

AGENDA
WYOMING CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
MONDAY, SEPTEMBER 20, 2010 AT 7:00 P.M.

- 1) Call to Order**
- 2) Invocation**
Pastor Bill Couchenour, Clyde Park Church of the Nazarene.
- 3) Pledge of Allegiance**
- 4) Roll Call**
- 5) Student Recognition**
- 6) Approval of Minutes**
From the regular meeting of September 7, 2010 and the work session of September 13, 2010.
- 7) Approval of Agenda**
- 8) Public Hearings**
7:01 p.m.: To Consider the Establishment of One Plant Rehabilitation District for Franklin Eastern, LLC
7:02 p.m.: To Consider a Proposed Brownfield Plan Amendment for Franklin Eastern, LLC
- 9) Public Comment on Agenda Items** (3 minute limit per person)
- 10) Presentations and Proclamations**
 - a) Presentations
 - b) Proclamations
- 11) Petitions and Communications**
 - a) Petitions
 - b) Communications
- 12) Reports from City Officers**
 - a) From City Council
 - b) From City Manager
- 13) Budget Amendments**
No's: 17 and 18
- 14) Consent Agenda**
(All items under this section are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda upon request of any Council member and will be considered separately.)
 - a) To Set a Public Hearing Date for the Establishment of an Industrial Development District in the City of Wyoming for Zeeland Lumber & Supply Co. (October 4, 2010 at 7:01 p.m.)
 - b) To Set a Public Hearing to Consider an Application for an Industrial Facilities Exemption Certificate for Franklin Eastern, LLC (October 4, 2010 at 7:02 p.m.)
- 15) Resolutions**
 - c) To Establish a Plant Rehabilitation District for Franklin Eastern, LLC

- d) To Approve an Amendment to the City of Wyoming Brownfield Plan to Include the “Franklin Eastern Project” and to Authorize and Direct Actions Pursuant to the Franklin Eastern Project Amendment
- e) To Approve the Request from Trigo Pizza Company, Inc. for a New Tavern Licensed Business to be located at 700 - 44th Street SW, Wyoming, Michigan, Kent County
- f) To Waive Certain Requirements of the Code of the City of Wyoming for Trigo Pizza Company, Inc., in Application for a Tavern Liquor License

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

- g) To Accept a Proposal from Lighthouse Group
- h) To Award a Contract for Sidewalk Snowplowing
- i) To Authorize the Collection and Disposal of Dead, Dying and Diseased Trees in the Public Street Right-of Ways
- j) To Authorize the Purchase of Vehicles
- k) For Award of Bids
 - 1. Carbide Under-Scraper Blades
 - 2. Post Top Luminaire

17) Ordinances

18) Informational Material

19) Acknowledgment of Visitors

20) Closed Session (as necessary)

21) Adjournment

CITY OF WYOMING BUDGET AMENDMENT

Date: September 20, 2010

Budget Amendment No. 017

To the Wyoming City Council:

A budget amendment is requested for the following reason: To appropriate \$200,000 of budgetary authority to provide funding for the Collection and Disposal of Dead, Dying and Diseased Trees in the City's Right of Ways.

<u>Description/Account Code</u>	<u>Current</u>	<u>Increase</u>	<u>Decrease</u>	<u>Amended</u>
<u>Yard Waste Disposal Fund</u>				
Public Works - Yard Waste Disposal - Other Services				
230-441-44300-560000	\$203,700	\$200,000		\$403,700
Fund Balance/Working Capital				\$ 200,000

Recommended: _____
Finance Director

_____ City Manager

Motion by Councilmember _____, seconded by Councilmember _____ that the General Appropriations Act for Fiscal Year 2010-2011 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

RESOLUTION NO. _____

RESOLUTION TO SET A PUBLIC HEARING DATE FOR THE
ESTABLISHMENT OF AN INDUSTRIAL DEVELOPMENT DISTRICT IN
THE CITY OF WYOMING FOR ZEELAND LUMBER & SUPPLY CO.

WHEREAS, Zeeland Lumber & Supply Co., has requested in writing that the City establish an Industrial Development District for real and personal property under Act 198, Public Acts of 1974, as amended, for the property located at 5836 Clay Avenue, Wyoming, Michigan and legally described on the attached description, and

WHEREAS, Act 198 requires that the City hold a public hearing on the establishment of this district; now therefore,

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

1. A public hearing on whether to establish an Industrial Development District for real and personal property for Zeeland Lumber & Supply Co., shall be held at 7:01 p.m. on October 4, 2010 in the City Council Chambers, City Hall, 1155 28th Street, SW, Wyoming, Michigan.
2. Notice of this hearing shall be given to the owners of all real property within the proposed district, published in a newspaper of general circulation in the City, posted in City Hall.

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

Motion carried: _____ Yeas, _____ Nays.

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular session held on the 20th day of September, 2010.

Heidi A. Isakson
Wyoming City Clerk

Attachment

EXHIBIT A

Legal Description

Address: 5836 Clay Avenue SW, Wyoming, MI 49548

Tax Parcel No.: 41-17-36-377-002

Legal Description:

Lots 8 & 9. Argo Industrial Park.

RESOLUTION NO. _____

RESOLUTION TO SET A PUBLIC HEARING TO CONSIDER AN APPLICATION
FOR AN INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE FOR
FRANKLIN EASTERN, LLC

WHEREAS, in accordance with Michigan Public Act 198 of 1974, the City Council established Plant Rehabilitation District Number 2 by adopting Resolution No. _____ on September 20, 2010; and

WHEREAS, Franklin Eastern, LLC, has filed an application for an Industrial Facilities Exemption Certificate for its property located at 4247 and 4301 Eastern Avenue SE, Wyoming, MI 49548 within Plant Rehabilitation District Number 2; and

WHEREAS, prior to the approval of the application, it is necessary to first hold a public hearing at which a representative of Franklin Eastern, LLC, the City Assessor, representatives of affected taxing units and any other resident or taxpayer will be given an opportunity to comment.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The City Council shall hold a public hearing on October 4, 2010 at 7:02 p.m., at Wyoming City Hall, 1155 28th Street SW, Wyoming, MI 49509, to consider the application for an Industrial Facilities Exemption Certificate submitted by Franklin Eastern, LLC, for its property located within Plant Rehabilitation District Number 2.
2. Notice of this hearing shall be given to the applicant, the City Assessor and a representative of each affected taxing unit, and shall be published in a newspaper of general circulation in the City and posted in City Hall.
3. All resolution and parts of resolutions are, to the extent of any conflict with this resolution, hereby rescinded.

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

Motion carried: _____ Yeas, _____ Nays.

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular session held on the 20th day of September, 2010.

Heidi A. Isakson
Wyoming City Clerk

Resolution No. _____

RESOLUTION NO. _____

RESOLUTION ESTABLISHING A PLANT REHABILITATION DISTRICT FOR
FRANKLIN EASTERN, LLC

WHEREAS, pursuant to Act 198 of the Public Acts of 1974, as amended, MCL 207.551 *et seq.*, the City Council has the authority to establish Plant Rehabilitation Districts within the City of Wyoming, Michigan; and

WHEREAS, Franklin Eastern, LLC, has petitioned the City Council to establish a Plant Rehabilitation District on its property located at 4247 and 4301 Eastern Avenue SE, Wyoming, Michigan, 49548; and

WHEREAS, construction, acquisition or installation of a facility by Franklin Eastern, LLC, within the proposed district had not commenced at the time of the filing of its request to establish the proposed district; and

WHEREAS, written notice has been given by mail to all owners of real property located within the district, and to the public by newspaper advertisement and public posting of the hearing on the establishment of the proposed district; and

WHEREAS, on September 20, 2010, a public hearing was held at which all of the owners of real property within the proposed Plant Rehabilitation District and all residents and taxpayers of the City were afforded an opportunity to be heard; and

WHEREAS, the City Council has determined that the property comprising not less than 50% of the state equalized valuation of the property within the proposed Plant Rehabilitation District is obsolete; and

WHEREAS, the City Council deems it to be in the public interest of the City of Wyoming to establish the Plant Rehabilitation District as proposed.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The City Council of the City of Wyoming establishes a Plant Rehabilitation District pursuant to the provision of Act 198 of the Public Acts of 1974, as amended, MCL 207.551 *et seq.*, on the following described parcels of land situated in the City of Wyoming, Kent County, Michigan:

4247 Eastern Avenue, SE, Wyoming, MI 49548 (PPN# 41-18-19-426-007):
Part of Lots 1, 2, 15 and 16, Potter Plat, and part of the SE 1/4, Section 19, T6N, R11W, City of Wyoming, Kent County, Michigan, described as:
Commencing at the E 1/4 corner of Section 19; thence S 02° 55' 30" E 1914.00 feet along the East line of said SE 1/4; thence S 87° 04' 30" W 106.36 feet to the Place of Beginning of this description; thence S 02° 55' 30" E 202.50 feet; thence S 87° 04' 30" W 100.30 feet; thence S 02° 55' 30" E 24.00 feet; thence S 87° 04' 30" W 104.70 feet; thence N 02° 55' 30" W 24.00 feet; thence S 87° 04' 30" W 257.50 feet; thence N 02° 55' 30" W 132.00 feet; thence S 87° 04' 30" W 8.00 feet; thence N 02° 55' 30" W 70.50 feet; thence N 87° 04' 30" E 470.50 feet to the place of beginning.

