

**AGENDA**  
**WYOMING CITY COUNCIL MEETING**  
**CITY COUNCIL CHAMBERS**  
**MONDAY, NOVEMBER 1, 2010 AT 7:00 P.M.**

- 1) Call to Order**
- 2) Invocation**  
Pastor Will Clegg, Wesley Park United Methodist Church.
- 3) Pledge of Allegiance**
- 4) Roll Call**
- 5) Student Recognition**
- 6) Approval of Minutes**  
From the regular meeting of October 18, 2010.
- 7) Approval of Agenda**
- 8) Public Hearings**
- 9) Public Comment on Agenda Items** (3 minute limit per person)
- 10) Presentations and Proclamations**
  - a) Presentations
  - b) Proclamations
- 11) Petitions and Communications**
  - a) Petitions
  - b) Communications
- 12) Reports from City Officers**
  - a) From City Council
  - b) From City Manager
- 13) Budget Amendments**
- 14) Consent Agenda**

*(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 Confirm the Appointment of Donald J. Cummings as a Member of the Board of Directors of the Economic Development Corporation and the Brownfield Redevelopment Authority for the City of Wyoming
  - b) To Approve Traffic Control Order No. 4.01-10
- 15) Resolutions**
  - c) To Authorize the Possession and Consumption of Alcoholic Beverages on City Property by the Wyoming Community Foundation
- 16) Award of Bids, Contracts, Purchases, and Renewal of Bids and Contracts**
  - d) To Approve Change Order Number Eleven for the Construction of the Phase 1B Plant Expansion Project and to Authorize the Mayor and City Clerk to Execute the Change Order
  - e) To Authorize Payment to the City of Holland for the City of Wyoming's Share of the Design Engineering Services for the Interconnect (Budget Amendment No. 22)
  - f) To Authorize Payments for Electronic Case Management
  - g) To Authorize the Purchase of a Touchprint Live Scan Booking System

- h) To Extend the Bid for Electrical Supplies
- i) To Award a Bid for Two Polyblends
- j) For Award of Bid
  - 1. Purge and Trap Device

**17) Ordinances**

- a) 10-10: To Amend Section 90-32 of the Code of the City of Wyoming by Adding Subsection (87) Thereto (rezone Bayberry Market Place from PUD-1 Low Density Planned Unit Development to B-1 Local Business. The property is located at 5751 Byron Center Ave., SW). FINAL READING
- b) \_\_\_\_: To Add Article XXIX to the Code of the City of Wyoming Entitled “Medical Marijuana (Marihuana) Regulation.” FIRST READING
- c) \_\_\_\_: To Add Section 90-34 to the Code of the City of Wyoming (Uses Prohibited by Law). FIRST READING

**18) Informational Material**

**19) Acknowledgment of Visitors**

**20) Closed Session** (as necessary)

**21) Adjournment**

RESOLUTION NO. \_\_\_\_\_

RESOLUTION TO CONFIRM THE APPOINTMENT OF DONALD J. CUMMINGS  
AS A MEMBER OF THE BOARD OF DIRECTORS OF THE  
ECONOMIC DEVELOPMENT CORPORATION AND THE  
BROWNFIELD REDEVELOPMENT AUTHORITY  
FOR THE CITY OF WYOMING

WHEREAS, a vacancy exists in an unexpired term ending February 13, 2012 on the Board of Directors of the Economic Development Corporation and the Brownfield Redevelopment Authority for the City of Wyoming, Michigan, and

WHEREAS, Mayor Jack A. Poll has recommended the appointment of Donald J. Cummings as a member of the Board of Directors of the Economic Development Corporation and the Brownfield Redevelopment Authority, now there

BE IT RESOLVED, that the City Council for the City of Wyoming, Michigan, does hereby confirm the appointment of Donald J. Cummings as a member of the Board of Directors of the Economic Development Corporation and the Brownfield Redevelopment Authority for the City of Wyoming, Michigan for the unexpired term ending February 13, 2012.

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 1<sup>st</sup> day of November, 2010.

\_\_\_\_\_  
Heidi A. Isakson  
Wyoming City Clerk

Resolution No. \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_

RESOLUTION TO APPROVE  
TRAFFIC CONTROL ORDER NO. 4.01-10

WHEREAS, Traffic Control Order No. 4.01-10 as set forth in exhibit attached hereto and made a part of this Resolution, has been proposed in the City of Wyoming, and

WHEREAS, it is recommended by the City Traffic Engineer, as required by the Uniform Traffic Code for Cities, Townships and Villages, Part 2, Section R 28.1153, issued in October 2002 by the Commissioner of the Michigan State Police, and adopted by the City of Wyoming, that said Traffic Control Order should be approved by the City Council as permanent; now, therefore,

BE IT RESOLVED that such final approval be and is hereby granted that the aforesaid Traffic Control Order No. 4.01-10 be made a permanent part of the Traffic Control Order Files of the City of Wyoming.

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 1st day of November, 2010.

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HEIDI A. ISAKSON  
Wyoming City Clerk

Attachments

Resolution No. \_\_\_\_\_



MAYOR  
Jack A. Poli

AT-LARGE COUNCILMEMBER  
Sam Bolt

AT-LARGE COUNCILMEMBER  
Dan Burrill

AT-LARGE COUNCILMEMBER  
Kent Vanderwood

1ST WARD COUNCILMEMBER  
William A. VerHulst

2ND WARD COUNCILMEMBER  
Richard K. Pastoor

3RD WARD COUNCILMEMBER  
Joanne M. Voorhees

CITY MANAGER  
Curtis L. Holt

November 1, 2010

**PERMANENT  
TRAFFIC CONTROL ORDER NO. 4.01-10**

Pursuant to provisions of Wyoming City Code, Chapter 78, Article II, adopting Sections R 28.1125 and R 28.1153 of the Michigan Uniform Traffic Code, the following regulatory order has been issued and shall take effect immediately:

1. LOCATION:

36<sup>th</sup> Street at General Motors' drive

2. REGULATION:

A. Part of Traffic Control Order No. 4.01-84, dated March 5, 1984, is hereby revoked

B. The existing traffic signal will be removed due to General Motors' plant closing

3. SIGNS:

As required

4. EFFECTIVE:

Immediately

Authority,

  
William D. Dooley, PE  
Traffic Engineer

WDD:nl

cc: Police Dept



RESOLUTION NO. \_\_\_\_\_

RESOLUTION TO AUTHORIZE THE POSSESSION AND CONSUMPTION  
OF ALCOHOLIC BEVERAGES ON CITY PROPERTY  
BY THE WYOMING COMMUNITY FOUNDATION

WHEREAS, the Wyoming Community Foundation plans to hold the seventh annual donor reception and recognition program in the City of Wyoming, and

WHEREAS, for purposes of the reception, the Foundation will be using property owned by the City of Wyoming in the Wyoming Public Library Community Room, and

WHEREAS, the Wyoming Community Foundation plans to have a reception at which alcoholic beverages will be served on November 18, 2010, and

WHEREAS, pursuant to section 50-36 of the Code of the City of Wyoming, possession and consumption of alcohol on City property is allowed only under certain circumstances with specific approval of the City Council, and

WHEREAS, the Wyoming Community Foundation reception will involve wine served by a caterer with the appropriate liquor license and will be for a limited period of time in a limited area, now, therefore,

BE IT RESOLVED, that the Wyoming City Council does hereby authorize possession and consumption of wine at the reception hosted by the Wyoming Community Foundation on November 18, 2010, between 5:00 p.m. and 7:00 p.m. on City property at the Wyoming Public Library.

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 1<sup>st</sup> day of November 2010.

\_\_\_\_\_  
Heidi A. Isakson  
Wyoming City Clerk

Resolution No. \_\_\_\_\_

October 22, 2010

Curtis Holt, Manager  
City of Wyoming  
1155 28<sup>th</sup> Street, S.W.  
Wyoming, Michigan 49509

Dear Curtis,

Once again I write on behalf of the Wyoming Community Foundation, to request that the group be allowed to offer wine to guests in attendance at a Foundation event, to be held in the Wyoming Library, a city-owned facility. The City Council has annually approved such a request since 2003.

This year's event is to be held on Thursday, November 18<sup>th</sup>, from 5:00 to 7:00 p.m., and is by invitation only. The purpose of this ninth annual event is to recognize and thank those individuals – almost all of whom are City residents or business owners - who have given monies to the Foundation to further its purpose. Their donations remain in the City to fund educational, scientific, recreational, cultural, and charitable enterprises.

During the reception, the year's special honorees are recognized as well, and are always individuals who have given substantially in their contributions to the Wyoming Community Foundation, and therefore to Wyoming itself. This year's honoree is Bob Israels.

The Foundation Board hopes for a favorable view of this catered event and to allow the availability of wine, as well as soft drinks and hors d'oeuvres at this invitational reception.

Sincerely,

Mary Hollinrake  
Wyoming Community Foundation Board

RESOLUTION NO. \_\_\_\_\_

RESOLUTION TO APPROVE CHANGE ORDER NUMBER ELEVEN  
FOR THE CONSTRUCTION OF THE PHASE 1B PLANT EXPANSION PROJECT  
AND TO AUTHORIZE THE MAYOR AND CITY CLERK  
TO EXECUTE THE CHANGE ORDER

WHEREAS, on February 15, 2007, City Council adopted Resolution #22480 which authorized award of bid to Granger Construction Company for the construction of the Phase 1B Plant Expansion at the City's Water Treatment Plant, and

WHEREAS, a change order is being requested as detailed in the attached memorandum from the City's Water Plant Superintendent, now therefore

BE IT RESOLVED, that the Wyoming City Council does hereby authorize change order number eleven as summarized in the attached memorandum and authorizes the Mayor and City Clerk to execute the change order.

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: Memorandum  
Change Order Number Eleven

\_\_\_\_\_  
Heidi Isakson  
Wyoming City Clerk

## Memorandum

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**To:** Curtis Holt, City Manager  
**From:** Gerald Caron, Superintendent  
**Date:** July 27, 2010  
**Re:** Phase 1B Change Order #11

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The Water Treatment Plant – Phase 1B Project is now nearing completion. There are a number of remaining items to be addressed - five of the items are included in Change Order No.11, as described in the attached memorandum from Black & Veatch.

To date approximately \$1,487,000.00 of the \$3.5 million contingency has been used as follows:

Original Balance:	\$3,500,000
Foundation Modifications:	\$560,000
Construction Staking & Testing:	\$100,000
Septic System Modifications:	\$40,000
Misc STF items per CO #8:	\$200,000
Misc NTF items per CO #9:	\$170,000
Additional Scope for B&V CO #1:	\$345,000
Misc Main Bldg items per CO #10	\$72,000
Current Balance:	\$2,013,000

The total cost of the needed changes to the contract for the described items in Change Order #11 is as follows:

Current Balance:	\$2,013,000.00
Change Order #11:	\$107,000.00
Remaining Balance	\$1,906,000.00

In conclusion, I recommend approval of Change Order No. 11 for \$106,800 on the contract with Granger Construction Company. The total revised Contract amount with the change order is \$71,064,360.36.

cc: B. Dooley

MEMORANDUM

Wyoming, Michigan  
Donald K. Shine WTP  
Phase IB Expansion  
Contract Change Summary

B&V Project 145727  
B&V File G-1.9  
October 25, 2010

To: G. Caron, City of Wyoming

From: D. Koch, B&V

This memorandum provides information related to several changes to the construction scope of work for the Phase IB Expansion project at the Wyoming WTP. Several items have been identified that are outside the scope of the work included in the Contract between the City of Wyoming and Granger Construction, and for which justifiable impacts can be identified affecting the Contract Price. These changes are recommended to be implemented via Change Order as indicated herein.

Sample Line Insulation

In the course of start-up and initial operation of the sampling system, condensation was observed on sampling lines in finished areas. Insulating the sampling lines in finished areas will prevent moisture damage to adjacent finished materials.

We have reviewed the necessary changes with the Contractor and have solicited and reviewed cost information related to the changes in the amount of approximately \$23,500 and believe these costs to be reasonable for the required changes.

Fire Rated Materials for Existing 2-hour Rated Walls

Upon removal of existing finish materials in the Main Building, structural wall members and walls were observed which did not currently meet the 2-hour fire rating requirement. To address this, a portion of the 2-hour wall was extended vertically to contact the deck above and fire rated materials were used to fill penetrations. Remaining portions of the 2-hour rated wall require the addition of fire rated materials on structural steel. This condition applies to the entire length of the grade level and operating floors between the existing building and the new expansion.

We have reviewed the necessary changes with the Contractor and have solicited cost information related to the changes. The Contractor has submitted a proposal in the amount of approximately \$76,300. We are currently reviewing their submittal and initially believe these costs are reasonable for the required changes. We will complete our review prior to accepting the proposed cost for Change Order.

Service Sink Relocation

The existing mop service floor sink in the Main Building was intended to be re-used. However, architectural improvements required the sink to be relocated within the room. Plumbing supply and drain piping was also relocated to facilitate re-use of the sink.

We have reviewed the necessary changes with the Contractor and have solicited and reviewed cost information related to the changes in the amount of approximately \$3,000, and believe these costs to be reasonable for the required changes.

Light at Main Building Entry

Change Order No. 1 deleted the entry awning to the Main Building and associated electrical, which included exterior lighting. The City of Wyoming Inspections Department has informed us exterior emergency lighting must be provided to meet building code requirements.

We have solicited cost proposals for exterior emergency lighting and anticipate the cost to be approximately \$2000. We will review proposal information prior to accepting the proposed cost for Change Order.

#### IT Room Ventilation and Air Conditioning

Upon startup of server equipment in the Main Building IT Room, we have observed high temperatures which may impact the performance and long-term reliability of the equipment.

We have solicited cost proposals for ventilation and air conditioning provisions in the IT Room. We anticipate the cost to be approximately \$2000 and will review proposal information prior to accepting the proposed cost for Change Order.

The estimated net impact of the project changes described herein is as summarized below:

- Net potential increase to Construction Contract (Granger Construction): \$106,800

Upon concurrence of the City, and pending additional detail and information on certain items described herein, we will prepare Change Order documents for the execution of the changes.

Please contact me should you have any questions on this information.

cc: B. Dooley, City of Wyoming

WYOMING, MICHIGAN  
DONALD K. SHINE WATER TREATMENT PLANT

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PHASE IB EXPANSION

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DRAFT CHANGE ORDER NO. 11

A. SCOPE. Change Order No. 11 consists of pages CO11-1 through CO11-4 and covers the following changes to the Contract provisions.

B. GENERAL

All work to be in accordance with applicable requirements of the Contract Documents.

Sample Line Insulation. Provide insulation on sampling lines in the Skyway, North and South Filter Corridors and Rooms 2107, 2112, and 2133.

These changes result in an increase of \$23,412.90 to the Contract Price.

Fire Rated Materials for Existing 2-hour Rated Walls. Area A Grade Level: Extend the existing wall on M-line from 2-line to 5-line vertically to contact the deck above. Provide materials to meet 2-hour fire rating at Grade Level 2-line, Q-line to R-line in Corridor 2112. Apply spray fireproofing to south side of exposed structural steel beams. Fill around penetrations with fire rated sealant.

Area B Upper Level: Provide materials to meet 2-hour fire rating at Upper Level 3-line, A-line to M-line in Chemical Feed Room 2219 and Day Tanks Room 2235. Apply fireproofing material to the south side of beams on Roof Level 3-line. Apply fireproofing material to exposed structural steel columns. Fill above beams with UL listed mineral wool and fire rated sealant.

These changes result in an increase of \$76,300.00 to the Contract Price.

Service Sink Relocation. The existing mop service floor sink in the Main Building was intended to be re-used. However, architectural improvements required the sink to be relocated within the room. Plumbing supply and drain piping was also relocated to facilitate re-use of the sink.

These changes result in an increase of \$3,006.15 to the Contract Price.

Light at Main Building Entry. Provide exterior emergency lighting at the Lobby entrance to the Main Building.

These changes result in an increase of \$2,000.00 to the Contract Price.

IT Room Ventilation and Air Conditioning. Provide additional ventilation air conditioning to the Main Building Server Room 2171.

These changes result in an increase of \$2,000.00 to the Contract Price.

By reason of this Change Order No. 11, the Contract Price shall be increased by \$106,719.05 to \$71,064,079.41.

SUMMARY

Original Contract Amount	\$81,078,000
Change Order No. 1	(\$)
Change Order No. 2	\$179,850
Change Order No. 3	Not Used*
Change Order No. 4	\$43,213
Change Order No. 5	\$180,000
Change Order No. 6	\$0
Change Order No. 7	\$188,949.18
Change Order No. 8	\$192,571.09
Change Order No. 9	\$140,880.16**
Change Order No. 10	\$71,835.93
Change Order No. 11	\$106,719.05
Revised Contract Amount	\$71,064,079.41

\*Change Order No. 3 has been cancelled.

