as part of AMR's system status deployment. AMR recognizes the impact of its use of the apparatus bay and adjoining fire house facilities, as well as the daily maintenance needs of such facilities in order to ensure their continued physical integrity.

Agreement

In consideration of the mutual promises of the parties, they agree:

1. AMR shall have a nonexclusive revocable license agreement to use the following described property (the "premises"). Wyoming Department of Public Safety - Fire Station #3, 2300 Gezon Parkway SW, Wyoming, Michigan.

2. During the term of this agreement AMR may use the premises for the periodic placement of one of AMR's ambulance units only including and limited to, the following: one designated apparatus bay, the "day room" area and kitchen facilities located in the fire station, bathroom facilities, television, restrooms, water and hose facilities to wash the AMR equipment, floor mops and squeegees and daily cleaning materials. The parties acknowledge that the City is not affiliated with AMR nor does the City sponsor or control any AMR activities or programs.

3. This agreement commences January 27, 2014 and expires on January 26, 2015, at which time it shall be automatically renewed for successive one (1) year terms, unless either party delivers written notice of non-renewal to the other party not less than sixty (60) days before the expiration of the then current term. The City may revoke this agreement at any time for non-performance on AMR behalf. Should the City elect to revoke this agreement, AMR shall have a period of three (3) months from the date of written notice of revocation during which to remove any of AMR's personal property from the premises, subject to other conditions as listed herein.

4. All maintenance and improvements on the premises shall be completed in accordance with the City's plan as established by the Wyoming Parks and Recreation Departments staff, and City Council. Any variations from this plan will require the approval of the City. The City shall specifically provide facilities, approved by the Director of Police and Fire Services, or designee, appropriate to the intensity of the permitted use of the premises. AMR shall be responsible for reasonable housekeeping and light cleaning of areas following their use. Activities that exceed the prudent use (including attendance) of the facilities, including necessary parking, shall not be permitted.

5. The City of Wyoming shall maintain a level and standard of service reflective in all facility maintenance settings, including but not limited to parking, irrigation, landscaping, mowing, trash removal, and sanitary facilities.

6. The Director of Police and Fire Services, or a designated representative, shall periodically inspect the condition of the facilities. The purpose of such inspections is to identify what improvements will best serve the facility and the community.

7. AMR shall provide, as best as can be estimated, a schedule in advance to the City for its proposed use of the premises. At least monthly, AMR will provide a record of use containing the dates, times and personnel who used the facilities.

8. The City shall schedule other fire activity usage for the premises and reserves the right to schedule other activities that do not interfere with AMR activities on the submitted schedule. The City of Wyoming shall oversee facility use and scheduling.

9. AMR may not assign or in any manner transfer this letter of agreement. Specifically, AMR may use said premises and facilities for its activities only and may not permit any other organizations or persons to use said premises or facilities.

10. AMR shall operate said premises in compliance with the Code of the City or any other applicable laws, rules and regulations. If the City notifies AMR of any violations of this Agreement, AMR shall promptly remedy those violations.

11. AMR shall, at its sole expense, provide liability insurance to protect the City against all liability resulting or arising from the use of said premises and facilities naming the City as an additional insured. Said insurance shall be in the minimum amount of \$2,000,000.00 for combined single limit personal injury, bodily injury, and property damage. Said policy of insurance shall be submitted to the City for approval by the City Attorney before any use may be undertaken by AMR. AMR shall further show evidence of said insurance coverage to the City each anniversary dates thereof. Only one annual umbrella policy is required for all AMR use of City of Wyoming facilities.

12. AMR agrees to indemnify, defend and hold the City, its officers, agents and employees, harmless from all liability, claims and expenses, including but not limited to actual attorney's fees, arising out of activities under this agreement.

13. This Agreement contains the entire agreement between AMR and the City with regard to its subject matter, supersedes all previous agreements on this subject matter, and may be amended only in writing signed by both parties.

CITY OF WYOMING

Dated: _____, 2013

By _____
Jack Poll, Mayor

Dated: _____, 2013

By _____
Heidi A. Isakson, City Clerk

AMERICAN MEDICAL RESPONSE,

Dated: _____, 2013

By _____
Authorized Signature

Dated: _____, 2013

By _____

DRAFT

Interdepartmental Correspondence

TO: Curtis Holt – City Manager
FROM: Chief James E. Carmody
DATE: January 6, 2014
SUBJECT: Fire Service Purchases



Public Safety
Administration

Curtis;

We have been working on a couple of items and/or services needed by the Fire Service. Two of these items were identified as critical needs by Fire Service and IT staff, and one is based on the efforts to reopen the Gezon fire station for use by AMR and eventually the paid-on-call team we will be deploying there by spring. I have attached the necessary support materials, but I felt it important to give you some background on these items and their prescribed purpose.

ITEM – 1: POSI-FLOW Air Tester.

COST: \$10,500.00

The Fire Service is required by law to test and evaluate their Self Contained Breathing Apparatuses (SCBA's), annually. Or, whenever the SCBA has been worked on to make adjustments or corrections. The fire service currently has approximately 80 SCBA's either in use or set aside as spares. Efforts in the past to use other testers owned by neighboring fire department's proved to be impractical, due to the need to collect and transport the masks back and forth between fire departments. Not having the equipment in-house also prohibits a "quick fix" to a malfunctioning SCBA, due to the need to then transport the repaired equipment to a testing source. When the Fire Service wrote a recent equipment grant, this item was included; however, it was later determined that this equipment did not qualify for the grant.

ITEM – 2: FIREHOUSE Software Update and Additional Modules **COST: \$7,495.00**

The Fire Service currently uses Firehouse software as a base-line records management package for fire call data collection. According to Paul Gerndt's memo, (attached) the existing software is in desperate need of updating. During the discussion on updating, we had fire personnel test some of the other modules that are offered with Firehouse and they recommended the additional modules for use (attached).

ITEM – 3: Gezon Fire Station Cleaning Service

COST: \$3,255.00

As we were preparing the Gezon Fire Station for occupancy by AMR and eventually a Paid-On-Call team, we conducted a thorough inspection of the facility. Although the interior was in better shape than we anticipated, it is in desperate need of a top-to-bottom cleaning. It has been suggested that fire personnel could be used to do the work, but their irregular schedule would prolong the process beyond our target dates for deployment of equipment.

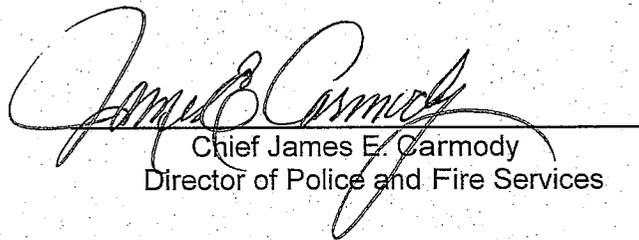
HONOR - COURAGE - DUTY - TRUST

MEMO- Purchases (Contd.)

As a consequence, we requested two (2) estimates to clean the facility and bring it back to a point that we can maintain. We asked for an estimate from the current cleaning company that is contracted with the City and a separate quote from a company whose services the City has also used to professionally clean the carpets, furniture and floors. The above total reflects the individual quotes of \$1,750.00 from Alpine Janitorial to do an extensive cleaning of all offices and living-facility rooms, and \$1,505.00 from Modernistic Cleaning and Restoration to do the furniture, carpets and floors.

As you know, these costs (**Total - \$21,250.00**) are outside of the approved 2013-2014 Fire Service Budget and would require your approval, as well as that of City Council's, to allocate the funds from the City's general fund balance accounts. We are therefore requesting your approval and your recommendation to City Council for the same.

If you have any further questions or concerns, please feel free to contact me at your earliest convenience.



Chief James E. Carmody
Director of Police and Fire Services

HONOR - COURAGE - DUTY - TRUST

STAFF REPORT

Date: January 8, 2014
Subject: Posi 3 Air Flow Tester
From: Chief James E. Carmody, Director of Police and Fire Services
Meeting date: January 13, 2014

Recommendation:

It is recommended that the Public Safety Department purchase the POSI-FLOW Air Flow Tester, software, regulator adapters / gauges and on-site install and training from 5 Alarm Fire and Safety Equipment Inc. This would facilitate the Fire Service to test and evaluate their Self Contained Breathing Apparatuses (SCBA's) which is required by law.

Sustainability Criteria:

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

Social Equity – All Wyoming residents, visitors, and those that need Public Safety service can enjoy the benefit of properly working and tested fire equipment at the time of a fire emergency that requires our Fire Service to utilize SCBA's. Without this properly working and tested equipment we would not be able to assist those in need.

