

AGENDA
WYOMING CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
MONDAY, AUGUST 15, 2011 AT 7:00 P.M.

- 1) Call to Order**
- 2) Invocation**
Pastor Dennis Gilbert, Church of the Open Door.
- 3) Pledge of Allegiance**
- 4) Roll Call**
- 5) Student Recognition**
- 6) Approval of Minutes**
From the regular meeting of August 1, 2011 and the work session of August 8, 2011.
- 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
 1. No. 11-07: Acceptance of a Watermain Easement at 1300 Gezon Parkway (Gordon Food Service, Inc.)
 2. No. 11-08: Acceptance of a Storm Sewer Easement at 1300 Gezon Parkway (Gordon Food Service, Inc.)
- 13) Budget Amendments**
- 14) Consent Agenda**
 - a) To Approve Traffic Control Order No. 3.01-11
 - b) Approving the Application of Benteler Automotive Corporation for an Industrial Facilities Exemption Certificate in the City of Wyoming for a New Facility and Authorizing the Mayor and City Clerk to Sign the IFT Agreement
 - c) Approving the Application of Metal Components, LLC for an Industrial Facilities Exemption Certificate in the City of Wyoming for a New Facility and Authorizing the Mayor and City Clerk to Sign the IFT Agreement
 - d) Approving the Application of Stockwell Manufacturing Co. for an Industrial Facilities Exemption Certificate in the City of Wyoming for a New Facility and Authorizing the Mayor and City Clerk to Sign the IFT Agreement
- 15) Resolutions**
 - e) To Amend the City Council Policy Manual and to Add Section 10 - Financial Policies
 - f) To Approve Amendments to the By-Laws for the Wyoming Historical Commission
- 16) Award of Bids, Contracts, Purchases, and Renewal of Bids and Contracts**
 - g) To Authorize a Contract Change Allowing for Full Payment for Work Performed for the 2011 Wyoming Senior Center Game Room Renovation Project

- h) To Award a Contract for the Pinery Park North Parking Lot and Bike Path Resurfacing
- i) To Authorize Final Payment for Street Repair at 5555 Ivanrest Avenue
- j) To Authorize the Purchase of Three Police Cruisers from Snethkamp Dodge
- k) For Award of Bid for LED Street Light Luminaries

17) Ordinances

- 6-11: To Amend the Code of the City of Wyoming (Retirement Plan) FINAL READING
- 7-11: To Amend the Code of the City of Wyoming (Retirement Plan) FINAL READING
- 8-11: To Amend the Code of the City of Wyoming (Retirement Plan, Retiree Health Plans)
FINAL READING
- 9-11: To Add Article VI, Division I to the Code of the City of Wyoming (Historical
Commission) FIRST READING

18) Informational Material

19) Acknowledgment of Visitors

20) Closed Session (as necessary)

21) Adjournment

August 15, 2011

Wyoming City Council
Wyoming, Michigan

City Manager's Report No. 11-07:

Subject: Acceptance of a Watermain Easement at 1300 Gezon Parkway
(Gordon Food Service, Inc.)

Councilmembers:

Gordon Food Service, Inc., owner of the site located at 1300 Gezon Parkway has submitted the following described Watermain Easement. The easement conveys rights to the City of Wyoming to construct and maintain a fireline through the property as part of the relocation of the Gordon Food Service headquarters.

Grantor:	Gordon Food Service, Inc.
Parent Parcels:	41-17-35-300-030
Right of Way Size:	see attachment
Consideration:	\$1.00

It is recommended that the City Council accept the attached Watermain Easement which has been approved as to form by the City Attorney.

Respectfully submitted,

Curtis L. Holt
City Manager

Attachments: Watermain Easement

WATERMAIN EASEMENT

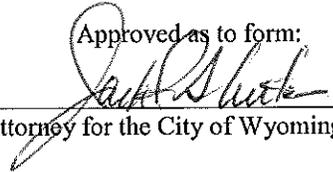
The Grantor, Gordon Food Service, Inc., a Michigan corporation, whose address is 333 50th Street, S.W., Grand Rapids, Michigan 49548 (the "Grantor"), DOES HEREBY GRANT AND CONVEY TO THE CITY OF WYOMING, a Michigan municipal corporation, whose address is 1155-28th Street, SW, Wyoming, Michigan 49509 (the "Grantee"), an **easement** and right of way for **watermain** purposes, including the right to enter upon the real property at any time and to construct, repair and maintain the underground watermain across, through and under said real property hereinafter described together with the right to excavate and refill ditches and/or trenches for the location of said watermain and the further right to remove trees, bushes, undergrowth, and other obstructions interfering with the location, construction and maintenance of said watermain in, over and upon said real property located in the City of Wyoming, County of Kent, State of Michigan, described as follows:

See Exhibit "A" attached hereto for the Legal Description

For the full consideration of **One Dollar (\$1.00)**

Grantor shall not construct any buildings or permanent structures upon said easement. If any property is affected by Grantee's exercise of any right granted hereunder, Grantee covenants and agrees to repair and restore any such property as nearly as possible to its condition existing immediately prior to the exercise of such rights.

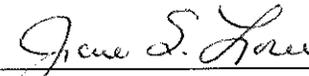
DATED: 6.15.11

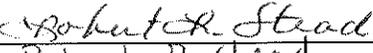
Approved as to form:

Attorney for the City of Wyoming

WITNESSES:

GRANTOR:

GORDON FOOD SERVICE, INC.

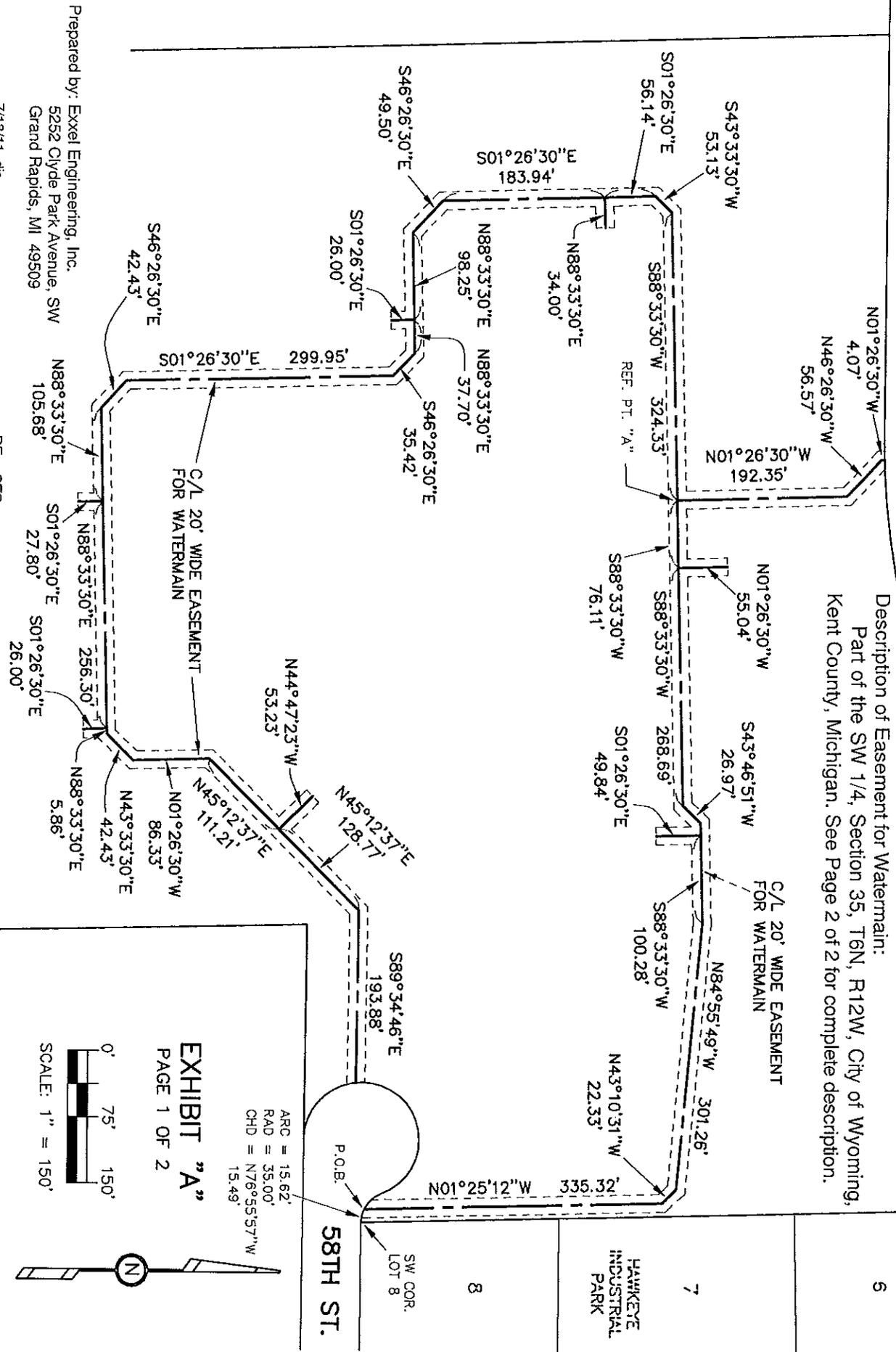

* JANE S. LOREE

By 
* Robert R. Stead
Its GENERAL COUNSEL


Roslyn L. Thoits

GEZON PARKWAY

Description of Easement for Watermain:
 Part of the SW 1/4, Section 35, T6N, R12W, City of Wyoming,
 Kent County, Michigan. See Page 2 of 2 for complete description.



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

RE: GFS

7/18/11 djr

P:\971209\dwg\971209-2010.dwg (E-WW2A)

EXHIBIT "A"
 PAGE 1 OF 2



ARC = 15.62'
 RAD = 35.00'
 CHD = $N76^{\circ}55'57''W$
 15.49'

EXHIBIT "A"

PAGE 2 OF 2

Description of Easement for Watermain:

Part of the SW 1/4, Section 35, T6N, R12W, City of Wyoming, Kent County, Michigan, described as: Commencing at the SW corner of Lot 8, Hawkeye Industrial Plat; thence Westerly 15.62 feet along the Northerly line of 58th Street on a 35.00 foot radius curve to the right, the chord of which bears N76°55'57"W 15.49 feet to the Place of Beginning of the centerline of a 20.00 foot wide strip of land; thence N01°25'12"W 335.32 feet; thence N43°10'31"W 22.33 feet; thence N84°55'49"W 301.26 feet; thence S88°33'30"W 100.28 feet; thence S01°26'30"E 49.84 feet; thence N01°26'30"W 49.84 feet; thence S88°33'30"W 268.69 feet; thence N01°26'30"W 55.04 feet; thence S01°26'30"E 55.04 feet; thence S88°33'30"W 76.11 feet to Reference Point "A"; thence S88°33'30"W 324.33 feet; thence S43°33'30"W 53.13 feet; thence S01°26'30"E 56.14 feet; thence N88°33'30"E 34.00 feet; thence S88°33'30"W 34.00 feet; thence S01°26'30"E 183.94 feet; thence S46°26'30"E 49.50 feet; thence N88°33'30"E 98.25 feet; thence S01°26'30"E 26.00 feet; thence N01°26'30"W 26.00 feet; thence N88°33'30"E 37.70 feet; thence S46°26'30"E 35.42 feet; thence S01°26'30"E 299.95 feet; thence S46°26'30"E 42.43 feet; thence N88°33'30"E 105.68 feet; thence S01°26'30"E 27.80 feet; thence N01°26'30"W 27.80 feet; thence N88°33'30"E 256.30 feet; thence S01°26'30"E 26.00 feet; thence N01°26'30"W 26.00 feet; thence N88°33'30"E 5.86 feet; thence N43°33'30"E 42.43 feet; thence N01°26'30"W 86.33 feet; thence N45°12'37"E 111.21 feet; thence N44°47'23"W 53.23 feet; thence S44°47'23"E 53.23 feet; thence N45°12'37"E 128.77 feet; thence S89°34'46"E 193.88 feet to the Westerly line of 58th Street and the place of ending of the centerline of said 20.00 foot wide strip of land. Also, a 20.00 foot wide strip of land, the centerline of which begins at aforesaid Reference Point "A"; thence N01°26'30"W 192.35 feet; thence N46°26'30"W 56.57 feet; thence N01°26'30"W 4.07 feet to the Southerly line of Gezon Parkway and the place of ending of the centerline of said 20.00 foot wide strip of land.

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

7/18/11 djr

RE: GFS

P: \971209\dwg\971209--2010.dwg (E--WM2B)

August 15, 2011

Wyoming City Council
Wyoming, Michigan

City Manager's Report No. 11-08:

Subject: Acceptance of a Storm Sewer Easement at 1300 Gezon Parkway
(Gordon Food Service, Inc.)

Councilmembers:

Gordon Food Service, Inc., owner of the site located at 1300 Gezon Parkway has submitted the following described Storm Sewer Easement. The easement conveys rights to the City of Wyoming to construct and maintain a storm sewer through the property as part of the relocation of the Gordon Food Service headquarters.

Grantor:	Gordon Food Service, Inc.
Parent Parcels:	41-17-35-300-030
Right of Way Size:	see attachment
Consideration:	\$1.00

It is recommended that the City Council accept the attached Storm Sewer Easement which has been approved as to form by the City Attorney.

Respectfully submitted,

Curtis L. Holt
City Manager

Attachments: Storm Sewer Easement

STORM SEWER EASEMENT

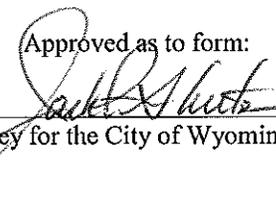
The Grantor, Gordon Food Service, Inc., a Michigan corporation, whose address is 333 50th Street, S.W., Grand Rapids, Michigan 49548 (the "Grantor"), DOES HEREBY GRANT AND CONVEY TO THE CITY OF WYOMING, a Michigan municipal corporation, whose address is 1155-28th Street, S.W., Wyoming, Michigan 49509 (the "Grantee"), an **easement** and right of way for **storm sewer** purposes, including the right to enter upon the real property at any time and to construct, repair and maintain the underground storm sewer across, through and under said real property hereinafter described together with the right to excavate and refill ditches and/or trenches for the location of said storm sewer and the further right to remove trees, bushes, undergrowth, and other obstructions interfering with the location, construction and maintenance of said storm sewer in, over and upon said real property located in the City of Wyoming, County of Kent, State of Michigan, described as follows:

See Exhibit "A" attached hereto for the Legal Description

For the full consideration of **One Dollar (\$1.00)**

Grantor shall not construct any buildings or permanent structures upon said easement. If any property is affected by Grantee's exercise of any right granted hereunder, Grantee covenants and agrees to repair and restore any such property as nearly as possible to its condition existing immediately prior to the exercise of such rights.

DATED: 6.15.11

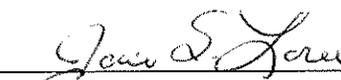
Approved as to form:


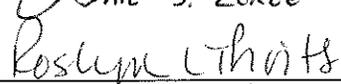
Attorney for the City of Wyoming

WITNESSES:

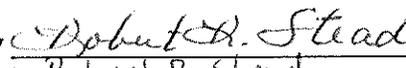
GRANTOR:

GORDON FOOD SERVICE, INC.