\*\*Change Order No. 9 includes extension of Substantial Completion to September 15, 2010.

All other provisions of the contract remain unchanged.

*This Change order constitutes a full and complete settlement of the matters set forth herein; including all direct and indirect costs for equipment, manpower, overhead, profit and time. This settlement also is limited to and applies to any claims arising out of or in account of the matters described and set forth in this agreement.*

Recommended by:

BLACK & VEATCH  
(Engineer)

\_\_\_\_\_  
David S. Koch, P.E.  
Project Manager

CITY OF WYOMING, MICHIGAN  
(Owner)

\_\_\_\_\_  
Gerald H. Caron  
WTP Superintendent

Approved as to form:

\_\_\_\_\_  
Jack R. Sluiter  
Counsel, City of Wyoming

Accepted by:

GRANGER CONSTRUCTION COMPANY  
(Contractor)

\_\_\_\_\_  
Name:  
Title:

Accepted by:

CITY OF WYOMING, MICHIGAN  
(Owner)

\_\_\_\_\_  
Jack Poll, Mayor

\_\_\_\_\_  
Heidi A. Isakson, City Clerk

Date \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_

RESOLUTION TO AUTHORIZE PAYMENT TO THE CITY OF HOLLAND  
FOR THE CITY OF WYOMING'S SHARE OF THE DESIGN  
ENGINEERING SERVICES FOR THE INTERCONNECT

WHEREAS, the City of Wyoming owns and operates the Donald K. Shine Water Treatment Plant which serves the potable water needs of its residents and those of its wholesale customer communities, and

WHEREAS, as detailed in the attached memorandum from the Drinking Water Plant Superintendent, the City's of Holland and Wyoming are continuing to proceed with the final revisions of the Interconnect Agreement for the Holland-Wyoming Interconnect project, and

WHEREAS, it is necessary to move forward with the design engineering for the Interconnect, with Wyoming's share of the cost being approximately \$71,445.45, and

WHEREAS, payment of Wyoming's share of the cost for the design engineering services will require approval of the attached budget amendment, now therefore

BE IT RESOLVED, that the Wyoming City Council does hereby authorize payment to the City of Holland for the City of Wyoming's share of the design engineering services for the Interconnect.

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  
Budget Amendment

\_\_\_\_\_  
Heidi Isakson  
Wyoming City Clerk

Resolution No. \_\_\_\_\_

## Memorandum

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**To:** Curtis Holt, City Manager  
**From:** Gerald Caron, Superintendent  
**Date:** October 21, 2010  
**Re:** Holland Interconnect Engineering

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As you may recall at the last City Council work session, we discussed the status of the Holland – Wyoming interconnect project. We continue to proceed with final revisions of the interconnect agreement. We have now been notified by the state that we are the number one contingency project on the Drinking Water Revolving Loan Fund program (DWRLF).

Our contingency status on the DWRLF means that we are next in line to be funded if another approved community decides not to pursue their approved project. If we do drop into the fundable range, we would be eligible for a 15 percent loan forgiveness grant and a low interest loan.

In order to be ready to accept the loan and grant should we fall into the fundable range, we need to move forward with the design engineering. If we do not receive the DWRLF loan, we would still be able to shelf the design plans and specifications and use them at a later date. It would be ready to go, when we decide to move forward with the project.

The total cost for the design engineering for the Holland interconnect is \$149,440.00. The City of Wyoming's share of this cost is \$71,444.45. If we move forward with the project there will be additional engineering costs for bidding and construction phase services. Our total share of the engineering cost when we move forward with the project will be less than \$200,000.00. Additional engineering cost will be brought to the City Council for approval when we get ready to move forward with the project.

In conclusion, I am seeking authorization to share in the cost for the Holland interconnect engineering design with the City of Holland. Our cost for this engineering is not to exceed \$71,444.45. Funding was budgeted in the 2009/2010 budget to cover this expense, but not re-appropriated due to the uncertainty of this project moving forward. A fund transfer from working capital to account 591-591-57300-986.470 will be needed for this expense.

cc: B. Dooley

CITY OF WYOMING BUDGET AMENDMENT

Date: November 1, 2010

Budget Amendment No. 022

To the Wyoming City Council:

**A budget amendment is requested for the following reason: To appropriate \$71,450 of budgetary authority to provide funding for Engineering Services related to the Holland Water Interconnect per attached resolution**

<u>Description/Account Code</u>	<u>Current</u>	<u>Increase</u>	<u>Decrease</u>	<u>Amended</u>
<b><u>Water</u></b>				
Water - Capital Outlay - Transmission Main Interconnect 591-591-57300-986.470	\$0	\$71,450		\$71,450
Fund Balance/Working Capital (Fund 591)			\$	71,450

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 AUTHORIZE PAYMENTS  
FOR ELECTRONIC CASE MANAGEMENT

WHEREAS, as detailed in the attached memorandum, the 62-A District Court uses Judicial Information Systems (JIS) for electronic case management, and

WHEREAS, JIS is authorized and managed by the Michigan Supreme Court Administrative Office and annual fees are required for use of the system, and

WHEREAS, the City's 2011 estimated annual fees are \$34,107.04, and

WHEREAS, payments for the use of the electronic case management system are charged to account number 101-136-13600-805000, now therefore

BE IT RESOLVED, that the Wyoming City Council does hereby authorize the payment of the 2011 fees for electronic case management to JIS and authorizes the City Manager to approve future payments for electronic case management in accordance with the annual 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  
Invoice

\_\_\_\_\_  
Heidi Isakson  
Wyoming City Clerk

STATE OF MICHIGAN



WYOMING DISTRICT COURT  
62-A JUDICIAL DISTRICT  
2650 DEHOOP S.W.  
WYOMING, MI 49509-1893

PABLO CORTES  
CHIEF JUDGE

STEVEN M. TIMMERS  
CHIEF JUDGE PRO TEMPORE

RECEIVED

OCT 25 2010

HUMAN RESOURCES

CHRISTOPHER KITTMANN  
COURT ADMINISTRATOR

JANE LIND  
DEPUTY COURT ADMINISTRATOR

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**MEMORANDUM**

**Date:** 10/21/10  
**To:** Curtis Holt, City Manager  
**From:**  Christopher Kittmann, Court Administrator  
**RE:** Judicial Information Systems

---

I was recently informed by the City of Wyoming's Finance Department that a resolution needs to be approved by the City Council in order to continue with quarterly payments to the courts electronic case management vendor, Judicial Information Systems [JIS].

As a point of reference, JIS is managed by the Michigan Supreme Court – State Court Administrative Office, and has been the courts case management vendor since 1984.

During its 25 year relationship with the court, JIS has proven itself to be dependable and reliable.

Therefore, I am asking the council to approve a resolution to maintain JIS as the 62-A District Court's electronic case management vendor.

Attached to this memorandum is the 2011 estimate for JIS user fees. This yearly fee is paid out quarterly.

The court is not asking the council for additional funds. Thank you.



**Michigan Supreme Court**  
 State Court Administrative Office  
 Judicial Information Systems  
 Michigan Hall of Justice  
 P.O. Box 30048  
 Lansing, Michigan 48909  
 Phone (888) 339-1547

Marcus Dobek, Director

Invoice Date: xx-xx-xx  
 Due Date: xx-xx-xx

Christopher Kittman  
 Court Administrator  
 62A District Court  
 Police Justice Building  
 2650 DeHoop Avenue, SW  
 Wyoming, MI 49509-1820

**REQUEST FOR REIMBURSEMENT FOR SERVICES TO BE RENDERED  
 DURING THE 2011 CALENDAR YEAR**

Software Support Fee:	\$27,556.29
Jury Fee:	\$0.00
File Storage Fee:	\$4,850.75
SOS/LEIN Fee:	\$1,700.00
Location Fee:	\$0.00
Special Cost:	\$0.00
<b>TOTAL TO BE RENDERED:</b>	<b>\$34,107.04</b>

Please include your court code and billing code on your check. Please enclose a copy of this invoice when submitting your check made payable to the STATE OF MICHIGAN.

Court Code: D62A

Billing Code 1530-02

Forward invoice and check to: MICHIGAN SUPREME COURT FINANCE  
 P.O. BOX 30052, LANSING, MI 48909

2011 Estimated User Fee - Do Not Pay

RESOLUTION NO. \_\_\_\_\_

RESOLUTION TO AUTHORIZE THE PURCHASE OF A  
TOUCHPRINT LIVE SCAN BOOKING SYSTEM

WHEREAS, as detailed in the attached memorandum from the City’s Police Department, the current TouchPrint 3800 Live Scan Booking System is in need of replacement to comply with State and Federal regulations, and

WHEREAS, the system is only available from Identix Incorporated/L-1 Identity Solutions, and

WHEREAS, funds for the purchase of the system are available in account number 101-305-30500-973000, now therefore

BE IT RESOLVED, that the Wyoming City Council does hereby authorize the purchase of a TouchPrint 5900 Live Scan Booking System from Identix Incorporated/L-1 Identity Solutions in the amount of \$36,235.00, and

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 builders, and the bid opening procedures.

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  
Quotation

\_\_\_\_\_  
Heidi Isakson  
Wyoming City Clerk

Interdepartmental Correspondence

**TO:** Chief James E. Carmody  
Captain Brad Schutter

**FROM:** Sergeant Mark Easterly

**DATE:** October 21, 2010

**SUBJECT:** TouchPrint Live Scan Booking Station Upgrade



PATROL DIVISION

We have been investigating the Departments options as it comes to our current TouchPrint 3800 Live Scan Booking System. Our current system is in serious need of upgrades in both the software and hardware to operate successfully. Through our research the Identix Incorporated / L-1 Identity Solutions is the only company manufacturing the Live Scan Booking System that is compatible with current State and Federal regulations.

We spoke with a company representative and asked if our current hardware and/or software could be upgraded so replacement would not be necessary. We were told that the issue is not with the software, although there is an updated software version in place, but that the hardware is the problem and there are no upgrades for said hardware, the 3800 after 6 years has become obsolete. Unfortunately our business requires us to maintain the Live Scan function so we must upgrade our current obsolete system.

There are currently five Live Scan models for sale. Three models are below our current standard so we are left with both the Model 5300, which matches our current Live Scan Station, and the 5900 which is the next step up from what we currently have.

Model 5900 (brochure attached) has been quoted at \$36,235 and has the ten print as well as rolled upper and rolled lower palm print capabilities. This model is the official replacement model for our current 3800, but beefed up for better AFIS quality comparisons and a better hit rate involving partial and full palm prints.

Model 5300 is approximately \$1,100 cheaper than the 5900. This model has the same ten print function but only allows for a flat palm print application which greatly reduces its function and hit rate.

We would recommend the purchase of the Model 5900. If the purchase is approved we would recommend the purchase to be taken from the following budget accounts.

BYRNE 2010                      101-305-30500-973000

Original grant amount: \$37,499



Identix, Incorporated  
 5705 W Old Shakopee Road  
 Bloomington, MN 55437  
 USA  
 Phone (800) 932-0890  
 Fax (952) 932-7181

# Customer Quotation

Quote# **9870 - 1**  
 Date: 18-OCT-2010  
 Expires: 18-DEC-2010  
 Page: 1/3

Customer Information	Billing Information	Shipping Information	Quote Information
<b>ATTN:</b> MIKE STRUVE <b>CUST NAME:</b> WYOMING POLICE DEPARTMENT PHONE: 616 530-7354 FAX: EMAIL: STRUVEM@WYOMINGM.I.GOV  <b>ADDR:</b> 2300 DEHOOP AVENUE SW WYOMING, MI 49509 United States	<b>CUST NAME:</b> WYOMING POLICE DEPARTMENT PHONE: FAX: EMAIL:  <b>ADDR:</b> PO BOX 905 ACCOUNTING DEPARTMENT WYOMING, MI 49509-0905 United States	<b>CUST NAME:</b> WYOMING POLICE DEPARTMENT PHONE: FAX: EMAIL:  <b>ADDR:</b> 2300 DEHOOP AVENUE SW WYOMING, MI 49509 United States	<b>SALES REP:</b> Gary Newlin PHONE: 952-442-8701 CELL: FAX: 952-442-1327 EMAIL: GNEWLIN@L1id.com  <b>CUST TYPE:</b>

Product	Price Source	Units	Qty	Unit Price Selling (USD)	Extended Price (USD)
<b>TPE-5900-ED</b> TouchPrint™ 5900 high definition 500ppi Live Scan booking station with integrated full-hand scanning; includes appliance and full-hand scanning deck, standalone cabinet, desktop PC with 17" monitor and speakers, TouchPrint Enterprise application software with slap to roll matching. Windows XP O/S and 30" deck. 1 year 9 to 5 on-site warranty service included.	S&L LAW ENFORCEMENT	EA	1	\$29,495.00	\$29,495.00
<b>TPE-PRT-TRAY</b> TouchPrint™ Additional Tray 500 Sheet Upgrade for T650 Printer. Enterprise applications only. The printer may have up to 4 additional trays configured for a total of 5 trays per Printer.	S&L LAW ENFORCEMENT	EA	1	\$425.00	\$425.00
<b>TPE-PRT-DUP</b> TouchPrint Duplex Fingerprint Card Printer - for printing double sided cards. Enterprise applications only. 1 yr. Help Desk Warranty included..	S&L LAW ENFORCEMENT	EA	1	\$2,380.00	\$2,380.00
<b>PRT- DUP- W95</b> <b>WARRANTY UPGRADE 9X5</b> <b>Duration: 1 YR</b>	S&L LAW ENFORCEMENT	YR	1	\$166.00	\$166.00
<b>TPE-CSTX-MI001</b> Michigan Touch Print Enterprise Customization. Supported TOT's =CRMBLD=CAR, CRIMCOURT=CAR, MAP Transmission method = NATMS and NIST file output to local drive, Return Messages = NATMS return messages if return messages are use	S&L LAW ENFORCEMENT	EA	1	\$374.00	\$374.00



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# Customer Quotation

Quote# 9870 - 1  
 Date: 18-OCT-2010  
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 Page: 2/3

Product	Price Source	Units	Qty	Unit Price Selling (USD)	Extended Price (USD)
<b>TPE-COMX-FTP</b> Touch Print Enterprise Fingerprint Record Transmission via generic FTP.	S&L LAW ENFORCEMENT	EA	1	\$425.00	\$425.00
<b>TPE-COMX-FTP-SSH</b> Touch Print Enterprise Fingerprint Record Transmission via FTP over SSH (SFTP). This software provides secure FTP Communication using SSH (Secure SHell)	S&L LAW ENFORCEMENT	EA	1	\$425.00	\$425.00
<b>TP-IAT-2DAY</b> Installation and Training; Two Day: Standard two day on-site installation and training services. Includes one day of installation and one day of training. Training day is for Operators (up to 6 people) and for System Managers (up to 4 people). Recommended for TP-3800 series livescan systems. Includes travel and all related expenses.	S&L LAW ENFORCEMENT	EA	1	\$2,195.00	\$2,195.00
<b>FREIGHT</b> <b>FREIGHT</b>	S&L LAW ENFORCEMENT	EA	1	\$350.00	\$350.00
				<b>Subtotal</b>	
				Selling Price	\$36,235.00
				<b>Total for Extended Quantity System Configuration</b>	<b>\$36,235.00</b>



# Terms And Conditions

Quote#: 9870 - 1

Stated prices do not include any sales, use, value added, federal, state local or other taxes, or any custom duties. All such taxes or duties shall be paid by customer, or in lieu thereof, customer shall provide an appropriate tax exemption form. Customer shall in its purchase order specifically include the applicable sales tax amount or provide a current tax exemption certificate. Without the applicable tax amount or a tax exemption certificate, Identix will not enter the purchase order. Identix reserves the right to invoice customer for sales tax calculation in customer's purchase order that is insufficient.