Economic Strength – The Fire Service currently has approximately 80 SCBA's either in use or set aside as spares. Efforts in the past to use other testers owned by neighboring fire department's proved to be impractical, due to the need to collect and transport the masks back and forth between fire departments. Not having the equipment in-house also prohibits a "quick fix" to a malfunctioning SCBA, due to the need to then transport the repaired equipment to a testing source. We have one Fire Service personnel trained in the maintenance, repair and testing of this equipment and to have the ability to test the SCBA equipment on site will save the City of Wyoming time and money.

Discussion:

See attached documentation.

Budget Impact:

This cost (\$10,500) is outside of the approved 2013-2014 Fire Services Budget and would require City of Wyoming Council approval to allocate the funds from the City's General Fund balance account.



FIRE AND SAFETY EQUIPMENT, LLC
PROTECTING AMERICA'S HEROES

350 Austin Circle
Delafield WI, 53018-2171
Phone: (262) 646-5911 Fax: (262) 646-5912
Toll-Free: (800) 615-6789
Web: www.Salarm.com

QUOTE

Number	136700-0
Quote Date	01/03/2014
Page	1

Bill to: WYOMING FIRE DEPARTMENT
WYOMING DEPT OF PUBLIC SAFETY
FIRE OPERATIONS
2300 DEHOOP AVE SW
GRAND RAPIDS, MI 49509

Ship to: WYOMING FIRE DEPARTMENT
1250 36TH STREET SW
MARTY SCHUMACHER
WYOMING, MI 49509-2825

Cust Code	Ordered By	Salesman	Job/Rel#	Customer PO	Wanted Date
6729		JEREMY WARE			01/03/2014
Entered By		Ship Via		Terms	
Joli Clark		UNITED PARCEL SERVICE		NET 10	

Quantity			U/M	Item #	Description	Price	Extension
Order	Ship	Back					
1	1	0	EA	SPECIAL ITEM	SV54562117 POSI 3	9270.0000	9270.00
1	1	0	EA	SPECIAL ITEM	SV545807 SOFTWARE	655.0000	655.00
1	1	0	EA	OPTIONS:	AC60010-PC REGULATOR, POSICHEK3 ADJUSTABLE, W/SCBA ADAPTORS, GAUGES (MAKES HANDLING/ TESTING SCBA FASTER & EASIER ADD: \$790.00	0.0000	0.00
1	1	0	EA	SPECIAL ITEM	INSTALL & TRAINING ON SITE	500.0000	500.00

SubTotal 10,425.00

SHIPPING & HANDLING 75.00

Total 10,500.00

SHIPPING CHARGES EXTRA
PRICE GOOD FOR 30 DAYS OR UNTIL MEC PRICE INCREASE

Xerox Government Systems, LLC
 2900 100th St Suite 309
 Urbandale, Iowa 50322
 Phone: 800-921-5300
 Fax: 515-288-4825
 E-Mail: alan.thorsen@xerox.com



Estimate 48694

CUSTOMER NO. 339841

ENT UPGRADE

BILL TO:

Wyoming Fire Dept (MI)
 Information Technology PO Box 905
 Wyoming, MI 49509

SHIP TO:

Wyoming Fire Dept (MI)
 Ann Patterson
 1155 28th St SW
 Wyoming, MI 49509
 Phone: (616)530-7252 Fax:

REP P.O. NUMBER TERMS QUOTE DATE EXPIRATION DATE SHIP VIA

Alan Thorsen Net 15 12/30/2013 1/30/2014

Part Number	Description	Qty	Each	Amount	
320001	FH Enterprise- Bundled System NFIRS, EMS, Occupancy/Inspections, Staff/Training/Activity Reporting, Equipment/Inventory, Hydrant Tracking	1	\$6,500.00	\$6,500.00	
320002	FH Enterprise Additional Licenses	3	\$885.00	\$2,655.00	
372005	FH Enterprise - Complete System Support	1	\$970.00	\$970.00	
372001	FH Enterprise Additional User Support	3	\$185.00	\$555.00	
360038	Prior purchase Credit	1	\$-1,500.00	\$-1,500.00	
SubTotal	Price to upgrade to Enterprise			\$9,180.00	
360038	Prior purchase Credit - 2014 Paid support	1	\$-1,685.00	\$-1,685.00	
SubTotal	Credit for paid 2014 applied to total if purchased by 2/1/2014			\$-1,685.00	
				Sales Tax (0%) :	\$0.00
				Quotation Total:	\$7,495.00

Quotation Acceptance:

Signature :

Print Name:

MEMORANDUM

DATE: December 19, 2013
TO: Captain Kim Koster, WYPD
FROM: Paul Gerndt, Information Technology Supervisor
RE: Recommended Upgrade of FireHouse Software
CC: Gail Sheppard, Director of Information Technology
Bob Austin, Fire Chief
Sgt. Mark Easterly

I am writing to recommend the upgrade of the current FireHouse software to FireHouse Enterprise. The following provides justification for the upgrade.

Over the past several months, the Fire Department has experienced poor performance of the FireHouse system over the City's Wide Area Network (WAN). The cost of WAN circuits is directly related to bandwidth (speed). Higher speed connections demand higher monthly costs. For this reason, it has been our practice, at sites where a fiber connection is not feasible, to use relatively low-speed connections (i.e., T-1). Fire Station #4 is such a site having a lower speed network connection.

To improve the situation for the Firefighters, we have employed many work-around solutions including PC/Anywhere and VMware virtual desktops. These solutions improved the performance of the software, but add an additional layer of complexity.

This past summer, we upgraded communications to all the T-1 connected remote sites to OpteMAN connections. The new connections provide higher performance at reasonable cost. Unfortunately, even the new connection did not improve the performance of FireHouse. Working with FireHouse Support, we have learned that the current version of software is not designed for operation in a WAN environment. The company has advised us that the Enterprise version of FireHouse employs SQL Server technology that is known for high performance in a network environment. Microsoft SQL Server is the same technology on which the NewWorld Aegis/LERMS system operates.

In November, we obtained an evaluation license of FireHouse Enterprise. Fire Department personnel (Westerman) tested the software and reported excellent results.

Implementing FireHouse Enterprise will improve performance and reliability of FireHouse for the Fire Department. It will also bring the application in line with other applications on the SQL platform, and improve our ability to support the application. Additional benefits include allowing us of performing live backups of the database several times during the day (such as we do with LERMS). Furthermore, it will allow the Firefighters to use standard computer desktops and eliminate the need for VMware views.

I am seeking your authorization to implement FireHouse Enterprise. The attached quote details the worst-case costs for the upgrade. The annual maintenance was recently renewed - I have requested the vendor to provide an updated quote to reflect this. With your approval, we will deploy the new software by January 9.

Attachment: FH Quote

Easterly, Mark

From: Easterly, Mark
Sent: Friday, October 11, 2013 10:29 AM
To: Carmody, James; Kim Koster (KosterK@wyomingmi.gov)
Subject: FW: Follow up response to Firehouse Demo Software Modules

Chief and Capt.-

Getting you into the loop.

Thanks

Mark

From: Velzen, Chris
Sent: Thursday, October 10, 2013 5:58 PM
To: Austin, Bob
Cc: Easterly, Mark; Ubbink, Dirk
Subject: Follow up response to Firehouse Demo Software Modules

Chief Austin,

I am sorry I did not get back to you sooner about the use of the demo Firehouse software. I was successful in entering data in the Training, Activity, and Inventory Module during the demo period. I was unsuccessful in using the Scheduling Module because I didn't know how to create a schedule. My feedback about the software is a positive one. I am encouraged by the ability to track equipment repairs, testing, etc. I liked the ability of using the Department database of names and entering training activity on the day of the instructing. The software's capability of tracking a shift's daily activities better justifies the Department's existence. A shift officer will no longer have to keep a separate daily log in a Microsoft Access database. This software will create a daily log using the current Journal Module but include information from the Incident Module, Activity Module, and Training Module in one location. Lost data will be limited because the software is backed up twice a day.

The following plans suggest how Firehouse Modules might be purchased by the City of Wyoming:

Plan 1

Purchase **Occupancy, Inspection, Activity, Training, Program, Scheduling, and Inventory Modules**. The benefit could be a cost savings in one time purchase. The benefit could be all modules are available to work on simultaneously. The drawback includes many man hours to build the forms to fit our department needs in each module. There may be some modules might sit idle for months even a year before the Department personnel are capable of using them.

Plan 2

Purchase **Activity, Program, Scheduling, and Inventory Modules** immediately. Purchase **Occupancy and Inspection Modules** at a later date. Software cost may be higher because of separate purchases. This plan may allow Department employees time to focus on specific areas of data creation. As daytime staffing increases, personnel doing inspections can enter data into the Occupancy and Inspection modules.

Each plan has its benefits and drawbacks. I have no preference which way the Department decides, I just want to see the software purchased. There are a few items I think we can do to make the software work better in its current state.