4301 Eastern Avenue, SE, Wyoming, MI 49548 (PPN# 41-18-19-600-001): Part of the SE 1/4, Section 19, T6N, R11W, City of Wyoming, Kent County, Michigan, described as: Commencing at the E 1/4 corner of Section 19; thence S 02° 55' 30" E 1914.00 feet along the East line of said SE 1/4; thence S 87° 04' 30" W 246.36 feet to the Place of Beginning of this description; thence S 87° 04' 30" W 330.50 feet; thence N 02° 55' 30" W 38.10 feet; thence S 87° 04' 30" W 3.70 feet; thence N 02° 55' 30" W 16.30 feet; thence N 87° 04' 30" E 11.60 feet; thence N 02° 55' 30" W 148.00 feet; thence S 87° 04' 30" W 8.00 feet; thence N 02° 55' 30" W 76.50 feet; thence N 87° 04' 30" E 8.00 feet; thence N 02° 55' 30" W 203.70 feet; thence S 87° 04' 30" W 8.00 feet; thence N 02° 55' 30" W 36.50 feet; thence N 87° 04' 30" E 8.00 feet; thence N 02° 55' 30" W 181.00 feet; thence N 87° 04' 30" E 322.60 feet; thence S 02° 55' 30" E 409.00 feet; thence N 87° 04' 30" E 2.10 feet; thence S 02° 55' 30" E 28.60 feet; thence S 87° 04' 30" W 2.10 feet; thence S 02° 55' 30" E 262.50 feet to the place of beginning.

2. The district established by this resolution shall be known as Plant Rehabilitation District No. 2.
3. All resolutions and parts of resolutions are, to the extent of any conflict with this resolution, rescinded.

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

Motion carried: _____ Yeas, _____ Nays.

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a regular session held on the 20th day of September, 2010.

Heidi A. Isakson
Wyoming City Clerk

Resolution No. _____

Manager/KV
09/20/10

RESOLUTION NO. _____

A RESOLUTION TO APPROVE AN AMENDMENT TO THE
CITY OF WYOMING BROWNFIELD PLAN TO INCLUDE THE
“FRANKLIN EASTERN PROJECT” AND TO AUTHORIZE AND DIRECT ACTIONS
PURSUANT TO THE FRANKLIN EASTERN PROJECT AMENDMENT

WHEREAS, pursuant to the Brownfield Redevelopment Financing Act, 1996 P.A. 381, as amended, MCL 125.2651 *et esq.* (“Act 381”), the City of Wyoming established the Brownfield Redevelopment Financing Authority of the City of Wyoming (the “Authority”); and

WHEREAS, the Authority at its meeting of August 30, 2010, approved a proposed brownfield plan amendment for the proposed Franklin Eastern project in the area of 4247 Eastern Avenue, in the City, (the “Plan Amendment”) and recommended that this City Council approve the Plan Amendment; and

WHEREAS, pursuant to Act 381, prior to considering this resolution to approve the Plan Amendment, the City Council held a public hearing on the Plan Amendment at which the City Council provided the opportunity for all interested persons to be heard concerning the Plan Amendment and received and considered written communications regarding the Plan Amendment; and

WHEREAS, in accordance with Act 381, at least 20 days prior to the date of the hearing on the Plan Amendment notice was given to each of the taxing jurisdictions levying taxes which might be subject to capture by the Plan and notice of the hearing was also published once in the *Advance* and once in *The Grand Rapids Press*, the first publication of which was not less than 10 nor more than 40 days prior to the hearing; and

WHEREAS, the City Council is required to make certain findings prior to approving the Plan.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The City Council held a public hearing on the Plan Amendment on September 20, 2010, at 7:02 p.m., at which time all interested persons were heard and the City Council received and considered all written communications with reference to the Plan Amendment and the City Council has carefully considered all views and recommendations and determined that the Plan Amendment, attached, constitutes a public purpose.
2. The City Council approves of the Plan based on the following considerations:
 - a. The Plan Amendment meets the requirements of Section 13 of Act 381.

3. The Mayor, City Clerk, City Manager, other City officials, and the City's legal counsel are authorized and directed to take all actions to implement the Plan Amendment.
4. All resolutions and parts of resolutions are, to the extent of any conflict with this resolution, rescinded.

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

Motion carried: _____ Yeas, _____ Nays.

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan, at a regular session held on the 20th day of September, 2010.

Heidi A. Isakson
Wyoming City Clerk

Attachments: Brownfield Plan Amendment

RESOLUTION NO. _____

**AMENDMENT TO THE CITY OF WYOMING BROWNFIELD
REDEVELOPMENT AUTHORITY BROWNFIELD PLAN -
FRANKLIN EASTERN, LLC**

_____, 2010

This amendment to the Brownfield Plan for the City of Wyoming (the “City”) is made pursuant to 1996 P.A. 381, as amended (“Act 381”) to add three parcels to the plan due to the parcels being contaminated (this “Plan Amendment”). This Plan Amendment was approved by the Brownfield Redevelopment Authority of the City of Wyoming (the “Authority”) at a meeting held on August 30, 2010. Later that day, the City Council set the public hearing on this Plan Amendment, notice of which was published and otherwise given as provided in Act 381. At its regular meeting of _____, 2010, the City Council approved this Plan Amendment.

Project Summary

Franklin Eastern, LLC (“Franklin”) proposes to renovate the vacant, former manufacturing building located at 4147 Eastern Avenue SE (Parcel #41-18-19-426-009), 4247 Eastern Avenue SE (Parcel #41-18-19-426-007) and 4301 Eastern Avenue SE (Parcel #41-18-19-477-020) in the City of Wyoming (the “Property”) for use as an automotive parts manufacturing facility. The project will require internal demolition and renovation of an existing building (the “Project”). The Project will create both temporary construction jobs and approximately 50 new permanent manufacturing jobs and will retain approximately 140 manufacturing jobs in Michigan. It will also reuse a contaminated site and will result in the preservation and reuse of a vacant building.

Basis of Eligibility

The Property consists of approximately 33.86 acres. It is contaminated with chlorinated solvents and heavy metals in the soil and groundwater exceeding the generic residential cleanup criteria of Part 201 of the Natural Resources and Environmental Protection Act (“NREPA”). Therefore, the Property is “eligible property” as defined by the Act because it has been determined to be a “facility” as defined in Part 201 of the NREPA as a result of the described contamination.

Required Elements of Brownfield Plan

- 1. A description of costs intended to be paid for with tax increment revenues. (MCLA 125.2663(1)(a))**

Franklin will not seek tax increment financing under Act 381 for any eligible activities at the property.

- 2. A brief summary of the eligible activities that are proposed for each eligible property. (MCLA 125.2663(1)(b))**

“Eligible activities” are defined in the Act as meaning one or more of the following: (i) baseline environmental assessment activities; (ii) due care activities; and (iii) additional response activities. In qualified local governmental units such as the City of Wyoming, the Act includes the following activities under the definition of “eligible activities”: (A) infrastructure improvements that directly benefit eligible property; (B) demolition of structures that is not response activity under Part 201 of NREPA; (C) lead or asbestos abatement; and (D) site preparation that is not response activity under Part 201 of NREPA.

Franklin will not seek tax increment financing under Act 381 for any eligible activities at the property. Eligible activities will include internal demolition of the existing building.

- 3. An estimate of the captured taxable value and tax increment revenues for each year of the plan from each parcel of eligible property and in the aggregate. (MCLA 125.2663(1)(c))**

Franklin will not seek tax increment financing under Act 381 for any eligible activities at the property.