## General Terms and Conditions:

- 1) This Quotation is valid for 90 days from the date of Quotation.
- 2) Purchase Order must reference correct Quotation Number and Date of Quotation.
- 3) Unless otherwise agreed to in writing by Identix, all sales of Identix hardware products, and all licenses of Identix software, are subject to Identix' standard terms and conditions of sale and license.
- 4) Unless otherwise agreed to in writing by Identix, all products are subject to Identix' standard warranty, at the quoted Warranty Service Level, for a period of one year from the date of installation.
- 5) Unless otherwise agree to in writing by Identix, Products are sold FOB - Identix Factory, Minnetonka, MN. Prices are exclusive of shipping, handling and freight charges, which are separately identified in the Quotation, and which are the sole responsibility of the purchaser.
- 6) Stated prices do not include any sales, use, value added, federal, state or local or other taxes, or any customs duties. All such taxes or duties shall be paid by customer, or, in lieu thereof, customer shall provide an appropriate tax exemption form. Customer shall in its purchase order specifically include the applicable sales tax amount or provide a current tax exemption certificate. Without the applicable tax amount or a tax exemption certificate, Identix will not enter the purchase order. Identix reserves the right to invoice customer for sales tax in the event the calculated amount in customer's purchase order is insufficient.
- 7) Subject to credit approval by Identix, all payments are due in full net thirty (30) days from date of invoice. In the event Identix does not approve such credit, other payment terms must be agreed upon by the parties.
- 8) Prices are exclusive of engineering or other labor service charges provided by Identix at the request of purchaser, unless such engineering or other labor is expressly covered by warranty and otherwise required directly as a result of defects in materials or workmanship. Engineering and other labor services, as well as parts and materials, provided by Identix outside of applicable warranty shall be paid for by the purchaser at Identix' then current time and materials charges.
- 9) Identix provided maintenance support following the warranty period is recommended by Identix. Help Desk, On-Site and 24/7 maintenance support programs are available, subject to execution of Identix Standard Maintenance Agreement.
- 10) Where applicable, in sole judgment of Identix, this Quotation is subject to existing contract pricing between Identix and the purchaser . Current contract number must be identified on the Purchase Order.
- 11) Any discount prices are for like quantities ordered on the same Purchase order. Quantities are not cumulative. Any change in the quantity ordered may affect price. Contact Identix for new quote with desired quantities.
- 12) This Quotation and these terms and conditions apply to domestic U.S. orders only.
- 13) This Quotation is Identix Incorporated proprietary.

RESOLUTION NO. \_\_\_\_\_

RESOLUTION TO EXTEND THE BID FOR  
ELECTRICAL SUPPLIES

WHEREAS, on December 7, 2009 City Council adopted Resolution number 23467 awarding the bid for electrical supplies to the low bidder, Kendall Electric Inc, and

WHEREAS, Kendall Electric Inc. has offered to extend their current bid pricing for electrical supplies through December 31, 2011, and

WHEREAS, the electrical supplies are requisitioned as required throughout the year and funds for their purchase are budgeted in the various departmental operating accounts, now therefore

BE IT RESOLVED, that the Wyoming City Council does hereby extend the bid for electrical supplies with Kendall Electric Inc. through December 31, 2011, and

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, notifications 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.

Attachments: Memorandum  
Letter from Kendall Electric Inc.  
Tabulation Sheet

\_\_\_\_\_  
Heidi Isakson  
City Clerk

Resolution No. \_\_\_\_\_

# Memorandum

**To:** Kim Oostindie, Human Resources Supervisor  
**From:** Tom Wilson, Clean Water Plant Maint. Supervisor *Tom*  
**Date:** October 26, 2010  
**Re:** Resolution to Extend Contract to Purchase Electrical Material

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In November of 2009 we prepared bid specifications and put together a typical list of electrical supplies commonly purchased at our utility plants. We solicited bids from 33 vendors. In response, we received bids from five vendors; however two of the bidders only provided pricing on a very small segment of the typical supplies we purchase. Of the three complete bids Kendall Electrical Supply Company submitted the low bid.

Per resolution #23467, dated 12/7/09, Kendall Electric was awarded the Electrical Material contract of the year 2010. The bid was good for one year with the option to extend this bid after a one year period provided on the level of customer service received, and the effort made by Kendall Electric keeping any price increases in line with the Consumer Price Index guidelines.

Kendall Electric has contacted the City of Wyoming and has offered to extend the purchase contract of 2010 another full year to 2011 at no additional cost to the City. Kendall has proven to be an excellent supplier that provides an excellent product at a competitive price. Along with an excellent product that have also provided excellent customer service whether it be for repairs or in search for a new product they are very responsive.

As we know today's market is very volatile. By accepting the proposal from Kendall Electric to hold their prices for another year would be beneficial in holding our budget in line.

Therefore, I am recommending that the City Council accept the letter from Kendall Electric which states they will extend the current pricing on electrical material through the year 2011 and award them contract extension.

Reviewed and Approved by: \_\_\_\_\_



Craig Smith, Clean Water Plant Superintendent

Reviewed and Approved by: \_\_\_\_\_



Thomas Kent, Deputy Director of Public Works

cc: Bill Dooley, Director of Public Works



**10/14/10**

**To the City of Wyoming,**

**Kendall Electric will extend purchase contract # 2010 – 00000656 until 12/31/11. Start date of this extension will be 12/11/10 and expire 12/31/11.**

**Sincerely**

**Eddie Streeter  
Kendall Electric Incorporated**

**CITY OF WYOMING, MICHIGAN**

**TABULATION OF BIDS**

**On Electrical Supplies**

Opened by the City Clerk on November 10, 2009 at 11:00 a.m. o'clock

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

		Kendall Electrical Supply Company	All Phase Electric Supply Col.*	Standard Electric Company**	Voss Lighting, Inc.***	Electrical Terminal Service
ITEM #	DESCRIPTION	UNIT COST	UNIT COST	UNIT COST	UNIT COST	UNIT COST
<b>GROUP I - CONDUIT NIPPLES (inches)</b>						
1	1/2" x Chase	\$44.55	\$20.00	\$27.36		
2	1/2" x Close	\$28.71	\$43.50	\$37.54		
3	1/2" x 2"	\$38.61	\$59.00	\$50.90		
4	1/2" x 3"	\$46.53	\$68.92	\$59.45		
5	1/2" x 4"	\$54.45	\$82.00	\$70.55		
6	1/2" x 5"	\$60.39	\$91.50	\$78.95		
7	1/2" x 6"	\$72.27	\$110.00	\$94.30		
8	3/4" x Chase	\$61.38	\$35.00	\$56.30		
9	3/4" x Close	\$37.62	\$56.25	\$48.45		
10	3/4" x 2"	\$43.56	\$66.50	\$57.25		
11	3/4" x 3"	\$53.46	\$80.50	\$69.45		
12	3/4" x 4"	\$63.36	\$95.35	\$82.25		
13	3/4" x 5"	\$73.26	\$109.65	\$94.55		
14	3/4" x 6"	\$85.14	\$128.00	\$110.25		
15	1" x Chase	\$49.50	\$66.00	\$106.95		
16	1" x Close	\$57.42	\$84.25	\$72.60		
17	1" x 2"	\$61.38	\$92.75	\$79.95		
18	1" x 3"	\$75.24	\$112.35	\$96.85		
19	1" x 4"	\$91.08	\$136.65	\$117.80		
20	1" x 5"	\$102.96	\$155.00	\$133.60		
21	1" x 6"	\$112.86	\$169.50	\$146.00		
22	1-1/4" x Chase	\$178.20	\$125.00	\$193.35		
23	1-1/4" x Close	\$89.10	\$110.00	\$94.50		
24	1-1/4" x 2"	\$78.21	\$118.00	\$101.65		
25	1-1/4" x 3"	\$93.06	\$139.25	\$120.00		
26	1-1/4" x 4"	\$111.87	\$167.60	\$144.50		
27	1-1/4" x 5"	\$129.69	\$194.15	\$167.40		
28	1-1/4" x 6"	\$145.53	\$220.00	\$188.35		
29	1-1/2" x Chase	\$232.65	\$165.00	\$259.35		
30	1-1/2" x Close	\$88.11	\$132.35	\$114.10		
31	1-1/2" x 2"	\$93.06	\$140.00	\$120.60		
32	1-1/2" x 3"	\$112.86	\$169.75	\$146.40		
33	1-1/2" x 4"	\$141.57	\$212.40	\$183.10		
34	1-1/2" x 5"	\$148.50	\$238.20	\$205.40		
35	1-1/2" x 6"	\$196.02	\$292.90	\$252.50		
36	2" x Chase	\$366.30	\$275.00	\$424.15		
37	2" x Close	\$107.91	\$162.30	\$139.95		
38	2" x 3"	\$147.51	\$220.40	\$190.05		
39	2" x 4"	\$185.13	\$277.00	\$238.90		
40	2" x 5"	\$215.82	\$323.50	\$278.75		
41	2" x 6"	\$247.50	\$369.60	\$318.70		
<b>GROUP II - LOCKNUTS (APPLETON ONLY)</b>						
1	1/2"	\$12.79	\$15.50	\$16.24		
2	3/4"	\$22.37	\$27.50	\$28.45		
3	1"	\$35.64	\$43.50	\$45.53		
4	1-1/4"	\$43.36	\$55.00	\$56.91		

**CITY OF WYOMING, MICHIGAN**

**TABULATION OF BIDS**

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ITEM #	DESCRIPTION	UNIT COST	UNIT COST	UNIT COST	UNIT COST	UNIT COST
5	1-1/2"	\$77.22	\$90.00	\$93.38		
6	2"	\$106.92	\$130.00	\$135.99		
<b>GROUP III - INSULATING BUSHINGS (APPLETON ONLY)</b>						
1	1/2"	\$12.87	\$14.50	\$0.55		
2	3/4"	\$21.78	\$24.00	\$0.55		
3	1"	\$34.65	\$29.50	\$0.55		
4	1-1/4"	\$47.52	\$54.50	\$0.85		
5	1-1/2"	\$66.33	\$73.75	\$1.15		
6	2"	\$120.78	\$137.00	\$1.75		
<b>GROUP IV - REDUCING BUSHINGS (APPLETON ONLY) (RATED CLASS 1, DIVISION 1A,B,C,D)</b>						
1	3/4" to 1/2"	\$44.55	\$89.50	\$49.50		
2	1" to 3/4"	\$67.32	\$139.00	\$76.76		
3	1-1/4" to 1"	\$159.39	\$295.00	\$180.30		
4	1-1/2" to 1-1/4"	\$193.05	\$370.00	\$219.00		
<b>GROUP V - HANDI BOX BOXES - DEEP (18 CUBIC INCHES) (APPLETON ONLY)</b>						
1	1/2" Knock Out	\$252.45	\$80.50	\$70.95		
2	3/4" Knock Out	\$0.00	\$235.00	\$70.95		
3	Cover Blank	\$21.01	\$25.25	\$22.30		
4	Covers Duplex	\$21.78	\$26.50	\$23.35		
5	Cover Switch	\$19.80	\$25.25	\$22.20		
<b>GROUP VI - LIQUID TITE FLEX CONDUIT - METAL (EF OR VA)</b>						
1	1/2"	\$44.55	\$50.50	\$45.70		
2	3/4"	\$56.43	\$65.00	\$58.90		
3	1"	\$83.16	\$95.00	\$85.55		
4	1-1/4"	\$111.87	\$135.00	\$111.80		
<b>GROUP VII - LIQUID TITE FITTINGS (APPLETON ONLY)</b>						
1	1/2" Straight	\$185.13	\$165.00	\$200.50		
2	3/4" Straight	\$270.27	\$225.00	\$285.35		
3	1" Straight	\$361.35	\$328.00	\$394.00		
4	1-1/4" Straight	\$588.06	\$572.00	\$635.20		
5	1/2" 90 deg.	\$269.28	\$228.00	\$292.95		
6	3/4" 90 deg.	\$417.78	\$355.00	\$443.45		
7	1" 90 deg.	\$772.20	\$705.00	\$852.65		
8	1-1/4" 90 deg.	\$1,161.27	\$1,105.00	\$1,262.18		
9	1/2" 45 deg.	\$253.44	\$228.00	\$275.65		
10	3/4" 45 deg.	\$384.12	\$355.00	\$417.25		
11	1" 45 deg.	\$760.32	\$705.00	\$825.55		
12	1-1/4" 45 deg.	\$1,168.20	\$1,105.00	\$638.23		
<b>GROUP VIII - SWITCHES RECEPTACLES AND CORD CONNECTORS (LEVITON, PASS OR SEYMORE)</b>						
1	Single Pole 1121-2I	\$0.57	\$675.00	\$13.50		
2	3-Way 1123-2	\$104.94	\$795.00	\$2.35		
3	Duplex Recep. R15-1	\$94.05	\$120.00	\$1.15		
4	Duplex Receptacle 5362I	\$1.98	\$850.00	\$4.40		
5	1447 Woodhead Male Cord End	\$7.92	\$875.00	\$7.80		\$ 7.90
6	1547 Woodhead Female Cord End	\$13.86	\$15.45	\$13.75		\$ 13.69
<b>NOTE: GROUPS IX, X, XI, XII, and XIII, shall be Appleton, no substitutions.</b>						
<b>GROUP IX - J BOXES</b>						
1	1/2" Knock Out Size - 4" square	\$75.24	\$83.58	\$45.15		
2	1/2" Knock Out Size - 4-11/15" square	\$0.00	\$140.00	\$131.30		

**CITY OF WYOMING, MICHIGAN**

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ITEM #	DESCRIPTION	UNIT COST	UNIT COST	UNIT COST	UNIT COST	UNIT COST
3	1/2" Knock Out Size - 4 " octagon	\$62.37	\$180.00	\$133.55		
4	3/4" Knock Out Size - 4" square	\$75.24	\$83.80	\$45.15		
5	3/4" Knock Out Size - 4-11/16" square	\$3.76	\$140.00	\$131.30		
6	3/4" Knock Out Size - 4" octagon	\$113.85	\$180.00			
7	1" Knock Out Size - 4" square	\$136.62	\$185.00	\$152.50		
8	1" Knock Out Size - 4-11/16" square	\$176.22	\$208.00	\$196.80		
9	1" Knock Out Size - 4" octagon	\$0.00	\$0.00			
<b>GROUP X - COVERS</b>						
1	4" square	\$20.01	\$22.40	\$22.45		
2	4-11/16" square	\$39.60	\$44.30	\$44.30		
3	4 " octagon	\$116.82	\$28.50	\$28.50		
4	4" square	\$62.37	\$70.00	\$70.00		
5	4-11/16" square	\$460.35	\$547.20	\$547.20		
6	4" octagon	\$144.54	\$164.20	\$164.20		
<b>GROUP XI - CONDUIT</b>						
<b>IMC:</b>						
1	1/2"	\$41.58	\$6.60	\$50.80		
2	3/4"	\$49.50	\$74.80	\$61.20		
3	1"	\$74.25	\$113.30	\$92.30		
4	1-1/4"	\$98.01	\$149.60	\$121.45		
5	1-1/2"	\$119.79	\$181.50	\$147.70		
6	2"	\$159.39	\$240.90	\$196.30		
<b>RIGID STEEL:</b>						
7	1/2"	\$71.28	\$110.41	\$91.70		
8	3/4"	\$77.22	\$117.55	\$98.30		
9	1"	\$112.86	\$172.70	\$144.10		
10	1-1/4"	\$156.42	\$238.70	\$199.05		
11	1-1/2"	\$183.15	\$279.40	\$232.95		
12	2"	\$236.61	\$361.90	\$300.75		
<b>EMT:</b>						
13	1/2"	\$10.89	\$16.50	\$13.85		
14	3/4"	\$21.78	\$30.80	\$26.85		
15	1"	\$36.63	\$51.70	\$45.25		
16	1-1/4"	\$56.43	\$79.20	\$70.60		
17	1-1/2"	\$68.31	\$97.90	\$84.60		
18	2"	\$85.14	\$119.90	\$105.40		
<b>LB (APPLETON)</b>						
19	1/2"	\$246.51	\$505.00	\$5.30		
20	3/4"	\$332.64	\$605.00	\$6.35		
21	1"	\$493.02	\$9.10	\$9.55		
22	1-1/4"	\$693.00	\$15.75	\$15.30		
23	1-1/2"	\$13.61	\$20.51	\$19.70		
24	2"	\$2,114.64	\$34.00	\$32.50		
<b>"T" LB (APPLETON)</b>						
25	1/2"	\$407.88		\$6.75		
26	3/4"	\$528.66		\$6.75		
27	1"	\$796.95		\$13.30		
28	1-1/4"	\$0.00		\$17.55		
29	1-1/2"	\$1,576.08		\$23.45		