1. Find out from Firehouse which modules we **truly have** (Justin Powell - justin.powell@acs-inc.com). I am under the understanding that if we have the **Journal Module** then we have more data entry available but is currently denied to the career personnel.
2. Allow additional personnel access to the back side of the Incident Module. I believe we can reduce many incident report errors if zip codes and census tract numbers immediately come up when street numbers are entered.
3. Allow additional personnel access to the Staffing Module to update the Department roster both current and hidden.
4. Allow specific personnel time on duty to travel over to Kentwood Fire Department to learn how to use the **current and additional modules**.

In summary, I believe transferring over to a one source data tracking software can greatly improve the Department's data efficiency. Please feel free to contact me if you have any other questions.

FF Chris Velzen

Interdepartmental Correspondence

TO: Captain Kim Koster
FROM: Sgt. Mark Easterly
DATE: December 18, 2013
SUBJECT: Professional Cleaning Services Proposal for Fire Station #3



Administrative Services

We have received the following quotes for the professional cleaning of Fire Station #3. As you know, the station has been idle for a few years and has fallen into some disrepair. With the upcoming anticipated use of the station by members of the Fire Services On-Call personnel and AMR Ambulance Services, we would like to get the property completely cleaned. We also have included the small training building in our cleaning proposal.

We have asked the current City of Wyoming contract cleaning service, Alpine Janitorial Enterprises, to submit a proposal for a one time building cleaning. Their proposal includes:

- Every surface wiped down from the ceiling to the floors in every room with disinfectant cleaner
- Carpets to be vacuumed
- Kitchen to be cleaned
- All of the hard flooring surfaces to be damp mopped only.

TOTAL: \$1,750

For the flooring, we have contacted Modernistic Cleaning and Restoration upon the recommendation of the City of Wyoming Facilities Manager, Jeff Anderson. Modernistic proposes to deep clean all of the flooring in the two buildings. Their proposal includes:

- Cleaning all carpet throughout the facility
- Cleaning of the upholstered stacking chairs (60)
- Cleaning of office desk chairs (5)
- Deep cleaning of ceramic flooring
- Full strip and refinish of vinyl flooring

TOTAL: \$1,505

Full details of the proposals are attached to this departmental.

TOTAL COST: \$3,255

If accepted, we will schedule Alpine Janitorial first and then Modernistic. They are available to begin the work almost immediately and can more than accommodate our timelines. Please let me know how you wish to proceed.

AJE
ALPINE JANITORIAL
ENTERPRISES, INC
8541 Rolling Acres
Serving Upper and Lower Michigan
Rockford, MI 49341
Phone (616) 874-8880 Fax (616) 874-8864
Toll Free (866) 785-7340
24 Hour Toll Free Emergency (877) 697-4795
E-mail: alpinejanitorial@sbcglobal.net

PROPOSAL

December 16, 2013

RE: Gezon Street Fire Station
Attn: Mark Easterly

Subject: One time deep clean for Gezon Street Fire Station.

Dear Mark,
Alpine Janitorial Enterprises, Inc. agrees to clean the above facility per your request, a one time building clean. The rooms to be cleaned are the ones so specified per our walk through in early December 2013.

All equipment, cleaning supplies and chemicals will be furnished by Alpine Janitorial.

Everything will be wiped down, cleaned per request, carpets vacuumed, walls wiped down and cleaned with a disinfectant cleaner. Kitchen to be cleaned and all hard VCT floors to be swept and damp moped only.

Total charge to complete the above special cleaning is ----- \$1,750

Thank you for the opportunity to quote on your facility. If you would like us to schedule the work, please let me know ASAP so that we may plan accordingly.

The entire clean should take 4-5 days.

Thank You,
Dan Belka
Vice President

Modernistic Cleaning & Restoration

821 Wakefield Street Plainwell, MI. 49080

Toll Free 1-800-627-5080 Fax 1-269-685-9796

Wyoming Fire Department # 3

12/06/13

2300 Gezon Parkway SW

Wyoming, MI. 49519

Modernistic is one of the best educated, full service cleaning companies in West Michigan. The following proposal is for floor cleaning services in the fire station and training center.

Carpet & upholstery cleaning services service	Cost of
• Clean all carpeting throughout the facility. This includes all offices, the TV room, and the large community room.	\$190.00
• Apply 3-M Scotchgard protection after cleaning, only if requested.	\$60.00
• Cleaning of the upholstered stacking chairs in the community room. each	\$2.00
• Apply 3-M Scotchgard protection after cleaning, only if requested.	\$1.00 each
• Cleaning of office desk type chairs.	\$5.00 each
• Apply 3-M Scotchgard protection after cleaning, only if requested.	\$2.00 each
• All entry mats included with this pricing.	

Ceramic tile floor cleaning services

- Deep cleaning of all ceramic tile floors throughout the facility. This includes all hallways and restrooms, two restrooms in the training center, and one concrete floor maintenance room in the truck garage. \$375.00

Vinyl composition flooring

- Full strip and refinish of all vinyl composition floors throughout this facility. This includes the kitchen area and associated rooms and hallways. \$300.00
- Full strip and refinish of the vinyl composition floors in the training center. \$495.00

Modernistic offers additional cleaning services such as **air duct cleaning**.

All work will be arranged according to your schedule and needs. Our personnel and fleet are available 24 hours a day, 7 days a week.

Sincerely,

Russ Wendt – Business Development

rwendt@modernistic.net

616-893-3445

MEMORANDUM

TO: Rebecca Rynbrandt, Director of Community Services

FROM: Timothy Cochran, City Planner

CC: Heidi Isakson, City Clerk
Jim DeLange, Chief Building Official

DATE: January 8, 2014

SUBJECT: Liquor Licenses – Class C

Per your request for review following recent City Council discussions regarding reducing the liquor license requirements, this memorandum and the attached ordinance amendment were prepared. My review centered specifically on Class C and Tavern licenses (restaurants). These licenses currently require a minimum of 3,500 gross square feet, with kitchen and food storage areas being at least 50% of the dining area, and a minimum seating capacity of 150 persons at 15 square feet per person. These requirements have been in effect since June 2005. Prior to that date the requirement was a minimum of 6,000 gross square feet with a minimum seating capacity of 200 persons. The kitchen and food storage area requirement remained the same. The requirements were reduced to encourage more restaurant opportunities in Wyoming. The City Council may waive any of the requirements where it is deemed to be in the best interest of the city.

The liquor licenses are highly desirable for restaurants as it potentially increases their patronage and profitability. As such, the City Council has considered numerous requests, including restaurant businesses desiring waivers where the facilities were as small as 1500 gross square feet, or have as little as 48 seating capacity. Some of these waivers have been approved, with the others denied. No particular pattern for approval of the waivers is discernible.

With the Turn on 28th Street Subarea Plan, and the near implementation of the Bus Rapid Transit along Division Avenue, the City is undertaking bold steps to re-invent these corridors into a more urban form. Place making is the impetus, with a focus on walkable, pedestrian oriented streetscapes which incorporates a diversity of local businesses. An essential component of place making are dining and drinking establishments that provide unique and desirable personal experiences. Embracing this direction, and as you and I have debated, I offer the attached ordinance amendments for consideration. The proposed amendments would accomplish the following:

- 1. Eliminates the requirements that restaurants be a minimum of 3,500 square feet and have a dining area seating capacity serving a minimum of 150 persons.**

The proposed standard is a minimum dining area that seats at least 100 persons, at the required 15 square feet per person as established by the adopted 2009 Michigan Building

Code. The 100 person dining area was chosen as that not only reduces the current seating requirement by 1/3rd, but is also the threshold by which the Michigan Building Code (Section 903.2.1.2) requires an automatic sprinkler system to be installed in restaurants.

To accommodate restaurants that are smaller, a new bistro subcategory is proposed. A bistro is a restaurant with a full service kitchen with both interior and exterior seating. It is my belief that for the smaller restaurants to truly contribute to a streetscapes vibrancy they should include outdoor dining. The bistros would be required to provide indoor seating for 25 persons, which is the minimum set by the Michigan Liquor Control Commission. The minimum required outdoor seating (May through October) is proposed at 8 persons. This minimum is derived from the ability to have 4 tables, seating two persons per table, to be in front of the restaurant and into, or adjoining, the public walkway.

The recently adopted Form Based Code allows outdoor seating on public sidewalks with special use approval from the Planning Commission. My belief is that seating for 8 is the minimum needed to both justify table service and to establish a sense of place. More formal and larger outdoor dining areas to the side of the restaurants (adjoining the public walkways) are more ideal and would be strongly encouraged. It should be noted that restaurants who do not seek a liquor license may be small and may request outdoor dining on public sidewalks without meeting the 8 person threshold.

2. Removes the waiver provisions by the City Council.

With the proposed reduction in size and seating for restaurants, and the encouragement through liquor licenses to promote bistros, most restaurants desiring to serve alcohol would be accommodated. Recommendations from the Development Review Team would be provided as described in **6** below.