- 4. The method by which the costs of the plan will be financed, including a description of any advances made or anticipated to be made for the costs of the plan from the municipality. (MCLA 125.2663(1)(d))**

The costs of the plan will be financed by Franklin. No advances from the City are contemplated at this time.

- 5. The maximum amount of the note or bonded indebtedness to be incurred, if any. (MCLA 125.2663(1)(e))**

None at this time.

- 6. The duration of the brownfield plan, which shall not exceed the lesser of (1) the period required to pay for the eligible activities from tax increment revenues plus the period of capture authorized for the local site remediation revolving fund or (2) 30 years. (MCLA 125.2663(1)(f))**

The estimated duration of the Plan may be as long as two years but in no event will the Plan exceed the maximum duration provided for in Act 381.

- 7. An estimate of the impact of tax increment financing on the revenues of all taxing jurisdictions in which the eligible property is located. (MCLA 125.2663(1)(g))**

There will be no TIF reimbursement under this plan.

8. A legal description of each parcel of eligible property to which the plan applies, a map showing the locations and dimensions of each eligible property, a statement of the characteristics that qualify the property as eligible property and a statement of whether personal property is included as part of the eligible property. (MCLA 125.2663(1)(h))

1. See legal description at attached Exhibit A.
2. See location and site map at Exhibit B.
3. Characteristics of Property: The “eligible property” was historically used for manufacturing. As a result, the Property has subsurface contamination in excess of the Part 201 criteria and therefore is a “facility” as that term is defined in Section 20101 of NREPA.
4. Personal Property: Personal property is included as part of the eligible property.

9. An estimate of the number of persons residing on each eligible property to which the plan applies and the number of families and individuals to be displaced, if any. (MCLA 125.2663(1)(i))

There are no persons residing on this Property.

10. A plan for establishing priority for the relocation of persons displaced by implementation of the plan, if applicable. (MCLA 125.2663(1)(j))

This Section is inapplicable to this site as there are no persons residing on this Property.

11. Provision for the costs of relocating persons displaced by implementation of the plan, and financial assistance and other reimbursement of expenses, if any. (MCLA 125.2663(1)(k))

This Section is inapplicable to this site as there are no persons residing on this Property.

12. A strategy for compliance with the Michigan Relocation Assistance Act, if applicable. (MCLA 125.2663(1)(l))

This Section is inapplicable to this site as there are no persons residing on this Property.

13. A description of the proposed use of the local site remediation revolving fund. (MCLA 125.2663(1)(m))

The local site remediation revolving fund will be used for such purposes permitted under the Brownfield Redevelopment Financing Act and any brownfield redevelopment plans that are

in place at the time that the revolving fund exists. The revolving fund will not be used for this Project.

**14. Other material that the authority or governing body considers pertinent.
(MCLA 125.2663(1)(n))**

The public will benefit through the creation of approximately 50 new jobs as well as the retention of approximately 140 existing jobs. In addition, temporary construction jobs will be created and the City and State will benefit from the increased tax revenue generated from the renovated building and new machinery and equipment brought to the Property by the Project.

Michigan Business Tax Credit

It is the intention of the Michigan Legislature to encourage redevelopment of brownfields using the Michigan Business Tax (“MBT”) credit incentive permitted under Act 36, Public Acts of 2007, as amended. The MBT credit can be applied against any “eligible investment” at the Property. The MBT credit will be applied against any eligible investment or part thereof made by a qualified taxpayer after approval of this Brownfield Redevelopment Plan by the City of Wyoming but in any event no earlier than 90 days prior to the date of the preapproval letter from the Michigan Economic Growth Authority or its chairperson.

“Eligible investment” means, when made after the approval date of the brownfield plan but in any event no earlier than 90 days prior to the date of the preapproval letter, any demolition, construction, restoration, alteration, renovation, or improvement of buildings on eligible property and the addition of machinery, equipment, and fixtures to the Property after the date that eligible activities have started pursuant to the brownfield plan.

Franklin intends to apply for a MBT credit at the eligible property pursuant to Act 36 of the Public Acts of Michigan of 2007, as amended.

Exhibit A

Property Description

Property Address: 4147 Eastern Ave SE
Wyoming, Michigan

Parcel ID No.: 41-18-19-426-009

Legal Description: PART OF SE ¼ COM AT E ¼ COR TH S 2D 55M 30S E ALONG E SEC LINE 658.46 FT BEG OF THIS DESC – TH S 2D 55M 30S E ALONG E SEC LINE 517.10 FT TH S 87D 04M 00S W 190.37 FT TH N 2D 55M 30S W 17.0 FT TH S 87D 04M 00S W 765.0 FT TO ELY LINE OF KENT INDUSTRIAL CENTER NO.2 TH N 6D 00M 00S W ALONG ELY LINE OF SD PLAT 496.08 FT TH N 87D 04M 00S E 336.21 FT TH N 85D 24M 20S E 556.04 FT TH S 2D 55M 30S E 14.0 FT TH N 85D 24M 20S E 90.0 FT TO BEG * SEC 19 T6N R11W 11.20 A.

Property Address: 4247 Eastern Ave SE
Wyoming, Michigan

Parcel ID No.: 41-18-19-426-007

Legal Description: PART OF SE ¼ COM AT E ¼ COR TH S 2D 55M 30S E ALONG E SEC LINE 1175.56 FT TO BEG OF THIS DESC – TH S 87D 04M 00S W 190.37 FT TH N 2D 55M 30S W 17.0 FT TH S 87D 04M 00S W 765.0 FT TO ELY LINE OF KENT INDUSTRIAL CENTER NO.2 TH S 0D 00M 00S E ALONG ELY LINE OF SD PLAT 675.40 FT TO NE COR OF LOT 73 OF KENT INDUSTRIAL CENTER NO.2 TH S 89D 55M 00S W ALONG N LOT LINE 130.70 FT TH S 6D 00M 00S E TO A PT 130.67 FT S 89D 51M 40S W FROM NW COR OF POTTER PLAT TH N 89D 51M 40S E TO NW COR OF POTTER PLAT TH ELY ALONG N LINE OF POTTER PLAT 914.84 FT TO E SEC LINE TH N ALONG E SEC LINE 809.87 FT TO BEG * SEC 19 TA6N R11W 17.90 A.

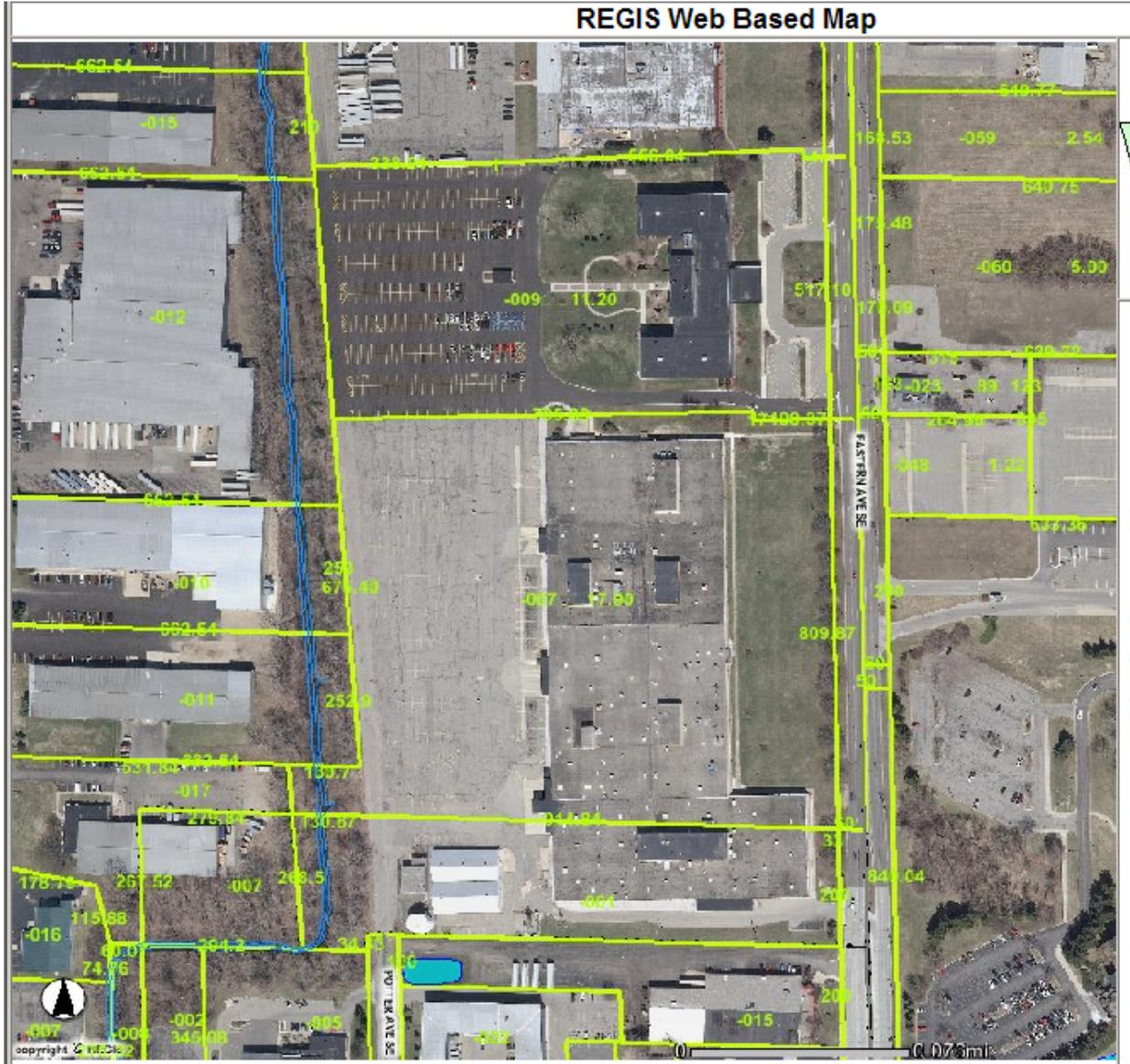
Property Address: 4301 Eastern Ave SE
Wyoming, Michigan