* JAIC S. LORGE


Roslyn L. Thoits

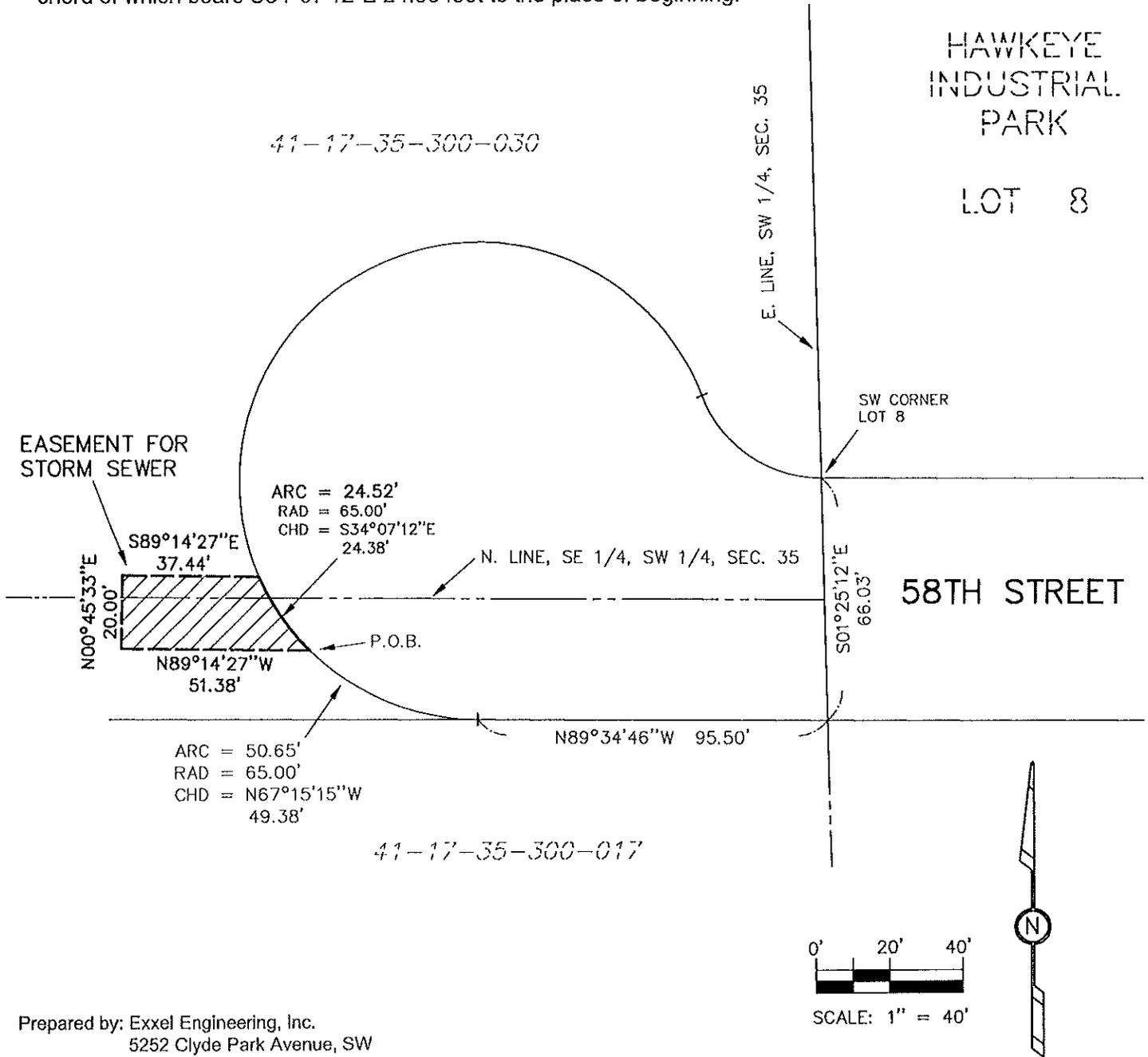
By 

* Robert R. Stead
Its GENERAL COUNSEL

EXHIBIT "A"

Description of Easement for Storm Sewer:

Part of the SW 1/4, Section 35, T6N, R12W, City of Wyoming, Kent County, Michigan, described as: Commencing at the SW corner of Lot 8, Hawkeye Industrial Plat; thence S01°25'12"E 66.03 feet along the East line of said SW 1/4, thence N89°34'46"W 95.50 feet; thence Northwestery 50.65 feet along a 65.00 foot radius curve to the right, the chord of which bears N67°15'15"E 49.38 feet to the Place of Beginning of this description; thence N89°14'27"W 51.38 feet; thence N00°45'33"E 20.00 feet; thence S89°14'27"E 37.44 feet; thence Southeasterly 24.52 feet along a 65.00 foot radius curve to the left, the chord of which bears S34°07'12"E 24.38 feet to the place of beginning.



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

2/18/11 djr

RE: GFS

P: \\971209\dwg\971209-2010.dwg (E-STM1)

RESOLUTION NO. _____

RESOLUTION TO APPROVE
TRAFFIC CONTROL ORDER NO. 3.01-11

WHEREAS, Traffic Control Order No. 3.01-11 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 3.01-11 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 15th day of August, 2011.

HEIDI A. ISAKSON
Wyoming City Clerk

Attachments

Resolution No. _____



MAYOR
Jack A. Poll

AT-LARGE COUNCILMEMBER
Sam Bolt

AT-LARGE COUNCILMEMBER
Dan Burrill

AT-LARGE COUNCILMEMBER
Kent Vanderwood

1ST WARD COUNCILMEMBER
William A. VerHulst

2ND WARD COUNCILMEMBER
Richard K. Pastoor

3RD WARD COUNCILMEMBER
Joanne M. Voorhees

CITY MANAGER
Curtis L. Holt

August 15, 2011

**PERMANENT
TRAFFIC CONTROL ORDER NO. 3.01-11**

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:

38th Street, north side, from Byron Center Avenue west 58 feet
38th Street, south side, from Byron Center Avenue west 67 feet

2. REGULATION:

No Parking Anytime

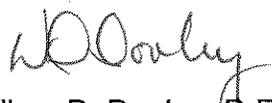
3. SIGNS:

"No Parking" with appropriate arrows

4. EFFECTIVE:

Immediately

Authority,


William D. Dooley, P.E.
Traffic Engineer

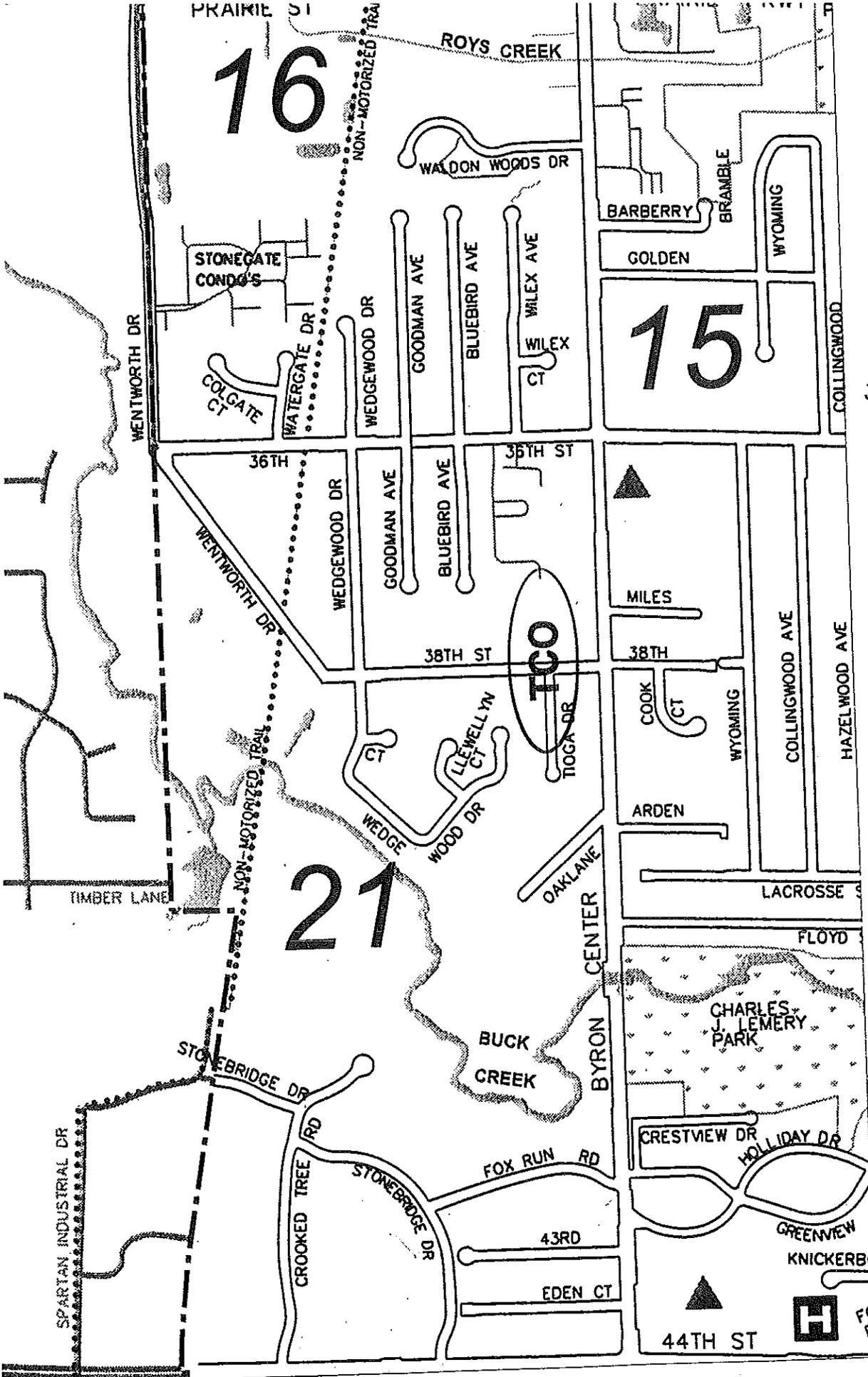
WDD:kh

cc: Police Dept

16

15

21



3600
See Page 6

4000

4400

2800

See Page 12

2400

SPARTAN INDUSTRIAL DR

STONEBRIDGE DR

CROOKED TREE RD
STONEBRIDGE DR

FOX RUN RD

43RD

EDEN CT

44TH ST

GREENVIEW
KNICKERBOCKER

CHARLES J. LEMERY
PARK

CRESTVIEW DR
HOLIDAY DR

BYRON CENTER

BUCK CREEK

OAKLAKE

ARDEN

MILES

38TH

38TH ST

TGO

LEWELLYN CT

CT

WEDGEWOOD DR

GOODMAN AVE

BLUEBIRD AVE

35TH ST

WENTWORTH DR

36TH

COLGATE CT

STONEGATE CONDOS

WATERGATE DR

WEDGEWOOD DR

GOODMAN AVE

BLUEBIRD AVE

WILEX AVE

WILEX CT

GOLDEN

BARBERRY

BRAMBLE

WYOMING

COLLINGWOOD

COLLINGWOOD AVE

HAZELWOOD AVE

LACROSSE

FLOYD

GREENVIEW

KNICKERBOCKER

FOUR POINTS



08/15/11
Manager/KV

RESOLUTION NO. _____

RESOLUTION APPROVING THE APPLICATION OF BENTELER AUTOMOTIVE CORPORATION FOR AN INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE IN THE CITY OF WYOMING FOR A NEW FACILITY AND AUTHORIZING THE MAYOR AND CITY CLERK TO SIGN THE IFT AGREEMENT

WHEREAS, pursuant to PA 198 of 1974, as amended, after duly noticed public hearings held on June 16, 1986 and October 17, 1994, this City Council by Resolution Numbers 11824 and 16813, established Industrial Development Districts 117 and 177, respectively; and

WHEREAS, Benteler Automotive Corporation has filed an application for an Industrial Facilities Exemption Certificate with respect to a new facility to be acquired and installed within Industrial Development District 117 and 177, with an estimated cost of \$5,097,900.00 for personal property; and

WHEREAS, before acting on said application, the City Council held a public hearing on May 16, 2011, in the Council Chambers, City Hall, 1155 28th Street SW, Wyoming, Michigan, at 7:01 p.m., at which hearing the applicant, the Assessor, and a representative of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application, and

WHEREAS, construction of the facility and installation of new machinery and equipment had not begun earlier than six (6) months before March 15, 2011, the date of acceptance of the application for the Industrial Facilities Exemption Certificate; and

WHEREAS, completion of the facility is calculated to and will, at the time of issuance of the certificate, have the reasonable likelihood to retain, create or prevent the loss of employment in the City of Wyoming; and

WHEREAS, the aggregate SEV of real and personal property exempt from ad valorem taxes within the City of Wyoming, after granting this certificate, will not exceed 5% of an amount equal to the sum of SEV of the unit, plus SEV of personal and real property thus exempted.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Wyoming that:

1. The Wyoming City Council finds and determines that the granting of the Industrial Facilities Exemption Certificate considered together with the aggregate amount of certificate previously granted and currently in force under PA 198 of 1974, as amended and PA 225 of 1978, as amended shall not have the effect of substantially impeding the operation of the City of Wyoming, or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Wyoming.

2. The application from Benteler Automotive Corporation for an Industrial Facilities Exemption Certificate, with respect to a new facility on the following described parcel of real property situated within Industrial Development Districts 117 and 177, to wit:

Address: 3721 Hagen Drive SE, Wyoming, MI 49548

Parcel No.: 41-18-19-126-059

Legal Description:

LOT 24. KENT INDUSTRIAL CENTER. ALSO LOT 98
KENT INDUSTRIAL CENTER NO. 2.

be the same as hereby approved.

3. The Industrial Facilities Exemption Certificate, when issued, shall be and remain in force for a period of twelve (12) years.
4. The Mayor and City Clerk are authorized to sign the IFT agreement with Benteler Automotive Corporation.

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 15th day of August, 2011.

Leanne Johnson
Wyoming Deputy City Clerk

Resolution No. _____

08/15/11
Manager/KV

RESOLUTION NO. _____

RESOLUTION APPROVING THE APPLICATION OF METAL COMPONENTS, LLC
FOR AN INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE
IN THE CITY OF WYOMING FOR A NEW FACILITY AND
AUTHORIZING THE MAYOR AND CITY CLERK TO SIGN THE IFT AGREEMENT

WHEREAS, pursuant to PA 198 of 1974, as amended, after a duly noticed public hearing held on May 6, 1985, this City Council by Resolution Number 11446, established Industrial Development District 105; and

WHEREAS, Metal Components, LLC has filed an application for an Industrial Facilities Exemption Certificate with respect to a new facility to be acquired and installed within Industrial Development District 105, with an estimated cost of \$675,000.00 for personal property; and

WHEREAS, before acting on said application, the City Council held a public hearing on March 7, 2011, in the Council Chambers, City Hall, 1155 28th Street SW, Wyoming, Michigan, at 7:02 p.m., at which hearing the applicant, the Assessor, and a representative of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application, and

WHEREAS, construction of the facility and installation of new machinery and equipment had not begun earlier than six (6) months before December 14, 2010, the date of acceptance of the application for the Industrial Facilities Exemption Certificate; and

WHEREAS, completion of the facility is calculated to and will, at the time of issuance of the certificate, have the reasonable likelihood to retain, create or prevent the loss of employment in the City of Wyoming; and

WHEREAS, the aggregate SEV of real and personal property exempt from ad valorem taxes within the City of Wyoming, after granting this certificate, will not exceed 5% of an amount equal to the sum of SEV of the unit, plus SEV of personal and real property thus exempted.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Wyoming that:

1. The Wyoming City Council finds and determines that the granting of the Industrial Facilities Exemption Certificate considered together with the aggregate amount of certificate previously granted and currently in force under PA 198 of 1974, as amended and PA 225 of 1978, as amended shall not have the effect of substantially impeding the operation of the City of Wyoming, or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Wyoming.