3. Removes the prohibition on entertainment.

The Liquor Control Commission regulates entertainment within restaurants serving alcohol through Special Activity Permits. Those permits require police and local legislative approval. A special permit is not required for orchestra playing, piano playing, or the playing of other musical instruments. Amending this provision encourages musical entertainment within restaurants.

4. Requires a scaled floor plan verifying the ordinance requirements to be submitted with the application.

This provision requires accurate information to be provided to verify ordinance compliance.

5. Eliminates the requirement that 50% of the gross income shall be derived from the

restaurant business.

This current requirement has proven to be very difficult to administer. The adjoining communities of Kentwood and Walker currently do not regulate this.

6. Provides for a recommendation from the Development Review Team to the City Council for liquor license requests. If additional information is desired by the City Council, the ordinance establishes a public hearing provision.

Consideration should be given to having a Development Review Team recommendation to the City Council for all license applications for on premise consumption. Such recommendations are already provided for other development proposals. Both Grand Rapids and Novi ordinances have provisions that require staff recommendation's which take into consideration neighborhood character, use type, type of activities, hours of operation, public safety resources, and the secondary effects from such uses. If the City Council determines that additional information is needed from nearby property owners, a public hearing could be held. The public hearing could be modeled after those held by the Planning Commission, with notices sent to property owners and building occupants within 300 feet.

In addition to the above, you asked me to look into the subject of businesses that may desire to serve alcohol with a painting class. Through an internet search, these appear to be primarily national franchises (Painting with a Twist, Pinot's Palette, Uncork'd Art, etc...) that provide a setting for groups (birthday parties, bachelorette parties, showers, night outs, etc...) to engage in art instruction with a preselected template, while drinking. This may be a new spin on the home meal preparation businesses that emerged then quickly faded, a few years ago. These national franchises require one bring their own spirits when restricted under local laws. This would be the current situation in Wyoming. Given this, and the probable limited business applicability, I have not addressed a potential amendment to authorize on site alcohol sales in conjunction with art instruction.

If you need additional information or assistance, please advise.

MEMORANDUM

TO: Rebecca Rynbrandt, Director of Community Services

FROM: Timothy Cochran, City Planner

DATE: January 8, 2014

SUBJECT: Class C Liquor License Standards – Adjoining Communities and Proposed

The following table provides an updates how the proposed amendments would compare to that of adjoining communities.

	Wyoming (Proposed)	Grandville	Kentwood	Walker	Grand Rapids (see note below)
Minimum Dining Area	None	None	None	None	None
Minimum Dining Capacity	100 (33 with bistro)	150	150	125	None
Minimum Kitchen / Food Prep	None	None	None	65% of dining area	None
Maximum Bar Counter Space	20% of dining area	20% of dining area	20% of dining area	20% of dining area	None
Minimum Food / Beverage Percentage	None	50%	None	None	50%
Waivers Permitted	No	No	No	Yes (defined parameters)	No

Note: The City of Grand Rapids is distinct from the other communities in evaluating restaurants desiring liquor licenses. The Planning Director has approval authority. Considerations regarding neighborhood character, use type, type of activities, hours of operation, police resources and secondary effects from the proposed use are considered. Referrals by the Planning Director may be directed to the Planning Commission for review.

Alcoholic Liquors

Sec. 14-179. Required seating capacity for tavern, class C and class B licenses.

All tavern, class C and class B licenses shall have the following accommodations:

- (2) The requirements for restaurants with class C and tavern licenses shall be as follows:
 - (a) The dining area shall have a seating capacity to serve a minimum of 100 persons. This provision shall not apply to bistros that may have less than a 100 person dining area. All bistros must provide an interior dining area to serve a minimum of 25 persons. In addition, all bistros must provide a permanent exterior dining area with table service, from May through October, that will reasonably accommodate a minimum of 8 persons to be served. All dining areas shall be calculated using 15 square feet per person. Parking for outdoor dining shall be provided as required.
 - (b) Counter space or bar space for the dispensing of alcoholic beverages shall not exceed 20 percent of the seating capacity of all interior dining areas.
 - (c) In restaurants with tavern licenses, beer and wine shall be served at tables only, with no bar or counter dispensing allowed.
 - (d) There shall be no dancing permitted in restaurants with tavern licenses.
 - (e) An architectural or engineered scaled floor plan verifying (a) and (b) shall be provided with the request for a liquor license.
- (3) Deleted.
- (4) Deleted.
- (5) Deleted.

Sec. 14-182 Application procedure.

- (f) Prior to filing an application with the state liquor control commission for a license to sell alcoholic beverages for consumption on the premises, such applicant shall first make a request for approval to the city upon forms provided by the city clerk. Such forms shall be filed with the city clerk. The application fee to be paid at the time of filing shall be determined by the city council by resolution. If the application is for a place of business in a district mentioned in section 14-178, it shall be accompanied by the written consent required by section 14-178 before it shall be transmitted by the city clerk to the city council and before any action shall be taken thereon. Upon receipt of such application, the city clerk shall transmit the application to the development review team. The development review

team shall provide a recommendation to the city council for all requests. Consideration shall be given to neighborhood character, use type, type of activities, hours of operation, public safety resources, and the secondary effects resulting from such uses that must be taken into consideration during the alcohol licensing process. The city clerk shall also transmit such application to the city treasurer, who shall endorse thereon a statement as to whether the applicant is in default to the city in connection with the payment of any taxes or other obligations. Following endorsements by the development review team and the city treasurer, the city clerk shall transmit the application to the city council. If the city council determines that additional information is required from the adjoining neighborhood to evaluate the request, a public hearing will be held with notifications provided to all property owners of record, and occupants of buildings, within 300 feet of the property. Such notices shall be sent at least 15 days prior to the public hearing.

1/20/14
THS

RESOLUTION NO. _____

RESOLUTION TO TRANSFER FUNDS

WHEREAS:

1. Analysis of the Health Insurance Fund indicates that the current fund balance exceeds amounts required to operate the Fund and provide for an adequate Fund Reserve.
2. An unfunded Other Post-Employment Benefits liability exists.

NOW, THEREFORE, BE IT RESOLVED:

1. That the Wyoming City Council does hereby authorize the transfer of Six Hundred Fifty Thousand Dollars (\$650,000) to the Retiree Health Insurance Fund from the Health Insurance Fund (\$500,000) and the Dental Insurance Fund (\$150,000).

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:

Heidi A. Isakson, Wyoming City Clerk

ATTACHMENTS:

Insurance Fund Analysis

Resolution No. _____

STAFF REPORT

Date: January 8, 2014

Subject: Transfer of Funds from Health Insurance Fund to Retiree Health Trust Fund

From: Timothy H. Smith, Finance Director

Meeting Date: January 20, 2014

Recommendation:

I recommend that Council approve the transfer of five hundred thousand dollars (\$500,000) from the Health Insurance Fund and one hundred fifty thousand dollars (\$150,000) from the Dental Insurance Fund to the Retiree Health Trust Fund.

Sustainability Criteria:

Environmental Quality – Does not significantly impact this criterion.

Social Equity – Does not significantly impact this criterion.

Economic Strength – The transfer reduces the Other Post-Employment Benefit (OPEB) liability of the City.

Discussion:

Every fiscal year the insurance fund is evaluated to determine if adequate reserves exist to cover potential losses that may be incurred. The guidelines for evaluating the fund included self-insured loss retention and average claims history. In reviewing the health insurance fund, it has been determined that adequate reserves exist to allow for a \$500,000 transfer to the Retiree Health Trust Fund. In reviewing the dental insurance fund, it has been determined that adequate reserves exist to allow for a \$150,000 transfer to the Retiree Health Trust Fund. The possibility of this third transfer was discussed at previous Council meetings when similar transfers were approved by Council.

I have attached the analysis of the insurance reserves for your review.

Budget Impact:

There is no budget impact as neither of the funds is budgeted.



Memorandum

TO: Curtis Holt, City Manager

FROM: Tim Smith, Finance Director

DATE: December 16, 2013

SUBJECT: Transfer of \$1 Million from the Health Insurance Fund and \$150,000 from the Dental Insurance Fund to OPEB Trust Fund and Other Suggested Adjustments; FY 2015 Budgeted Rates

In an on-going review of the insurance fund, the overall insurance fund is \$1,206,000 in excess of the amount suggested by the insurance fund fund balance policy. As shown in the attached sheet, the only individual insurance that is under the suggested funding level is the Workers' Compensation Fund. As part of the budget, I have also prepared an estimate of the 2013-2014 year projected revenue and expenses for 2014-2015. Based on these numbers, I suggest we do the following:

1. General Liability – As we did last year, I suggest that we suspend charging General Liability to departments starting in January 2014 and adding this amount to the OPEB liability amount as we did last year. Based on the estimate, this will leave a balance of \$1.3 million dollars at the end of this fiscal year, approximately \$100,000 more than the suggested fund balance amount. It is important to remember, that the primary reason for the continued overfunding is the result of MMRMA premium returns. The 2014 return for FY 2014 was half of the prior year. The 2015 return is expected to be one-half of the FY2014 premium return.