## CITY OF WYOMING, MICHIGAN

## TABULATION OF BIDS

## On Electrical Supplies

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ITEM #	DESCRIPTION	UNIT COST	UNIT COST	UNIT COST	UNIT COST	UNIT COST
30	2"	\$2,344.32		\$36.25		
<b>"C" CONDULET (APPLETON)</b>						
31	1/2"	\$319.77		\$5.10		
32	3/4"	\$413.82		\$6.35		
33	1"	\$0.00		\$9.55		
34	1-1/4"	\$1,013.76		\$15.35		
35	1-1/2"	\$1,312.74		\$19.65		
36	2"	\$2,088.90		\$32.55		
<b>1 HOLE STRAP</b>						
37	1/2"	\$3.88	\$5.00	\$15.56		
38	3/4"	\$5.94	\$7.00	\$18.42		
39	1"	\$9.84	\$10.00	\$22.35		
40	1-1/4"	\$14.60	\$16.00	\$31.15		
41	1-1/2"	\$24.75	\$30.00	\$41.85		
42	2"	\$28.36	\$35.00	\$53.00		
<b>EMT CONNECTORS (STEEL)</b>						
43	1/2"	\$9.81	\$12.00	\$11.40		
44	3/4"	\$15.99	\$19.50	\$18.55		
45	1"	\$27.72	\$33.00	\$31.85		
46	1-1/4"	\$53.46	\$64.00	\$61.55		
47	1-1/2"	\$79.20	\$98.00	\$89.55		
<b>CONDUIT NONMETALLIC RIGID</b>						
48	1/2" Conduit	\$7.28	\$10.50	\$8.55		
49	3/4" Conduit	\$9.80	\$13.60	\$10.80		
50	1" Conduit	\$14.65	\$22.00	\$16.80		
51	1/2" Coupling	\$7.23	\$9.80	\$7.50		
52	3/4" Coupling	\$9.90	\$10.90	\$10.00		
53	1" Coupling	\$13.61	\$16.50	\$15.22		
54	1/2" 90O Elbow	\$24.75	\$32.00	\$30.10		
55	3/4" 90o Elbow	\$26.73	\$36.00	\$35.50		
56	1" 90o Elbow	\$42.57	\$54.45	\$53.75		
57	1/2" Non metallic Flexible Conduit	\$39.60	\$44.00	\$47.75		
58	3/4" Non metallic Flexible Conduit	\$79.20	\$64.00	\$64.70		
59	1/2" Straight 90o Connectors	\$1.78	\$208.00	\$194.45		
60	3/4" Straight 90o Connectors	\$2.79	\$320.00	\$296.55		
<b>EMT COUPLING (STEEL)</b>						
61	1/2"	\$12.58	\$15.65	\$15.10		
62	3/4"	\$18.55	\$23.60	\$22.80		
63	1"	\$30.09	\$37.00	\$35.75		
64	1-1/4"	\$61.38	\$74.00	\$71.43		
65	1-1/2"	\$84.15	\$108.40	\$104.75		
66	2"	\$114.49	\$144.00	\$139.30		
<b>GROUP XII - MINERLAC (NO SUBSTITUTIONS)</b>						
1	0 - Size	\$29.70	\$38.50	\$34.10		
2	1 - Size	\$34.65	\$45.00	\$39.50		
3	2 - Size	\$41.58	\$52.50	\$46.15		
4	3 - Size	\$49.50	\$62.25	\$54.90		
5	4 - Size	\$62.37	\$78.00	\$68.86		
6	5 - Size	\$77.22	\$96.80	\$85.40		

**CITY OF WYOMING, MICHIGAN**

**TABULATION OF BIDS**

**On Electrical Supplies**

Opened by the City Clerk on November 10, 2009 at 11:00 a.m. o'clock

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

		Kendall Electrical Supply Company	All Phase Electric Supply Col.*	Standard Electric Company**	Voss Lighting, Inc.***	Electrical Terminal Service
ITEM #	DESCRIPTION	UNIT COST	UNIT COST	UNIT COST	UNIT COST	UNIT COST
<b>GROUP XIII - STRUIT (B-LINE PART NUMBERS FOR REFERENCE ONLY) - GALVANIZED (PLATED)</b>						
1	1-5/8" B22SH	\$115.43	\$150.00	\$140.00		
2	1-5/8" B140	\$192.49	\$304.00	\$189.88		
3	1-5/8" B133	\$323.73	\$452.00	\$282.15		
4	1-5/8" B202	\$44.55	\$70.30	\$58.48		
	1-5/8" B76622	\$825.66	\$1,264.00			
6	1-5/8" B44122	\$256.41	\$380.00			
7	1-5/8" B132	\$868.23	\$818.00	\$779.70		
8	1-5/8" N224	\$50.00	\$62.24	\$62.37		
9	1-5/8" B280	\$1,416.69	\$2,040.00	\$1,943.83		
10	1-5/8" B2209	\$48.02	\$60.48	\$57.96		
11	1-5/8" B2210	\$55.74	\$68.90	\$66.08		
12	1-5/8" B2211	\$61.38	\$77.20	\$73.99		
13	1-5/8" B2212	\$76.82	\$91.24	\$87.48		
14	1-5/8" B285	\$227.70	\$54.30	\$57.79		
15	1-5/8" B101	\$88.70	\$144.00	\$104.52		
<b>GROUP XIV - MISCELLANEOUS ITEMS (PANDUIT, SCOTCH, 3M, ADVANCE)</b>						
1	Small Sticky Pads ABM2S-A-C	\$28.23	\$70.00	\$60.49		\$ 0.272
2	Large Sticky Pads ABM4H-A-L	\$68.01	\$125.00	\$108.28		\$ 0.969
3	Small Wire Ties PLT1-5M-M	\$25.00	\$39.00	\$35.67		\$ 0.037
4	Medium Wire Ties PLT1-5I-M	\$25.50	\$40.00	\$36.45		\$ 0.046
5	Large Wire Ties PLT-3S-CB	\$11.29	\$28.00	\$23.79		\$ 0.097
6	#33 Black Tape	\$3.52	\$3.80	\$3.56		\$ 4.550
7	#35 Red Tape	\$3.51	\$3.50	\$3.30		\$ 4.980
8	#35 Blue Tape	\$3.51	\$3.50	\$3.30		\$ 4.980
9	#35 Orange Tape	\$3.51	\$3.50	\$3.30		\$ 9.980
10	#35 Green Tape	\$3.51	\$3.50	\$3.30		\$ 4.980
11	#35 White Tape	\$3.51	\$3.50	\$3.30		\$ 4.980
12	#2210, 4" Tape	\$40.59	\$42.00	\$39.33		
13	Plastibond Touch-Up Compound	\$0.00				
14	Linerless Rubber Splicing Tape Model 130C	\$9.65	\$10.50	\$9.73		\$ 13.060
15	Duct Seal 1-1/2" x 12" Stick MPS-2	\$1.24	\$16.75	\$15.75		
16	RC2S102TP ADV 2-F48 1500MA 120V	\$81.18	\$72.75		\$52.98	
17	RC2S85TP ADV 2-F72 800MA 120V	\$39.60	\$40.95		\$43.00	
18	RC2S102TP ADV 2-F48 1500MA 120V	\$0.00	\$72.95		\$52.98	
19	RC2S85TP ADV 2-F72 800MA 120V	\$0.00	\$40.95		\$43.00	
20	REL4P32SC35I ADV (4) F32T8	\$15.84	\$17.75		\$11.94	
21	RS2S200TP ADV 2-F96VHO BALLAST	\$89.10	\$96.55		\$69.96	
21	79W6041-001 ADVANCE BALLAST	\$42.57	\$221.32		\$160.54	
<b>GROUP XV - FUSES (SHALL BE LPN-RK 300,000 AMP OR LPS-RK WHERE SPECIFIED)</b>						
1	AGC .75 Fuse 250 Volt	\$1.69	\$0.55	\$0.59		\$ 0.568
2	AGC 0.1A Fuse 250 Volt	\$1.69	\$1.15	\$1.38		\$ 0.714
3	AGC 1A Fuse 250 Volt	\$0.48	\$0.35	\$0.36		\$ 0.314
4	AGC 2A Fuse 250 Volt	\$0.48	\$0.33	\$0.36		\$ 0.333
5	AGC 3A Fuse 250 Volt	\$0.48	\$0.33	\$0.36		\$ 0.333
6	AGC 5A Fuse 250 Volt	\$0.48	\$0.55	\$0.58		\$ 0.470
7	AGC 6A Fuse 250 Volt	\$0.48	\$0.55	\$0.58		\$ 0.470
8	AGC 10A Fuse 250 Volt	\$0.60	\$0.69	\$0.47		\$ 0.398
9	AGC 15A Fuse 250 Volt	\$0.62	\$0.39	\$0.46		\$ 0.398

**CITY OF WYOMING, MICHIGAN**

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<b>ITEM #</b>	<b>DESCRIPTION</b>	<b>UNIT COST</b>	<b>UNIT COST</b>	<b>UNIT COST</b>	<b>UNIT COST</b>	<b>UNIT COST</b>
10	AGC 20A Fuse 250 Volt	\$0.59	\$0.39	\$0.46		\$ 0.398
11	FNQ-R-1A Fuse 600 Volt AC Time/Delay	\$9.45	\$9.60	\$10.12		
12	FNQ-R-2A Fuse 600 Volt AC Time/Delay	\$9.65	\$9.16	\$10.33		
13	FNQ-R-3A Fuse 600 Volt AC Time/Delay	\$9.65	\$9.60	\$10.21		
14	FNQ-R-5A Fuse 600 Volt AC Time/Delay	\$9.65	\$9.16	\$10.33		
15	FNQ-R-10A Fuse 600 Volt AC Time/Delay	\$10.13	\$10.26	\$10.88		
16	FNQ-R-15A Fuse 600 Volt AC Time/Delay	\$9.50	\$9.66	\$10.27		
17	FNQ-R-20A Fuse 600 Volt AC Time/Delay	\$9.71	\$9.66	\$10.62		
18	FRN-30A 250 Volt Time/Delay	\$9.71	\$3.62	\$3.49		
19	FRN-1A 250 Volt Time/Delay	\$4.60	\$4.68	\$4.95		
20	FRN-2A 250 Volt Time/Delay	\$4.60	\$4.68	\$4.77		
21	FRN-3.2A Fuse 250 Volt Time/Delay	\$4.25	\$3.51	\$4.54		
22	FRN-4A Fuse 250 Volt Time/Delay	\$4.25	\$3.51	\$4.54		
23	FRN-5A Fuse 250 Volt Time/Delay	\$4.20	\$3.37	\$4.35		
24	FRN-10A Fuse 250 Volt Time/Delay	\$4.07	\$3.37	\$4.35		
25	FRN-15A Fuse 250 Volt Time/Delay	\$3.27	\$2.75	\$3.49		
26	FRN-20A Fuse 250 Volt Time/Delay	\$3.27	\$2.75	\$3.49		
27	FRNR-60A Fuse 250 Volt Time/Delay	\$5.94	\$4.94	\$6.39		
28	FRNR-80A Fuse 250 Volt Time/Delay	\$13.41	\$11.44	\$14.35		
29	FRNR-100A Fuse 250 Volt Time/Delay	\$13.41	\$11.44	\$14.35		
30	KTK-R-1A Fuse 600 Volt	\$7.87	\$7.30	\$8.45		
31	KTK-R-2A Fuse 600 Volt	\$7.87	\$7.30	\$8.45		
32	KTK-R-3A Fuse 600 Volt	\$7.87	\$7.30	\$8.45		
33	KTK-R-5A 600 Volt	\$7.87	\$7.30	\$8.45		
34	KTK-R-10A Fuse	\$7.87	\$7.30	\$8.45		
35	KTK-R-20A Fuse 600 Volt	\$7.87	\$7.30	\$8.45		
36	KTK-R-30A Fuse 600 Volt	\$7.87	\$7.30	\$8.45		
37	FNM-30A Fuse 600 Volt Time/Delay	\$3.07	\$2.95	\$3.36		
38	T-6.25A Fuse 250 Volt	\$6.38	\$8.28	\$6.82		
39	T-12A Fuse 250 Volt	\$2.61	\$8.63	\$7.11		
40	T-15A Fuse 250 Volt	\$2.61	\$3.48	\$2.87		
41	T-20A Fuse 250 Volt	\$2.63	\$3.48	\$2.87		
42	FRS-R-2A Fuse 600 Volt	\$8.81	\$7.37	\$9.45		
43	FRS-R-6A Fuse 600 Volt	\$8.20	\$6.84	\$8.78		
44	FRS-R-7A Fuse 600 Volt	\$8.62	\$7.21	\$9.24		
45	FRS-R-10A Fuse 600 Volt	\$8.84	\$6.84	\$8.78		
46	FRS-R-15A Fuse 600 Volt	\$7.09	\$6.25	\$7.75		
47	FRS-R-20A Fuse 600 Volt Time/Delay	\$7.09	\$6.05	\$7.75		
48	FRS-R-30A Fuse 600 Volt Time/Delay	\$7.09	\$6.04	\$7.75		
49	FRS-R-35A Fuse 600 Volt Time/Delay	\$12.43	\$10.67	\$13.28		
50	FRS-R-40A Fuse 600 Volt Time/Delay	\$12.43	\$10.67	\$13.28		
51	FRS-R-60A Fuse 600 Volt Time/Delay	\$12.43	\$10.36	\$13.28		
52	ECS-R-60A Fuse 600 Volt Time/Delay	\$0.00	\$10.36	\$13.28		
53	ECS-R-80A Fuse 600 Volt Time/Delay	\$25.64	\$22.05	\$27.46		
54	ECS-R-100A Fuse 600 Volt Time/Delay	\$25.64	\$21.60	\$27.56		
<b>GROUP XVI - WIRE</b>						
1	#14 AWG Black THHN Wire	\$54.45	\$79.96	\$65.64		
2	#14 AWG Green THHN Wire	\$54.45	\$79.96	\$65.64		
3	#14 AWG White THHN Wire	\$54.45	\$79.96	\$65.64		

**CITY OF WYOMING, MICHIGAN**

**TABULATION OF BIDS**

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<b>ITEM #</b>	<b>DESCRIPTION</b>	<b>UNIT COST</b>	<b>UNIT COST</b>	<b>UNIT COST</b>	<b>UNIT COST</b>	<b>UNIT COST</b>
4	#14 AWG Red THHN Wire	\$54.45	\$79.96	\$65.64		
5	#14 AWG Green MTW Wire	\$41.58	\$109.55	\$76.62		
6	#14 AWG White MTW Wire	\$41.58	\$109.55	\$76.62		
7	#14 AWG Red MTW Wire	\$41.58	\$109.55	\$76.62		
8	#14 AWG Blue MTW Wire	\$41.58	\$109.55	\$76.62		
9	#12 AWG Green THHN Wire	\$79.20	\$124.82	\$94.25		
10	#12 AWG White THHN Wire	\$79.20	\$124.82	\$94.25		
11	#12 AWG Red THHN Wire	\$79.20	\$124.82	\$94.25		
12	#12 AWG Black THHN Wire	\$79.20	\$124.82	\$94.25		
13	#10 AWG Green THHN Wire	\$119.79	\$175.55	\$142.44		
14	#10 AWG White THHN Wire	\$119.79	\$175.55	\$142.44		
15	#10 AWG Red THHN Wire	\$119.79	\$175.55	\$142.44		
16	#10 AWG Black THHN Wire	\$119.79	\$175.55	\$142.44		
17	4-pair CAT-5 #24 AWG	\$77.22	\$80.00	\$65.25		
18	2 Conductor #18 AWG Shielded Wire	\$232.65				
19	#14/3 SJ Cord	\$208.89	\$399.99	\$385.41		
20	#22 AWG Solid Black Wire	\$68.31				
21	#22 AWG Solid Red Wire	\$68.31				
22	#22 AWG Solid Green Wire	\$68.31				
23	#22 AWG Solid Yellow Wire	\$68.31				
24	#22 AWG Solid Blue Wire	\$68.31				
25	#12 AWG MTW Red or Black	\$58.41	\$198.46			
26	#10 AWG MTW Red or Black	\$89.10				
27	#12 AWG MTW Red or Black	\$58.41	\$198.46			

\*All materials subject to manufacturer increases with 30 days notice.

\*\*All manufacturers material subject with manufacturers price increases and decreases

\*\*\*All materials subject to manufacturer increases with 30 days notice.

RESOLUTION NO. \_\_\_\_\_

RESOLUTION TO AWARD A BID FOR TWO POLYBLEND S

WHEREAS, as detailed in the attached memorandum from the City's Clean Water Plant Maintenance Supervisor, bids were received for two polyblends that are replacements for equipment that is in excess of twenty three years old and no longer reliable, and

WHEREAS, staff reviewed the bids received and recommends the bid be awarded to the low bidder, USA Blue Book, in the amount of \$12,410.00, and

WHEREAS, funds for the purchase of the two Polyblends are available in account number 590-590-54400-980800, now therefore

BE IT RESOLVED, that the Wyoming City Council does hereby authorize the purchase two Polyblends from USA Blue Book in the amount of \$12,410.00, and

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

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.

Attachment: Memorandum

\_\_\_\_\_  
Heidi Isakson  
Wyoming City Clerk

Resolution No. \_\_\_\_\_

# Memorandum

**To:** Kim Oostindie, Human Resources Supervisor  
**From:** Tom Wilson, Clean Water Plant Maint. Supervisor  
**Date:** October 21, 2010  
**Re:** Resolution to Purchase Two Stranco Polyblends

---

As you know, one way we manage our sludge is the Biosolids program. However, before this can occur we need to dewater waste and return activated sludge or in essence, thicken it. The dewatering process takes place in a machine called a centrifuge. The centrifuge spins extremely fast so the solids are pulled to the outside of the drum and the water falls to the middle. During the centrifuge process it is necessary to add polymer, to assist in the separation of liquid from the sludge. This addition of polymer is done through a device called a Polyblend. It is critical that the feed rate stays consistent. The current units being used are no longer reliable because they do not hold their set point. These Polyblends are approximately 23 years old and have been serviced, repaired and modified numerous times throughout the years to keep them functioning. They are to a point where there is not much more we can do with these old Polyblends. Therefore it is imperative that we replace these units with new updated Polyblends.