2. The application from Metal Components, LLC for an Industrial Facilities Exemption Certificate, with respect to a new facility on the following described parcel of real property situated within Industrial Development District 105, to wit:

Address: 3281 Roger B. Chaffee SW, Wyoming, MI 49548

Parcel No.: 41-18-18-326-059

Legal Description:

S 29.0 FT OF LOT 3 * KENT INDUSTRIAL CENTER * ALSO LOT 123 *KENT INDUSTRIAL CENTER NO. 3

be the same as hereby approved.

3. The Industrial Facilities Exemption Certificate, when issued, shall be and remain in force for a period of twelve (12) years.
4. The Mayor and City Clerk are authorized to sign the IFT agreement with Metal Components.

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 15th day of August, 2011.

Leanne Johnson
Wyoming Deputy City Clerk

Resolution No. _____

08/15/11
Manager/KV

RESOLUTION NO. _____

RESOLUTION APPROVING THE APPLICATION OF STOCKWELL MANUFACTURING
CO. FOR AN INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE
IN THE CITY OF WYOMING FOR A NEW FACILITY AND
AUTHORIZING THE MAYOR AND CITY CLERK TO SIGN THE IFT AGREEMENT

WHEREAS, pursuant to PA 198 of 1974, as amended, after a duly noticed public hearing held on September 3, 1985, this City Council by Resolution Number 11607, established Industrial Development District 111; and

WHEREAS, Stockwell Manufacturing Co., has filed an application for an Industrial Facilities Exemption Certificate with respect to a new facility to be acquired and installed within Industrial Development District 111, with an estimated cost of \$3,000,000.00 for personal property; and

WHEREAS, before acting on said application, the City Council held a public hearing on December 2, 2010, in the Council Chambers, City Hall, 1155 28th Street SW, Wyoming, Michigan, at 7:01 p.m., at which hearing the applicant, the Assessor, and a representative of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application, and

WHEREAS, construction of the facility and installation of new machinery and equipment had not begun earlier than six (6) months before October 26, 2010, the date of acceptance of the application for the Industrial Facilities Exemption Certificate; and

WHEREAS, completion of the facility is calculated to and will, at the time of issuance of the certificate, have the reasonable likelihood to retain, create or prevent the loss of employment in the City of Wyoming; and

WHEREAS, the aggregate SEV of real and personal property exempt from ad valorem taxes within the City of Wyoming, after granting this certificate, will not exceed 5% of an amount equal to the sum of SEV of the unit, plus SEV of personal and real property thus exempted.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Wyoming that:

1. The Wyoming City Council finds and determines that the granting of the Industrial Facilities Exemption Certificate considered together with the aggregate amount of certificate previously granted and currently in force under PA 198 of 1974, as amended and PA 225 of 1978, as amended shall not have the effect of substantially impeding the operation of the City of Wyoming, or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Wyoming.

2. The application from Stockwell Manufacturing Co., for an Industrial Facilities Exemption Certificate, with respect to a new facility on the following described parcel of real property situated within Industrial Development District 111, to wit:

Address: 4971 Clay Avenue SW, Wyoming, MI 49548

Parcel No.: 41-17-25-300-045

Legal Description:

PART OF N 1/2 SW 1/4 COM AT N 1/4 COR TH S 87D 56M 00S W 885.20 FT ALONG N SEC LINE TH S 4D 35M 30S E 3970.0 FT TO S 1/8 LINE TH S 88D 12M 30S W ALONG S 1/8 LINE 489.66 FT TO BEG OF THIS DESC - TH N 88D 12M 30S E ALONG S 1/8 LINE 399.47 FT TH N 0D 52M 05S W 256.50 FT TH NLY 176.57 FT ON A 3042.94 FT RAD CURVE TO LT /LONG CHORD BEARS N 2D 31M 50S W 176.55 FT/ TO N LINE OF S 433.0 FT OF N 1/2 SW 1/4 TH S 88D 12M 30S W 401.33 FT ALONG SD N LINE TO A LINE BEARING N 1D 47M 30S W TO BEG TH S 1D 47M 30S E 433.0 FT TO BEG * SEC 25 T6N R12W 4.00 A.

be the same as hereby approved.

3. The Industrial Facilities Exemption Certificate, when issued, shall be and remain in force for a period of twelve (12) years.
4. The Mayor and City Clerk are authorized to sign the IFT agreement with Stockwell Manufacturing.

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 15th day of August, 2011.

Leanne Johnson
Wyoming Deputy City Clerk

Resolution No. _____

07/18/2011

hai

RESOLUTION NO. _____

RESOLUTION TO AMEND THE CITY COUNCIL
POLICY MANUAL AND ADD SECTION 10 - FINANCIAL POLICIES

WHEREAS, the Finance Director has proposed adoption of a fund balance policy; and

WHEREAS, Section 3.04 of the City Council Policy manual contains policies relating to financial matters; now, therefore,

BE IT RESOLVED, that Section 3.07 (Affirmative Action) of the Council Policy Manual is deleted; and

BE IT FURTHER RESOLVED, that Section 10 - Financial Policies is hereby adopted as attached, and that Section 3.04 (Finance Director) is deleted; and

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 of the City of Wyoming, Michigan at the regular session held on the 15th day of August, 2011.

Leanne Johnson
Wyoming Deputy City Clerk

Resolution No. _____



Memorandum

TO: Curtis Holt, City Manager

FROM: Tim Smith, Finance Director

DATE: June 30, 2011

SUBJECT: Fund Balance Policy

Attached is the Fund Balance Policy that I am recommending that the City Council review and approve. The Fund Balance Policy is in response to the Governmental Accounting Standards Board (GASB) Statement No. 54, Fund Balance Reporting and Governmental Fund Type Definitions and to Standard & Poor's comment in our latest bond rating "We consider Wyoming's management practices "good" under Standard & Poor's Financial Management methodology, indicating that practices exist in most areas, although not all may be formalized or regularly monitored by governance officials."

The attached fund balance policy:

1. Addresses all of the items in GASB Statement No. 54, such as the process of committing or assigning funds and the order in which fund balance is to be spent;
2. Brings the City into compliance with the State of Michigan, Department of Treasury Michigan Committee on Governmental Accounting and Auditing (MCGAA) Statement No. 15 – Implementation of GASB Statement No. 54 (MCGAA Statement No. 15 was issued June 30, 2011);
3. Sets a minimum suggested unassigned fund balance limit for the general fund (the general fund is the only fund that can have a positive unassigned fund balance. The guidelines I have used are two months [suggested by the Government Finance Officers Association, the Association of Government Accountants and our auditors] to four months of the current operating budget); and,
4. Formalizes a management practice and monitoring mechanism.

If you have any questions regarding the proposed Fund Balance Policy, please let me know.

Section 3 - STAFF AND EMPLOYEES

3.01 City Manager. The City Manager is hereby authorized to make settlement of claims without the prior approval of the City Council in all cases where the settlement does not exceed \$10,000.

The City Manager is hereby authorized to give such assistance as is needed in the form of equipment or employees to another municipality within the immediate area in the event that such municipality has been affected with a disaster such as a tornado, conflagration or other emergency situation in which the municipality needs assistance.

3.02 62-A District Court Judges. Beginning June 1, 1986, the annual salary supplement provided by the City of Wyoming to each 62-A District Court Judge shall be equal to the annual salary set by the State of Michigan for District Court Judges, less the amount of the State contribution, and will include the following fringe benefits:

- A. The City Health Plan subject to the enrollment rules of the plan
- B. Life insurance - \$35,000
- C. Payment of State and local bar dues
- D. One annual judicial in-state conference

3.03 City Attorney. In order to obtain a written opinion from the city attorney, the request will be put in writing signed by at least two members of the City Council, or by verbal request at a public meeting with support from at least one other member of the Council.

The Attorney or designee shall attend all meetings of the City Council.

3.04 ~~Finance Director Reserved~~

[the following section moved to new Section 10 - Financial Policies]

~~The City Council authorizes any two of the incumbents of the following four positions to sign checks, certificates of deposit and other evidence of investments and any one of the incumbents of the following four positions to initiate wire transfers between banks or bank transfers between bank accounts:~~

- ~~_____ Finance Director~~
- ~~_____ Deputy Finance Director~~
- ~~_____ Treasurer~~
- ~~_____ Deputy Treasurer~~

~~The Finance Director, or his designee upon direction by the Finance Director, shall be allowed to invest City funds as permitted by State Statute.~~

~~To comply with Public Act 20 of 1943, as amended, the following shall be the investment policy of the City of Wyoming:~~

~~PURPOSE. It is the policy of the City of Wyoming to invest its funds in a manner which will provide the highest investment return with the maximum security while meeting the~~

~~daily cash flow needs of the City of Wyoming and complying with all state statutes governing the investment of public funds.~~

~~SCOPE. This investment policy applies to all financial assets of the City of Wyoming. These assets are accounted for in the various funds of the City of Wyoming and include the general funds, special revenue funds, debt service funds, capital project funds, enterprise funds, internal service funds, trust and agency funds, and any new funds established by the City of Wyoming.~~

~~OBJECTIVES. The primary objectives, in priority order, of the City of Wyoming's investment activities shall be:~~

~~Safety – Safety of principal is the foremost object of the investment program. Investments shall be undertaken in a manner that seeks to insure the preservation of capital in the overall portfolio.~~

~~Diversification – The Finance Director shall diversify use of investment instruments to avoid incurring unreasonable risks inherent in over-investment in specific instruments, individual financial institutions or maturities.~~

~~Liquidity – The investment portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated.~~

~~Return on Investments – The investment portfolio shall be designed with the objective of obtaining a rate of return throughout the budgetary and economic cycles, taking into account the investment risk constraints and the cash flow characteristics of the portfolio.~~

~~DELEGATION OF AUTHORITY. Authority to manage the investment program is derived from the following: Act No. 20 of the Public Acts of Michigan of 1943, as amended, and City of Wyoming Charter, Chapter VIII, Section 8.6. Management responsibility for the investment program is hereby delegated to the Finance Director, who shall establish written procedures and internal controls for the operation of the investment program consistent with this investment policy. Procedures should include references to: safekeeping, delivery vs. payment, investment accounting, repurchase agreements, wire transfer agreements, collateral/depository agreements and banking service contracts. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the Finance Director. The Finance Director shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials. The Finance Director shall annually provide a written report to the Wyoming City Council concerning the investment of funds.~~

~~LIST OF AUTHORIZED INVESTMENTS. The City is limited to investments authorized by Act 20 of 1943, as amended, including the following:~~

- ~~1. Daily money market mutual funds registered under the Investment Company Act of 1940, Title I, Chapter 686, 54 Stat. 789, 15 U.S.C. 80a-1 to 80a-3, and 80a-4 to 80a-64, invested in bonds, securities and other obligations of the United States or an agency or instrumentality of the United States.~~
- ~~2. Bonds, securities, and other obligations of the United States or an agency or instrumentality of the United States.~~

- ~~3. Certificates of deposit of a bank which is a member of the Federal Deposit Insurance Corporation and which are also eligible to be a depository of surplus funds belonging to the state under § 5 or § 6 of Act 105 of the Public Acts of 1855, as amended, being §21.145 and §21.146 of the Michigan Compiled Laws.~~
- ~~4. Commercial paper rated at the time of purchase within the two highest classifications by not less than two standard rating services and which matures not more than 270 days after the date of purchase.~~
- ~~5. United States government or federal agency obligation repurchase agreement.~~
- ~~6. Banker's acceptances of United States banks.~~
- ~~7. Investment pools composed of investment vehicles which are legal for direct investments by local units of government in Michigan and in accordance with Act No. 367 of the Public Acts of 1982.~~

~~QUALIFIED INSTITUTIONS. The City of Wyoming shall maintain a list of financial institutions which are approved for investment purposes. In addition, a list of approved security broker/dealers selected by creditworthiness will also be maintained. All financial institutions and broker/dealers who desire to become qualified for investment transactions must supply the following as appropriate: Audited financial statements; proof of National Association of Securities Dealers certification; proof of state registration; completed broker/dealer questionnaire; certification of having read and understood and agreeing to comply with the City's investment policy.~~

~~SAFEKEEPING AND CUSTODY. All security transactions, including collateral for repurchase agreements and financial institution deposits, entered into by the City of Wyoming shall be on a cash (or delivery vs. payment) basis. Securities may be held by a third party custodian designated by the Finance Director and evidenced by safekeeping receipts as determined by the Finance Director.~~

~~PRUDENCE. Investments shall be made with judgement and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.~~

3.05 Employee Service Awards. Service awards for all employees shall be given annually for continuous years of employment with the City at: 10 years, 15 years, 20 years, 25 years, and 30 years or more of service.

3.06 Unemployment Compensation. The City adopts the Michigan State plan for unemployment compensation whereby the City will reimburse the State for the unemployment expenses incurred on its behalf.

3.07 Affirmative Action Program. The City subscribes to an Affirmative Action Program for minority group persons employed by certain contractors, agencies, and other business firms which are utilized by the City. The City also subscribes to an Affirmative Action policy regarding minority group persons employed, and to be employed, by the City. A complete copy is on file at the Human Resources office.

3.08 Authorization for City Treasurer to accept partial payments. The City Treasurer is hereby authorized to accept partial payments for real and personal property taxes. If the partial payment on a parcel results in a balance of less than \$5.00 on summer taxes and less than \$1.00 on winter taxes, the City Treasurer is authorized to mark the parcel as paid in full prior to the turning the tax roll over to the Kent County Treasurer on March 1 of each year.

Section 10 - FINANCIAL POLICIES

10.1 Funds

The City Council authorizes any two of the incumbents of the following four positions to sign checks, certificates of deposit and other evidence of investments and any one of the incumbents of the following four positions to initiate wire transfers between banks or bank transfers between bank accounts:

- Finance Director
- Deputy Finance Director
- Treasurer
- Deputy Treasurer

10.2 Fund Balance Policy

Purpose. The following policy has been adopted by the City Council in order to address the implications of Governmental Accounting Standards Board ("GASB") Statement No. 54, Fund Balance Reporting and Governmental Fund Definitions. The policy is created in consideration of unanticipated events that could adversely affect the financial condition of the City of Wyoming and jeopardize the continuation of necessary public services. This policy will ensure that the City of Wyoming maintains adequate fund balances and reserves in order to:

- a. Provide sufficient cash flow for daily financial needs,
- b. Secure and maintain investment grade bond ratings,
- c. Offset significant economic downturns or revenue shortfalls, and
- d. Provide funds for unforeseen expenditures related to emergencies.

Fund type definitions. The following definitions will be used in reporting activity in governmental funds across the City of Wyoming. The City of Wyoming may or may not report all fund types in any given reporting period, based on actual circumstances and activity.

The general fund is used to account for all financial resources not accounted for and reported in another fund.

Special revenue funds are used to account and report the proceeds of specific revenue sources that are restricted or committed to expenditure for specific purposes other than debt service or capital projects.

Debt service funds are used to account for all financial resources restricted, committed or assigned to expenditure for principal and interest.

Capital projects funds are used to account for all financial resources restricted, committed or assigned to expenditure for the acquisition or construction of capital assets.

Permanent funds are used to account for resources restricted to the extent that only earnings, and not principal, may be used for purposes that support the government's purposes.

Fund balance reporting in governmental funds. Fund balance will be reported in governmental funds under the following categories using the definitions provided by GASB Statement No. 54:

Nonspendable fund balance

Definition – includes amounts that cannot be spent because they are either (a) not in spendable form or (b) legally or contractually required to be maintained in tact.

Classification – Nonspendable amounts will be determined before all other classifications and consist of the following items (as applicable in any given fiscal year):

- The City of Wyoming will maintain a fund balance equal to the balance of any long-term outstanding balances due from others (including other funds of the government)
- The City of Wyoming will maintain a fund balance equal to the value of inventory balances and prepaid items
- The City of Wyoming will maintain a fund balance equal to the corpus (principal) of any permanent funds that are legally or contractually required to be maintained in-tact
- The City of Wyoming will maintain a fund balance equal to the balance of any land or other nonfinancial assets held for sale

Restricted fund balance

Definition – includes amounts that can be spent only for the specific purposes stipulated by the constitution, external resource providers, or through enabling legislation.