Parcel ID No.: 41-18-19-600-001

Legal Description: PART LOT 73 COM 107.94 FT S 6D 00M E ALONG E LOT LINE FROM NE COR OF LOT 73 TH S 6D 00M E 234.01 FT TH S 89D 50M 40S W 13.04 FT TH S 2D 56M 10S E 34.33 FT TH S 89D 50M 40S W ALONG S LOT LINE 115.80 FT TH N 6D 00M 00S W 268.50 FT TO A LINE BEARING S 89D 51M 40S W FROM BEG TH N 89D 51M 40S E

130.67 FT TO BEG * KENT INDUSTRIAL CENTER NO. 2 ALSO
LOTS 1 2 15 & 16 ALSO THAT PART OF VACATED PORTIONS OF
POTTER AVE & 43D ST DESC AS COM AT NE COR OF SD LOT 1
TH W ALONG N LINES OF LOTS 1 & 16 TO NW COR OF LOT 16 TH
S 200 FT TO SW COR OF LOT 15 TH W 46.96 FT TH NWLY 233.91
FT TO N LINE OF POTTER PLAT AT A PT 914.84 FT W FROM E
SEC LINE TH E ALONG N PLAT LINE TO A PT 33 FT N FROM BEG
TH S TO BEG * POTTER PLAT

Exhibit B



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

RESOLUTION NO. _____

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

called to order by Mayor Poll on September 20, 2010 at 7:00 P.M.

The following resolution was offered:

Moved by _____ and supported by _____

That the request from:

Trigo Pizza Company, Inc. for a new Tavern licensed business to be located at 700 44th Street SW, Wyoming 49509, Kent County

be considered for Approval "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:

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 September 20, 2010
(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. _____

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: September 15, 2010

RE: Tavern Liquor License Application
Trigo Pizza Company, Inc., 700 44th Street SW

Trigo Pizza Company, Inc. has applied for a Tavern (beer and wine) liquor license for 700 44th Street SW. As part of their application, their attorney submitted a letter requesting a waiver of Section 14.179(2)(b) of the Code of Ordinances, which requires that restaurants with a liquor license have a minimum seating capacity of 150. The applicants ask that a waiver be granted for seating capacity of 116. City Council may grant this waiver if it chooses (Section 14.179(5)).

Policy Chief Carmody reports the applicant and location are acceptable, and recommends approval. The Treasurer reports the applicant is not in default to the City, and the Chief Building Official reports the seating capacity is not in compliance with the ordinance, but he has no problem with the request for a waiver.

I would like to present this application to the City Council for consideration on September 20, 2010. If the application is approved, the Council will need to adopt a second resolution waiving the requirements of Section 14-179(2)(b)

PASSARO & KAHNE LAW OFFICE, P.L.L.C.

ATTORNEYS AT LAW
www.passarokahne.com

MEMBER ATTORNEYS

T. J. PASSARO, J.D., C.P.A.*
HOWARD H. KAHNE, J.D., L.L.M.†
SALLY A. TAYLOR, J.D.*

ASSOCIATE ATTORNEYS

BRIAN G. HOLT, J.D.
LORI M. THOMPSON, J.D.

* Also admitted in Indiana

† Also admitted in Florida

ST. JOSEPH OFFICE

2900 South State Street, Suite 3 East
St. Joseph, Michigan 49085
Tel: (269) 983-0325
Fax: (269) 983-0328

NEW BUFFALO OFFICE

17656 US Highway 12
New Buffalo, Michigan 49117
Tel: (269) 469-5297
Fax: (269) 469-2078

LEGAL ASSISTANTS

CHRISTINE A. SMITH
BRENDA M. KARSTEN
CAROL A. BEEBE
ALICE M. BLAKE

LEGAL SECRETARIES

MICHELE R. ZANDARSKI

June 15, 2010

Heidi Isakson, City Clerk
City of Wyoming
1155 28th Street, SW, Box 905
Wyoming, MI 49509-0905

RE: Request for Quota Tavern License

Dear Ms. Isakson:

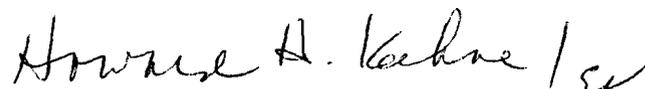
I have enclosed the Application for Liquor License on behalf of my client, Trigo Pizza Company, Inc. This application is for the Pizza Hut Restaurant located at 700 44th Street, S.W., Wyoming. I have also enclosed a drawing of the premises, Trigo's corporate filing endorsement, and the application fee of \$300.00.

In addition, on behalf of Trigo, we respectfully request a waiver of the required seating capacity of 150. Currently our restaurant has a seating capacity of 116. Trigo feels that this Pizza Hut Restaurant is and has been a good fit for the neighborhood in which it is located.

Further, we have simultaneously applied to the Michigan Liquor Control Commission for a Tavern license for this location.

If you have any questions or comments, please feel free to contact me.

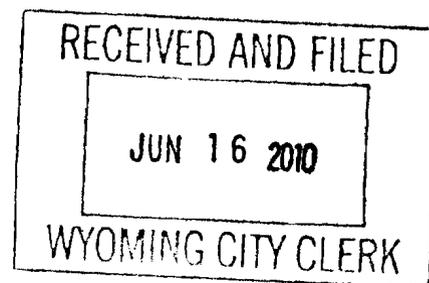
Very truly yours,



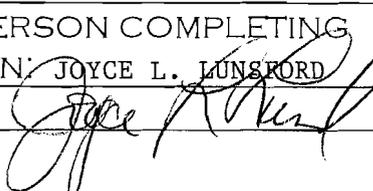
HOWARD H. KAHNE
howard@passarokahne.com

HHK/cs/860700 567

Enclosures



CITY OF WYOMING, MICHIGAN
APPLICATION FOR LIQUOR LICENSE

APPLICANT: TRIGO PIZZA COMPANY, INC.	<input type="checkbox"/> SOLE PROPRIETOR <input type="checkbox"/> PARTNERSHIP <input checked="" type="checkbox"/> CORPORATION
BUSINESS ADDRESS: 700 44th Street, SW Wyoming, MI 45909	TELEPHONE: (269) 556-5000 FAX: (269) 556-5100
LICENSE REQUESTED: <input checked="" type="checkbox"/> TAVERN <input type="checkbox"/> CLASS C <input type="checkbox"/> CLASS B HOTEL	LOCATION OF THE PROPOSED BUSINESS: Pizza Hut/WingStreet Restaurant
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: L.E.W. PROPERTIES, L.L.C. 2053 Niles Road St. Joseph, MI 49085
FURNITURE & FIXTURE OWNER: Applicant	
NAME OF PERSON RESPONSIBLE FOR DAILY OPERATION OF BUSINESS: Joyce L. Lunsford	
NAME OF BANK FOR BUSINESS ACCOUNT: Bank of America	
FIRM, ACCOUNTANT OR PERSON RESPONSIBLE FOR FINANCIAL RECORDS: NAME: Heidi Deja ADDRESS: Trigo Pizza Company, Inc. 3399 South Lakeshore Drive, Suite 300, St. Joseph, MI 49085	
NAME OF PERSON COMPLETING APPLICATION: JOYCE L. LUNSFORD	TITLE OF PERSON COMPLETING APPLICATION: HOWARD H. KAHNE
SIGNATURE: 	DATE: June 15, 2010