For FY2015, I propose that the rate levied stay flat with the initial FY2014 rate.

2. Fleet Insurance – As a result of unusually low claims last year and the MMRMA dividend return, the fund increased by over \$50,000. Based on claims so far this year, claims will be back in more of the average range. As fleet insurance is passed through motor pool only to those activity supporting vehicles, there is no mechanism to move excess funds to the OPEB liability. FY 2015 premiums collected from motor pool will be equal to the estimated fleet premium from MMRMA with claims being paid from the fund balance and MMRMA premium return.
3. Property Insurance – Again, the overall cost was less than the average claims resulting in additional gain in the suggested fund balance. Based on current claims level and the MMRMA premium return, this fund will grow again this year. As the premium is spread

based on property ownership, the FY 2015 budgeted premium will be set at approximately one-half of the current year level in an attempt to reduce the fund balance.

4. Life Insurance – For FY2014, the projection shows that the balance will decrease about \$4,000. The rate for FY2015 will remain the same which should result in the FY2015 fund balance being in line with the fund balance policy.
5. Workers' Comp – While the fund has a positive balance, it is currently \$3 million less than the fund balance would suggest. The primary factor for the underfunding is the reserves for long-term disabilities. For FY 2014, this deficit will be reduced by approximately \$200,000 and for FY 2015, \$100,000.
6. Medical Insurance – After several \$2 million dollar transfers to the OPEB Trust Fund, the fund still remains \$2.5 million more than the fund balance policies suggested amount. However, after meeting with Lighthouse and reviewing where claims are currently, it appears that the maximum transfer this year should be only \$1 million. After 4 months, claims are running 8.6% and Rx is 9.3% ahead of last year. Based on the plan year, after 2 months, the plan is at 84% of the attachment point (the highest in the last four years was 77%).

Based on this activity, the City's projection for FY2013-2014 shows a loss of \$750,000. To breakeven in FY 2014-2015, the estimate reflects the need of a 21% increase in rates. Lighthouse has been asked to look into what are the driving forces behind this increase to assist in determining if this trend will continue or if we can expect to see costs drop back into a more normal range. Staff will continue to closely monitor what is going on and update the estimates every couple of months.

Based on the analysis, for FY2014-2015 budget, I am recommending that we increase medical insurance by 12% which will, based on the projection model, result in a \$670,000 loss next year. I also recommend that we limit the transfer to the OPEB trust to \$500,000 and reevaluate in May 2014 if any additional funds can be transferred.

7. Dental Insurance – Based on past activity, information from Lighthouse and the City's insurance projection, I am proposing that dental insurance rates be decreased by 12%. Even with this decrease, it is anticipated that net income will increase in the dental insurance fund. This also will be reevaluated with the medical insurance for future rate reductions. Currently, I am proposing that \$150,000 be transferred to the OPEB insurance trust to eliminate a portion of the buildup over the suggested fund balance reserve amount.
8. Vision Insurance is based on premiums. Therefore, no reserve is carried. For budget, a 10% increase has been included. This will be adjusted based on the actual premium charge.

After reviewing the above information, if you have any questions, please let me know.

CITY OF WYOMING, MICHIGAN
SCHEDULE OF REVENUES, EXPENSES AND CHANGES IN NET ASSETS
INTERNAL SERVICE FUND
INSURANCE FUND
Year Ended June 30, 2013

	General Liability	Fleet	Property	Life	Workers' Compensation	Health	Dental	Total
Revenues:								
Premiums	\$ 88,088	\$ 47,507	\$ 271,457	\$ 28,909	\$ 636,593	\$ 7,469,727	\$ 481,398	\$ 9,023,679
Investment earnings	6,599	3,573	4,839	351	4,402	11,225	1,209	32,198
Other	353,111	30,568	232,372	-		146,903		762,954
Total revenues	447,798	81,648	508,668	29,260	640,995	7,627,855	482,607	9,818,831
Expenses:								
Administration and general interest	61,825	2,931	8,016	822	146,921	435,296	59,756	715,567
Insurance claims and premiums	392,817	44,575	218,013	28,813	(115,021)	6,929,114	318,992	7,817,303
Total expenses	454,642	47,506	226,029	29,635	46,050	7,364,410	378,748	8,547,020
Net income (loss)	(6,844)	34,142	282,639	(375)	594,945	263,445	103,859	1,271,811
Transfers						(2,000,000)		(2,000,000)
Net assets, beginning of year	1,449,343	913,078	1,073,458	95,549	989,060	4,968,895	219,728	9,709,111
Net assets, end of year	\$ 1,442,499	\$ 947,220	\$ 1,356,097	\$ 95,174	\$ 1,584,005	\$ 3,232,340	\$ 323,587	\$ 8,980,922
				Specific reserve	3,372,158	(Decreased \$598,605 this year)		
2006	436,888	93,464	212,862	41,542	280,896	5,597,764	-	6,663,416
2007	422,682	147,330	231,742	39,714	421,648	5,372,063	310,221	6,945,400
2008	491,198	97,952	215,142	35,709	429,795	5,876,547	424,112	7,570,455
2009	526,415	114,424	239,489	35,737	945,504	7,031,671	425,798	9,319,038
2010	411,577	199,559	249,968	27,032	757,857	6,576,493	446,362	8,668,848
2011	377,615	91,900	278,906	26,859	1,240,296	6,621,465	398,962	9,036,003
2012	366,428	86,424	262,565	25,932	2,616,325	7,225,786	405,361	10,988,821
2013	454,642	47,506	226,029	29,635	46,050	7,364,410	378,748	8,547,020
Average (6yr)	437,979	106,294	245,350	30,151	1,005,971	6,782,729	413,224	9,021,698
Multiplier 0.5	218,990	53,147	122,675	15,075	502,986	678,273	41,322	1,632,468
SIR	1,000,000	250,000	500,000	50,000	250,000	300,000	50,000	2,400,000
Specific Reserves					3,372,158			
Net Fund Balance per Policy	1,218,990	356,294	745,350	80,151	4,628,129	978,273	91,322	8,098,509
Excess	223,509	590,926	610,747	15,023	(3,044,124)	2,577,654	232,265	1,206,000
Prior Yr Excess	268,878	540,148	327,337	13,719	(4,301,732)	4,243,554	129,546	1,221,450
Change in excess	(45,369)	50,778	283,410	1,304	1,257,608	(1,665,900)	102,719	(118,168)

MEMORANDUM

TO: Wyoming City Council

FROM: Jack R. Sluiter
Wyoming City Attorney

DATE: January 3, 2014

RE: Soliciting/Begging Ordinance

As Council is aware the City of Wyoming along with other local communities in the area have an increasing problem with “panhandling” or solicitation of funds in public places by persons alleging to be unemployed, disabled, veterans etc. The typical ordinance as well as the state statute regulating begging or soliciting in public places was declared unconstitutional by the United States District Court for the Western District of Michigan in August of 2012. Following that decision, the problems with soliciting, particularly adjacent to public streets became a much more significant problem. I have recently attended a meeting with the local city attorneys at which we discussed an attempt to have a relatively uniform ordinance regulating begging or soliciting in public places. The City of Kentwood has enacted an ordinance which has already been challenged and upheld by the Kent County Circuit Court. At this point they are actively enforcing this ordinance.

It was the consensus of local attorneys that we should attempt to have ordinances which are, to the greatest extent possible, uniform in regulating this type of activity. As of this point in addition to Kentwood, the other core cities are in the process of reviewing this type of ordinance to bring to their respective councils. I have prepared the attached ordinance for consideration at the January 13 Work Session.

It is important to remember in considering this ordinance that in order to avoid a constitutional challenge to the ordinance based upon a “equal protection” argument, it is necessary to apply the bans against solicitation to all persons and/or organizations. For example, in order to prohibit begging or other solicitation by the “sign holders” which we all see, it would also be necessary to apply this to any person or organization attempting to solicit funds which would be in violation of this ordinance even if they are legitimate organizations. I can discuss this further at the work session.

cc: Curtis Holt
Chief Carmody
Heidi Isakson

ORDINANCE NO. _____

AN ORDINANCE TO ADD SECTION 50-170 TO
THE CODE OF THE CITY OF WYOMING

THE CITY OF WYOMING ORDAINS:

Section 1. That Section 50-170 to the Code of the City of Wyoming to read as follows:

Sec. 50-170. Begging and Soliciting.