Committed fund balance

Definition – includes amounts that can be used only for the specific purposes determined by a formal action of the government's highest level of decision-making authority.

Authority to Commit – Commitments will only be used for specific purposes pursuant to a formal action of the City Council. A majority vote is required to approve a commitment and a two-thirds majority vote is required to remove a commitment.

Assigned fund balance

Definition – includes amounts intended to be used by the government for specific purposes but do not meet the criteria to be classified as restricted or committed. In governmental funds other than the general fund, assigned fund balance represents the remaining amount that is not restricted or committed.

Authority to Assign – The City Council delegates to the City Manager or his/her/their designee the authority to assign amounts to be used for specific purposes. Such assignments cannot exceed the available (spendable, unrestricted, uncommitted) fund balance in any particular fund.

Unassigned fund balance

Definition – includes the residual classification for the government's general fund and includes all spendable amounts not contained in the other classifications. In other funds, the unassigned classification should be used only to report a deficit balance from overspending for specific purposes for which amounts had been restricted, committed, or assigned.

Operational guidelines. The following guidelines address the classification and use of fund balance in governmental funds:

Classifying fund balance amounts – Fund balance classifications depict the nature of the net resources that are reported in a governmental fund. An individual governmental fund may include nonspendable resources and amounts that are restricted, committed, or assigned, or any combination of those classifications. The general fund may also include an unassigned amount.

Encumbrance reporting – Encumbering amounts for specific purposes for which resources have already been restricted, committed or assigned should not result in separate display of encumbered amounts. Encumbered amounts for specific purposes for which amounts have not been previously restricted, committed or assigned, will be classified as committed or assigned, as appropriate, based on the definitions and criteria set forth in GASB Statement No. 54.

Prioritization of fund balance use – When an expenditure is incurred for purposes for which both restricted and unrestricted (committed, assigned, or unassigned) amounts are available, it shall be the policy of the City of Wyoming, Michigan to consider restricted amounts to have been reduced first. When an expenditure is incurred for purposes for which amounts in any of the unrestricted fund balance classifications could be used, it shall be the policy of the City of Wyoming, Michigan that committed amounts would be reduced first, followed by assigned amounts and then unassigned amounts.

Minimum unassigned fund balance – The City of Wyoming recognizes the importance of maintaining an appropriate level of Unassigned Fund Balance. After evaluating the City's operating characteristics, diversity of tax base, reliability of non-property tax sources, working capital needs, impact on bond rating, State and local economic outlooks, emergency and disaster risk and other contingent issues, the City establishes the following goals regarding the Fund Balance for the General Fund:

1. The City will seek to maintain an Unassigned Fund Balance between sixteen-point-seven percent (16.7%) and thirty-three-point four percent (33.4%) of General Fund operating expenditures as reflected in the current year's budget, i.e., a minimum amount equal to two (2) months operating expenditures from the current operating budget.

2. The following circumstances may justify a higher target level of fund balance:
 - a. Significant volatility of operating revenues or expenditures;
 - b. Potential drain on resources from other funds facing financial difficulties;
 - c. Exposure to natural disaster;
 - d. Significant demand for infrastructure and capital projects.

3. The Assigned Fund Balance consists of funds set aside by management and intended for a specific purpose or project. The City Manager will communicate in writing to City Council assigned fund balances, which will include the purpose of the assignment. Although the City Manager may assign portions of the fund balance to designated purposes, any expenditure of the fund balance is still subject to the provisions of the City Charter, City Code and other policies of the City.

4. The City reserves the right to appropriate funds from the unassigned fund balance for emergencies and other requirements the City Council believes to be in the best interests of the City. If spending in designated circumstances has reduced unassigned fund balance below the target minimum level, it should be replenished until the balance is restored to the minimum level. The source of funds and the period over which the replenishment is to occur should be provided to the City Council by the City Manager and Finance Director.

Implementation and review. Upon adoption of this policy the City Council authorizes the Finance Director to establish any standards and procedures which may be necessary for its implementation. The Finance Director shall review this policy at least annually and make any recommendations for changes to the City Council and City Manager.

10.3 Investments

The Finance Director, or his designee upon direction by the Finance Director, shall be allowed to invest City funds as permitted by State Statute.

To comply with Public Act 20 of 1943, as amended, the following shall be the investment policy of the City of Wyoming.

PURPOSE. It is the policy of the City of Wyoming to invest its funds in a manner which will provide the highest investment return with the maximum security while meeting the daily cash flow needs of the City of Wyoming and complying with all state statutes governing the investment of public funds.

SCOPE. This investment policy applies to all financial assets of the City of Wyoming. These assets are accounted for in the various funds of the City of Wyoming and include

the general funds, special revenue funds, debt service funds, capital project funds, enterprise funds, internal service funds, trust and agency funds, and any new funds established by the City of Wyoming.

OBJECTIVES. The primary objectives, in priority order, of the City of Wyoming's investment activities shall be:

Safety – Safety of principal is the foremost object of the investment program. Investments shall be undertaken in a manner that seeks to insure the preservation of capital in the overall portfolio.

Diversification – The Finance Director shall diversify use of investment instruments to avoid incurring unreasonable risks inherent in over-investment in specific instruments, individual financial institutions or maturities.

Liquidity – The investment portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated.

Return on Investments – The investment portfolio shall be designed with the objective of obtaining a rate of return throughout the budgetary and economic cycles, taking into account the investment risk constraints and the cash flow characteristics of the portfolio.

DELEGATION OF AUTHORITY. Authority to manage the investment program is derived from the following: Act No. 20 of the Public Acts of Michigan of 1943, as amended, and City of Wyoming Charter, Chapter VIII, Section 8.6. Management responsibility for the investment program is hereby delegated to the Finance Director, who shall establish written procedures and internal controls for the operation of the investment program consistent with this investment policy. Procedures should include references to: safekeeping, delivery vs. payment, investment accounting, repurchase agreements, wire transfer agreements, collateral/depository agreements and banking service contracts. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the Finance Director. The Finance Director shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials. The Finance Director shall annually provide a written report to the Wyoming City Council concerning the investment of funds.

LIST OF AUTHORIZED INVESTMENTS. The City is limited to investments authorized by Act 20 of 1943, as amended, including the following:

1. Daily money market mutual funds registered under the Investment Company Act of 1940, Title I, Chapter 686, 54 Stat. 789, 15 U.S.C. 80a-1 to 80a-3, and 80a-4 to 80a-64, invested in bonds, securities and other obligations of the United States or an agency or instrumentality of the United States.
2. Bonds, securities, and other obligations of the United States or an agency or instrumentality of the United States.
3. Certificates of deposit of a bank which is a member of the Federal Deposit Insurance Corporation and which are also eligible to be a depository of surplus funds belonging to the state under § 5 or § 6 of Act 105 of the Public Acts of 1855, as amended, being §21.145 and §21.146 of the Michigan Compiled Laws.

4. Commercial paper rated at the time of purchase within the two highest classifications by not less than two standard rating services and which matures not more than 270 days after the date of purchase.
5. United States government or federal agency obligation repurchase agreement.
6. Banker's acceptances of United States banks.
7. Investment pools composed of investment vehicles which are legal for direct investments by local units of government in Michigan and in accordance with Act No. 367 of the Public Acts of 1982.

QUALIFIED INSTITUTIONS. The City of Wyoming shall maintain a list of financial institutions which are approved for investment purposes. In addition, a list of approved security broker/dealers selected by creditworthiness will also be maintained. All financial institutions and broker/dealers who desire to become qualified for investment transactions must supply the following as appropriate: Audited financial statements; proof of National Association of Securities Dealers certification; proof of state registration; completed broker/dealer questionnaire; certification of having read and understood and agreeing to comply with the City's investment policy.

SAFEKEEPING AND CUSTODY. All security transactions, including collateral for repurchase agreements and financial institution deposits, entered into by the City of Wyoming shall be on a cash (or delivery vs. payment) basis. Securities may be held by a third party custodian designated by the Finance Director and evidenced by safekeeping receipts as determined by the Finance Director.

PRUDENCE. Investments shall be made with judgement and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

08/18/11
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RESOLUTION NO. _____

RESOLUTION TO APPROVE AMENDMENTS
TO THE BY-LAWS FOR
THE WYOMING HISTORICAL COMMISSION

WHEREAS, the City Attorney and City Clerk have recommended that the By-laws of the Wyoming Historical Commission be restated and amended; and

WHEREAS, the Wyoming Historical Commission has reviewed and approved the proposed By-Laws, and

WHEREAS, amendments to the By-laws must be approved by the City Council; now therefore

BE IT RESOLVED that the Wyoming Historical Commission By-Laws attached hereto are approved by the City Council, and are effective immediately and until such time as further amendments are appropriate.

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 15th day of August, 2011.

Heidi A. Isakson
Wyoming City Clerk

Resolution No. _____

BY-LAWS OF THE
WYOMING HISTORICAL COMMISSION
OF THE
CITY OF WYOMING, MICHIGAN

ARTICLE I - NAME

The name of the organization is the Wyoming Historical Commission.

ARTICLE II - PURPOSE

The purpose of the Historical Commission is to preserve and present pertinent historical material and information of historical value to the present and future residents of the City of Wyoming.

ARTICLE III - MEMBERS

Section 1. Members Of the Commission shall consist of nine members appointed by the Mayor with the approval of the City Council.

Section 2. The members appointed pursuant to Section 1 shall constitute the Board of Directors and shall be the voting members of the Commission.

Section 3. The term of office of members shall be three years, ending on June 30. The first members appointed shall have terms adjusted to allow for one-third of the members to have terms expiring each year.

Section 4. All members shall be registered electors of the City of Wyoming, and shall take an Oath of Office administered by the City Clerk.

Section 5. The Commission may add additional non-voting members in its discretion.

ARTICLE IV - OFFICERS

Section 1. Election of officers shall be held by members of the Commission at the first regular meeting of each fiscal year by a majority of those members present.

Section 2. The officers of the Commission shall consist of a Chairman, Vice-Chairman, Secretary, and Treasurer. The officers shall hold office for one (1) year or until their successors are appointed and qualified.

Section 3. The Chairman shall preside over meetings of the Commission. The Chairman shall develop and present the agenda for meetings.

Section 4. The Vice-Chairman shall perform those duties and exercise those powers of the Chairman during the absence or disability of the Chairman.

Section 5. The Secretary shall be responsible for all official communications of the Commission, shall give all notices as required in the By-Laws of the Commission and shall perform such other duties as may be designated by the Commission. The secretary shall be responsible for recording all proceedings of the meetings of the Commission and of the Executive Committee, if one is created, and shall provide minutes of meetings to all members.

Section 6. The Treasurer shall have custody of all Commission funds and securities and shall keep the accounts of the Commission. A full and accurate account of all receipts, disbursements, and deposits of all monies, securities and other valuable effects shall be kept by the Treasurer. The Treasurer shall prepare and present to the Commission an account of all financial transactions and the financial condition of the Commission. An income statement and balance sheet shall be submitted to the Chairman at least one week prior to the Commission's submission of the annual report to the Wyoming City Council. If required by the Commission, the Treasurer shall deliver to the Chairman and keep in force a bond in an amount satisfactory to the Commission and approved by the City Manager. In case of the Treasurer's death, resignation or removal from office, all books, papers, vouchers, money and property of whatever kind belonging to the Commission that is in his/her possession, or under his/her control shall be returned to the Commission. The Treasurer shall provide, on an annual basis, an accounting to the City of all funds received and disbursed by the Commission. Financial records of the Commission shall be provided to the City finance director upon request.

Section 7. Any officer of the Commission may be removed by a majority of the members of the Commission.

ARTICLE V – MEETINGS

Section 1. Regular meetings of the Commission shall be held monthly, at a date and time established by resolution of the City Council, and in compliance with the Open Meetings Act. Meetings shall be held at the Wyoming Library, 3350 Michael Avenue SW, Wyoming, Michigan.

Section 2. Any member who is not able to attend a regular or special meeting shall notify the Chair or Secretary. The absence may be excused by vote of the members present, and such excuse shall be placed in the minutes. If any member misses four (4) consecutive monthly meetings or 25% of such meetings in any fiscal year without such absences being excused by the members, that member's office shall be deemed as vacated. Any member being terminated shall be advised of their termination by letter.

Section 3. The Commission shall adopt rules of procedure for the conduct of its meetings. In the absence of an adopted rule to the contrary, Roberts Rules of Order, current edition, shall apply.

Section 4. A quorum shall consist of a majority of the members of the Commission.

Section 5. Members of the Commission shall receive no compensation, other than the reimbursement of reasonable expenses as approved by the Commission.

ARTICLE VII- COMMITTEES

Section 1. The Commission may form committees to operate consistent with the purposes of and under the authority of the Commission.

Section 2. The Commission may appoint the chairperson for each committee by majority vote of those present at any regular meeting.

Section 3. The chairperson of each committee is responsible for all communications necessary to perform their specific task.

Section 4. All monies requested by such committees must be reviewed and approved by the Commission prior to allocation and accounted for within a pre-designated period of time.

ARTICLE VIII – FICAL YEAR

Section 1. The fiscal year of the Commission shall begin on July 1 each year and end on June 30 of the following calendar year.

Section 2. The Chairman of the Commission shall submit an annual report of organization's activities to the City Council for the prior fiscal year no later than August 15 each year.

ARTICLE IX - EMPLOYEES

Section 1. The Commission may enter into employment contracts with individual necessary to carry out the purposes of the Commission subject to the following:

- a. All such contracts shall be approved by the Commission and by the City Council.
- b. Such employees shall not be considered employees of the City of Wyoming.
- c. The Commission shall comply with all local, federal and state tax laws and other laws regulating employees.
- d. Pursuant to Article 5, Section 5 of these By-Laws, appointed members of the Commission may not be compensated for services to the Commission.

ARTICLE X – EXECUTION OF INSTRUMENTS

Section 1. All checks, drafts and orders for payment of monies on accounts of the Commission shall be countersigned by any two officers of those designated by the Commission from time to time. A financial institution holding any Commission funds or assets shall maintain a record bearing the signatures of those authorized to sign checks.

Section 2. When the execution of any contract, conveyance, or other instrument has been authorized without specifying which officer is responsible the Chairman, Vice-Chairman or Secretary may execute the same in the name and on behalf of the Commission.

ARTICLE XI - AMENDMENT OF THE BY-LAWS

Any amendments to the By-Laws of the Historical Commission must be adopted by the members and approved by the City Council, and shall comply with all applicable Charter and Code of Ordinance provisions.

Adopted by the Historical Commission on January 18, 2011.
Date

Chairman

Secretary

Adopted by the City Council of the City of Wyoming on _____
Date

Heidi A. Isakson, City Clerk

RESOLUTION NO. _____

RESOLUTION TO AUTHORIZE A CONTRACT CHANGE ALLOWING FOR FULL
PAYMENT FOR WORK PERFORMED FOR THE 2011 WYOMING SENIOR CENTER
GAME ROOM RENOVATION PROJECT

WHEREAS, on February 7, 2011, the City Council awarded the Phase II renovation of the Wyoming Senior Center for its Game Room Renovation Project to Fritz Walhfield Construction Company, Inc. the low bidder in the amount of \$72,900,

WHEREAS, several other additions to the project scope were added to correct unforeseen problems with specified product no longer being manufactured, omissions in the bid document, and unforeseen site conditions that were beyond the ability of the architect and staff to repair, and

WHEREAS, the additional scope of changes added quantities and increased the contract amount by a total of \$5,128, and

WHEREAS, the additional cost can be financed out of the Wyoming Senior Center Renovation Account No. 208-752-75800-975.225 (FY 2011); now, therefore,

BE IT RESOLVED that the City Council hereby authorizes a contract change allowing for final payment for the 2011 Wyoming Senior Center Game Room Renovation Project of a total project cost of \$78,028.