We are asking them only to supply the piece of equipment. As the plant staff has vast knowledge and experience with the use of Polyblends, the plant will perform the installation and start up.

Bid notices were sent to bidders that were registered as bidders for this type of equipment and the bid was posted on the City's website, however due to an oversight by the Purchasing Department, the bid was not advertised in the Advance Newspaper or posted on the bulletin board at City Hall. After this was discovered by the Purchasing Department, they contacted me and the City Attorney to discuss options. It was decided to be in the best interest of the City to proceed with recommendation of the purchase because the Polyblends are a specialized item and even if advertised in the paper and posted at City Hall there would have likely been no additional bidders.

Ten invitations to bid were sent to prospective bidders and the three bids received are as follows:

USA Blue Book	\$12,410.00
RS Technical Services Inc.	\$13,932.00
Siemens Water Technologies	\$16,272.00

USA Blue Book quotation meets all of the requirements stated in our specification. Therefore, I am recommending that the City Council approve the lowest bid proposal, as submitted by USA Blue Book in the amount of \$12,410.00. Adequate funds exist in the Clean Water Plant's Capital Outlay Account #590-590-54400-980800.

cc: Bill Dooley, Director of Public Works

RESOLUTION NO. \_\_\_\_\_  
RESOLUTION FOR AWARD OF BID

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

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

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

<u>ITEM</u>	<u>RECOMMENDED BIDDER</u>	<u>COST</u>
1. Purge and Trap Device	Teledyne Tekmar Company	\$27,259.00

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: Memorandum  
Photos

\_\_\_\_\_  
Heidi Isakson  
Wyoming City Clerk

## Memorandum

To: Gerald Caron, Water Treatment Plant Superintendent  
From: Myron Erickson, PE, Laboratory Services Manager  
Date: 20 October 2010  
Re: Purge & Trap Purchase Recommendation

---

On Tuesday, October 19, 2010, four bids were received in answer to our invitation to bid on a purge & trap device for the Water Treatment Plant's gas chromatograph-mass spectrometer (GCMS). The GCMS is used in the analysis of water when we need to determine the concentration of certain organic compounds. One such family of compounds is known collectively as disinfection byproducts, or DBPs. DBPs are regulated by EPA, and we use this instrument for the analysis of our own samples as well as our wholesale community customers'. The GCMS that we are using came from the Clean Water Plant, and although it is brand new, needed a purge & trap device to be useable for volatile compounds.

Invitations to bid on the purge & trap were sent to twenty-six prospective bidders and the bids received were as follows:

Bidder	Model	Price Bid (\$)
Teledyne Tekmar Company	Stratum PTC with AQUATEk 100 liquid autosampler	27,259.00
OI Analytical	4660 Eclipse with 4552 autosampler	42,799.70
EST Analytical	Encon Evolution Purge & Trap Concentrator with Centurion water autosampler	34,911.60
Perkin Elmer	Stratum PTC with AQUATEk 100 liquid autosampler	28,088.00

The lowest bid unit is that from the Teledyne Tekmar Company, and I recommend purchasing it without delay. Adequate funding for this purchase can be found in capital account number 591- 591-57300-986.955.

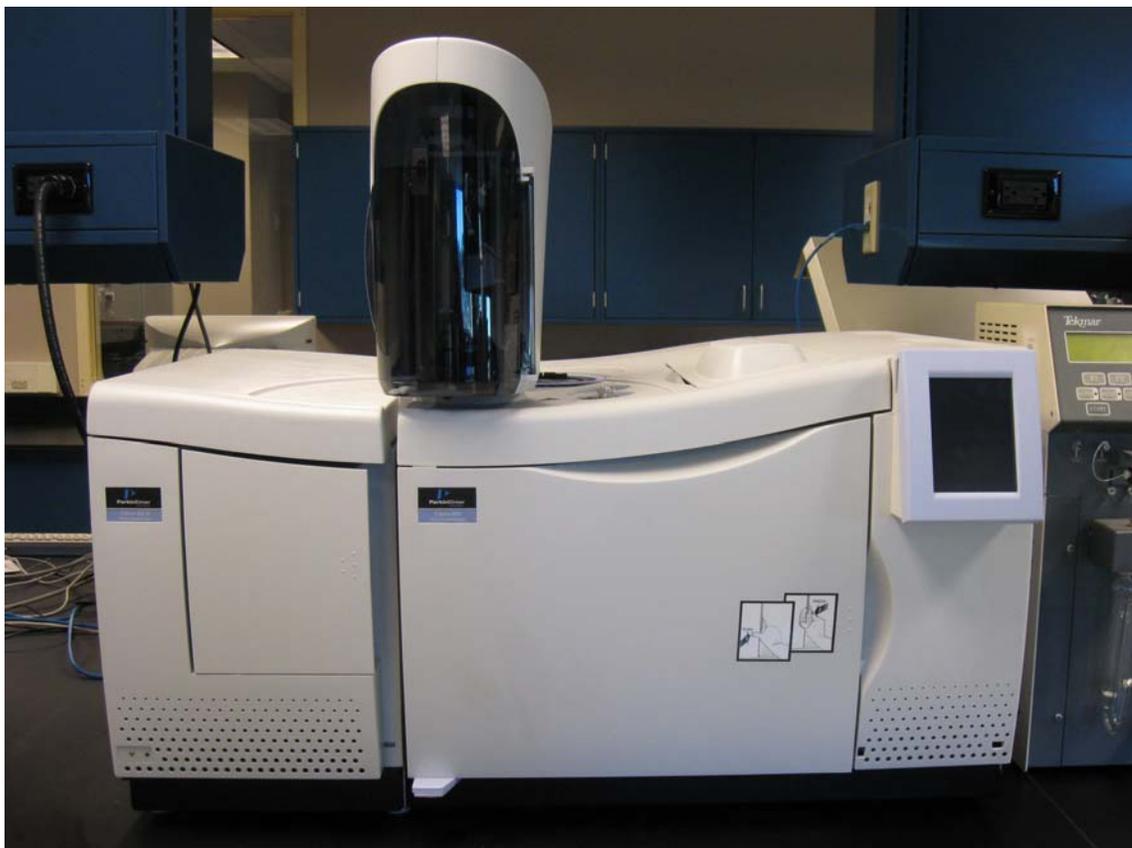
Approved:

  
Gerald Caron, WTP Superintendent

10-20-2010  
Date



Purge and Trap



GCMS

10/4/10  
LJ

ORDINANCE NO. 10-10

AN ORDINANCE TO AMEND SECTION 90-32 OF THE CODE OF THE  
CITY OF WYOMING BY ADDING SUBSECTION (87) THERETO

THE CITY OF WYOMING ORDAINS:

Section 1. That Section 90-32 of the Code of the City of Wyoming is hereby amended by adding Subsection (87) thereto, to read as follows:

- (87) To rezone Bayberry Market Place from PUD-1 Low Density Planned Unit Development to B-1 Local Business. The property is located at 5751 Byron Center Avenue, SW.

LEGAL DESCRIPTION:

Description of Property to be re-zoned from PUD-1 to B-1:

That part of the SE 1/4, Section 33, T6N, R12W, City of Wyoming, Kent County, Michigan, described as: Commencing at the SE corner of said Section 33; thence N01°10'18"W 1266.42 feet along the East line of said SE 1/4; thence S88°49'42"W 299.80 feet to the PLACE OF BEGINNING of this description; thence S88°49'42"W 228.00 feet; thence N01°10'18"W 669.98 feet; thence N88°49'42"E 220.30 feet; thence S01°10'18"E 253.40 feet; thence S19°10'22"E 55.32 feet; thence S01°10'18"E 361.80 feet to the place of beginning. Contains 3.46 acres.

Section 2. This Ordinance shall be in full force and effect the 16th day of November, 2010.

I hereby certify that the above-entitled Ordinance was adopted by the City of Wyoming at a regular session of the City Council held on the 1<sup>st</sup> day of November, 2010.

---

Heidi A. Isakson  
Wyoming City Clerk

Ordinance No. 10-10



MAYOR  
Jack A. Poll

AT-LARGE COUNCILMEMBER  
Sam Bolt

AT-LARGE COUNCILMEMBER  
Dan Burrill

AT-LARGE COUNCILMEMBER  
Kent Vanderwood

1ST WARD COUNCILMEMBER  
William A. VerHulst

2ND WARD COUNCILMEMBER  
Richard K. Pastoor

3RD WARD COUNCILMEMBER  
Joanne M. Voorhees

CITY MANAGER  
Curtis L. Holt

September 28, 2010

Ms. Heidi A. Isakson  
City Clerk  
Wyoming, MI

**Subject:** Request to rezone Bayberry Market Place from  
PUD-1 Low Density Planned Unit Development to B-1  
Local Business. The property is located at 5751 Byron  
Center Avenue, SW.

**Recommendation:** To deny the subject rezoning.

Dear Ms. Isakson:

The above referenced request was reviewed by the Wyoming Planning Commission at its regular meeting on September 21, 2010. Staff had the following comments:

The subject property is fully developed. It comprises the rear multi-tenant commercial building behind the bank and two commercial outlots (A, B and C on the exhibit) fronting on Byron Center Avenue. The property is part of the Bayberry Farms PUD. The original 140 acre development includes the single family neighborhoods, condominiums, apartments, senior apartments and commercial area. All PUD-1 districts are limited by the Zoning Code to 10 acres with developments greater than 80 acres.

This commercial portion of the Bayberry Farms PUD extends from Bayberry Farms Drive to the north side of the Bayberry Market Place property. Commercial properties further to the north, extending past 56<sup>th</sup> Street, are zoned B-1 Local Business. Those properties were rezoned and developed to B-1 commercial (from the PUD open space and R-1 Single Family), following the development of the Bayberry Market Place. The relevant section of the zoning map is attached.

Commercial developments within the PUD-1 district are restricted to B-1 uses permitted by right. The PUD-1 district does not allow Special Approval Uses of the B-1 district. The petitioner desires to rezone the commercial building to potentially allow a B-1 Special Approval Use clothing consignment business within a leased space.

If the rezoning is approved, the petitioner must then request a Special Approval Use for the consignment store through a public hearing before the Planning Commission. Staff would be supportive of an upscale clothing consignment business in this area of Wyoming.

If the property were rezoned, it will no longer be part of the Bayberry Farms PUD. The petitioner, Mr. Spica, has agreed to enter into a binding agreement with the Bayberry Farms Associations to continue to pay dues.

The Development Review Team suggested the Planning Commission recommend to the City Council the subject rezoning, and that the petitioner reach an agreement with the Bayberry Farms Community and Condominium Association to continue to pay dues.

At the public hearing, four Bayberry Farms residents spoke on their desire for the petitioner to continue to pay dues. After the public hearing, a motion was made for denial, then postponement. Both motions were withdrawn after discussion. A motion was made by Postema, supported by Weller, to recommend to City Council approval of the rezoning. After discussion, the motion failed 4-5.

Additional explanation regarding this proposal may be obtained from the Planning Commission minutes of September 21, 2010.

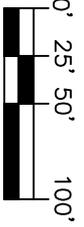
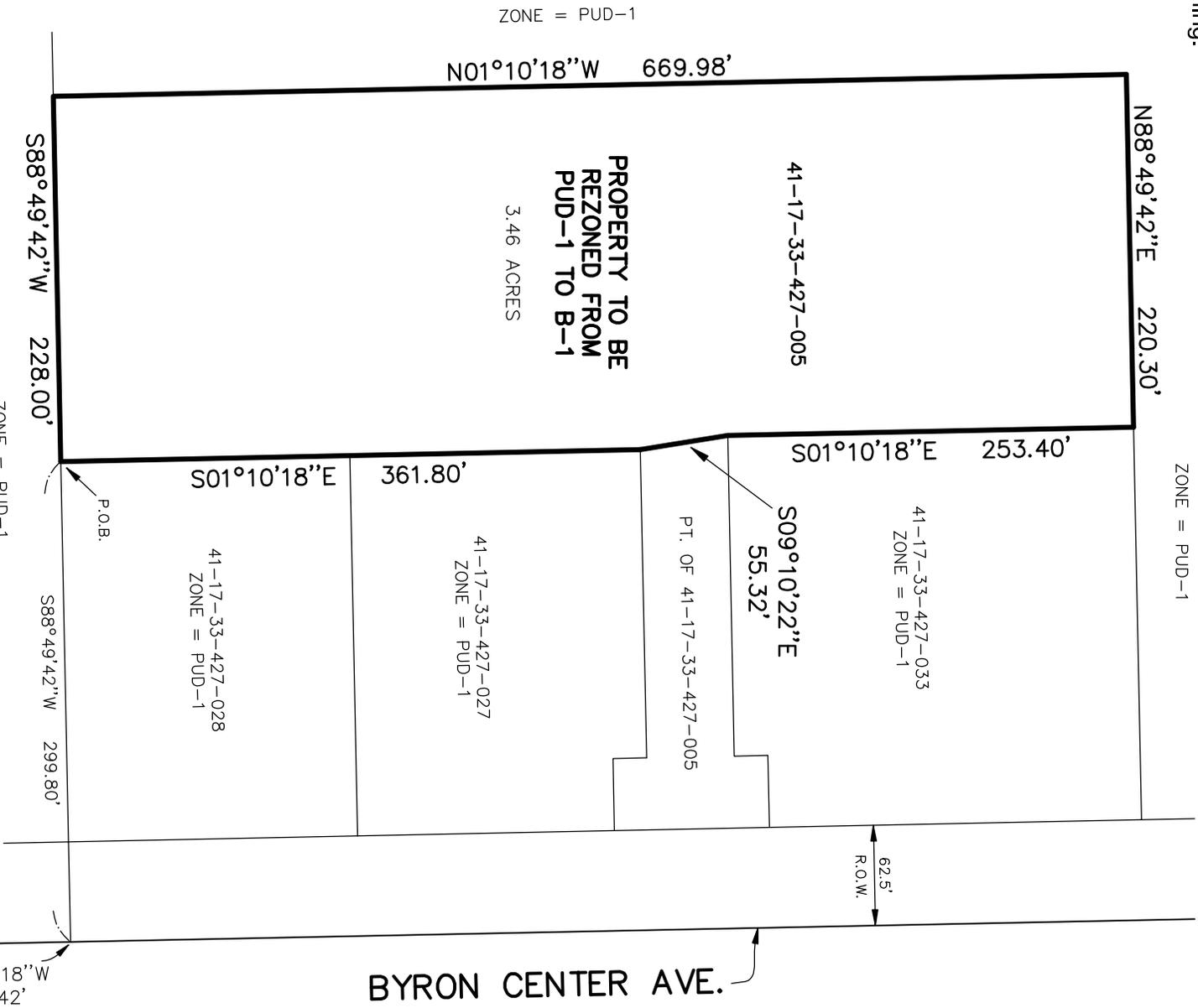
Respectfully submitted,

  
\_\_\_\_\_  
Timothy Cochran, City Planner  
Planning and Development Department

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

Description of Property to be re-zoned from PUD-1 to B-1:

That part of the SE 1/4, Section 33, T6N, R12W, City of Wyoming, Kent County, Michigan, described as: Commencing at the SE corner of said Section 33; thence N01°10'18"W 1266.42 feet along the East line of said SE 1/4; thence S88°49'42"W 299.80 feet to the PLACE OF BEGINNING of this description; thence S88°49'42"W 228.00 feet; thence N01°10'18"W 669.98 feet; thence N88°49'42"E 220.30 feet; thence S01°10'18"E 253.40 feet; thence S19°10'22"E 55.32 feet; thence S01°10'18"E 361.80 feet to the place of beginning.