(a) The following words, terms and phrases, when used in this section, shall have the meaning provided below, except where the context clearly indicates a different meaning:

Accosting means approaching or speaking to a person in such a manner as would cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon his person, or upon property in his immediate possession.

Ask, beg or solicit means and includes, without limitation, the spoken, written or printed word or such other acts as are conducted in furtherance of the purpose of obtaining donations.

Forcing oneself upon the company of another means continuing to ask, beg or solicit from a person after that person has made a negative response, blocking the passage of the individual addressed, or otherwise engaging in conduct which could reasonably be construed as intended to compel or force a person to accede to demands.

(b) It shall be unlawful for any person to solicit money or other things of value:

(1) On private property if the owner, tenant or lawful occupant has asked the person not to solicit on the property or has posted a sign clearly indicating that solicitations are not welcome on the property;

(2) Within 15 feet of the entrance to or exit from any public toilet facility;

(3) Within 15 feet of an automated teller machine, provided that when an automated teller machine is located within an automated teller machine facility, such distance shall be measured from the entrance or exit of the automated teller machine facility;

(4) Within 15 feet of any pay telephone, provided that when a pay telephone is located within a telephone booth or other facility, such distance shall be measured from the entrance or exit of the telephone booth or facility;

(5) Within any public transportation vehicle, or within 15 feet of any bus stop, taxi stand or rapid transit stop;

(6) From any operator of a motor vehicle that is being operated on a public street; provided however, that this subsection shall not apply to services rendered in connection with

emergency repairs requested by the owner or passengers of such vehicle;

(7) From any person who is waiting in line for entry to any building, public or private, including, but not limited to, any residence, business or athletic facility; or

(8) Within 15 feet of the entrance or exit from a building, public or private, including, but not limited to, any residence, business or athletic facility.

(c) It shall be unlawful for any person to solicit money or other things of value by:

(1) Accosting another; or

(2) Forcing oneself upon the company of another.

Section 2. This ordinance shall be in full force and effect on the _____ day of _____, 2014.

I hereby certify that the above-entitled Ordinance was adopted by the City of Wyoming at a _____ session of the City Council held on the _____ day of _____, 2014.

Heidi A. Isakson
Wyoming City Clerk

Ordinance No. _____

MEMORANDUM

TO: Wyoming City Council

FROM: Jack R. Sluiter
Wyoming City Attorney

DATE: January 3, 2014

RE: Ordinance Amendment Harassing/Threatening Communications

The City Code has long contained a provision which prohibits a party from using the telephone to harass, threaten or take certain other actions regarding the recipient of the telephone communication. Unfortunately, that ordinance has now been rendered somewhat irrelevant by advances in technology which allow the same types of activities using social media and other similar electronic communications.

We have long prosecuted people for making threats or harassing people with the phone. We would now like to attempt to control some of these activities using the internet and other electronic communications. We have found that many of the assaults and other crimes which we prosecute have started with Facebook and other electronic communications. This is particularly true among students and younger adults.

I have prepared the attached ordinance to amend our ordinance regarding Harassing Communications to include electronic communications. I would like to discuss this with the Council at the January 13, 2014 Work Session.

cc: Curtis Holt
Chief Carmody
Heidi Isakson

ORDINANCE NO. _____

AN ORDINANCE TO AMEND SECTION 50-63
OF THE CODE OF THE CITY OF WYOMING

THE CITY OF WYOMING ORDAINS:

Section 1. That Section 50-63 of the Code of the City of Wyoming is hereby amended to read as follows:

Sec. 50-63 Harassing Communication

(a) It shall be unlawful for any person by the use of a telephone, to do or perform any of the following:

- (1) Disturb the peace, quiet, or privacy of any person or family by repeated and continued calls intended to harass or disturb the person or family to whom the calls are made;
- (2) Use obscene or offensive language, or suggest any lewd or lascivious act;
- (3) Attempt to extort money or anything of value from the person or family;
- (4) Threaten any physical violence or harm to any person or family; or

(b) It shall be unlawful for any person by use of electronic communication to do or perform any of the following:

- (1) Disturb the peace, quiet, or privacy of any person or family by repeated and continued communications intended to harass or disturb the person or family to whom the communications are made;
- (2) Use obscene or offensive language, or suggest any lewd or lascivious act;
- (3) Attempt to extort money or anything of value from the person or family;
- (4) Threaten any physical violence or harm to any person or family; or

(c) For purposes of this section, “electronic communication” means the origination, emission, dissemination, transmission, or reception of data, images, signals, and sounds. “Electronic communication” includes, but is not limited to:

- (1) Electronic mail;

- (2) Internet-based communication;
- (3) Pager service;
- (4) Electronic text message.

Section 2. This ordinance shall be in full force and effect on the _____ day of _____, 2014.

I hereby certify that the above-entitled Ordinance was adopted by the City of Wyoming at a _____ session of the City Council held on the _____ day of _____, 2014.

Heidi A. Isakson
Wyoming City Clerk

Ordinance No. _____

STAFF REPORT

Date: Wednesday, January 8, 2014

Subject: Kent County Essential Needs Task Force (ENTF) Governance Memorandum of Understanding (MOU)

From: Rebecca Rynbrandt, Director of Community Services

Council Meeting Date: Monday, January 13, 2014

Recommendation:

Staff recommends the City Council authorize the City Manager to sign the ENTF Governance MOU.

Sustainability Criteria:

Social Equity – The ENTF is a collective effort of governmental agencies, non-profits, faith-based organizations, funders, and community volunteers which seek to enhance the structure of services, and develop and support a sustainability model for the emergency response network providing essential basics for living (heating, food, shelter, etc.) to residents throughout Kent County.

Environmental Quality – The ENTF works toward ensuring residents live stable lives while building a stronger, more clearly defined support system that reduces poverty by working to assure essential needs of the community's most vulnerable citizens. Work groups include: Food & Nutrition, Coalition to End Homelessness (aka HUD Continuum of Care), Energy Efficiency, Transportation, and Economic & Workforce Development.

Economic Strength – The ENTF fosters community conversations, advocates, seeks, manages and coordinates grants and other resources to align programs and services throughout the county; works to allow service organizations and residents to achieve their full potential and economic self-sufficiency.

Discussion:

Six (6) years ago, significant changes were made within the City of Wyoming with the consolidation of department administration and the creation of the Community Services Division. Within this work was the mission to evaluate and improve Wyoming's services within the Planning and Community Development arena, ascertain critical areas in which Wyoming by its population size and growing urban character should be involved in Grand Rapids metropolitan discussions, to educate and redefine Wyoming's image, and work to obtain private investment, government funding, or social services for our residents.

This work has resulted in (not all inclusive):

- The establishment of a Consortium Agreement with Kent County for the administration and distribution of Wyoming HOME funds, generating a leveraged investment of over \$750,000 over a three year period.
- United Way's Educational Needs Analysis of public schools within Wyoming resulting in the expansion of the First Steps and Schools of Hope Program, a

perspective \$200,000 investment over two years, including within Godwin Heights Public Schools.

- The revision to Wyoming's PILOT ordinance to expand opportunities for the funding of affordable housing with an eye to stabilizing neighborhoods and improving property values.
- Collaboration agreements with Kent County for HUD program monitoring services.
- Wyoming's active participation as a Steering Committee member of the Grand Rapids Area Coalition to End Homelessness, in the education of service demand and evaluation of needs and services related to persons and families who are homeless or at the risk of homelessness within Wyoming.

The final bullet point above is founded in part on HUD requirements that entitlement communities, such as Wyoming, take steps to address the needs of persons who are homeless. In addition to having me as the city's representative to the Coalition to End Homelessness, which also functions as the metropolitan Continuum of Care, beginning with the 2013-2014 Wyoming assigned \$10,000 of Community Development Block Grant (CDBG) funding in direct support of this work.

As a funder of the ENTF workgroup/committee, the City of Wyoming was invited to become a standing member of the ENTF Governance Committee. The ENTF was initially established in 1982. Almost two years ago, the organization went through a significant period of transition, primarily related to staffing changes and regulatory changes related to the HUD Continuum of Care function. Over these last six months, a group has worked to better define roles and responsibilities within the ENTF and its subcommittees, seeking a structure that fosters transparency and recognizes roles and purpose. The work group consisted of:

Maureen Noe, United Way
Diane Sieger, Grand Rapids Community Foundation
Wayman Britt, Kent County
Matthew VanZetten, Kent County
Rich Liberatore, United Way
Nancy Marshal, Kent County Department of Human Services
Betty Zylstra, Salvation Army
Connie Bohatch, City of Grand Rapids
Jacob Maas, ACSET
Rebecca Rynbrandt, City of Wyoming

This has resulted in an MOU for the ENTF's governance structure and operating protocol, now submitted for your approval.

Budget Impact: Established annually by recommendation of the CDBG Committee and as approved by the Wyoming City Council.