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 15th day of August, 2009.

Leanne Johnson
Wyoming Deputy City Clerk

Resolution No. _____

MEMORANDUM

TO: Curtis Holt, City Manager

FROM: Rebecca Rynbrandt, Director of Community Services

CC: Barb VanDuren, Deputy City Manager

DATE: August 9, 2011

SUBJECT: 2011 Wyoming Senior Center Game Room Renovation Project – Final Payment

The 2011 Wyoming Senior Center Game Room Renovation Project (Phase II of the Wyoming Senior Center improvements) was awarded to Fritz Walhfield Construction Company, Inc. on February 7, 2011, in the amount of \$72,900. During subsequent construction, unforeseen renovation concerns were found and minor modifications to the contract were necessary to ensure a quality, successful project completion. A detailed listing of items added to the project is attached for your review.

As this work was substantially completed prior to July 1, 2011, expenses are to be applied to Fiscal Year 2011. This has been affirmed with Finance Director Tim Smith. The project's Certificate of Substantial Completion and Occupancy Permit have been received by the City of Wyoming.

There were a total of three (3) contract change orders, ranging in cost from \$544.50 to \$2,865.50. With the modifications to the scope of the project, the final contract needs to be adjusted by an additional \$5,128 or 7%. It is recommended that the City Council amend Fritz Walhfield Construction Company's contract to allow for a final project cost of \$78,028.

CONTRACT

THIS AMENDED CONTRACT AWARDED on August 15, 2011 by and between the CITY OF WYOMING, Kent County, Michigan, party of the first part, hereinafter called the "City" and

FRITZ WAHLFIED CONSTRUCTION CO., INC.
4475 Westshire Dr. Ste. B
Comstock Park, MI 49321

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

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

ARTICLE I – THE CONTRACT

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

- A. Resolution from Board of Directors
- B. Information for Bidders
- C. Bid Proposal Form
- D. Award of Original Bid and Contract dated February 7, 2011
- E. Certificate of Insurance (Naming the City of Wyoming as additionally insured)
- F. Subcontract Provision
- G. Equal Employment Opportunity Statement
- H. All provisions required by law to be inserted in this contract, whether actually inserted or not.
- I. Summary of Change Orders 1 through 3 attached.

CITY OF WYOMING

FRITZ WAHLFIELD CONSTRCUTION CO. INC.

By: _____
Jack A. Poll, Its Mayor

BY: _____

Date: _____
Heidi A. Isakson, Its Clerk

Title: _____

By: _____

Date: _____

Date: _____

Approved as to form: _____
Jack Sluiter, City Attorney

			Change
Change Order #1			
Misc. 1	Green space replaced with sidewalk		\$ 2,024.00
Misc. 2	Additional sidewalk replacement		\$ 841.50
TOTALS			\$ 2,865.50
			Change
Change Order #2			
Bulletin #1 Item II	Electrical Devices		\$1,105.30
Bulletin #1 Item III	Return Air Diffusers		\$203.50
Bulletin #1 Item IV	Insulation		\$409.20
TOTALS			\$ 1,718.00
			Change
Change Order #3			
Misc. 3	Paint South Wall & Diffusers		\$ 544.50
TOTALS			\$ 544.50
GRAND TOTALS			\$ 5,128.00
Original Contract Sum			\$ 72,900.00
Change Order Percentage			7.03%
New Contract Sum			\$ 78,028.00

RESOLUTION NO. _____

RESOLUTION TO AWARD A CONTRACT FOR THE
PINERY PARK NORTH PARKING LOT AND BIKE PATH RESURFACING

WHEREAS, the age and condition of the parking area and non-motorized path in Pinery Park requires major maintenance to restore the life of the asphalt surface, and

WHEREAS, portions of the parking area are stable and can remain in place with an thin overlay cap placed on top to seal the pavement and lengthen the useful life and others areas have deteriorated to a condition that requires full removal and replacement of the existing asphalt, and

WHEREAS, the existing non-motorized path around the perimeter of Pinery Park is too narrow for current path standards and has deteriorated to a poor condition requiring replacement, and

WHEREAS, on August 2, 2011, the City received four (4) bids for the Pinery Park North Parking Lots Resurfacing and Ten Foot Path with Michigan Paving and Materials, Co. submitting the low bid of \$154,843.42, and

WHEREAS, the bid is \$5,922.98 or 3.8% below the Engineer's estimate, and

WHEREAS, it is in the best interest of the City to perform the aforementioned work, and

WHEREAS, the costs for this project can be financed out of the Parks and Recreation Department's Park Facilities Fund account numbers 208-752-75600-975.113 for Pinery Park North Parking Lots Resurfacing and Ten Foot Path; now, therefore,

BE IT RESOLVED that the City Council hereby awards the contract to Michigan Paving and Materials, Co. for the Pinery Park North Parking Lots Resurfacing and Ten Foot Path in the amount of \$154,843.42.

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 15th day of August, 2011.

Leanne Johnson
Wyoming Deputy City Clerk

MEMORANDUM

TO: Mayor and City Council

FROM: Rebecca Rynbrandt, Director of Community Services

DATE: August 9, 2011

SUBJECT: Pinery Park North Parking Lots Resurfacing and Ten Foot Path - Award of Bid

On August 2, 2011, the City of Wyoming received four (4) bids for the Pinery Park North Parking Lots Resurfacing and Ten Foot Path. Michigan Paving and Materials, Co. submitted the low bid of \$154,843.42 which is 3.8% below the Engineer's estimate. The project will overlay the existing asphalt of the rear parking area near the Pinery Park Lodge and completely remove and replace the parking lot near Dehoop Avenue with a new, well graded asphalt surface providing a continuous new surface for both parking areas. Additionally, the non-motorized path around the perimeter of the parking area will be reconstructed and widened to ten feet to meet current path standards.

The total project cost, including Engineering and Contingencies, is expected to be not more than \$175,000 which can be financed out of the Parks and Recreation Fund:

<u>Project Account</u>	<u>Construction Cost</u>	<u>Project Cost</u>
208-752-75600-975.113 Pinery Park Parking Lot	\$154,843.42	\$175,000.00

It is recommended that the City Council award the Pinery Park North Parking Lots Resurfacing and Ten Foot Path to Michigan Paving and Materials, Co. in the amount of \$154,843.42.

RR:rjh

Attachments: Bid Tabulation
Contract Form

CONTRACT

THIS CONTRACT AWARDED on the 15th day of August 2011 by and between the CITY OF WYOMING, Kent County, Michigan, party of the first part, hereinafter called the "City" and

**MICHIGAN PAVING & MATERIALS COMPANY
1100 MARKET AVENUE, SW
GRAND RAPIDS, MICHIGAN 49503**

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

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

ARTICLE I - THE CONTRACT

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

- A. Performance Bond, Payment Bond, and Resolution from Board of Directors**
- B. Information for Bidders**
- C. Bid Proposal Form**
- D. Award of Bid**
- E. Certificate of Insurance (per City of Wyoming's Contractor Insurance Requirement)**
- F. Subcontract Provision**
- G. Letter of Credit (5% of Annual Contract Amount)**
- H. Equal Employment Opportunity Statement**
- I. All Provisions required by law to be inserted in this contract, whether actually inserted or not.**
- J. Special Specifications as listed below:**

SEE ATTACHED

ARTICLE II - SCOPE OF THE WORK - SUBJECT MATTER

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

PINERY PARK NORTH PARKING LOTS RESURFACING & TEN FOOT BIKE PATH

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

ARTICLE III - TIME OF COMPLETION

The work to be performed under this contract shall be completed on or before September 23, 2011. Should the Contractor be obstructed or delayed in the prosecution or completion of his work by any act, neglect or default of the City, then the time herein fixed for completion of the work shall be extended for a period equivalent to the time lost by reason of such delay for the causes herein mentioned. The duration of such extension shall be determined by the City Manager or his authorized representative.

ARTICLE IV - LIQUIDATED DAMAGES

Should the work under this Agreement not be finished within the time specified, the City is hereby authorized to deduct out of the money which may be due or become due to the Contractor under this Agreement, as damages for the noncompletion of the work aforesaid, within the time hereinbefore stipulated for its completion, the sum of Four Hundred Fifty Dollars (\$450.00) for each calendar day by which the Contractor shall fail to complete the work or any part thereof in accordance with the provisions hereof, and such liquidated damages shall not be considered as a penalty. It is understood that the City shall not forfeit its right to liquidated damages in the event that delay is partly caused by it. In this event, said damages shall be apportioned so that each day of delay attributable to the City shall be subtracted from the total days of delay, and the Contractor shall pay liquidated damages for the remainder.

ARTICLE V - THE CONTRACT SUM

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

ONE HUNDRED FIFTY-FOUR THOUSAND EIGHT HUNDRED FORTY-THREE DOLLARS AND FORTY-TWO CENTS (\$154,843.42)

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

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

ARTICLE VI - CITY CHARTER TO BE GOVERNING DOCUMENT

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

ARTICLE VII - COMPLIANCE WITH LAWS, ORDINANCES AND REGULATIONS

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

City of Wyoming Bid Comparison

Contract ID: 143.11
Contract Year: 2011
Description: Pinery Park
Location: Pinery Park Wyoming
Project(s): 143.11

Rank	Bidder	Total Bid	% Over Low	% Over Est.
0	ENGINEER'S ESTIMATE	\$160,766.40	3.82%	0%
1	(23) Michigan Paving & Materials Co.	\$154,843.42	0%	-3.68%
2	(10000) Jaran Construction Inc.	\$174,464.82	12.67%	8.52%
3	(2) Diversco Construction Co. Inc.	\$179,110.00	15.67%	11.41%
4	(21) Rieth-Riley Construction	\$189,555.80	22.41%	17.90%

Line Description	Pay Item Code	Quantity	Units	(0) ENGINEER'S ESTIMATE Bid Price	Total	(1) Michigan Paving & Materials Co. Bid Price	Total	(2) Jaran Construction Inc. Bid Price	Total
0001 MOBILIZATION	1000	1.00	LS	\$2,000.00	\$2,000.00	\$3,500.00	\$3,500.00	\$7,000.00	\$7,000.00
0002 REMOVE TREES 19" TO 36"	1003	4.00	EA	\$800.00	\$3,200.00	\$800.00	\$3,200.00	\$1,075.00	\$4,300.00

Line	Pay Item Code	Description	Quantity	Units	(0) ENGINEER'S ESTIMATE Bid Price	Total	(1) Michigan Paving & Materials Co. Bid Price	Total	(2) Jaran Construction Inc. Bid Price	Total
0003	1200	COLD MILLING EXISTING PAVEMENT - 1 1/2"	4,409.00	SY	\$1.00	\$4,409.00	\$0.70	\$3,086.30	\$1.00	\$4,409.00
0004	1204	COLD MILLING EXISTING PAVEMENT - 2"	2,700.00	SY	\$1.50	\$4,050.00	\$0.75	\$2,025.00	\$1.00	\$2,700.00
0005	6105	MISCELLANEOUS GRAVEL	22.00	CY	\$36.00	\$792.00	\$20.00	\$440.00	\$30.00	\$660.00
0006	6108	CEMENT	200.00	TON	\$75.00	\$15,000.00	\$88.00	\$17,600.00	\$98.00	\$19,600.00
0007	6109	PULVEMIXING	6,054.00	Syd	\$2.60	\$15,740.40	\$3.21	\$19,433.34	\$4.01	\$24,276.54
0008	6235	CONCRETE CURB AND GUTTER, 24"	50.00	Lft	\$15.00	\$750.00	\$23.00	\$1,150.00	\$23.00	\$1,150.00
0009	6295	ADJUST CASTINGS	2.00	EA	\$400.00	\$800.00	\$280.00	\$560.00	\$350.00	\$700.00
0010	6305	HAND PATCHING	30.00	TON	\$120.00	\$3,600.00	\$85.00	\$2,550.00	\$100.00	\$3,000.00
0011	6338	BIT MIXTURE 36A	1,592.00	T	\$65.00	\$103,480.00	\$58.59	\$93,275.28	\$60.59	\$96,459.28
0012	6412	INLAID COLD PLASTIC PAVEMENT MARKING, 24" STOP BAR	50.00	Lft	\$3.00	\$150.00	\$15.00	\$750.00	\$10.00	\$500.00
0013	6476	COLD PLASTIC PAVEMENT MARKING SYMBOL (HANDICAP)	6.00	EA	\$200.00	\$1,200.00	\$100.00	\$600.00	\$180.00	\$1,080.00
0014	6485	PAVEMENT MARKING REGULAR 4" YELLOW	200.00	Lft	\$0.75	\$150.00	\$1.00	\$200.00	\$0.80	\$160.00
0015	7005	TOP SOIL 4" SCREENED	1,210.00	SY	\$3.50	\$4,235.00	\$4.70	\$5,687.00	\$6.00	\$7,260.00
0016	7015	CLASS A SEED HYDRO-MULCH	1,210.00	SY	\$1.00	\$1,210.00	\$0.65	\$786.50	\$1.00	\$1,210.00
Bid Totals:						\$160,766.40	\$154,843.42	\$174,464.82		

Line	Pay Item Code	Description	Quantity	Units	(3) Diversco Construction Co. Inc.		(4) Rieth-Riley Construction	
					Bid Price	Total	Bid Price	Total
0001	1000	MOBILIZATION	1.00	LS	\$10,000.00	\$10,000.00	\$8,200.00	\$8,200.00
0002	1003	REMOVE TREES 19" TO 36"	4.00	EA	\$700.00	\$2,800.00	\$1,000.00	\$4,000.00
0003	1200	COLD MILLING EXISTING PAVEMENT - 1 1/2"	4,409.00	SY	\$1.00	\$4,409.00	\$1.50	\$6,613.50
0004	1204	COLD MILLING EXISTING PAVEMENT - 2"	2,700.00	SY	\$1.00	\$2,700.00	\$1.50	\$4,050.00
0005	6105	MISCELLANEOUS GRAVEL	22.00	CY	\$30.00	\$660.00	\$25.00	\$550.00
0006	6108	CEMENT	200.00	TON	\$125.00	\$25,000.00	\$88.00	\$17,600.00
0007	6109	PULVEMIXING	6,054.00	Syd	\$4.00	\$24,216.00	\$4.25	\$25,729.50
0008	6235	CONCRETE CURB AND GUTTER, 24"	50.00	Lft	\$25.00	\$1,250.00	\$53.00	\$2,650.00
0009	6295	ADJUST CASTINGS	2.00	EA	\$400.00	\$800.00	\$400.00	\$800.00
0010	6305	HAND PATCHING	30.00	TON	\$80.00	\$2,400.00	\$200.00	\$6,000.00
0011	6338	BIT MIXTURE 36A	1,592.00	T	\$60.00	\$95,520.00	\$67.50	\$107,460.00
0012	6412	INLAID COLD PLASTIC PAVEMENT MARKING, 24" STOP BAR	50.00	Lft	\$16.00	\$800.00	\$25.00	\$1,250.00
0013	6476	COLD PLASTIC PAVEMENT MARKING SYMBOL (HANDICAP)	6.00	EA	\$150.00	\$900.00	\$25.00	\$150.00
0014	6485	PAVEMENT MARKING REGULAR 4" YELLOW	200.00	Lft	\$5.00	\$1,000.00	\$0.25	\$50.00
0015	7005	TOP SOIL 4" SCREENED	1,210.00	SY	\$5.00	\$6,050.00	\$3.00	\$3,630.00
0016	7015	CLASS A SEED HYDRO-MULCH	1,210.00	SY	\$0.50	\$605.00	\$0.68	\$822.80

Line	Pay Item Code	Quantity	Units	(3) Diversco Construction Co. Inc.	Bid Price	Total	(4) Rieth-Riley Construction Bid Price	Total	Bid Price	Total
Bid Totals:										
						\$179,110.00		\$189,555.80		

RESOLUTION NO. _____

RESOLUTION TO AUTHORIZE FINAL PAYMENT FOR
STREET REPAIR AT 5555 IVANREST AVENUE

WHEREAS, on June 20, 2011, the City awarded the Ivanrest Avenue Isolated Resurfacing project to A-1 Asphalt Sealing and Repair, Inc. in the amount of \$14,493.42, and

WHEREAS, a Change Order is necessary now that the final quantities have been reviewed and agreed upon, and

WHEREAS the final quantities will increase the contract amount by \$788.28, and

WHEREAS, the additional cost can be financed from the Major Streets Repairs and Maintenance Account No. 202-441-46300-930.000; now, therefore,

BE IT RESOLVED that the City Council hereby authorizes the Mayor and City Clerk to approve final payment to A-1 Asphalt Sealing & Repair, Inc. for the Ivanrest Avenue Isolated Resurfacing project.