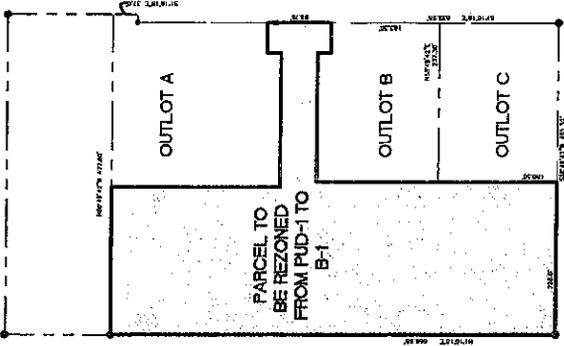
SCALE: 1" = 100'

Prepared by: Exxel Engineering, Inc.  
5252 Clyde Park Avenue, SW  
Grand Rapids, MI 49509

09/23/10 djr

P:\Projects\101521\Drawings\dwg\101521.dwg (REZONE)

BYRON CENTER AVE.  
& E. LINE, SE 1/4, SEC. 17



**KEY PLAN**  
 SCALE: 1"=80'

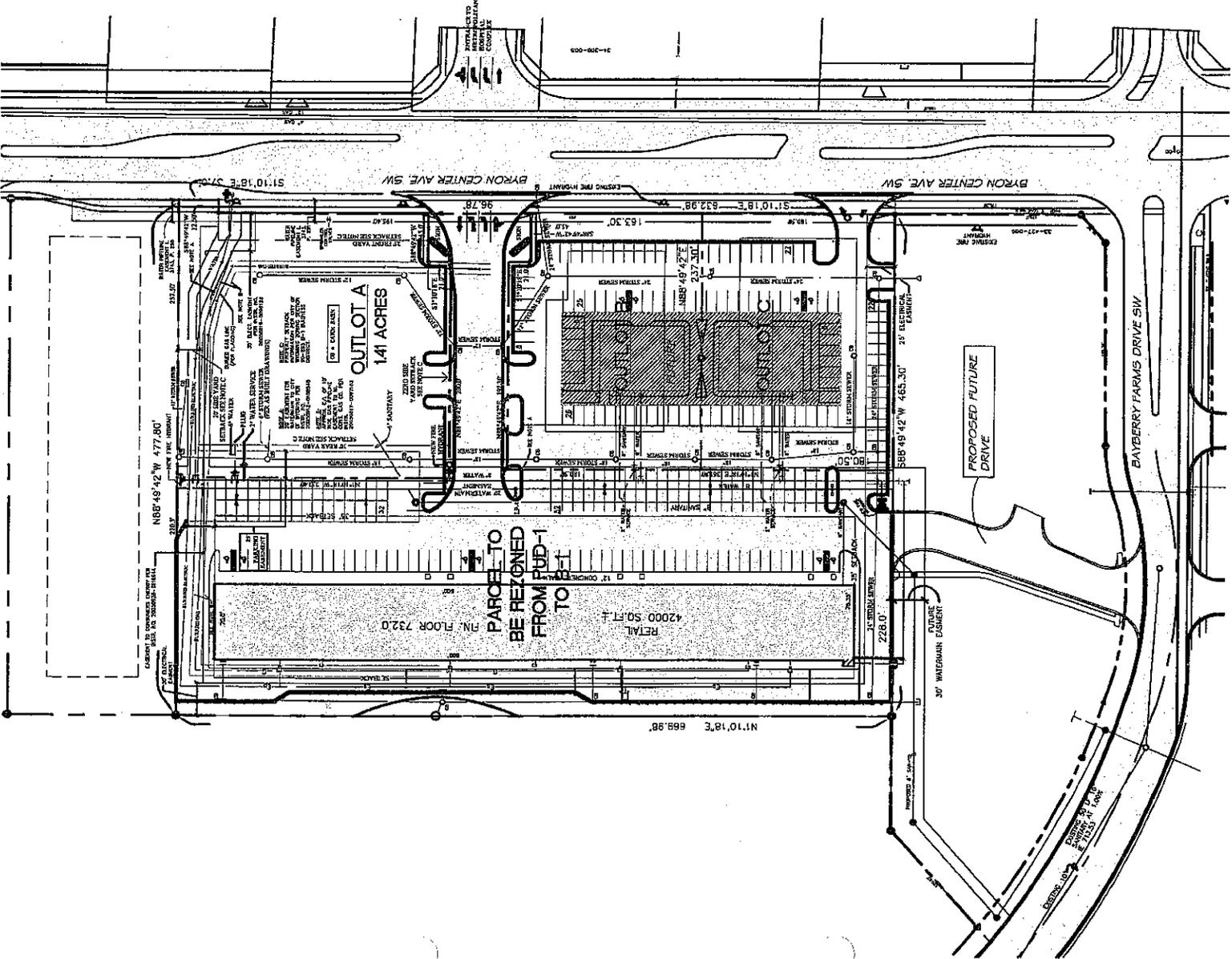
PARCEL TO BE REZONED

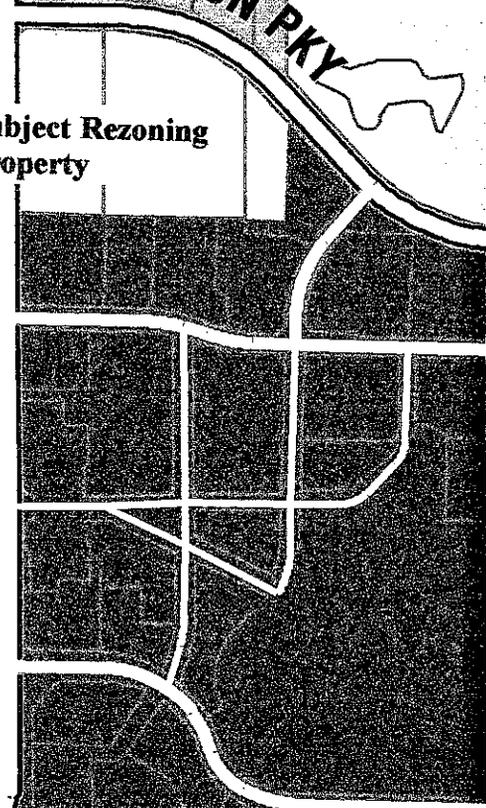
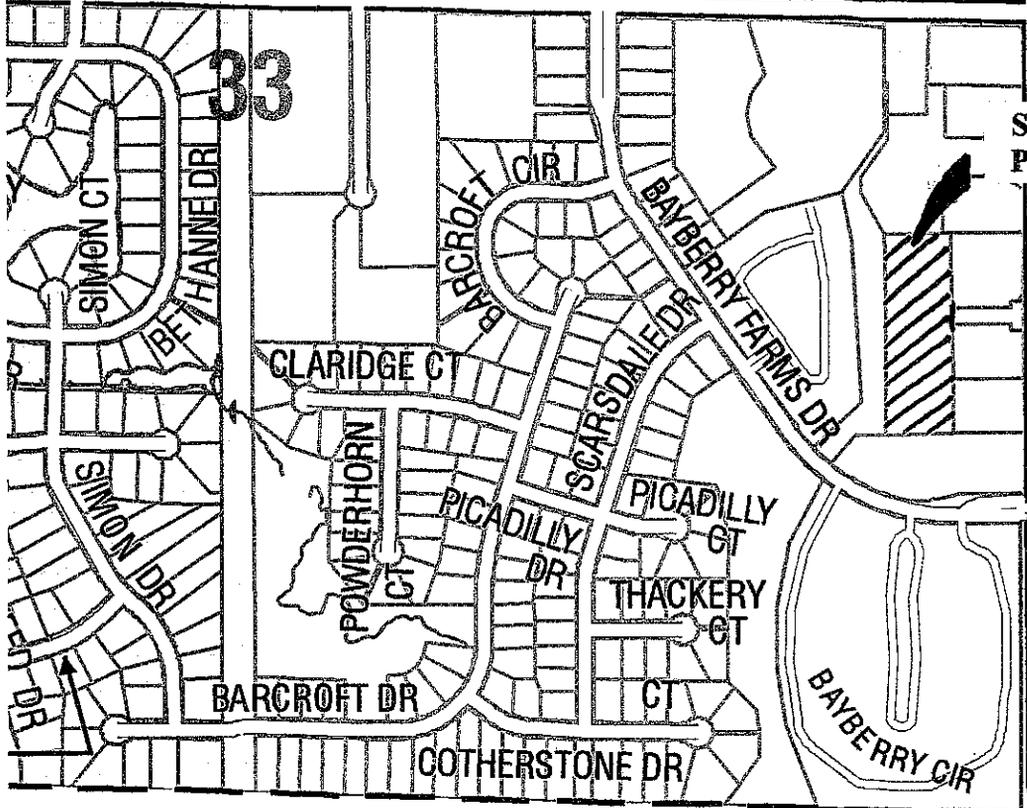
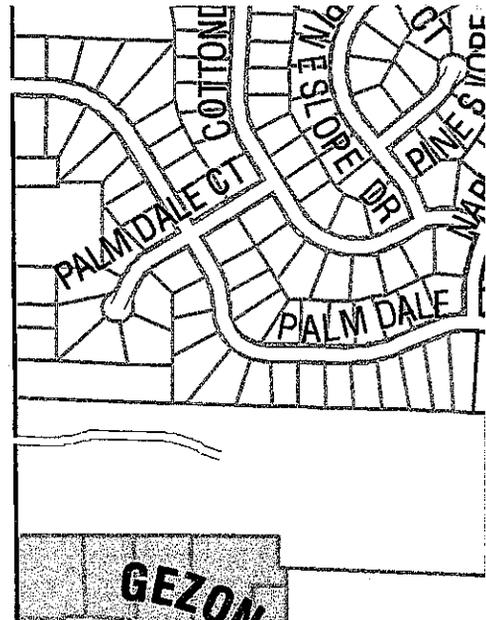
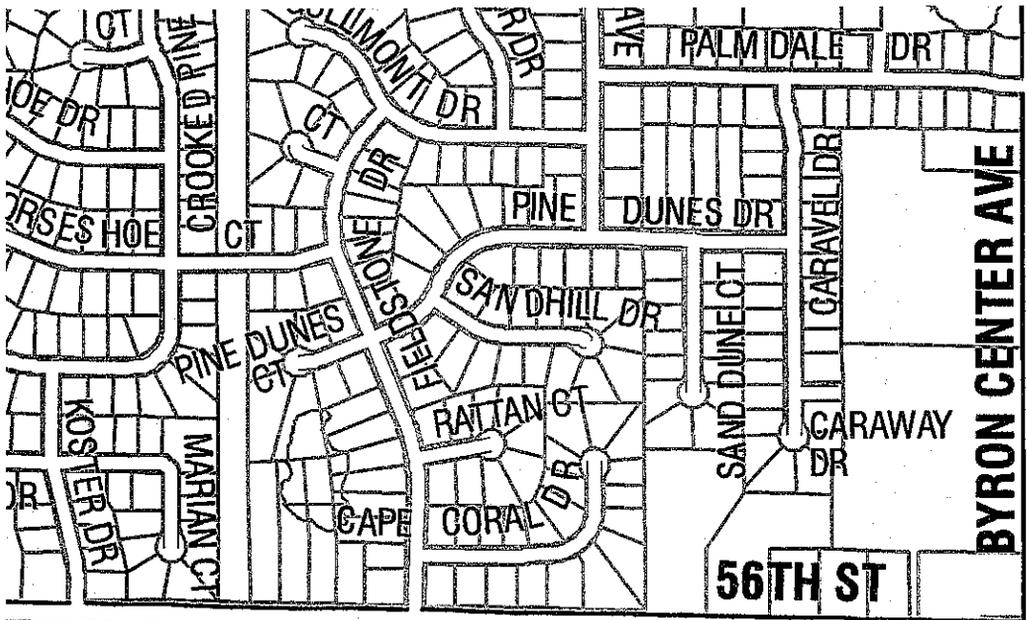
Permanent parcel number: 411733427025

Legal Description:

PART OF S 1/4 COM AT SE COR OF SEC TH N 1D 10M 16S W ALONG E SEC LINE 1266.42 FT TH S 88D 49M42S W 239.50 FT TO BEC OF THIS DEESC- TH S 88D 49M42S W 228.0 FT TH N 1D 10M 16S W 669.95 FT TH N 88D 49M42S E 220.30 FT TH S 1D 10M 16S E 253.40 FT TH N 88D 49M 42S E 200.0 FT TH N 1D 10M 16S W 21.0 FT TH N 88D 49M 42S E 45.0 FT TO W LINE OF BYRON CENTER AVE TH S 1D 10M 16S E ALONG W LINE OF SD AVE 96.78 FT TH S 88D 49M 42S W 45.0 FT TH N 1D 10M 16SW 21.0 FT TH S 88D 49M 42S W 192.30 FT TH S 1D 10M 16S E 361.90 FT TO BEC SEC 33 T6N R12W 3.80 A. SPLIT ON 01/06/2005 FROM 41-17-93-427-024

**SITE PLAN**  
 SCALE: 1"=40'





**Byron Township**

**2400**

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO ADD ARTICLE XXIX TO  
THE CODE OF THE CITY OF WYOMING  
ENTITLED "MEDICAL MARIJUANA (MARIHUANA) REGULATION"

THE CITY OF WYOMING ORDAINS:

Section 1. That Article XXIX is hereby added to Chapter 90 of the Code of the City of Wyoming to read as follows:

**ARTICLE XXIX. MEDICAL MARIJUANA (MARIHUANA) REGULATION**

**Sec. 90-1001. FINDINGS OF FACT.**

The use of marijuana for certain medical conditions has been authorized by the State of Michigan as a result of Initiated Law 1 of 2008 entitled "The Michigan Medical Marihuana Act". Based upon information provided to the City Council from the Wyoming Police Department, Planning Department and City Attorney's office, the Council finds that local regulation of the possession, cultivation, growth, use and providing of marijuana is necessary in order to provide for the health, safety and welfare of the citizens of the City of Wyoming as well as allowing the legal possession, cultivation and providing of marijuana to assist registered users and registered care givers. The purpose of this Section is to provide for the legal possession and cultivation of medical marijuana in accordance with the provisions of the Michigan Medical Marihuana Act, MCL 333.26421 et seq and the Michigan Medical Marihuana Rules as promulgated by the Department of Community Health, Rule 333.101 et seq and to provide for the possession, cultivation and providing of medical marijuana in the various zoning districts in the City of Wyoming.

**Sec. 90-1002. DEFINITIONS.**

As used in this article the following definitions shall apply:

1. *Marijuana, also known as Marihuana.* That term shall have the meaning given to it in section 7601 of the Michigan Public Health Code, 1978 PA 368, MCL 333.7106, as is referred to in section 3(d) of the Michigan Medical Marihuana Act, P.A. 2008, Initiated Law, MCL 333.26423(d). Any other term pertaining to marijuana used in this Chapter and not otherwise defined shall have the meaning given to it in the Michigan Medical Marihuana Act and/or in the General Rules of the Michigan Department of Community Health issued in connection with that Act.

2. *Medical Use of Marijuana.* The acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer, or transportation of marijuana or paraphernalia relating

to the administration of marijuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition, as defined under The Michigan Medical Marihuana Act, P.A. 2008, Initiated Law, MCL 333.26423(d).

3. *Medical Marijuana Dispensary.* Any retail store, store front, office building, or other similar structure or any type of mobile unit that dispenses, facilitates, sells or provides, in any manner, marijuana or cannabis or any product containing marijuana or cannabis.

**Sec. 90-1003. PERMITTED DISTRICTS.**

A qualifying patient or a primary caregiver as defined in the Michigan Medical Marihuana Act shall be allowed to possess, cultivate/grow and assist with the medical use of marijuana in the R-1, R-2, ER and the single family residential sections of PUD districts. A Medical Marijuana dispensary shall not be allowed in any zoning district.

**Sec. 90-1004. REGISTRATION REQUIRED.**

Any qualifying patient or primary caregiver must have been issued and possess a registry identification card issued by the Department of Community Health of the State of Michigan.

**Sec. 90-1005. CAREGIVER REGULATIONS.**

The following regulations for a registered primary caregiver shall apply:

1. The medical use of marijuana shall comply at all times and in all circumstances with the Michigan Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time.
2. A parcel where a registered primary caregiver is located must be located outside a one-thousand (1,000) foot radius from any school, including child care or day care facility, to insure community compliance with Federal "Drug-Free School Zone" requirements and outside a one-thousand (1,000) foot radius from any public park, playground, swimming pool or public recreational area.
3. Nor more than one (1) primary caregiver shall be permitted to service qualifying patients from a single family structure.

4. A primary caregiver shall register with the City as provided in this Article; if the primary caregiver is not the owner of the premises then written consent must be obtained from the property owner to ensure the owner's knowledge of the use. The registration shall be maintained in a confidential file as provided in this Article. A primary caregiver must use the premises as their primary residence.
5. All medical marijuana shall be contained within the main building in an enclosed, locked facility inaccessible on all sides and equipped with locks or other security devices that permit access only by the registered primary caregiver or qualifying patient, as reviewed and approved by the Building Official and the Wyoming Fire Department.
6. All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of the residential structure in which electrical wiring, lighting and/or watering devices that support the cultivation, growing or harvesting of marijuana are located.
7. If a room with windows is utilized as a growing location, any lighting methods that exceed usual residential lighting between the hours of 11 p.m. to 7 a.m. shall employ shielding methods, without alteration to the exterior of the residence to prevent ambient light spillage that may create a distraction for adjacent residential properties.
8. That portion of the residential structure where energy usage and heat exceeds typical residential use, such as a grow room, and the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the Fire Department to insure compliance with the Michigan Fire Protection Code.
9. No activity related to the occupation occurring on the premises including clients, customers, or pickup or delivery vehicles shall adversely impact the surrounding neighborhood or the right of surrounding resident to quiet enjoyment of their property, including but not limited to, the creation of noise, vibrations, odors, heat, glare, unnatural light, or electrical interference

detectable beyond the property line; or have any pickup or delivery by motor vehicle before 7:00 a.m. or after 7:00 p.m. and not more than a total of five pickups or deliveries each day during the permitted time.