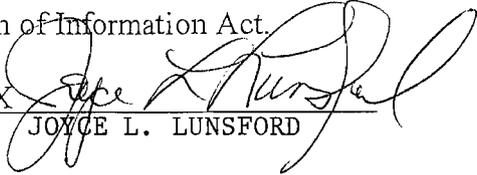
ATTACH:

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: JOYCE L. LUNSFORD	TITLE President/CEO
RESIDENT ADDRESS: 3399 S. Lakeshore Drive, Suite 300 St. Joseph, Michigan 49085	PHONE: (269) 556-5000
SOCIAL SECURITY NUMBER:	DATE OF BIRTH: 1948
RESIDENT OF THE STATE OF MICHIGAN? <input checked="" type="checkbox"/> YES <u>61</u> YEARS <input type="checkbox"/> NO	
Describe similar business ventures or related experience: See attached statement	
Do you, a member of your family or your corporation hold a license for the sale of alcoholic beverages at the present time: <input checked="" type="checkbox"/> Yes - List type and location of each See attached list <input 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 checked="" type="checkbox"/> Yes - List type and location of each See attached list <input 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 

JOYCE L. LUNSFORD

State of Michigan
Berrien County

Subscribed and sworn to before me on this 15th day of July, 2010.

X 

Signature of Notary
Christine A. Smith

Printed Name

My commission expires: 07/19/2012

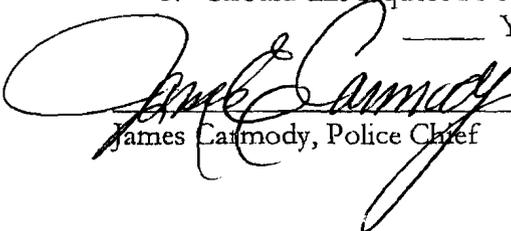
LIQUOR LICENSE APPLICATION - DEPARTMENT REVIEW

APPLICANT(S):	PROPOSED LICENSE LOCATION:
LICENSE TYPE:	

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


 James Carmody, Police Chief

Date: 9/16/2010

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: _____

**WYOMING POLICE DEPARTMENT
NARRATIVE REPORT**

Serving Our Community...Protecting Wyoming's Future

INCIDENT # 10-5627

ASSOCIATED #

Original
Supplemental

DETECTIVE: Sgt. James Maguffee

PIN: 3298

DATE: September 10, 2010

PAGE 1

I have received an application from the Clerk's office regarding Trigo Pizza Company, Inc. requesting a Tavern license for the Pizza Hut restaurant located at 700 44th St. SW. Joyce Lunsford is listed as President/CEO on the city application. This Pizza Hut is an existing, long established restaurant at that location.

I checked Lunsford's Michigan Criminal History and located none. I spoke to her and she reports no criminal convictions at all. Her driving history is unremarkable. She has a long history of operating similar locations with liquor licenses. Often at this stage I will address the anticipated question of citizenship that will follow on the MLCC1800. I did not with this application because I am not sure if the state will ask it given the applicant is a standing license holder and it being a corporate request. I will address it if needed when it is requested from the state.

Information supplied with the application explains that Lunsford has been involved with Pizza Hut franchises for 40 years; and currently operates more than 30 locations. The MLCC has provided me a report indicating that Lunsford has a total history of involvement with 69 licensed locations with a total history of 37 violation complaints. A perusal of the 30+ page MLCC document shows the violations appear to be mostly for sales to minors. If the City Council grants the request, we would need to work with management to insure proper steps are taken to avoid this at this location.

I located no churches or schools within the 500 feet ordinance limitation and quotas are not an issue with this type of license at this time as the City of Wyoming has 9 available on premises licenses. The application acknowledges that the location lacks the required number of seats (150). Their facility currently seats 116. They have requested a waiver from council on that issue.

I checked call history for this location. It is lengthy due to its position on a busy street and adjacent to a major expressway interchange. Nothing in the call history indicated a problem with disorderly type complaints that might raise a concern with a liquor license.

NARRATIVE

LIQUOR LICENSE APPLICATION - DEPARTMENT REVIEW

APPLICANT(S): <i>Trigo Pizza Co Inc</i>	PROPOSED LICENSE LOCATION: <i>700 44th St SW</i>
LICENSE TYPE: <i>Tavern</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)

PP #41-50-93-912-475 2010 SUPP Tax bill \$1,653.93 due 8/31/10
_____ *Paid on 8/24/10*

Andrea Boot _____ Date: *6/28/10*
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): Trigo Pizza Company Inc	PROPOSED LICENSE LOCATION: 700 44th St SW
LICENSE TYPE: TAVERN	

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. *existing seating arrangement*

James W DeLange

James DeLange, Chief Building Inspector

Date: *8/25/10 see memo 8/2/10*

Isakson, Heidi

From: Delange, Jim
Sent: Monday, August 02, 2010 10:05 AM
To: Isakson, Heidi
Subject: Trigo Pizza 700 44th st

Hello Heidi

Found the application upon my return. Floor plan indicates a total sq footage calculating without seating / booth layout. The total s ft in dining area divided by 15 sq ft @ equals the 116 occupant load they are asking exemption from.

This office has no problem with that request.

James W. De Lange
Chief Building Official

02/15/10
hai

RESOLUTION NO. _____

A RESOLUTION TO WAIVE CERTAIN REQUIREMENTS OF
THE CODE OF THE CITY OF WYOMING
FOR TRIGO PIZZA COMPANY, INC. IN
APPLICATION FOR A TAVERN LIQUOR LICENSE

WHEREAS, Trigo Pizza Company, Inc. has made application for a new Tavern licensed business at 700 44th Street SW in the City of Wyoming; and

WHEREAS, Sections 14-179 (2) and (3) of the Code of Ordinances requires that a liquor license be operated in conjunction with a restaurant, and establishes criteria for the size and seating of such a restaurant; and

WHEREAS, Section 14-179(5) of the Code of Ordinances permits City Council to waive the requirements of Sections 14-179 if it is deemed that such waiver is in the best interest of the City; and

WHEREAS, the applicant location has proposed seating for 116 persons at 15 square feet per person, while Section 14-179(2)(b) requires seating for 150 persons at 15 square feet person; and

WHEREAS, the applicant Trigo Pizza Company, Inc. has requested a waiver of Section 14-179(2)(b) of the Code of the City of Wyoming; now, therefore,

BE IT RESOLVED the City Council determines that waiving the requirements of Sections 14-179(2)(b) will benefit the applicant, help maintain a viable business in the City, and is in the best interest of the City, and

BE IT FURTHER RESOLVED that Sections 14-179(2) are hereby waived for the purposes of considering an application for a new Class C license at that location.

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

Motion carried: _____ yeas _____ nays

I hereby certify that the foregoing resolution was adopted by the City Council for the City of Wyoming at a regular session held on the 20th day of September, 2010.

Heidi A. Isakson, City Clerk

Resolution No. _____

RESOLUTION NO. _____

RESOLUTION TO ACCEPT A PROPOSAL FROM LIGHTHOUSE GROUP

WHEREAS, Lighthouse Group is the City of Wyoming's Insurance Agent of Record and has been assisting the City with the health, dental, vision and life insurance renewals, and

WHEREAS, as detailed in the attached memorandum from the City's Director of Administrative Services it is the joint recommendation of the City's Human Resources and Finance Departments to accept a proposal from Lighthouse Group for full benefit administration services, and

WHEREAS, funds for the benefits administration services are available in the Insurance Fund, now therefore

BE IT RESOLVED, that the Wyoming City Council does hereby approve acceptance of a proposal from Lighthouse Group and authorizes the City Manager to acknowledge acceptance of the proposal and renewals in accordance with budget authorization.