Kent County Essential Needs Task Force
*Kent County's Public, Private and Faith-Based Organizations,
Working Together to Address Our Citizen's Basic Needs*
www.accessKent.com/ENTF

MEMORANDUM OF UNDERSTANDING

AMONG

**COUNTY OF KENT,
CITY OF GRAND RAPIDS,
CITY OF WYOMING,
HEART OF WEST MICHIGAN UNITED WAY,
KENT COUNTY DEPARTMENT OF HUMAN SERVICES,
AREA COMMUNITY SERVICES, EMPLOYMENT, AND TRAINING
AND
THE SALVATION ARMY**

This Memorandum of Understanding (hereinafter called MOU) sets forth the terms and understanding between County of Kent (hereinafter called the County), City of Grand Rapids, City of Wyoming, Heart of West Michigan United Way (hereinafter called United Way), Kent County Department of Human Services (hereinafter called DHS), Area Community Services, Employment, and Training (ACSET), and The Salvation Army regarding activities related to assuring necessary legitimacy, structure and sustainability for a more effective Essential Needs Task Force (hereinafter called the ENTF or Task Force) operating as the **Kent County Essential Needs Task Force Governance Committee** (hereinafter called the Governance Committee or Governance) through the Kent County ENTF community advisory board (hereinafter called the Coordinating Committee) and Task Force Subcommittee collaboratives via their chairs and key ENTF supporters (hereinafter called Subcommittees or Leadership Committee).

SECTION I: VISION, MISSION, GOAL AND INDICATORS

Vision: To create a community in which every Kent County resident has access to resources that meet essential needs.

Mission: To work to eliminate poverty while maintaining an effective essential needs response system, as has been done since 1982.

Goal: To regularly assess and adjust essential needs response infrastructure, assuring that the Kent County ENTF member collaboratives communicate and coordinate as effectively as possible while helping all Kent County residents in need move out of poverty and into stable households.

Indicators: The Governance Committee will establish, with ENTF Subcommittees, indicators that show Task Force goal achievement in coordination with other, appropriate, Kent County human services systems initiatives.

SECTION II: MEMBERSHIP

Governance Membership: Members of the redesign work group, now including Kent County, Cities of Grand Rapids and Wyoming, Heart of West Michigan United Way, Kent DHS, The Salvation Army and ACSET, have agreed to continue working together as the ENTF Governance Committee. These organizations have been ongoing, key Task Force funding support sources and are closely involved in community essential service delivery issues, as described here.

- Area Community Services, Employment, and Training (ACSET) – Serves as Kent County’s employment and poverty reduction conduit for federal and state Workforce Development and Community Service Block grant funding. Provides cash and in-kind resources to ENTF Energy Efficiency and Economic & Workforce Development Subcommittees via Subcommittee leadership, in-kind operations support, fiduciary services and project funding grants. Is a key Kent County essential services advocacy agent at State and Federal levels.
- City of Grand Rapids – Serves as a designated conduit for state/federal housing funds. Kent County’s major urban population center influencing federal and state policy and legitimacy support. Housing Coalition operations funder. Local essential service governmental policy development leader.
- City of Wyoming – Major metropolitan municipality experiencing essential needs demand and service delivery evolution; serves as a municipal leader for program and policy development with the City of Grand Rapids and Kent County. Provides HUD funding. Is a major governmental leader in Kent County for essential service provider development focusing on suburban transition issues.
- Heart of West Michigan United Way – Provides regular designated essential service funding and in-kind ENTF operations support. Maintains lead community-based income/financial stability community resource leadership. Kent County non-profit organization focusing on education, income, and health state/federal issues. Operates 2-1-1 Information/Referral and Data Base for community, including dissemination of quarterly Unmet Needs Report on range of essential human needs in the county. Designated as the ENTF and Coalition to End Homelessness Supporting Organization.
- Kent County – Appropriates Current Unmet Needs / Discretionary Funds and other essential services related funding. Is the designated conduit for non-city state/federal housing funds. Provides Kent County wide Task Force legitimacy via Board of Commissioners. Assigned overall responsibility for essential services provision by Michigan law.
- Kent County Department of Human Services – The largest County and State essential service categorical funding and in-kind support provider for ENTF related operations.

Founder of ENTF and strong additional source of legitimacy and resources through Kent County Board of Social Services to the Board of Commissioners.

- The Salvation Army – National philanthropic, federal and state recognized non-profit legitimizing essential services systems development. Key Kent County non-profit advocacy agent in state/federal essential service issues. Historically, Kent County's Coalition to End Homelessness non-profit service provider leader.

Governance Committee members' current, specific contributions to ENTF operations are identified in statements of support to ENTF operations, as defined in Section IV. Joint Review, of this MOU.

From time to time, the Governance Committee may identify and invite for membership additional members to enhance ENTF opportunities for success. New members will be expected to agree to this Memorandum of Understanding on behalf of their organization and commit to annual cash or in-kind support expected with membership. Such members will be added by majority vote of existing membership at any given time, at a regularly scheduled meeting.

Should the Governance Committee identify a member not fulfilling its supporting role with the ENTF, after appropriate deliberation, the member may be removed by a majority vote of the Committee at a regularly scheduled meeting.

SECTION III: ENTF SUPPORTING ORGANIZATION: FIDUCIARY / EMPLOYER OF RECORD

The Governance Committee recognizes that more effective achievement of its goals will be accomplished with formal management support of ENTF operations. To that end, after assessment of best combination of willingness and strategic appropriateness to provide Supporting Organization services, the Governance Committee will invite that organization to provide Supporting Organization services. This MOU serves as Governance member formal recognition of the ENTF Supporting Organization. The following will serve as the basis for the relationship between the Governance Committee and the Supporting Organization:

- For the fiscal year beginning July 1, 2013, Heart of West Michigan United Way has agreed to act as Supporting Organization and has full support of the Governance members.
- Via this MOU, United Way agrees to support the ENTF by:

Acting as *Fiduciary* for ENTF by:

- Providing "back office" functions for ENTF, including but not limited to
 - Accounting services: Manage finances (revenues and expenses) for ENTF separately in an accounting system following generally accepted accounting principles
 - Processing ENTF invoices and bills approved and submitted by ENTF Director (or organizational designee)

- Providing ENTf financial statements as requested by ENTf Governance Committee, at least quarterly
- Providing administrative services including:
 - Receiving and disbursing funds, as Payee, on behalf of ENTf ensuring funds are spent in accordance with specific purpose and budget
 - Fulfilling all fiduciary responsibilities specified in grant contracts and agreements with government and private entity funding sources for ENTf, including Housing CoC / Coalition to End Homelessness.
 - Serves as legal signatory on contracts, grants, and other legal agreements in which ENTf is party.

Acting as *Employer of Record* by:

- Providing, in consultation with the Governance Committee, ENTf Staff Supervision services, using the following as general parameters:
 - Providing ENTf staff with compensation and benefits per HWMUW policies.
 - Ensure that ENTf staff and operations will be conducted from and within United Way's Impact Department. The ENTf Director is accountable to ENTf Governance Committee for performance of duties, while United Way's Vice President Community Impact (or alternate designated supervisor) serves as day-to-day supervisor under United Way's personnel policies. Written review of the ENTf Director's performance (no less than annually) will be completed by VP Community Impact (or designated supervisor) in coordination with the Governance Committee.
 - The ENTf Director is responsible for supervision of all dedicated ENTf staff and/or contract personnel, following United Way operations policy. Performance reviews of staff will be completed (no less than annually) by the ENTf Director in coordination with the Governance Committee and HCoC Steering Council representative (serving as HCoC decision making body).
- Ensure effective ENTf work flow by oversight of ENTf staff, in consultation with the Governance Committee.

SECTION IV: JOINT REVIEW

The Governance Committee will review this MOU on an annual basis and reconfirm its effectiveness or make revisions to best meet the current needs and support the goals of the Essential Needs Task Force.

Governance members will complete the review, at a minimum, as the annual ENTf budget development process is completed. Each Governance Committee member will endorse continuation of this collaborative effort in writing by submitting a signed statement of support, describing resources brought to the table and incorporated into this MOU by reference, or give notice to the other Committee members of its intentions to withdraw.

SECTION V: DURATION

The beginning date of this collaborative effort will be July 1, 2013. This MOU may be extended annually from that date upon the written agreement of the parties via the MOU review as described herein in Section IV: Joint Review.

SECTION VI: INDEMNIFICATION

Each party to this MOU shall be responsible for any liability arising from its own conduct. No party agrees to waive, defend or indemnify any other.

SECTION VII: ENTIRE AGREEMENT

This MOU represents the entire agreement among the parties and supersedes all prior negotiations, representations and agreements, whether written or oral.

SECTION VIII: MODIFICATION

Any modification of this MOU or additional obligation assumed by any partner in connection with this MOU shall be binding only if evidenced in writing and signed by all parties or their authorized representative.