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 15th day of August, 2011.

Leanne Johnson
Wyoming Deputy City Clerk

Resolution No. _____

MEMORANDUM

TO: Mayor and City Council

FROM: Russ Henckel, Assistant Director of Public Works/Engineering

DATE: August 15, 2011

SUBJECT: Ivanrest Avenue Isolated Resurfacing Project - Final Payment

The Ivanrest Avenue Isolated Resurfacing project was awarded to A-1 Asphalt Sealing & Repair, Inc. on June 20, 2011, in the amount of \$14,493.42. Additional quantities of work were encountered during construction adding a small amount to the project. This work is included in the final payment for \$788.28.

The final contract amount is \$15,281.69 is 5.4% over the adjusted contract. It is recommended that the City Council approve final payment to A-1 Asphalt Sealing & Repair, Inc. for the Ivanrest Avenue Isolated Resurfacing project in the amount of \$788.28.

RJH:nll

Attachment: Change Order No. 1

CHANGE ORDER NO. 1

PROJECT: Ivanrest Avenue Isolated Resurfacing
CONTRACTOR: A-1 Asphalt Sealing & Repair, Inc.
CONTRACT DATE: June 20, 2011
DESCRIPTION: Contract Final Payment

Contract Amount Prior to Change Order No. 1	\$14,493.42
Increase Resulting from Change Order No. 1	<u>788.27</u>
Adjusted Contract Amount	\$15,281.69

CITY OF WYOMING

Heidi A. Isakson
City Clerk

Jack Poll
Mayor

RESOLUTION NO. _____

RESOLUTION TO AUTHORIZE THE PURCHASE OF THREE
POLICE CRUISERS FROM SNETHKAMP DODGE

WHEREAS, the City has approved participation in the State of Michigan Extended Purchasing Program, Resolution No. 12808, dated February 20, 1989, and

WHEREAS, the State has awarded bids for various types of vehicles, and

WHEREAS, the City has reviewed the State's bids for police cruisers and found them acceptable, and

WHEREAS, it is in the City's best interest to purchase three Dodge Chargers from the State's low bidder, Snethkamp Dodge in the amount of \$67,794.00, and

WHEREAS, funds for the purchase of the seven police cruisers are available in the Motor Pool Fund Account 662-441-58500-985000, now, therefore

BE IT RESOLVED that the City Council authorizes the purchase of seven Dodge Chargers from Snethkamp Dodge in the amount of \$67,794.00, and

BE IT FURTHER RESOLVED that the City Council waives the provisions of Sections 2-252, 2-253, 2-254, and 2-256 of the City Code regarding publication and notification of bidders.

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 15th day of August, 2011.

Leanne Johnson
Wyoming Deputy City Clerk

Resolution No. _____

MEMORANDUM

DATE: August 1, 2011

TO: Curtis L. Holt, City Manager

FROM: William D. Dooley, Director of Public Works

SUBJECT: 2011-2012 Motor Pool Depreciation Reserve

The 2011-12 Motor Pool Depreciation Reserve budget includes \$1,294,000 for the replacement of the following vehicles and equipment:

- Three police cruisers
- One fire truck
- One automobile
- Eight pickup trucks
- Four backhoes
- One utility repair van
- One sewer vacuum truck
- One flatbed truck

Since the budget was approved, we have decided to delay the replacement of seven of the pickup trucks and the flatbed truck. These vehicles will be evaluated again in February 2012. The four backhoes and the sewer vacuum truck are each part of a guaranteed buy-back program. A final recommendation about the replacement of these items will be made after evaluating bid prices for the replacement equipment. It may turn out to be in Wyoming's best interest to delay their replacement as well. The three police cruisers will be purchased through the State of Michigan Purchase Program. The automobile and pickup will be purchased through the State Program or from a local dealer, depending on whether a local dealer offers to match the State purchase price. The fire truck and utility repair van will be bid separately once necessary bid specifications are complete.

In addition to the budgeted items, we also need to replace one leaf vacuum which was not included in the budget. This 28 year old piece of equipment was planned for replacement in 2012 but it now appears to be in Wyoming's best interest to replace it this year rather than put any more money into repairs.

The net cost for replacing these vehicles and pieces of equipment is approximately \$1.1 million. If the City Council concurs, we will follow through with the appropriate Resolutions as each item is ready for the City Council's action.

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. LED Street Lighting Luminaires	Standard Electric	Bid prices as shown on the attached memorandum

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

Motioned carried: _____ Yeas, _____ Nays

I hereby certify that the foregoing Resolution was adopted by the City Council for the City of Wyoming, Michigan, at a regular session held on the 15th day of August, 2011.

Attachment: Memorandum

Leanne Johnson
Deputy City Clerk

MEMORANDUM

DATE: July 26, 2011

TO: Mayor and City Council

FROM: William D. Dooley, Director of Public Works

SUBJECT: Award of Bid for LED Street Lighting Luminaires

On Tuesday, July 5, 2011, the City received ten bids for LED street lighting luminaires. An invitation to bid was sent to seventy-three prospective bidders. The five bidders that submitted bids for Relume luminaires met all bid specifications. The other bidders failed to meet the specifications for various reasons. A tabulation of the total bid amounts based on the estimated quantities is shown below.

Bidder	LED Manufacturer	250 Watt HPS Replacement		400 Watt HPS Replacement	
		Unit Price	Total Bid Amount (Estimated Quantity of 440)	Unit Price	Total Bid Amount (Estimated Quantity of 165)
Kendall Electric	Beacon	Did Not Meet Bid Specifications			
Kendall Electric	Beta	Did Not Meet Bid Specifications			
Wesco Distribution	Beta	Did Not Meet Bid Specifications			
Voss Lighting	Beta	Did Not Meet Bid Specifications			
Kendall Electric	Cooper	Did Not Meet Bid Specifications			
Standard Electric	Relume	\$690.00	\$303,600.00	\$1,114.00	\$183,810.00
Kendall Electric	Relume	\$696.87	\$306,622.80	\$1,125.00	\$185,625.00
All Phase Electric	Relume	\$696.88	\$306,627.20	\$1,125.00	\$185,625.00
Graybar Electric	Relume	\$697.00	\$306,680.00	\$1,127.00	\$185,955.00
Crescent Electric	Relume	\$729.55	\$321,002.00	\$1,177.75.00	\$194,328.75

After reviewing the bids, it is recommended that the City award the LED Street Lighting Luminaires to the lowest qualified bidder, Standard Electric. Based on the estimated quantity of 440 units of the 250 Watt High Pressure Sodium (HPS) replacements and 165 units of the 400 Watt HPS replacement, the cost is \$487,410.00.

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

ORDINANCE NO. 6-11

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF WYOMING

THE CITY OF WYOMING ORDAINS that the following sections of Chapter 58 of the Code of the City of Wyoming (“Code”) be amended as follows in order to comply with recent changes to applicable law, the applicable collective bargaining agreements, and other sections of the Code. The changes set forth in this Ordinance shall be effective as of July 1, 2011.

Section 1: The definition of the term “actuarially equivalent” in Section 58-97 is amended as follows:

Actuarially equivalent or *actuarial equivalent* means equality in value of the aggregate amount of pension benefits to be received under different forms of payment. Actuarially equivalent benefits shall be determined based on the following actuarial assumptions:

- (1) If a member’s benefits are paid in a single lump sum payment during the period of July 1, 2001, through June 30, 2008, the actuarial equivalent of a single life annuity payable at normal retirement age shall be determined by using the applicable mortality table and the applicable interest rate under section 417(e)(3)(A) of the Internal Revenue Code.
 - a. The “applicable mortality table” means the mortality table prescribed by the Secretary of Treasury under section 417(e)(3)(A)(ii)(I) of the Internal Revenue Code. Effective December 31, 2002, the mortality table in Rev. Rul. 2001-62 shall be used.
 - b. The “applicable interest rate” is defined in section 417(e)(3)(A)(ii)(II) of the Internal Revenue Code for the month before the plan year in which the distribution is made. The applicable interest rate for that month shall be determined based upon guidance published in the Internal Revenue Bulletin.
- (2) If a member’s benefits are paid in a single lump sum payment during a plan year beginning on or after July 1, 2008, the actuarial equivalent of a single life annuity shall be equal to the amount determined by using the applicable mortality table and the applicable interest rate under section 417(e)(3) of the Internal Revenue Code for that plan year, as amended by the Pension Protection Act of 2006.
 - a. The “applicable mortality table” means the section 417(e)(3) mortality table prescribed by the Secretary of Treasury for the plan year of the distribution.

- b. The “applicable interest rate” means the annual rate of interest determined under section 417(e)(3) of the Internal Revenue Code for the month before the plan year in which the distribution is made.
- (3) For all other purposes under the defined benefit plan, actuarial equivalent benefits shall be based upon the following:

Interest Rate	7.5% per year
Mortality	1971 group annuity mortality table set back zero years for men and five years for women.

Application of these assumptions to the computation of benefits payable under the defined benefit plan shall be made in a uniform and consistent manner with respect to all members in similar circumstances.

Section 2: Section 58-103(a)(3) is amended as follows:

- (3) The member died while employed by the city or, effective as of January 1, 2007, while on a leave of absence from the city to perform military service, and after satisfying the service requirement for his benefit group as set forth in the applicable schedule.

Section 3: The tenth sentence of Section 58-103(f) is amended as follows:

If an unmarried member who has satisfied the service requirement described in subsection (a)(3) of this section dies while employed by the city or, effective as of January 1, 2007, while on a leave of absence to perform qualified military service, but before signing and filing a beneficiary designation form with the board of trustees or if the beneficiary named in the unmarried member’s beneficiary designation form does not survive the unmarried member, the unmarried member’s nonspouse death benefit shall be the ten-year period certain and life annuity and shall be paid in equal shares to the members of the first of the classes listed below having a living member on the date the distribution is payable.

Section 4: Section 58-103(g) is added as follows:

(g) *Rollover by non-spouse beneficiary.* To the extent permitted by the Pension Protection Act of 2006, a beneficiary who is not the member’s spouse shall be permitted to elect a direct rollover to a traditional individual retirement account of any death benefit payable to the beneficiary. Even though a direct rollover is permitted, the notice and tax withholding requirements described in subsection 58-105(e) do not apply before January 1, 2010.

Section 5: Section 58-105(a) is amended by adding the following:

Effective as of July 1, 2007, if the member or vested terminated member is younger than the later of normal retirement age or age 62 at the time he requests a distribution, the board of trustees shall provide the member or terminated vested member with a written description of the right to defer any distribution during the 180-day period before the distribution is made. The description shall include the consequences of failing to defer the receipt of benefit payments.

Section 6: Effective as of July 1, 2007, “90 days” shall replace “180 days” in Section 58-105(e).

Section 7: Effective as of July 1, 2008, Subsection 6. is added to section 58-105(e)(4)d. as follows:

6. A Roth individual retirement account under section 408A of the Internal Revenue Code.

Section 8: Section 58-106(b) is amended as follows:

(b) *Limit on annual benefits.* The annual pension benefit payable to a member from all defined benefit plans maintained by the city shall not exceed the limits contained in section 415 of the Internal Revenue Code, which is incorporated in the defined benefit plan by reference.

(1) *Limit on annual benefit.* The annual benefit accrued by a member, and the annual benefit payable to a participant, shall not exceed \$195,000, as adjusted pursuant to section 415(d) of the Internal Revenue Code (the “section 415 dollar limit”).

(2) *Adjustments to section 415 dollar limit.*

- a. If the member’s annuity starting date occurs after the member attains age 62 and before the member attains age 65, no adjustment shall be made to the section 415 dollar limit that applies to the member.
- b. If a member’s annuity starting date occurs before the member attains age 62, the section 415 dollar limit shall be reduced for each month that benefits commence before the month in which the member attains age 62. The section 415 dollar limit at any age before age 62 is the lesser of:
 1. The section 415 dollar limit multiplied by a fraction in which the numerator is the annual benefit payable to the member as a single life annuity on the member’s annuity starting date and the denominator is the annual benefit payable to the member as a single life annuity at age 62. The numerator and denominator shall both be determined without applying the rules of section 415 of the Internal Revenue Code; or
 2. An actuarial equivalent amount determined using the 5 percent interest rate and the applicable mortality table under Treas. Reg. §1.417(e)-1(d)(2) that is effective for that annuity starting date. However, no adjustment shall be made for the possibility of the member’s death between the member’s annuity starting date and age 62.
- c. If a member’s annuity starting date occurs after the member attains age 65, the section 415 dollar limit shall be increased for each month that benefits commence after the month in which the member attains age 65. The section 415 dollar limit at any age after age 65 is the lesser of:

1. The section 415 dollar limit multiplied by a fraction in which the numerator is the annual benefit payable to the member as a single life annuity on the member's annuity starting date (actuarially increased for commencement after age 65, but without regard to benefit accruals after age 65) and the denominator is the annual benefit payable as a single life annuity to a hypothetical member who is age 65 and has the same accrued benefit as the member (but with no actuarial increase for commencement after age 65 and no benefit accruals after age 65). The numerator and denominator shall both be determined without applying the rules of section 415 of the Internal Revenue Code; or
 2. An actuarial equivalent amount determined using a 5 percent interest rate and the applicable mortality table under Treas. Reg. §1.417(e)-1(d)(2) that is effective for that annuity starting date. However, no adjustment shall be made for the possibility of the member's death between age 65 and the member's annuity starting date.
- (3) *Adjustments to limits based upon form of payment.* The limits under section 415 of the Internal Revenue Code are based upon payment in a single life annuity (i.e., an annuity for the lifetime of the member). As a result, these limits must be adjusted to the actuarial equivalent of a single life annuity if payment is made in a different form. The actuarial equivalent of a single life annuity for purposes of section 415 of the Internal Revenue Code shall be:
- a. If payment is made in a form other than a lump sum payment, the greater of:
 1. The annual amount of the single life annuity payable to the member under the defined benefit plan commencing on the same annuity starting date as the form of benefit payable to the participant; or
 2. The annual amount of the single life annuity commencing on the same annuity starting date that is the actuarial equivalent of the form of benefit payable to the member, computed using a 5 percent interest assumption and the applicable mortality table described in Treas. Reg. §1.417(e)-1(d)(2) for that annuity starting date.
 - b. If payment is made in a lump sum distribution, the annual amount of a single life annuity commencing on the annuity starting date that is the actuarial equivalent of the benefit payable to the member, computed using one of the following combinations of actuarial assumptions that results in the largest single life annuity:
 1. The applicable interest rate and mortality table (or tabular factor) specified in section 58-97 for adjusting benefits in the same form;

2. A 5.5 percent interest assumption and the applicable mortality table for the distribution under Treas. Reg. §1.417(e)-1(d)(2); or
3. The applicable interest rate for the distribution under Treas. Reg. §1.417(e)-1(d)(3) and the applicable mortality table for a distribution under Treas. Reg. §1.417(e) 1(d)(2), divided by 1.05.