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

Motion carried: _____ Yeas, _____ Nays

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan, at a _____ session held on the _____ day of _____, 2010.

Attachments: Memorandum
Proposal

Heidi Isakson
Wyoming City Clerk

assure that the City is managing its investments should not rest solely with the Finance Director. Although the City has an investment policy to guide the City in where to place its money, a professional firm would be best suited to advise the City within the policy and recommend changes as the financial landscape changes. Third, utilizing the professional services of an investment manager should result in better returns. A good advisor should pay for itself by placing the City in the best mix of investments to achieve optimum returns. Fourth, the Finance Director can make better use of his time when not burdened with the tasks associated with investment management. The City's daily investment portfolio ranges between \$23 million to \$45 million.

The investment return history for the past three years was:

Year end June 30, 2008	6.12%
June 30, 2009	4.04%
June 30, 2010	1.78%

The declining investment returns over the past 2 years is expected to continue indefinitely. We do not expect to achieve even 1.78% this coming year but with a professional fund advisor we hope to maximize our returns. Furthermore, there are banks in precarious financial situations that we could be placing the City's money that can be avoided by having the daily counsel of a professional advisor.

Benefits administration is a detail and task oriented function. For definition purposes benefits include health coverage, dental, vision, life insurance, worker's compensation, disability plan, and retirement. The choice to be self-insured increases the duties an organization assumes from having a fully insured benefits program. In a fully insured benefits program the organization purchases a plan from the insurer and the insurer makes all eligibility and benefit determinations. In addition, the insurance company takes on all the government mandated responsibilities such as HIPAA, Medicare coordination, medical denial appeals, COBRA, plan descriptions, communications with participants, eligibility audits, legal reviews, impact of new legislation, and other. It is a turnkey process. Contrarily, self-insured programs assume all of those responsibilities and tasks that otherwise would come in a package deal with a fully insured program. The self-insured can sub contract most of these types of responsibilities but not all. We believe the choice to remain self insured for our program is the best economic choice for the City but must consider the extra burdens associated with that choice. (The City has fully insured vision plan and life insurance; however, these are relatively inexpensive and are not good programs to be self insured.)

In 2004 we began using a broker and consultant for reviewing our health coverage plan and bidding out our program. Since 2006 we have had a broker and consultant relationship with Lighthouse Insurance Group. Lighthouse has met our expectations as a reliable, knowledgeable, and customer service oriented agent. We believe they are well-suited to take on additional tasks associated with our self-insured program.

The reduction of two positions in the Finance Department (Deputy Finance Director and Account Clerk in November 2010) has reduced the Finance Personal Services budget by \$195,000. The new work schedule (38-hour week) has saved money but it also has reduced the Finance Department's ability to meet its work load requirements. Four years earlier, there was an additional staff person in Human Resources who was laid off. The budget impact of this position including benefits was \$75,000. Combined this is a reduction of \$270,000 in Personal Services

within Administrative Services.

We will be coming forward in September and October with recommendations to enter into agreements with an investment advisor and Lighthouse to perform the above discussed services. We expect the fees for the investment advisor to be in the range of 10 basis points (10 basis points equal .01%) that will total up to \$50,000 (.01% X \$50 million) annually. We believe that the fees will be recaptured due to better investment results; consequently, there should be minimal effect on the budget. *(We expect this fee to be much lower because our daily cash investments range between \$23 and \$50 million. Last year's return was 1.78%. To compensate for the advisor's fees, we would have needed the advisor to achieve a 1.88% return.)*

Lighthouse has quoted a fee of \$19,200 to perform the expanded services. That fee would be an addition to their regular fee. The expense will be paid for as an administrative expense out of the insurance fund; therefore, it will be allocated across all funds.



Lighthouse
Group
INSURANCE • TITLE
www.lighthousegroup.net

PROPOSED FEE SCHEDULE
City of Wyoming

Robert Heintz, RHU – Lighthouse Benefits Group

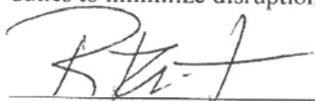
The proposed fee schedule outlined below is intended to cover the services outlined in section one of this packet. We have broken the fee down into the existing fee (the duties have been added to section one), the additional fee for the full benefits administration services and the estimated commissions we receive on the life and dental plans offered.

	Monthly	Annualized
Current Fee – currently paid monthly (enrollment support, SPD review, financial reporting, benefit consultation)	\$1,100	\$13,200
Proposed Fee – payable monthly (Full Benefit Administration services and full management of open enrollment)	\$1,600	\$19,200
Benefit Administration Set Up Fee – one time		\$5,000
Commissionable Products (Last twelve months annualized)	\$1,509	\$18,110
Total	\$4,209	\$55,510

The Lighthouse Insurance Group service team would include the existing staff with back-up provided by the balance of the Benefits Department.

Bob Heintz – Account Executive
Shelly Schneider – Account Manager
Robert Hicks – Financial Analyst
Deb Schrebe – Lead benefits administrator

We currently provide benefits administrative services to a handful of clients with varying levels of administrative services. Each client’s expectations and processes are different in nature. We would anticipate multiple set-up meetings to identify all of the current processes and define expectations and as many procedures as reasonably possible prior to assuming the administration duties to minimize disruption and ensure a smooth transition.



Robert A. Heintz, RHU
Lighthouse Insurance Group



Date

4808 Broadmoor SE • Kentwood, MI 49512 • (616) 698-7373 phone • (616) 698-7421 fax • (800) 344-3531

HOLLAND
(616) 392-6000 Ins
(616) 393-0240 Title

GRAND HAVEN
(616) 842-4900 Ins.
(616) 842-1054 Title

GRAND RAPIDS
(616) 464-3395 Ins.
(616) 464-4281 Title

GRANDVILLE
(616) 724-1277 Ins.
(616) 724-2200 Title

MUSKEGON
(231) 726-4467 Ins.
(231) 728-9191 Title

DOUGLAS
(269) 857-1924 Ins.
(269) 857-1924 Title

RESOLUTION NO. _____

RESOLUTION TO AWARD A CONTRACT FOR
SIDEWALK SNOWPLOWING

WHEREAS, in 1986, the Sidewalk Snow Removal Program was established to assist property owners with their responsibility of snow removal by clearing sidewalks of new accumulations of snow to within a 1/2 inch of existing hard packed snow and ice, and

WHEREAS, the program helps to assure that pedestrians, especially school children, are provided reasonable access to all of the City's 370-mile sidewalk system, and

WHEREAS, the Sidewalk Snow Removal Program is financed through a 0.15 millage, which costs the average homeowner approximately \$9.00 per year, and

WHEREAS, on August 31, 2010, the City received two bids for the Sidewalk Snowplowing Program with J'N'D Snowplowing, Inc. submitting the low bid of \$269,196.00 as shown on the attached bid tabulation, and

WHEREAS, it is in the best interest of the City of Wyoming to award a three-year contract to J'N'D Snowplowing, Inc. for the 2010-2013 snowplowing seasons, and

WHEREAS, sufficient money is available in the Sidewalk Snow Removal Fund, Account No. 211-441-44200-930000 to finance the snow removal activities; now, therefore,

BE IT RESOLVED that the City Council hereby awards a three-year contract to J'N'D Snowplowing, Inc. for the Sidewalk Snowplowing Program for an annual amount of \$269,196.00.

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

Motion carried: _____ Yeas, _____ Nays.

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan, at a regular session held on the _____ day of _____, 2010.

HEIDI A. ISAKSON
Wyoming City Clerk

Resolution No. _____

MEMORANDUM

TO: Mayor and City Council

FROM: William Dooley, Director of Public Works

DATE: September 20, 2010

SUBJECT: 2010 - 2013 Sidewalk Snowplowing Program

On August 31, 2010, the City received two bids for the 2010-2013 Sidewalk Snowplowing contract with J'N'D Snowplowing, Inc. submitting the low bid of \$269,196.00 as shown on the attached bid tabulation. The bid proposal requires that the contractors submit a price for plowing each of the seven separate areas within the City and specify the number of areas they are capable of plowing.

The prices that were submitted for the annual snowplowing will remain in effect for the duration of the contract. Sufficient money is available to finance these contracts in the Sidewalk Snow Removal Fund, Account No. 211-441-44200-930000.

As an alternate, the City also received bids for a one-year snow plowing contract if the Council wanted to consider awarding a shorter contract. Again, J'N'D Snowplowing was the low bidder, submitting an amount of \$277,965.00.