10. No signage or advertising of any type relative to medical marijuana shall be allowed on the premises.
11. Only useable marijuana as defined in the Michigan Medical Marihuana Act shall be provided to any qualifying patient by a primary caregiver. Sale/or distribution of plants or seeds shall not be allowed.

**Sec. 90-1006. COMPLIANCE WITH SAFETY CODES.**

All premises where marijuana is grown or cultivated for use in accordance with the Michigan Medical Marihuana Act shall comply with all applicable building, electrical and fire codes as adopted by the City of Wyoming. In addition, the following provisions shall apply to all growth and cultivation of medical marijuana whether by a registered qualifying patient or registered primary caregiver:

1. All medical marijuana shall be contained within the main building in an enclosed, locked facility inaccessible on all sides and equipped with locks or other security devices that permit access only by the registered primary caregiver or qualifying patient, as reviewed and approved by the Building Official and the Fire Department.
2. All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of the residential structure in which electrical wiring, lighting and/or watering devices that support the cultivation, growing or harvesting of marijuana are located.
3. If a room with windows is utilized as a growing location, any lighting methods that exceed usual residential lighting between the hours of 11 p.m. to 7 a.m. shall employ shielding methods, without alteration to the exterior of the residence to prevent ambient light spillage that may create a distraction for adjacent residential properties.

4. That portion of the residential structure where energy usage and heat exceeds typical residential use, such as a grow room, and the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the Fire Department to insure compliance with the Michigan Fire Protection Code.

**Sec. 90-1007. REGISTRATION.**

In order to insure compliance with the applicable building, electrical, fire and other safety codes, to protect the occupants of any property where medical marijuana is cultivated or grown and to protect adjoining properties and their occupants, a qualifying patient or primary caregiver shall be required to register with the City of Wyoming. The City shall maintain a confidential list of the persons who have registered pursuant to the provisions of this Article and in accordance with the provisions of the Michigan Medical Marihuana Act. The names, addresses and any other information provided in this confidential registration shall not be subject to public disclosure pursuant to the Michigan Freedom of Information Act or any other similar provision and shall not be disseminated to any member of the public. The information provided in this confidential registration shall be available only to appropriate City officials in order to insure compliance with the provision of this Article.

**Sec. 90-1008. INSPECTION.**

Any premises where medical marijuana is grown or cultivated by a qualifying patient or primary caregiver shall be opened for inspection upon request by the Building Official, the Fire Department or Police Department for compliance with all applicable laws and rules at reasonable times without a warrant during the stated hours of operation or at such other reasonable times as may be necessary when any person is present on the premises. An inspection fee shall be paid by the qualifying patient or the primary caregiver at each parcel in accordance with the city fee schedule as adopted by resolution of the city council.

**Sec. 90-1009. VIOLATION.**

Any person who violates a provision of this Article shall be guilty of a misdemeanor punishable by up to a fine of \$500 and/or 90 days in jail together with costs of prosecution. Each day of violation shall be considered a separate violation. In addition, violation of the provisions of

this Article shall be presumed to be a nuisance per se and shall be subject to civil action to abate the nuisance in accordance with all applicable laws at the discretion of the City.

**Sec. 90-1010. NO IMMUNITY FROM FEDERAL LAW.**

Nothing in this Article, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distributing, or possession of marijuana not in strict compliance with the Medical Marihuana Act and the General Rules. Also, since Federal law is not affected by that Act or the General Rules, nothing in this Chapter, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under Federal law. The Michigan Medical Marihuana Act does not protect users, caregivers or the owners of properties on which the medical use of marijuana is occurring from Federal prosecution, or from having their property seized by Federal authorities under the Federal Controlled Substances Act.

Section 2. This ordinance shall be in full force and effect on the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

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 \_\_\_\_\_, 2010.

\_\_\_\_\_  
Heidi A. Isakson  
Wyoming City Clerk

Ordinance No. \_\_\_\_\_



MAYOR  
Jack A. Poll

AT-LARGE COUNCILMEMBER  
Sam Bolt

AT-LARGE COUNCILMEMBER  
Dan Burrill

AT-LARGE COUNCILMEMBER  
Kent Vanderwood

1ST WARD COUNCILMEMBER  
William A. VerHulst

2ND WARD COUNCILMEMBER  
Richard K. Pastoor

3RD WARD COUNCILMEMBER  
Joanne M. Voorhees

CITY MANAGER  
Curtis L. Holt

October 26, 2010

Ms. Heidi A. Isakson  
City Clerk  
Wyoming, MI

Subject: Request to amend Zoning Code Chapter 90 pertaining to Medical Marijuana.

Recommendation: To approve the subject Zoning Code amendment either by regulation (Article XXIX) or prohibition (Section 90-34).

Dear Ms. Isakson:

The above referenced request was reviewed by the Wyoming Planning Commission at their regular meetings on August 17, September 21 and October 19, 2010. Staff had the following comments:

In November 2008, the Michigan Medical Marijuana Act (MMA) was overwhelmingly passed into State law by Michigan voters. Michigan was the 14<sup>th</sup> state to enact a medical marijuana law. The Act provides for debilitated and qualified patients (as licensed by the Michigan Department of Community Health - MDCH) to legally grow, use, and possess marijuana to treat their afflictions. In addition, the Act allows for licensed caregivers to grow marijuana to assist the needs of up to five qualified patients. A maximum of 12 plants may be grown for each patient, which results in up to 60 plants for each caregiver. The Act is silent on how many caregivers may operate at any given location. The Act goes further by mandating that the MDCH shall not, under penalty of law, disclose who has been licensed as patients or caregivers. Police Departments have no access to the knowledge of authorized users, growers or distributors within their communities. There are currently over 20,000 MDCH licensed patients and caregivers within Michigan.

After careful review, the Development Review Team with collaboration from the City Attorney, recommended that the dispensing of medical marijuana be permitted as intended by the Act, but regulated. The proposed regulating ordinance, amendment Article XXIX to Zoning Code Chapter 90, is attached. The DRT believes the essential intent of the Act is to permit qualified patients access to marijuana either by growing their own or through licensed caregivers. The proposed provisions mirror the direction of the City of Grand Rapids' ordinance and would present regulatory consistency through the majority of this region. The major provisions of the proposed ordinance are as follows:

- All qualifying patients and caregivers shall register with the City of Wyoming. This list shall be kept confidential and shall not be subject to disclosure through the Michigan Freedom of Information Act or any similar provision. Property owner consent is required.
- Caregivers shall be allowed in the R-1, R-2, ER and single family sections of the PUD districts. A medical marijuana dispensary shall not be allowed in any zoning district.
- Caregivers must be located a minimum of 1,000 feet from any school, day care center or child care center. In addition, they must be located a minimum of 1000 feet from any public park, playground, pool or recreation area.
- One caregiver is allowed per parcel.
- All necessary building permits shall be obtained for any devices intended to support the cultivation of marijuana.
- All cultivated medical marijuana shall be enclosed in a locked facility as approved by the Building Official and Fire Department.
- Pick up or delivery of medical marijuana by motor vehicle is not permitted before 7:00 a.m. or after 7:00 p.m.
- No signage of any type relative to medical marijuana shall be permitted.

Attached for your additional consideration is an alternative amendment to Section 90-34 of the Zoning Code. This amendment bans medical marijuana throughout the City (commonly referred to as the Livonia Model). This is presented as an alternative regulation. Several communities on the east side of the State have chosen this alternative.

As indicated earlier, the Development Review Team suggested the Planning Commission recommend to the City Council the subject Zoning Code amendment regulating the use of medical marijuana, as described in the attached Article XXIX.

There were no comments received at the public hearing on August 17, 2010. However, nine people spoke, both pro and con, to this issue during the public comment period at the October 19, 2010 Planning Commission meeting. A motion was made by Micele, supported by Woodruff, to recommend to City Council the Zoning Code amendment Article XXIX regulating medical marijuana as recommended by staff. After discussion, the motion failed 4 - 4. Motion by Postema, supported by Weller, to recommend to the City Council the Zoning Code amendment Section 90-34 banning medical marijuana. After discussion, the motion failed 4 - 4. The decision was made to forward both ordinances to the City Council with equal recommendations from the Planning Commission. Additional explanation regarding this proposal is provided by the Planning Commission minutes of August 17, September 21, and October 19, 2010 (attached).

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Timothy Cochran", written over a horizontal line.

Timothy Cochran, City Planner  
Planning and Development Department

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

THESE MINUTES ARE SUBJECT TO FORMAL APPROVAL BY THE WYOMING  
PLANNING COMMISSION AT ITS REGULAR MEETING OF SEPTEMBER 21, 2010

PLANNING COMMISSION  
MINUTES OF AUGUST 17, 2010  
CITY COUNCIL CHAMBERS  
CITY OF WYOMING, MICHIGAN

MEMBERS PRESENT: Bloomquist, Bueche, Goodheart, Hegyi, Micele, Postema, Spencer,  
Weller, Woodruff

MEMBERS ABSENT: None

STAFF PRESENT: Rynbrandt, Director of Community Services  
Cochran, City Planner  
Lucar, Administrative Secretary  
Jack Sluiter and Art Winther, City Attorneys

Chair Spencer called the meeting to order at 7:00 PM.

APPROVAL OF MINUTES

The minutes of July 20, 2010 were approved as written.

APPROVAL OF AGENDA

The agenda was approved as presented.

PUBLIC COMMENT ON NON-PUBLIC HEARING AGENDA ITEMS

There was no public comment.

AGENDA ITEM NO. 1

Request to amend Zoning Code Chapter 90 pertaining to the regulation of Medical  
Marijuana. (Wyoming Planning Department)

Cochran noted in November 2008, the Michigan Medical Marihuana Act (MMMA) was overwhelmingly passed into State law by Michigan voters. Michigan was the 14<sup>th</sup> state to enact a medical marijuana law. The Act provides for debilitated and qualified patients (as licensed by the Michigan Department of Community Health) to legally grow, use, and possess marijuana to treat their afflictions. In addition, the Act allows for licensed caregivers to grow marijuana to assist the needs of up to five qualified patients. A maximum of 12 plants may be grown for each

patient, which results in up to 60 plants for each caregiver. The Act is silent on how many caregivers may operate at any given location. The Act goes further by mandating that the MDCH shall not, under penalty of law, disclose who has been licensed as patients or caregivers. Police Departments have no access to the knowledge of authorized users, growers or distributors within their communities. There are currently over 20,000 licensed patients and caregivers within Michigan.

Many believe that the Act did not go far enough in prescribing how the marijuana is to be acquired and dispensed. Since the law's enactment, communities throughout Michigan were left to regulate an activity that had previously, in all forms, been prohibited by federal, state and local laws. The federal administration has established a policy that they will not pursue prosecution of State marijuana laws.

In March, the Wyoming City Council passed a six month moratorium pertaining to medical marijuana. The moratorium applies to business enterprises and/or locations for the distribution or cultivating of marijuana. The Development Review Team (DRT), including the Police Chief and City Attorney, has researched other community regulations as they became enacted. Essentially, communities have reacted to the Act in one of the following three ways:

1. Do nothing approach. Some local communities have chosen, or chosen by inaction, to not place any additional standards on the regulation of medical marijuana. Staff does not believe this to be prudent. Such a community may be more attractive to those active in the production of medical marijuana. This could result in an abundance of growers in residential, commercial or industrial locations. In addition, any established growing operations may contend they are grandfathered in a particular location at such time as the community decides to enact regulations.
2. Prohibition approach. This involves a community enacting an ordinance stating that any use that is contrary to federal, state or local laws is prohibited. Because the use, growing and distribution of medical marijuana is contrary to federal and local laws, such activities would continue to be illegal. This is sometimes referred to as the Livonia Model, named after the first major Michigan community to enact it. Although it conforms with prior prohibitive laws, the concern is that such ordinances will be challenged and overturned in courts as they may be contrary with the intent of the Act. Outright prohibitive ordinances could also lead to clandestine operations which would not provide for any local government scrutiny. However, if the prohibitive approach is determined to be the most appropriate for Wyoming, an ordinance to apply this restriction is attached for consideration.
3. Regulatory approach. Communities that have taken this direction accept the law and are attempting to regulate where the caregiver locations occur. Some communities have taken the position that these facilities should not be located in residential areas but may be allowable by Special Use Approval from the Planning Commission in either commercial or industrial districts. However, staff, in reviewing the State statute, believes the law is clear that caregivers and licensed patients have the right to grow their medical marijuana

where they reside. Generally, there is also a 1,000 foot separation requirement from all schools, or child care sites. This is to comply with Federal Drug Free School Zone requirements. Some include a 1,000 foot separation from all residential districts. In essence, such regulations may be so restrictive as to essentially ban the use from the community. Such severe restrictions may also be legally questionable. In addition, staff has a concern that marijuana dispensing facilities in our commercial districts may have a negative impact on surrounding businesses.

#### PROPOSED AMENDMENTS:

After careful review, the DRT recommends that the dispensing of medical marijuana be permitted as intended by the Act, but regulated. The proposed regulating ordinance is an amendment to Article XXIX of Zoning Code Chapter 90. We believe the essential intent of the Act is to permit qualified patients access to marijuana either by growing their own or through licensed caregivers. The proposed provisions mirror the direction of the City of Grand Rapids' ordinance and would present regulatory consistency through the majority of this area. The major provisions of the proposed ordinance are as follows:

- All qualifying patients and caregivers shall register with the City of Wyoming. This list shall be kept confidential and shall not be subject to disclosure through the Michigan Freedom of Information Act or any similar provision. Property owner consent is required.
- Caregivers shall be allowed in the R-1, R-2, ER and single family sections of the PUD districts. A medical marijuana dispensary shall not be allowed in any zoning district.
- Caregivers must be located a minimum of 1,000 feet from any school, day care center or child care center. In addition, they must be located a minimum of 500 feet from any public park, playground, pool or recreation area.
- Only one caregiver is allowed per parcel.
- All necessary building permits shall be obtained for any devices intended to support the cultivation of marijuana.
- All cultivated medical marijuana shall be enclosed in a locked facility as approved by the Building Official and Fire Department.
- Pick up or delivery of medical marijuana by motor vehicle is not permitted before 7:00 a.m. or after 7:00 p.m.
- No signage of any type relative to medical marijuana shall be permitted.

As mentioned previously, the draft amendment to Section 90-34 of the Zoning Code bans medical marijuana throughout the City (the Livonia Model). This is presented as an option to the Planning Commission and City Council.

The Development Review Team suggested the Planning Commission recommend to the City Council the subject Zoning Code amendment regulating the use of medical marijuana, as described in Article XXIX.

Chair Spencer opened the public hearing. There were no comments and the public hearing was closed.

Motion by Hegyi, supported by Woodruff, to recommend to the City Council the subject Zoning Code amendment regulating the use of medical marijuana, as described in Article XXIX. Discussion followed.

Postema asked why there are two different standards – a 500 feet radius from a park and a 1,000 feet radius from a school? City Attorney Sluiter said the 1,000 feet radius from a school is based on federal requirements; the 500 feet radius is a common distance requirement to separate certain uses from children.

Bueche asked who will be doing the inspections of these facilities? Sluiter replied it will become a matter between the Building Inspections and Fire Departments. Bueche also thought the wording in the ordinance should specify “Wyoming” instead of just the City. Sluiter said it is understood that it is referring to Wyoming because it is a City of Wyoming ordinance.

Micele asked if there would be a one-time initial inspection and then regular inspections thereafter? Sluiter said there would be a one-time inspection when a permit is obtained, but then the inspections would be done on a complaint basis only.

Woodruff questioned what would happen in an apartment situation where there were children living within the apartment complex? Sluiter said these operations are only allowed in single family residential homes. Postema thought the caregiver should have to reside in the home, and not rent out a home for this purpose. Sluiter would look into this further.

Micele asked why the hours would be from 7 am – 7 pm? Sluiter thought these would be appropriate times, since some people would make their transactions before or after work.

Hegyi questioned, if a caregiver lost a patient, would they have to remove 12 plants? Sluiter responded affirmatively.

Goodheart mentioned there have been many problems in California with these facilities and now they are trying to close some of them. Sluiter noted the California state statute is much more broad than Michigan’s. California is having trouble with gang activity because the drug dealers see caregivers as competitors.