For a benefit with an annuity starting date during plan years beginning in 2004 and 2005, the single life annuity shall be the greater of the amounts calculated in subsections (3)a.1. and 2. of this section.

Benefit increases resulting from the increases in the limitations of section 415(b) of the Internal Revenue Code shall be provided to each member who has an hour of service after December 31, 2001.

Section 9: Section 58-107(a) is amended as follows:

(a) *Accumulated employee contributions.* This section applies to participants and vested terminated participants who have made accumulated employee contributions to the defined benefit plan.

- (1) Accumulated employee contributions were made to the defined benefit plan for periods prior to July 2, 1978. Between July 3, 1978, and June 30, 2001, no employee contributions were required or permitted to be made to the defined benefit plan.
- (2) Effective July 1, 2001, as a condition of participation in the defined benefit plan, each member who is a member of the police nonsupervisory benefit group must contribute 3.59 percent of his compensation each year. Effective as of September 5, 2007, this percentage is 3.59 percent.
- (3) Effective as of the first full payroll period after September 6, 2005, as a condition of participation in the defined benefit plan, each member who is a member of the fire benefit group must contribute 4.0 percent of his compensation each year. Effective as of January 18, 2010, this percentage is 4.0 percent.
- (4) Effective September 1, 2008, as a condition of participation in the defined benefit plan, each member who is a member of the police command benefit group must contribute 3.59 percent of his compensation each year.

Section 10: Section 58-197 is amended by adding the following:

Effective for members retiring on or after July 1, 2007, who become members of this benefit group after July 1, 2007, the reduction in a member's retirement benefits for payment before age 60 shall be two-tenths of one percent for each month before age 60 the pension is to be paid, unless the member has at least 25 years of credited service in which case no reduction applies. In addition, no reduction applies for members who retire after July 1, 2007, who were members of this benefit group before July 1, 2007.

Section 11: Section 58-217 is amended by adding the following:

Effective for members who retire on or after September 1, 2008, “2.35” shall be replaced with “2.70” in the first sentence of this section.

Section 12: Section 58-218 is amended as follows:

For each member who was a member of this benefit group on or before July 1, 2008, who retires after July 1, 1992, and upon attaining age 60, the member’s monthly pension benefit shall be increased each January by 40 percent of the average annual increase in the CPI of Detroit and Chicago through October of the immediately preceding calendar year, up to a maximum annual pension increase of five percent.

Section 13: Section 58-230 is added as follows:

Sec. 58-230. Duty disability; special rules.

The following special rules shall apply to a member who is a member of the police command benefit group who is applying for or receiving a temporary disability benefit in a duty disability situation.

(a) *Definition of total disability.* “Total disability” or “Totally disabled” shall mean a total and permanent inability of the member to engage in the essential functions of his current employment position with the city as a result of a physical or mental condition of the member.

(b) *Amount of monthly temporary disability pension benefit.* In no event shall the amount of the member’s monthly pension benefit be:

- (1) Less than 50 percent of the member’s average monthly compensation at the time of his total disability; or
- (2) More than 90 percent of the member’s average monthly compensation at the time of his total disability.

(c) *Conversion to normal retirement benefit.* Upon attaining the minimum age requirement to be eligible for a normal retirement benefit, the member shall receive a normal retirement benefit as follows:

- (1) The member’s normal retirement benefit shall be based upon the member’s actual years of credited service, plus the member shall receive years of credited service for the period of time the member was receiving a temporary disability benefit.
- (2) The member’s average monthly compensation shall mean the monthly average of the base earnings the member would have received during the 36 consecutive months immediately preceding his attainment of normal retirement age if the member was actively employed in the job classification the member held with the city immediately preceding his total disability.

- (3) The member's normal retirement benefit shall be paid in the form determined under section 58-105, and need not be the same form as the member's form of temporary disability benefit. However, if a member makes an election to receive his normal retirement benefit payable in a form which is different than the form of his temporary disability benefit, the city shall make any adjustments necessary to ensure that the new election shall not require the plan to provide increased benefits to the member (determined on the basis of actuarially equivalent value).

Section 14: Effective for members who retire on or after September 5, 2007, "2.5" shall be replaced by "2.70" in Section 58-247.

Section 15: Section 58-254 is added as follows:

Sec. 58-254. Disability: special rules.

The following special rules shall apply to a member who is a member of the police nonsupervisory benefit group who is applying for or receiving a temporary disability benefit in a duty disability situation.

(a) *Definition of total disability.* "Total disability" or "Totally disabled" shall mean a total and permanent inability of the member to engage in the essential functions of his current employment position with the city as a result of a physical or mental condition of the member.

(b) *Amount of monthly temporary disability pension benefit.* In no event shall the amount of the member's monthly pension benefit be:

- (1) Less than 50 percent of the member's average monthly compensation at the time of his total disability; or
- (2) More than 90 percent of the member's average monthly compensation at the time of his total disability.

(c) *Conversion to normal retirement benefit.* Upon attaining the minimum age requirement to be eligible for a normal retirement benefit, the member shall receive a normal retirement benefit as follows:

- (1) The member's normal retirement benefit shall be based upon the member's actual years of credited service, plus the member shall receive years of credited service for the period of time the member was receiving a temporary disability benefit.
- (2) The member's average monthly compensation shall mean the monthly average of the base earnings the member would have received during the 36 consecutive months immediately preceding his attainment of normal retirement age if the member was actively employed in the job classification the member held with the city immediately preceding his total disability.
- (3) The member's normal retirement benefit shall be paid in the form determined under section 58-105, and need not be the same form as the member's form of temporary disability benefit. However, if a member makes an election to receive

his normal retirement benefit payable in a form which is different than the form of his temporary disability benefit, the city shall make any adjustments necessary to ensure that the new election shall not require the defined benefit plan to provide increased benefits to the member (determined on the basis of actuarially equivalent value).

Section 16: Section 58-282 is amended by adding the following:

Effective for members of this benefit group who retire on and after June 30, 1998, "2.0" shall be replaced by "2.25." Effective for members of this benefit group who retire on and after June 30, 2010, "2.25" shall be replaced with "2.35."

Section 17: Section 58-311 shall be revised as follows:

Normal retirement age means the member has attained age 55 and completed at least ten years of credited service. However, effective as of September 7, 2005, "normal retirement age" means the member has attained age 50 and completed at least ten years of credited service.

Section 18: Section 58-312 is amended by adding the following:

Effective as of October 19, 2009, the accrued benefit for a member who dies between July 1, 2008, and January 17, 2010, and who was employed by the city on the date of his death shall be calculated using the benefit formula in effect as of January 18, 2010 (which is 2.35 percent multiplied by the member's years of credited service). The benefit being paid to the beneficiary of a member who died between July 1, 2008 and October 18, 2009 shall be increased for this change on a prospective basis only, starting with the November 1, 2009 benefit payment.

Section 19: Section 58-324 is added as follows:

Sec. 58-324. Duty disability; special rules.

For the time period before October 19, 2009, no special rules apply to members in the fire benefit group who experience a duty disability. The following special rules shall apply to a member who is a member of the fire benefit group who applies for a temporary disability benefit in a duty disability situation on or after October 19, 2009:

(a) *Definition of total disability.* "Total disability" or "Totally disabled" shall mean a total and permanent inability of the member to engage in the essential functions of his current employment position with the city as a result of a physical or mental condition of the member.

(b) *Amount of monthly temporary disability pension benefit.* In no event shall the amount of the member's monthly pension benefit be:

- (1) Less than 50 percent of the member's average monthly compensation at the time of his total disability; or
- (2) More than 90 percent of the member's average monthly compensation at the time of his total disability.

(c) *Conversion to normal retirement benefit.* Upon attaining the minimum age requirement to be eligible for a normal retirement benefit, the member shall receive a normal retirement benefit as follows:

- (1) The member's normal retirement benefit shall be based upon the member's actual years of credited service, plus the member shall receive years of credited service for the period of time the member was receiving a temporary disability benefit.
- (2) The member's average monthly compensation shall mean the monthly average of the base earnings the member would have received during the 36 consecutive months immediately preceding his attainment of normal retirement age if the member was actively employed in the job classification the member held with the city immediately preceding his total disability.
- (3) The member's normal retirement benefit shall be paid in the form determined under section 58-105, and need not be the same form as the member's form of temporary disability benefit. However, if a member makes an election to receive his normal retirement benefit payable in a form which is different than the form of his temporary disability benefit, the city shall make any adjustments necessary to ensure that the new election shall not require the defined benefit plan to provide increased benefits to the member (determined on the basis of actuarially equivalent value).

Section 20: This Ordinance shall be in full force and effect on the 30th day of August, 2011.

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 15th day of August, 2011.

Leanne Johnson
Wyoming Deputy City Clerk

ORDINANCE NO. 7-11

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF WYOMING

THE CITY OF WYOMING ORDAINS that the following sections of Chapter 58 of the Code of the City of Wyoming (“Code”) be amended as follows in order to comply with recent changes to applicable law, the applicable collective bargaining agreements, and other sections of the Code.

The changes set forth in this Ordinance shall be effective as of July 1, 2011.

Section 1: Effective as of January 1, 2008, the following is added to the definition of the term “eligible rollover distribution” in Section 58-502:

- (5) A Roth individual retirement account under section 408A of the Internal Revenue Code.

Section 2: Effective as of July 1, 2007, Section 58-506(b) is deleted from the Code.

Section 3: Effective January 1, 2009, Section 58-506(b)(2)f. is added as follows:

- f. Amounts paid to a participant after December 31, 2008, that constitute “differential wage payments,” as defined in section 3401(b) of the Internal Revenue Code, paid to a participant who is performing qualified military service while on active duty for a period of more than 30 days.

Section 4: Section 58-509(c) is amended by adding the following:

Effective as of January 1, 2007, an employee who dies while performing qualified military service shall be 100% vested in his accounts.

Section 5: Section 58-515(a)(1) is amended by adding the following:

Effective as of July 1, 2007, if the participant is younger than the later of normal retirement age or age 62 at the time he requests a distribution, the board of trustees (or its designee) shall provide the participant with a written description of the right to defer any distribution during the 180-day period before the distribution is made. The description shall include the consequences of failing to defer receipt of benefit payments.

Section 6: Section 58-515(a)(4)h. is added to the Plan as follows:

- h. The distribution is made to a participant who is a member of the police command benefit group, the police nonsupervisory benefit group, the police dispatchers benefit group, the fire benefit group or a member of any

other benefit group who is a “qualified public safety employee” under section 72(t)(10)(A) of the Internal Revenue Code and the distribution is made after August 17, 2006.

Section 7: Section 58-515(f)(4) is added to the Plan as follows:

- (4) *Rollover by nonspouse beneficiary.* Effective for distributions made on and after January 1, 2009, a beneficiary who is not the participant’s spouse shall be permitted to elect a direct rollover to an individual retirement account of any death benefit payable to the beneficiary. Even though a direct rollover is permitted, the notice and tax withholding requirements described in this section do not apply before January 1, 2010.

Section 8: Effective as of July 1, 2007, 180 days shall be substituted for 90 days in Section 58-515(f).

Section 9: Section 58-515(g)(5) is added to the Plan as follows:

- (5) *Special rule for 2009 calendar year.* Notwithstanding any other provision of the defined contribution plan, a participant or beneficiary who would have been required to receive required minimum distributions for 2009 but for the enactment of section 401(a)(9)(H) of the Internal Revenue Code (“2009 RMDs”), will not receive a 2009 RMD unless the participant or beneficiary chooses to receive a 2009 RMD. Participants and beneficiaries will be given the opportunity to elect to receive the 2009 RMD.

For purposes of the direct rollover provisions of the defined contribution plan, 2009 RMDs shall not be treated as eligible rollover distributions.

Section 10. Divisions 2 through 8 of Article V of Chapter 58 are revised as follows:

DIVISION 2. SCHEDULE A, GENERAL BENEFIT GROUP

Sec. 58-616. Normal retirement age.

Normal retirement age means the participant has attained age 60.

Sec. 58-617. Eligible employees.

(a) *Employees initially hired after February 6, 2006.* Members of this benefit group whose initial date of employment is after February 6, 2006, participate in the defined contribution plan.

(b) *Employees initially hired on or before February 5, 2006.* A member of this benefit group whose initial date of employment was on or before February 5, 2006, does not participate in the defined contribution plan unless one of the following exceptions applies:

- (1) *Certain re-hired employees.* An employee who had a severance from employment, was subsequently re-hired by the city on or after February 6, 2006, and did not have a deferred vested benefit under the defined benefit plan as of his reemployment date participates in the defined contribution plan as of the date provided in subsection 58-703.c.(1).
- (2) *Transfers from defined benefit plan.* An employee who made a timely election to cease accruals under the defined benefit plan and participate in the defined contribution plan under section 58-818 participates in the defined contribution plan as of the date provided in subsection 58-703.c.(2).

Sec. 58-618. Election to transfer from defined benefit plan.

(a) *General rule.* Effective as of July 1, 2010, members of this benefit group who participate in the defined benefit plan may not elect to transfer to the defined contribution plan.

(b) *Transfers through July 1, 2010.* Members of this benefit group who participate in the defined benefit plan may make an irrevocable election to cease accruals under the defined benefit plan and begin to participate in the defined contribution plan for purposes of receiving employer contributions as of July 1, 2006, July 1, 2007, July 1, 2008, July 1, 2009, or July 1, 2010.

An election to participate in the defined contribution plan as of July 1, 2006, must be made by June 15, 2006, using an election form provided by the city. An election to participate in the defined contribution plan as of July 1, 2007, July 1, 2008, July 1, 2009, or July 1, 2010, must be made by May 1 preceding the effective date of the election, using an election form provided by the city.

Sec. 58-619. Contribution amount.

The city shall contribute an amount equal to 8% of the participant's compensation. Effective as of October 19, 2009, for a participant who is receiving worker's compensation benefits and a differential payment equal to the difference between his net salary or wage and worker's compensation benefits, "compensation" includes the worker's compensation benefit and the differential payment, and the participant will receive an employer contribution based on those amounts as though the participant were actively working for the city.

Sec. 58-620. Eligibility for after-tax contributions.

Members of this benefit group are not eligible to make after-tax contributions to the defined contribution plan.

Secs. 58-621.--58-630. Reserved.

DIVISION 3. SCHEDULE B, ADMINISTRATIVE AND SUPERVISORY BENEFIT GROUP

Sec. 58-631. Normal retirement age.

Normal retirement age means the participant has attained age 55.

Sec. 58-632. Eligible employees.

(a) *Employees initially hired on and after September 6, 2005.* Members of this benefit group whose initial date of employment is on or after September 6, 2005, participate in the defined contribution plan.

(b) *Employees initially hired before September 6, 2005.* A member of this benefit group whose initial date of employment was before September 6, 2005, does not participate in the defined contribution plan unless one of the following exceptions applies:

- (1) *Certain re-hired employees.* An employee who had a severance from employment, was subsequently re-hired by the city on or after September 6, 2005, and did not have a deferred vested benefit under the defined benefit plan as of his reemployment date participates in the defined contribution plan as of the date provided in subsection 58-703.c.(1).
- (2) *Transfers from defined benefit plan.* An employee who made a timely election to cease accruals under the defined benefit plan and participate in the defined contribution plan under subsection 58-833 participates in the defined contribution plan as of the date provided in subsection 58-703.c.(2).