It is recommended that the City Council award a three-year Sidewalk Snowplowing contract to J'N'D Snowplowing, Inc. for the Sidewalk Snowplowing Program for the annual amount of \$269,196.00.

RJH:nll

Attachments: Bid Tabulations
Contract Documents

SUMMARY OF BIDS FOR SIDEWALK PLOWING PROGRAM

Area	Current Miles	One Year Contract			
		J "N" D Snowplowing, Inc	Price	Preference	Katerberg-Verhage, Inc
A	51	\$ 42,600.00	7	\$ 43,100.00	1
B	46	\$ 35,800.00	5	\$ 34,900.00	4
C	48	\$ 42,200.00	6	\$ 41,700.00	2
D	52	\$ 36,500.00	1	\$ 42,000.00	5
E	59	\$ 39,750.00	4	\$ 36,050.00	3
F	59	\$ 42,500.00	2	\$ 48,000.00	6
G	55	\$ 44,700.00	3	\$ 56,000.00	7
Total	370	\$ 166,300.00		\$ 112,650.00	
All Seven Areas		\$ 277,965.00			
Total Combined Bid		\$ 278,950.00			N/Bid

Overall Low Bid \$ 269,196.00

Three Year Contract					
		J "N" D Snowplowing, Inc	Price	Preference	Katerberg-Verhage, Inc
		\$ 41,660.00	7	\$ 40,950.00	1
		\$ 34,320.00	5	\$ 34,900.00	4
		\$ 39,820.00	6	\$ 39,600.00	2
		\$ 36,060.00	1	\$ 42,000.00	5
		\$ 37,450.00	4	\$ 34,250.00	3
		\$ 42,280.00	2	\$ 48,000.00	6
		\$ 43,100.00	3	\$ 56,000.00	7
		\$ 155,760.00		\$ 114,800.00	
All Seven Areas		\$ 269,196.00			N/Bid
Total Combined Bid		\$ 270,560.00			

Overall Low Bid \$ 269,196.00

CONTRACT

THIS CONTRACT AWARDED on the 20th day of September 2010 by and between the CITY OF WYOMING, Kent County, Michigan, party of the first part, hereinafter called the "City" and

**J'N'D SNOWPLOWING, INC.
1125 RILEY
HUDSONVILLE, MI 49426**

party of the second part, hereinafter called the "Contractor."

Witnesseth, that the City and the Contractor, for the considerations hereinafter mentioned, agree as follows:

ARTICLE I - THE CONTRACT

The following shall be deemed to be part of this Contract:

- A. Information for Bidders**
- B. Letter of Credit for 100% of Contract amount**
- C. Resolution of Board of Directors**
- D. Bid Proposal Form**
- E. Award of Bid**
- F. Equal Employment Opportunity Statement**
- G. Certificate of Insurance (Naming the City of Wyoming as additionally insured)**
- H. Subcontract Provision**
- I. All Provisions required by law to be inserted in this contract, whether actually inserted or not.**
- J. Supplemental and Special Specifications as listed below:**

SEE ATTACHED

ARTICLE II - SCOPE OF THE WORK - SUBJECT MATTER

The Contractor hereby agrees to furnish all of the materials and all of the equipment and labor necessary to perform all of the work described in the specifications for the project entitled:

SIDEWALK SNOWPLOW PROGRAM (3-YEAR PROGRAM)

all in accordance with the requirements and provisions of the Contract. The Contractor likewise agrees to do all incidental and appurtenant work in connection therewith.

ARTICLE III - TIME OF COMPLETION

The work to be performed under this contract shall be completed on or before May 15 for each year of the contract years 2011, 2012, and 2013. Should the Contractor be obstructed or delayed in the prosecution or completion of his work by any act, neglect or default of the City, then the time herein fixed for completion of the work shall be extended for a period equivalent to the time lost by reason of such delay for the causes herein mentioned. The duration of such extension shall be determined by the City Manager or his authorized representative.

ARTICLE IV - LIQUIDATED DAMAGES

Failure of the Contractor to complete a plowing area shall result in application of Liquidated Damages against the contract. Failure to complete a section without reasonable cause shall result in an assessment of Liquidated Damages. Determination of assessment of Liquidated Damages is solely based upon the opinion of the Engineer and shall be assessed per the following amounts:

First Occurrence:	Probation
Second Occurrence:	\$500.00
Third Occurrence:	\$1,000.00
Fourth Occurrence:	\$1,000.00 or Contract Termination

ARTICLE V - THE CONTRACT SUM

The City agrees to pay and the Contractor agrees to accept the sum of

TWO HUNDRED SIXTY-NINE THOUSAND ONE HUNDRED NINETY-SIX DOLLARS AND ZERO CENTS (\$269,196.00) (per year)

the amount named in the Proposal, as full compensation for all labor, supervision, equipment, materials, and incidental expense required in executing all of the work contemplated in this Contract, including also all loss or damage arising out of the nature of the work or from the action of the elements or from any unforeseen obstruction or difficulties which may be encountered in the prosecution of the same or from other causes of every description connected with the work.

It is further agreed that the sum named may be increased or decreased in accordance with the units of work actually completed at the Contract unit prices, and may be increased by the addition of items of work not included in the proposal items.

ARTICLE VI - CITY CHARTER TO BE GOVERNING DOCUMENT

The City Charter of the City shall be the governing document in all contractual relations with the City of Wyoming. In the prosecution of the work under this Contract, eight (8) hours shall constitute a day's labor. The City retains the right to determine finally all questions as to the proper performance under this Contract or any unfinished portion thereof, and in case of improper, dilatory or imperfect performance thereof to suspend the work at any time and to order the partial or entire reconstruction of the same. The City likewise retains full power to determine all questions arising under this Contract according to the true intent and meaning thereof.

ARTICLE VII - COMPLIANCE WITH LAWS, ORDINANCES AND REGULATIONS

The Contractor shall keep himself fully informed of and shall at all time comply with all local, state, and federal laws, rules, and regulations applicable to this Contract and the work to be done hereunder.

IN WITNESS WHEREOF, the parties hereto have executed this Contract as of the day and year first above written.

Witnesses

CITY OF WYOMING

_____ **By** _____ **Date**
Jack Poll
Its Mayor

_____ **By** _____ **Date**
Heidi A. Isakson
Its City Clerk

_____ **CONTRACTOR** _____ **Date**

By _____

Its _____

Correct in form: _____ **Date**
City Attorney

Certification of funds: _____ **Date**
City Comptroller

The Contract above was approved and ordered executed by the Council of the City of Wyoming at a session held _____, 20_____.

Attest: _____ **Date**
City Clerk

RESOLUTION NO. _____

RESOLUTION TO AUTHORIZE THE COLLECTION AND DISPOSAL OF
DEAD/DYING/DISEASED TREES IN THE PUBLIC STREET RIGHT-OF-WAYS

WHEREAS, Wyoming conducted a survey of the dead/dying/diseased trees within the public street right-of-ways, and

WHEREAS, there are more than 900 trees that need to be removed, and

WHEREAS, on September 16, 2010, Wyoming received _____ sealed quotations for the collection and disposal of 926 trees, and

WHEREAS, _____ submitted the low quotation of \$_____ for the tree collection and disposal work; now, therefore,

BE IT RESOLVED that the City Council hereby authorizes _____ to collect and dispose of 926 dead/dying/diseased trees in the public street right-of-ways for the amount of \$_____.

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

Motion carried: _____ Yeas, _____ Nays.

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a _____ session held on the _____ day of _____, 2010.

HEIDI A. ISAKSON
Wyoming City Clerk

Attached: Memorandum

Resolution No. _____

MEMORANDUM

DATE: September 20, 2010

TO: Mayor and City Council

FROM: William D. Dooley, Director of Public Works

SUBJECT: Collect and Dispose of Dead/Dying/Diseased Trees in the Public Street Right-Of-Ways

On September 16, 2010, the City received _____ () sealed quotations for the collection and disposal of dead/dying/diseased trees in the public street right-of-ways. Sealed quotations were requested from seven (7) prospective contractors. A tabulation of these quotations is shown below.