Goodheart asked Sluiter’s opinion regarding the Livonia model which bans them altogether. Sluiter thought it has potential to be challenged in court. Goodheart asked if it would be possible to extend the moratorium another six months? Sluiter said, since the City is actively working on an ordinance, six months could be considered too long. Postema asked the effects of going with the Livonia model? Sluiter indicated the City is more likely to be challenged in court. Weller expressed the need for regulation and security.

Micele asked why residential areas instead of commercial? Sluiter said they are located in residential areas right now. It is unlikely someone would rent out commercial space when they can use their home for free. The City also wants to prohibit storefront co-ops selling medical marijuana. The City can better control them in residential areas.

Goodheart asked Sluiter if he thought the statute was here to stay? Sluiter predicted it would be, but there will most likely be changes to how it is regulated.

Bueche thought the wording on page 2, item 4 compared to the wording on page 3, item 10 regarding the number of patients served per week and the number of pickups or deliveries per week was inconsistent. Sluiter would better clarify the wording.

Bueche asked if the caregiver could charge a fee? Sluiter replied the caregiver is only allowed to cover their costs. Bueche asked if the City can charge inspection fees? He thought it should be included in this ordinance. Sluiter said that wording would have to be included in the City's fee schedule. It could also be stated in the ordinance that there is an inspection fee, but no amount specified.

Hegy added to his motion, and Woodruff agreed, that an appropriate fee be charged for inspections. Sluiter would revise the ordinance accordingly.

Goodheart was concerned with how to police these facilities? Sluiter explained the Police Department is allowed to obtain information from the State as to whether someone is a caretaker or a patient. This information is not available to the public. Bloomquist asked if the State regulates who can be a caretaker? Sluiter indicated the caretaker has to be over 21 years of age and not a previous felon.

Postema suggested on page 2, item 2, first sentence, the word "parcel" should be added after the word caregiver.

Hegy asked what would happen if there is a day care center that comes in next door to one of these facilities? Would the facility have to close because of the distance requirement? Sluiter replied the facility would become a non-conforming use. Postema asked how the City could know it is creating a non-conforming use? Sluiter indicated the caregiver would have to register with the Clerk's office, so the information could be obtained there.

Woodruff thought the 500 foot radius from any public park should be changed to a 1,000 foot radius. Hegyi agreed, and added to his motion that a registered primary caregiver parcel must be located outside a 1,000 foot radius from any public park.

Bueche recommended postponing this item one month in order for the City Attorney to make the changes suggested.

Motion by Postema, supported by Woodruff, to postpone this item one month in order for the City Attorney to prepare the suggested changes to the proposed ordinance. Motion carried unanimously.

AGENDA ITEM NO. 5

Request to amend Zoning Code Chapter 90 pertaining to the regulation of Medical Marijuana. (Wyoming Planning Department)

Cochran noted this request was postponed by the Planning Commission at the August 20, 2010 meeting. The recommended amendments to the proposed ordinance have been incorporated. In addition, on September 7, 2010 the City Council extended the Medical Marijuana moratorium until March 1, 2011.

In November 2008, the Michigan Medical Marihuana Act (MMMA) was overwhelmingly passed into State law by Michigan voters. Michigan was the 14<sup>th</sup> state to enact a medical marijuana law. The Act provides for debilitated and qualified patients (as licensed by the Michigan Department of Community Health) to legally grow, use, and possess marijuana to treat their afflictions. In addition, the Act allows for licensed caregivers to grow marijuana to assist the needs of up to

five qualified patients. A maximum of 12 plants may be grown for each patient, which results in up to 60 plants for each caregiver. The Act is silent on how many caregivers may operate at any given location. The Act goes further by mandating that the MDCH shall not, under penalty of law, disclose who has been licensed as patients or caregivers. Police Departments have no access to the knowledge of authorized users, growers or distributors within their communities. There are currently over 20,000 licensed patients and caregivers within Michigan.

#### PROPOSED AMENDMENTS:

After careful review, the DRT recommends that the dispensing of medical marijuana be permitted as intended by the Act, but regulated. Cochran referred to the proposed regulating ordinance, amendment Article XXIX to Zoning Code Chapter 90. Staff believes the essential intent of the Act is to permit qualified patients access to marijuana either by growing their own or through licensed caregivers. The proposed provisions mirror the direction of the City of Grand Rapids' ordinance and would present regulatory consistency through the majority of this area. The major provisions of the proposed ordinance are as follows:

- All qualifying patients and caregivers shall register with the City of Wyoming. This list shall be kept confidential and shall not be subject to disclosure through the Michigan Freedom of Information Act or any similar provision. Property owner consent is required.
- Caregivers shall be allowed in the R-1, R-2, ER and single family sections of the PUD districts. A medical marijuana dispensary shall not be allowed in any zoning district.
- Caregivers must be located a minimum of 1,000 feet from any school, day care center or child care center. In addition, they must be located a minimum of 1000 feet from any public park, playground, pool or recreation area.
- One caregiver is allowed per parcel.
- All necessary building permits shall be obtained for any devices intended to support the cultivation of marijuana.
- All cultivated medical marijuana shall be enclosed in a locked facility as approved by the Building Official and Fire Department.
- Pick up or delivery of medical marijuana by motor vehicle is not permitted before 7:00 a.m. or after 7:00 p.m.
- No signage of any type relative to medical marijuana shall be permitted.

Cochran referred to an amendment to Section 90-34 of the Zoning Code. This amendment bans medical marijuana throughout the City (the Livonia Model). This is presented as an alternative regulation to the Planning Commission and City Council.

The Development Review Team suggested the Planning Commission recommend to the City Council the subject Zoning Code amendment regulating the use of medical marijuana, as described in Article XXIX.

Motion by Hegyi, supported by Woodruff, to recommend to the City Council the subject Zoning Code amendment regulating the use of medical marijuana, as described in Article XXIX. Discussion followed.

Hegyi asked about the reference made to cultivated marijuana. Cochran said that "cultivated" is referring to the actual plant.

Woodruff asked the interpretation of a "locked facility". City Attorney Sluiter said a locked facility means simply a door with a lock on it.

Weller thought passing these regulations would open the City up to future problems. He preferred the Livonia model which prohibits these types of facilities.

Postema said last month it was decided the word "entity" would be removed and it is still in the proposed language. City Attorney Sluiter said he could take it out. Postema also proposed last month the wording that the caretaker must reside in the home and not rent out a home for this purpose. Also, on page 2, Sec. 90-1005(3), the word "parcel" should be changed to "single family structure". City Attorney Sluiter said he could make these changes.

Bueche said on page 3 there is reference to the "Wyoming Fire Department" and on page 4 it just refers to "Fire Department". Bueche also noted the wording on page 2, item 4 compared to the wording on page 3, item 10 regarding the number of patients served per week and the number of pickups or deliveries per week was still inconsistent. City Attorney Sluiter said this can be clarified. Bueche asked if caretakers would be charged a fee by the City? Sluiter said yes, which would be determined by the City Council and listed in the City's fee schedule.

Hegyi asked when the facilities would be inspected? Sluiter replied at the time the license is requested and then on a complaint basis only. He noted most surrounding cities in the area are in moratoriums and developing regulations.

Sluiter mentioned that the law is poorly written and leaves the individual communities problems to have to handle. Goodheart asked who prepared the wording in the law and whether they can be held accountable. Sluiter responded that it is not known who wrote the law and the wording could have been modeled after previous laws enacted in other states.

Goodheart asked the downside of the Livonia model? Sluiter responded that it is more likely to be challenged than the regulatory model. Litigation costs the city money. Goodheart asked, if the City adopted the Livonia model and was challenged and lost, couldn't the City then adopt the Ordinance to allow and regulate it after this? Sluiter responded yes.

Hegyi withdrew his motion and Woodruff withdrew his support.

Motion by Hegyi, supported by Woodruff, to postpone this item one month to address the proposed wording changes. Discussion followed.

Woodruff said he would like more specific wording regarding the locking of the facility. Perhaps the wording "to ensure inaccessibility" could be added. He liked the Livonia model more and more because of safety and health issues. Goodheart agreed.

Micele asked, if the City went with the Livonia model now, in the future would the State require cities to do regulations anyway? Sluiter did not know, but pointed out there are about ten cities on the east side of the state that have chosen to go with the Livonia model.

A straw poll was taken and the Livonia model was preferred 6 – 3.

Hegyi withdrew his motion and Woodruff withdrew his support for postponement.

Postema thought, even if they recommended the Livonia model to City Council, he would still like to see the regulations revised in case the City Council wishes to go with the regulatory option instead. Sluiter thought it important to have both options available for City Council, with the regulatory option containing the Planning Commission's revisions.

Motion by Woodruff, supported by Bueche, to postpone this item one month to address the proposed wording changes. Discussion followed.

Postema thought it should be made clear for the record that, since the State law regarding medical marijuana is not adequately defensible, a City ordinance regulating medical marijuana is likewise not adequately defensible.

A vote on the motion carried 8 – 1, with Bloomquist opposed.

PUBLIC COMMENT ON NON-PUBLIC HEARING AGENDA ITEMS

Amy of Holland, a member of the Michigan Medical Marijuana Assn. Compassion Group, read a letter in support of medical marijuana. Regarding registering caregivers with the City, she pointed out that names of patients and caregivers are confidential and cannot be revealed under the HIPAA laws.

Todd Dyer, 3460 Birchwood, executive director of the West Michigan Medical Marijuana Assn. Compassion Group, is a medical marijuana patient. If the City tries to ban medical marijuana, there will be lawsuits filed. The City cannot afford to pay millions in lawsuits when it has more important things to worry about, such as filling empty buildings with businesses and improving the schools.

Matt Hofstee, 2006 Denwood Ave, favored banning the dispensing of medical marijuana. He showed maps of various sections of the city and marked areas where medical marijuana could not be dispensed because of being located a minimum 1,000 feet from any public park, playground, recreation area, school or day care center.

Larry Fennema, 1572 – 41<sup>st</sup> Street SW, is a patient and caregiver. He asked what kind of judgment the City will place on caregivers when it is allowed by State law. The City is overstepping their bounds.

Kevin Ward of Greenville, a member of the Michigan Medical Marijuana Assn. Compassion Group, is a patient and caregiver. One of the major benefits of medical marijuana is that patients are no longer dependent on harder drugs to control pain. If the City bans it, lawsuits are going to happen.

Dan Saukas, 3080 Waterchase Way, said he has multiple sclerosis and marijuana is the only drug that has helped him and relieved his pain.

Nicole Miles, 4380 Walnut Hills Drive SE, Kentwood, said there are people willing to follow the rules related to medical marijuana. This law was passed for the purpose of helping people.

Ernest Richards, 3353 Birchwood Avenue, pointed out the American Medical Association supports the research of medical marijuana in helping relieve pain for patients with cancer, multiple sclerosis, and other medical conditions. These patients can discontinue the use of harsh narcotics and use medical marijuana instead. Marijuana has been used throughout history for its medical benefits and dates back thousand of years.

Mike Lowery of Grand Rapids could not believe the City would even consider banning medical marijuana when it is allowed by State law.

### AGENDA ITEM NO. 3

Request to amend Zoning Code Chapter 90 pertaining to the regulation of Medical Marijuana. (Wyoming Planning Department)

Rynbrandt noted this request was postponed for a second time by the Planning Commission at the September 21, 2010 meeting. The recommended changes to the proposed ordinance from those meetings have been incorporated. Rynbrandt referenced the purpose of providing two suggested amendments, one regulatory and one prohibitive, for the Planning Commission's consideration. In addition to her comments, she referenced the detailed staff report that was submitted to the Planning Commission. It is included in the minutes as public record.

#### PROPOSED AMENDMENTS:

After careful review, the DRT recommends that the dispensing of medical marijuana be permitted as intended by the Act, but regulated. The proposed regulating ordinance, amendment Article XXIX to Zoning Code Chapter 90, is attached. We believe the essential intent of the Act is to permit qualified patients access to marijuana either by growing their own or through licensed caregivers. The proposed provisions mirror the direction of the City of Grand Rapids' ordinance and would present regulatory consistency through the majority of this area. The major provisions of the proposed ordinance are as follows:

- All qualifying patients and caregivers shall register with the City of Wyoming. This list shall be kept confidential and shall not be subject to disclosure through the Michigan Freedom of Information Act or any similar provision. Property owner consent is required.
- Caregivers shall be allowed in the R-1, R-2, ER and single family sections of the PUD districts. A medical marijuana dispensary shall not be allowed in any zoning district.
- Caregivers must be located a minimum of 1,000 feet from any school, day care center or child care center. In addition, they must be located a minimum of 1000 feet from any public park, playground, pool or recreation area.

- One caregiver is allowed per parcel.
- All necessary building permits shall be obtained for any devices intended to support the cultivation of marijuana.
- All cultivated medical marijuana shall be enclosed in a locked facility as approved by the Building Official and Fire Department.
- Pick up or delivery of medical marijuana by motor vehicle is not permitted before 7:00 a.m. or after 7:00 p.m.
- No signage of any type relative to medical marijuana shall be permitted.

She also referred to an amendment to Section 90-34 of the Zoning Code. This amendment bans medical marijuana throughout the City (the Livonia Model). This is presented as an alternative regulation to the Planning Commission and City Council.

The Development Review Team suggested the Planning Commission recommend to the City Council the subject Zoning Code amendment regulating the use of medical marijuana, as described in the Article XXIX.

Chair Spencer said a letter was received in support of medical marijuana and distributed to the Planning Commission. The person submitting the letter asked that it be read at the meeting, but this is not the Planning Commission's policy.

Chair Spencer commented that the Planning Commission has studied and discussed this issue at length. She has not heard any Commissioner question the legality or morality of medical marijuana. The Commission will be recommending an ordinance which they feel is best for the city.

Motion by Micele, supported by Woodruff, to recommend to the City Council the subject Zoning Code amendment regulating the use of medical marijuana, as described in Article XXIX.  
Discussion followed.

Postema recognized the benefits of medical marijuana to patients who need it, but looking at the way the State law was written and the problems that have occurred because of abuse of the law, such as in California, he could not support the motion. The way the law is written makes it too difficult for municipalities to regulate it. The City regulates pharmacies and decides where they should be placed, so why not control the placement of these operations? He could not support the motion because of the way the State law is written and because of the federal laws that are in place.

Goodheart agreed with Postema. The State law was poorly written and has given local governments no direction in how to regulate it. The public safety and enforcement issues for the City are his main concerns. He asked Attorney Sluiter to address some of the citizens' concerns. Attorney Sluiter explained the State law was not well-written. The City is trying to establish regulations to eliminate commercialization of medical marijuana and make sure people that have it in their houses are doing it safely to avoid harm to themselves and others. Goodheart asked if any of the cities on the east side of the state that have banned it have been challenged? Attorney

Sluiter said none have been challenged yet. Weller thought they should wait on a decision and see what happens in other communities. It could be reconsidered later. Chair Spencer pointed out the City Council is waiting for a recommendation from the Planning Commission. She would rather have regulations in place dealing with this issue.

Postema asked, if the regulatory ordinance was passed and a day care center wanted to move in to a property that is less than 1,000 feet from a medical marijuana caregiver's established residence, how would the regulations be enforced? Attorney Sluiter stated someone can open a day care center near a caregiver if they wish; the prohibition is not against the day care center. However, a medical marijuana caregiver cannot locate within 1,000 feet from a day care center that is already there. Postema pointed out the protection that is put in place is then negated. The anonymity of these operations makes them unmanageable.

A vote on the motion failed 4 – 4, with Bueche, Goodheart, Postema and Weller opposed.

Motion by Postema, supported by Weller, to recommend to the City Council the subject Zoning Code amendment to Section 90-34, banning medical marijuana throughout the City (the Livonia Model). Discussion followed.

Hegyí asked if they could forward their recommendation to City Council as a tie vote? Attorney Sluiter said yes. Chair Spencer said they could also postpone the vote one month when there is a full board present. A straw poll indicated no support for postponing the vote.

A vote on the motion failed 4 – 4, with Hegyí, Micele, Spencer and Woodruff opposed.

JRS/sak  
6/25/10

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO ADD SECTION 90-34  
TO THE CODE OF THE CITY OF WYOMING

THE CITY OF WYOMING ORDAINS:

Section 1. That Section 90-34 is hereby added to the Code of the City of Wyoming to read as follows:

**Sec. 90-34. USES PROHIBITED BY LAW.** Uses not expressly permitted under this Ordinance are prohibited in all districts. Uses that are contrary to federal law, state law or local ordinance are prohibited.

Section 2. This ordinance shall be in full force and effect on the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

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 \_\_\_\_\_, 2010.

\_\_\_\_\_  
Heidi A. Isakson  
Wyoming City Clerk

Ordinance No. \_\_\_\_\_