SECTION IX: GOVERNMENTAL IMMUNITY

No party waives its governmental immunity by entering into this MOU, and fully retains all immunities and defenses provided by law with respect to any action based upon or occurring as a result of this MOU.

SECTION X: ABSENCE OF WAIVER

The failure of any of the parties to this MOU to insist on the performance of any of the terms and conditions of this MOU, or the waiver of any breach of such terms and conditions, shall not be construed as thereafter waiving any such terms and conditions, which shall continue and remain in full force and effect as if no such forbearance or waiver had occurred.

SECTION XI: ASSIGNMENT OF RIGHTS

The rights and obligations of all parties under this MOU are personal to those parties and may not be assigned or transferred to any other person, firm, corporation or other entity without the prior written consent of the other parties.

SECTION XII: CONFLICT OF INTEREST

As any potential conflict is identified, affected Governance Committee members will recuse themselves from decision making as agreed to by Committee consensus.

SECTION XIII: APPROVAL

We, the undersigned have read and agree with this MOU.

By: _____ Date _____
Add Signer's Name
County of Kent / *Title*

By: _____ Date _____
Add Signer's Name
City of Grand Rapids / *Title*

By: _____ Date _____
Add Signer's Name
City of Wyoming / *Title*

By: _____ Date _____
Add Signer's Name
Heart of West Michigan United Way / *Title*

By: _____ Date _____
Add Signer's Name
Kent Department of Human Services / *Title*

By: _____ Date _____
Add Signer's Name
ACSET / *Title*

By: _____ Date _____
Add Signer's Name
The Salvation Army / *Title*



Kent County Essential Needs Task Force
*Kent County's Public, Private and Faith-Based Organizations,
Working Together to Address Our Citizen's Basic Needs*
www.accessKent.com/ENTF

Kent County Essential Needs Task Force Governance Committee **Operating Protocol**

December 2013

The ENTf Governance Committee Protocol presented here responds to priority operations supporting Task Force Legitimacy, Structure and Sustainability goals detailed in the Committee's "Planning for Effective ENTf Transition January 2012 to June 2013" redesign decision summary.

I. Principles

Governance Committee members bring unique resources, skills and experience together in support of the Essential Needs Task Force. This operating protocol provides an outline for the Committee to effectively guide and encourage continuing Task Force success. Each Governance Committee member has agreed to the following principles, vision, mission and goals in signing the Governance Memorandum of Understanding:

ENTf Governance Committee Value /Purpose – ENTf origins and current status in its evolution will be honored by the Governance Committee. Actions for even more efficient work will address legitimacy, structure and sustainability leading ENTf essential needs systems response in Kent County and driving Task Force work into the future.

HISTORY: Emergency Needs Task Force response to dire economic times in 1982 defined the original structure that addressed key organizational needs in a singular emergency assistance function designing a strong foundation base for all partners. The focus was on:

- Building mechanisms to efficiently coordinate emergency response logistics;
- Providing a platform for community players to coordinate around their work in the basic needs arena;
- Educating the community on emergency needs and resources;

CURRENT: The Essential Needs Task Force has evolved into a well-organized, more formal, entity that continues to operate within the same basic structure established in 1982. Today’s ENTTF, primarily through its five Subcommittees, has expanded its scope from the original emergency response focus, operating as the community’s poverty reduction leader:

- Driving community change through a coordinated process adapting to multiple funding stream changes;
- Providing a (essential needs response program) planning platform that impacts inter-related basic needs funding decisions;
- Addressing essential service need assessments that are also inter-related;
- Building advocacy strategies at the local, state and federal level.

FUTURE: The ENTTF will merge the “driving essence” derived from *Emergency Needs Task Force* origins – communication, collegial cooperation, coordination and focus on highest need Kent County residents and necessary emergency response mechanisms – with today’s *Essential Needs Task Force* strengths.

Agreed upon key factors are:

- Elevating the issues for real time discussions and solution processing to include a Governance structure that also reflects real time decision making and solutions;
- Managing advocacy in an inter-related/coordinated manner between systems with the goal to attract additional funding streams at the local, state and federal level;
- Presenting an inter-connected community poverty reduction message to leverage volunteers and resources;
- Initiating key specifics, especially, including sufficient support resources for all ENTTF components; comprehensive available and needed funding management as well as clear advocacy strategies and expectations.

Vision: To create a community in which every Kent County resident has access to resources that meet essential needs.

Mission: To work to eliminate poverty while maintaining an effective essential needs response system, as has been done since 1982.

Goals: To regularly assess and adjust essential needs response infrastructure, assuring that the Kent County ENTTF member collaboratives communicate and coordinate as effectively as possible while helping all Kent County residents in need move out of poverty.

II. Governance Committee Membership

Criteria for Committee membership are based on member organization support that brings resources enhancing ENTF legitimacy, structure and sustainability to the Governance table.

Governance Committee membership is defined as:

- Organizations party to and signing the ENTF Governance Committee Memorandum of Understanding which summarizes this Protocol and defines the equal authority for ENTF Governance decisions , except for any that impact each members' legal and policy responsibilities;
- Individual member organization representatives / named alternates having authority to commit to ENTF Governance Committee decisions on behalf of their organization;
- Supporting Organization's (fiduciary/employer of record) naming a representative to the Committee, if Supporting Organization is not a Governance Committee member organization;
- Invitations to new members to sign the MOU with a statement of resource commitment, upon consensus of current membership as opportunity or need arises;
- Governance Committee's annual assessment of current member effectiveness by contribution via Memorandum of Understanding resource recommitment.

III. Governance Committee Roles and Responsibilities

In their role as the Essential Needs Task Force Governance Committee, members will take, either directly or through ENTF staff, the following responsibilities:

- Provide oversight and direction to achieve continuing, successful ENTF operations;
- Act as oversight and facilitation point between ENTF Subcommittees* (see below) and the Supporting Organization (fiduciary/employer of record);
- Establish ENTF policy, principles and procedures to achieve Task Force mission;
- Manage resources to effectively sustain ENTF operations;
- Provide information to the Supporting Organization for performance review of ENTF staff.

Five Subcommittees (December, 2013):

- Food and Nutrition Coalition;
- Coalition to End Homelessness (Housing CoC);
- Energy Efficiency Subcommittee;
- Transportation Subcommittee;
- Economic and Workforce Development Subcommittee).

IV. Governance Committee Operations

The Governance Committee will complete its work using the following as a guide:

Governance Organization

- The Committee will commit to meet a minimum of four times per year;
- The Committee meetings will generally follow Roberts Rules of Order with an agenda and meeting minutes published and distributed to Governance Committee members prior to each meeting;
- The Committee actions will be shared with ENTF Subcommittees via the ENTF website;
- The Committee will identify a chair, co-chair annually, and maintain position descriptions, charge, and/or expectations for each;
- The Committee will add work groups as appropriate; and
- The Committee will adopt and monitor an annual budget for ENTF activities.
- Ensure the production and distribution of a comprehensive ENTF Annual Report, incorporating work of all Subcommittees.

Governance – ENTF Subcommittee Relationship

ENTF Governance Committee intends to support the work of its various Subcommittees. This may occur through:

- Providing direction and resources to Subcommittees as needed;
- Facilitating integration of subcommittees' operation protocols, reports, activities, planning and direction into a consistent overall ENTF standard of practice.

ENTF Subcommittees will support the coordination work of ENTFS Governance Committee. This may occur through:

- Providing operations and outcome information as requested;
- Meeting with the ENTF Governance Chair and/or ENTF Director as requested; and

- Ensure operational protocols align across the ENTF structure.

V. ENTF Supporting Organization/Fiduciary

Governance Committee members recognize the unique role the ENTF Supporting Organization plays in assuring Task Force success. The Supporting Organization recognizes that ENTF is not a program of the Supporting Organization.

The Governance Committee will confirm its relationship to the Supporting Organization (ENTF fiduciary/employer of record) via a Memorandum of Understanding (MOU).

The Supporting Organization will be considered the administrative “home” to the ENTF, and provide various information, including, but not limited to:

- Quarterly financial updates;
- Financial projections for budget development and a draft budget for recommendation;
- Signatory authority on behalf of the ENTF for various grants and corresponding financial reports;
- Meeting agendas (developed in consultation with Governance Committee leaders), meeting minutes, necessary discussion material and other supports or amenities to facilitate effective ENTF discussions;
- Annual performance reviews of ENTF staff with input from the Governance Committee and Subcommittees.

VI. Conflict of Interest

As any potential conflict is identified, affected Governance Committee members will recuse themselves from decision making as agreed to by Committee consensus.

VII. Operating Protocol Maintenance

Governance Committee members will review on an annual basis this Operating Protocol to best define and support its role in assuring Essential Needs Task Force success.