<i>Bidder</i>	<i>Qty.</i>	<i>Trees to be cut flush to the ground</i>		<i>Trees to be removed and stump ground</i>		<i>Trees to be removed, stump ground, and restoration work</i>	
		<i>Disposed at the City's Yard Waste Facility</i>	<i>Contractor disposal (Not at the Yard Waste Facility)</i>	<i>Disposed at the City's Yard Waste Facility</i>	<i>Contractor disposal (Not at the Yard Waste Facility)</i>	<i>Disposed at the City's Yard Waste Facility</i>	<i>Contractor disposal (Not at the Yard Waste Facility)</i>
Consumers	926						
H.A. Irish	926						
ProCare	926						
Summit	926						
TNT	926						
West Michigan Tree Service	926						

It is recommended that the City Council authorize the collection and disposal of the dead/dying/diseased trees in the public street right-of-ways by _____, in the amount of \$_____.

This work will be financed out of the Yard Waste Fund, account no. 230-441-44300-956.000.

RESOLUTION NO. _____

RESOLUTION TO AUTHORIZE THE PURCHASE OF VEHICLES

WHEREAS, as detailed in the attached memorandum from the Director of Public Works, it is recommended the City accept a quotation from Tony Betten and Sons Ford for replacement vehicles, and

WHEREAS, funds for the purchase of the replacement vehicles are available in account number 662-441-58500-985000, now therefore,

BE IT RESOLVED, that the Wyoming City Council does hereby authorize the purchase of the vehicles from Tony Betten and Sons Ford in the amounts as shown on the attached summary of vehicles.

BE IT FURTHER RESOLVED, that the Wyoming City Council does hereby waive the provisions of Sections 2-252, 2-253, 2-254 and 2-256 of the City Code regarding publication and posting of bid notices, notification of bidders and the bid opening procedure.

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

Motion carried: _____ Yeas, _____ Nays.

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan at a _____ session held on the _____ day of _____, 2010.

Heidi Isakson
Wyoming City Clerk

Attachments: Memorandum
Summary of Vehicles

Resolution No. _____

MEMORANDUM

Date: September 13, 2010
To: Curtis Holt, City Manager
From: William D. Dooley, Director of Public Works
RE: Motor Pool, Replacement Vehicles for 2010 - 2011

Each year the City of Wyoming purchases vehicles under the State of Michigan's cooperative purchasing program identified as MiDeal. The vehicles supplied under the MiDeal program are bid by the State of Michigan and include standard vehicles that are similar to the vehicles found on a dealer's lot. This year the staff reviewed bids from the County of Oakland, the County of Macomb, and the State of Michigan. Staff also contacted local dealers and requested quotes for similar vehicles. Tony Betten and Sons Ford submitted quotes that were lower than the bid prices submitted by the County of Oakland, the County of Macomb, and the State of Michigan.

The prices submitted by Tony Betten and Sons are good providing the vehicles are ordered prior to September 30, 2010. The prices submitted by Tony Betten and Sons will save the City approximately \$2,100. The prices provided by the State of Michigan are anticipated to go up on October 1, 2010, with new bids being received on October 1, 2010.

The current 2009-2010 budget includes eight vehicles which can be purchased through Tony Betten and Sons. These vehicles are summarized in the attached spreadsheet. The budget also includes seven additional pieces of equipment which have to be bid separately and four police cruisers that may be purchased under the State bid at a later date.

If the Council concurs with the attached summary of vehicles, we will prepare the necessary resolutions for their September 20, 2010 City Council meeting.

2010-11 Purchase Programs

Vehicle Replacement (Motor Pool Fund)

Department	Existing Vehicle	Year	Current Mileage	Maintenance Costs	Maintenance Cost for last 3 Years	Replacement Vehicle	Vehicle Use	State Bid Amount	Tony Betten and Sons
City Hall (Pool)	Ford Windstar (173)	2001	46,235	\$ 4,234	\$ 946	Ford Escape	Pool Vehicle City Hall	\$ 15,997	\$ 15,657
Facilities	Ford F250 (247) *	1995	70,125	11,621	3,844	Ford F150 V6	Facility Maintenance	17,802	17,758
	Dodge 2500 3/4 ton (259) **	1996	98,500	14,150	4,840	Ford F150 V6	Facility Maintenance	17,802	17,758
P.W.	Ford F250 4x4 (394)	2003	80,310	18,428	10,654	Ford F250 4x4	Duty Truck After Hours	20,501	20,028
Water	Ford Taurus Wagon (123)	2003	74,034	5,563	5,542	Ford Fusion	Water Treatment Staff	16,010	15,675
	Dodge 3/4-Ton 4x4 Pick-up w/plow (386)	2003	80,310	21,900	8,139	Ford F-250, 4x4	Maintenance Truck	20,501	20,160
Meter Shop	Ford F250 3/4 Ton (271)	2004	34,823	15,851	8,172	Ford F350 4x2	Maintenance Truck	22,682	22,215
Parks & Rec	Dodge 2500 3/4 ton 4x2 (268)	2003	71,563	7,710	3,266	Ford F250 4x2	Maintenance Truck	17,802	17,758

\$ 149,097 \$ 147,009

RESOLUTION NO. _____
RESOLUTION FOR AWARD OF BIDS

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

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

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

<u>ITEM</u>	<u>RECOMMENDED BIDDER</u>	<u>COST</u>
1. Carbide Under-Scraper Blades	Valk Manufacturing Co	Bid prices as shown on the attached memorandum
2. Post Top Luminaire (Type V LED Retro-Fit)	Beacon Products	Bid prices as shown on the attached memorandum

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

Motioned carried: _____ Yeas, _____ Nays

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan, at a _____ session held on the _____ day of _____, 2010.

Attachments: Memorandums

Heidi Isakson
Wyoming City Clerk

MEMORANDUM

DATE: September 15, 2010
TO: Mayor and City Council
FROM: William D. Dooley, Director of Public Works
SUBJECT: Award of Bid for Carbide Under-Scraper Blades

On Tuesday August 17, 2010 the City received eight (8) bid responses for Carbide Under-Scraper Blades for snow plows. Thirteen invitations to bid were sent to prospective bidders. A tabulation of the bids received is shown below.

	Price for One	Total Price for 90	Manufacturer of Blades
Valk Manufacturing Co.	\$153.56	\$13,820.40	Valk
Winter Equipment Co.	\$157.76	\$14,198.40	Winter Equipment Co.
MHL Systems	\$175.65	\$15,808.70	Kennametal
Heights Machinery	\$176.98	\$15,928.20	Black Cat Blades
Chemung Supply Corp	\$178.20	\$16,038.00	Evolution Edges
Shults Equipment, Inc.	\$179.97	\$16,917.30	Kennametal
Truck & Trailer Specialties	\$181.65	\$16,348.50	Kennametal
Winter Equipment Co.	\$256.00	\$23,040.00	Winter Road Maxx Blade

Carbide blades are used on the edge of the plow blade of the snow plow trucks. After reviewing the bids, it is our recommendation the City award the bid for ninety (90) Carbide Under-Scraper Blades to the lowest bidder, Valk Manufacturing Company for a one time purchase of \$13,820.40

Sufficient funds have been budgeted in the Public Works Winter Maintenance Supplies Accounts: 202-441-47800-740000 and 203-441-47800-740000.

MEMORANDUM

DATE: September 20, 2010

TO: Mayor and City Council

FROM: William D. Dooley, Director of Public Works

SUBJECT: Award of Bid for Post Top Luminaire (Type V LED Retro-Fit)

On Tuesday, September 7, 2010, the City received six bids for post top luminaire retro-fit kits. An invitation to bid was sent to seventy-one prospective bidders. DataLED Technologies, Inc. did not meet our specifications. Their retro-fit kit would require the replacement of the whole fixture instead of just the internal components as we requested. Also, their product would not fit in our existing equipment. A tabulation of the total bid amounts based on the estimated quantities is shown below.

Company	Unit Price	Total Estimated Bid Amount (Est. Qty. 170)
DataLED Technologies, Inc. *Did Not Meet Specifications	----	----
Beacon Products	\$410.00	\$69,700.00
Kendall Electric	\$429.00	\$72,930.00
Crites, Tidey & Associate, Inc.	\$796.00	\$135,320.00
Greybar Electric	\$837.89	\$142,441.30
Power Line Supply	\$928.00	\$157,760.00

After reviewing the bids, it is recommended that the City award the bid for Post Top Luminaire (Type V Retro-Fit) to Beacon Products. Based on the estimated quantity of 170 units the cost is \$69,700.00.

This project is funded through the U.S. Department of Energy's Energy Efficiency and Conservation Block Grant (EECBG). Sufficient funds have been budgeted in the LED Street Light Expense Account 202-441-47400-986.960.