Sec. 58-633. Election to transfer from defined benefit plan.

Members of this benefit group who participate in the defined benefit plan may make an irrevocable election to cease accruals under the defined benefit plan and begin to participate in the defined contribution plan for purposes of receiving employer contributions as of July 1, 2006, or the first day of any subsequent plan year.

An election to participate in the defined contribution plan as of July 1, 2006, must be made by June 15, 2006, using an election form provided by the city. An election to participate in the defined contribution plan as of the first day of a subsequent plan year must be made by May 1 preceding the effective date of the election, using an election form provided by the city.

Sec. 58-634. Contribution amount.

The city shall contribute an amount equal to 8% of the participant's compensation.

Sec. 55-635. Eligibility for after-tax contributions.

Members of this benefit group are not eligible to make after-tax contributions to the defined contribution plan.

Secs. 58-636.--58-645. Reserved.

DIVISION 4. SCHEDULE C, POLICE COMMAND BENEFIT GROUP

Sec. 58-646. Normal retirement age.

Normal retirement age means the participant has attained age 50.

Sec. 58-647. Eligible employees.

(a) *Employees initially hired after February 20, 2006.* Members of this benefit group whose initial date of employment is after February 20, 2006, participate in the defined contribution plan.

(b) *Employees initially hired on or before February 20, 2006.* A member of this benefit group whose initial date of employment was on or before February 20, 2006, does not participate in the defined contribution plan unless one of the following exceptions applies:

- (1) *Certain re-hired employees.* An employee who had a severance from employment, was subsequently re-hired by the city on or after February 20, 2006, and did not have a deferred vested benefit under the defined benefit plan as of his reemployment date participates in the defined contribution plan as of the date provided in subsection 58-703.c.(1).
- (2) *Transfers from defined benefit plan.* An employee who made an irrevocable election to cease accruals under the defined benefit plan and participate in the defined contribution plan under section 58-848 participates in the defined contribution plan as of the date provided in subsection 58-703.c.(2).

Sec. 58-648. Election to transfer from defined benefit plan.

(a) *General rule.* Effective as of July 7, 2008, members of this benefit group who participate in the defined benefit plan may not elect to transfer to the defined contribution plan.

(b) *Transfers through July 1, 2008.* Members of this benefit group who participate in the defined benefit plan may make an irrevocable election to cease accruals under the defined benefit plan and begin to participate in the defined contribution plan for purposes of receiving employer contributions as of July 1, 2006, July 1, 2007, or July 1, 2008.

An election to participate in the defined contribution plan as of July 1, 2006, must be made by June 15, 2006, using an election form provided by the city. An election to participate in the defined contribution plan as of July 1, 2007, or July 1, 2008, must be made by May 1 preceding the effective date of the election, using an election form provided by the city.

Sec. 58-649. Contribution amount.

The city shall contribute an amount equal to 8% of the participant's compensation. Effective as of July 7, 2008, for a participant who is receiving worker's compensation benefits and a differential payment equal to the difference between his net salary or wage and the worker's compensation benefits, "compensation" includes the worker's compensation benefit

and the differential payment, and the participant will receive an employer contribution based on those amounts as though the participant were actively working for the city.

58-650. Eligibility for after-tax contributions.

Members of this benefit group are not eligible to make after-tax contributions to the defined contribution plan.

Secs. 58-651.--60-660. Reserved.

DIVISION 5. SCHEDULE D, POLICE NONSUPERVISORY BENEFIT GROUP

Sec. 58-661. Normal retirement age.

Normal retirement age means the participant has attained age 50.

Sec. 58-662. Eligible employees.

(a) *Employees initially hired after September 4, 2007.* Members of this benefit group whose most recent date of employment is after September 4, 2007, participate in the defined contribution plan.

(b) *Employees initially hired on or before September 4, 2007.* A members of this benefit group whose initial date of employment was on or before September 4, 2007, does not participate in the defined contribution plan unless one of the following exceptions applies:

- (1) *Certain re-hired employees.* An employee who had a severance from employment, was subsequently re-hired by the city on or after September 3, 2007, and did not have a deferred vested benefit under the defined benefit plan as of his reemployment date participates in the defined contribution plan as of the date provided in subsection 58-703.c.(1).
- (2) *Transfers to defined benefit plan.* An employee who made a timely election to cease accruals under the defined benefit plan and participate in the defined contribution plan under section 58-863 participates in the defined contribution plan as of the date provided in subsection 58-703.c.(2).

Sec. 58-663. Election to transfer from defined benefit plan.

(a) *General rule.* Members of this benefit group who participate in the defined benefit plan may not elect to transfer to the defined contribution plan.

(b) *Transfers as of July 1, 2008.* Members of this benefit group who participate in the defined benefit plan may make an irrevocable election to cease accruals under the defined benefit plan and begin to participate in the defined contribution plan for purposes of receiving employer contributions as of July 1, 2008.

An election to participate in the defined contribution plan as of July 1, 2008, must be made by May 1, 2008, using an election form provided by the city.

Sec. 58-664. Contribution amount.

The city shall contribute an amount equal to 8% of the participant's compensation.

Sec. 58-665 Eligibility for after-tax contributions.

Members of this benefit group are not eligible to make after-tax contributions to the defined contribution plan.

Secs. 58-666.--58-675. Reserved.

DIVISION 6. SCHEDULE E, POLICE DISPATCHERS BENEFIT GROUP

Sec. 58-676. Normal retirement age.

Normal retirement age means the participant has attained age 55.

Sec. 58-677. Eligible employees.

(a) *Employees initially hired after November 7, 2005.* Members of this benefit group whose initial date of employment is after November 7, 2005, participate in the defined contribution plan

(b) *Employees initially hired on and before November 7, 2005.* A members of this benefit group whose initial date of employment was on or before November 7, 2005, does not eligible to participate in the defined contribution plan unless one of the following exceptions applies:

- (1) *Certain re-hired employees.* An employee who had a severance from employment, was subsequently re-hired by the city on or after November 7, 2005, and did not have a deferred vested benefit under the defined benefit plan as of his reemployment date participates in the defined contribution plan as of the date provided in subsection 58-703.c.(1).
- (2) *Transfers to defined benefit plan.* An employee who made a timely election to cease accruals under the defined benefit plan and participate in the defined contribution plan under section 58-863 participates in the defined contribution plan as of the date provided in subsection 58-703.c.(2).

Sec. 58-678. Election to transfer from defined benefit plan.

(a) *General rule.* Members of this benefit group who participate in the defined benefit plan may not elect to transfer to the defined contribution plan.

(b) *Transfers through December 31, 2010.* Effective as of May 17, 2010, members of this benefit group who participate in the defined benefit plan who have less than ten years of credited service may make an irrevocable election to cease accruals under the defined benefit plan and begin to participate in the defined contribution plan before December 31, 2010.

An election to participate in the defined contribution plan before December 31, 2010 must be made by November 1, 2010, using an election form provided by the city.

Sec. 58-679. Contribution amount.

The city shall contribute an amount equal to 8% of the participant's compensation.

Sec. 58-680. Eligibility for after-tax contributions.

Members of this benefit group are not eligible to make after-tax contributions to the defined contribution plan.

Secs. 58-681.--58-690. Reserved.

DIVISION 7. SCHEDULE F, FIRE BENEFIT GROUP

Sec. 58-691. Normal retirement age.

Normal retirement age means the participant has attained age 50.

Sec. 58-692. Eligible employees.

(a) *Employees initially hired on and after September 6, 2005.* Members of this benefit group whose initial date of employment is on or after September 6, 2005, participate in the defined contribution plan.

(b) *Employees initially hired before September 6, 2005.* A member of this benefit group whose initial date of employment was before September 6, 2005, does not participate in the defined contribution plan unless one of the following exceptions applies:

- (1) *Certain re-hired employees.* An employee who had a severance from employment, was subsequently re-hired by the city on or after September 6, 2005, and did not have a deferred vested benefit under the defined benefit plan as of his reemployment date participates in the defined contribution plan as of the date provided in subsection 58-703.c.(1).
- (2) *Transfers from defined benefit plan.* An employee who made a timely election to cease accruals under the defined benefit plan and participate in the defined contribution plan under section 58-913 participates in the defined contribution plan as of the date provided in subsection 58-703.c.(2).

Sec. 58-693. Election to transfer from defined benefit plan.

(a) *General rule.* Effective as of July 1, 2010, members of this benefit group who participate in the defined benefit plan may not elect to transfer to the defined contribution plan.

(b) *Transfers through July 1, 2010.* Members of this benefit group who participate in the defined benefit plan may make an irrevocable election to cease accruals under the defined benefit plan and begin to participate in the defined contribution plan for purposes of receiving employer contributions as of July 1, 2006, July 1, 2007, July 1, 2008, July 1, 2009, or July 1, 2010, provided the employee has less than 25 years of credited service under the defined benefit plan as of the effective date of the election to participate in the defined contribution plan.

An election to participate in the defined contribution plan as of July 1, 2006, must be made by June 15, 2006, using an election form provided by the city. An election to participate in the defined contribution plan as of July 1, 2007, July 1, 2008, July 1, 2009, or July 1, 2010, must be made by May 1 preceding the effective date of the election, using an election form provided by the city.

Sec. 58-694. Contribution amount.

The city shall contribute an amount equal to 8% of the participant's compensation. Effective as of October 19, 2009, for a participant who is receiving worker's compensation benefits and a differential payment equal to the difference between his net salary or wage and worker's compensation benefits, "compensation" includes the worker's compensation benefit and the differential payment, and the participant will receive an employer contribution based on those amounts as though the participant were actively working for the city.

58-695. Eligibility for after-tax contributions.

Members of this benefit group are not eligible to make after-tax contributions to the defined contribution plan.

Secs. 58-696.--58-705. Reserved.

DIVISION 8. SCHEDULE F, ADMINISTRATIVE CONTRACT BENEFIT GROUP

Sec. 58-706. Normal retirement age.

Normal retirement age means the participant has attained age 55, except as otherwise provided in the participant's current employment contract with the city. However, the normal retirement age shall be age 50 for participants in this group who are employed by the police department and the fire department (i.e., the chief and deputy chief).

Sec. 58-707. Eligible employees.

Members of this benefit group are eligible to participate in the defined contribution plan if the employee's current employment contract with the city provides for participation in the defined contribution plan.

Sec. 58-708. Election to transfer from defined benefit plan.

Members of this benefit group who participate in the defined benefit plan may make an irrevocable election to cease accruals under the defined benefit plan and begin to participate in the defined contribution plan for purposes of receiving employer contributions under the same terms and conditions as members of the administrative and supervisory contract benefit group.

Sec. 58-709. Contribution amount.

The city shall contribute an amount equal to 8% of the participant's compensation or if, different, the amount required under the participant's current employment contract with the city.

Sec. 58-710. Eligibility for after tax contributions.

Members of this benefit group are not eligible to make after-tax contributions to the defined contribution plan.

Secs. 58-711.--58-799. Reserved.

Section 11. This Ordinance shall be in full force and effect on the 30th day of August, 2011.

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 15th day of August, 2011.

Leanne Johnson
Wyoming Deputy City Clerk

ORDINANCE NO. 8-11

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF WYOMING

THE CITY OF WYOMING ORDAINS that the following sections of Chapters 58 and 59 of the Code of the City of Wyoming (“Code”) be amended as follows in order to reflect the fact that stand-alone documentation has been adopted for the City’s retirement system and retiree health benefits. The changes set forth in this Ordinance shall be effective as of July 1, 2011.

Section 1: Section 58-96 of the Code is amended by adding the following:

Effective as of July 1, 2011, the terms of the plan shall be set forth in a separate document that is not part of the Code. This section 58-96 through section 58-323 shall be deemed obsolete as of July 1, 2011, and shall not govern the operation of the plan after June 30, 2011.

Section 2: Section 58-501 of the Code is amended by adding the following:

Effective as of July 1, 2011, the terms of the defined contribution plan shall be set forth in a separate document that is not part of the Code. This section 58-501 through section 58-710 shall be deemed obsolete as of July 1, 2011, and shall not govern the operation of the defined contribution plan after June 30, 2011.

Section 3: Section 59-1 of the Code is amended by adding the following:

Effective as of July 1, 2011, the terms of the trust fund and the terms and conditions for receiving retiree medical benefits shall be set forth in a separate document that is not part of the Code. This section 59-1 through section 59-8 shall be deemed obsolete as of July 1, 2011, and shall not govern the operation of the trust fund or the terms and conditions for receiving retiree medical benefits after June 30, 2011.

Section 4: Section 59-20 of the Code is amended by adding the following:

Effective as of July 1, 2011, the terms of the PEHP shall be set forth in a separate document that is not part of the Code. This section 59-20 through section 59-28 shall be deemed obsolete as of July 1, 2011, and shall not govern the operation of the PEHP after June 30, 2011.

Section 5: This Ordinance shall be in full force and effect on the 30th day of August , 2011.

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 15th day of August, 2011.

Leanne Johnson
Wyoming Deputy City Clerk

Ordinance No. 8-11

ORDINANCE NO. 9-11

AN ORDINANCE TO ADD ARTICLE VI, DIVISION I TO
THE CODE OF THE CITY OF WYOMING

THE CITY OF WYOMING ORDAINS:

Section 1. That Article VI, Division I is hereby added to the Code of the City of Wyoming to read as follows:

DIVISION I. HISTORICAL COMMISSION

Sec. 2-401. ESTABLISHMENT AND PURPOSE.

The Wyoming Historical Commission is hereby established in accordance with the provisions of Act 213 of the Public Acts of 1957, as amended, MCL 399.171 et seq. for the purpose of preserving and presenting pertinent historical material and information of historical value to the present and future residents of the City of Wyoming.

Sec. 2-402. ORGANIZATION.

The Historical Commission may be organized as a Michigan Non-Profit Corporation as provided by statute. The Commission shall be responsible for the filing and maintenance of the corporate status. The Commission shall prepare appropriate bylaws for operation of the corporation in accordance with the provisions of this Ordinance and all applicable laws and statutes. The bylaws shall be subject to approval of the City Council.

Sec. 2-403. MEMBERSHIP AND APPOINTMENT.

Members of the Commission shall consist of not less than 5 and not more than 9 members to be appointed by the Mayor with the approval of the City Council for a term of three years. The first members appointed pursuant to this section shall have terms adjusted to allow for 1/3 of the members to have terms expiring each year. The terms of office shall be as provided in this Chapter and all members shall be registered electors of the City of Wyoming.

The members appointed pursuant to this Section shall constitute the Board of Directors and shall be the voting members of the Commission. The Commission may add additional non-voting members in its discretion.

Sec. 2-404. FINANCE AND ACCOUNTING.

1. The Commission shall be financed by such fund raising activities including the solicitation of grants or gifts as shall be from time to time approved by the Board of Directors.

2. The City may make such financial or in kind contributions from time to time as shall be approved by the City Council.

3. The Commission shall, on an annual basis, provide an accounting to the City of all funds received and disbursed by the Commission. In addition, financial records of the Commission shall be provided to the City finance director upon request.

Sec. 2-405. COMMISSION PROPERTY.

The Commission may hold such property, assets, collections or other material as are necessary and appropriate for its stated purposes. By its organizational documents and by written contract with the City, the Commission shall provide that upon dissolution of the Commission and/or the non-profit corporation, all assets of the Commission shall become the property of the City of Wyoming or a 501(c) (3) or similar tax exempt organization as directed by the City and in accordance with all applicable laws.

Sec. 2-406. CITY STAFF.

Subject to a written agreement with the City, the City may at its sole discretion provide the services of City departments and/or City staff to the Commission.

Sec. 2-407. EMPLOYEES.

The Commission may enter into employment contracts with individuals necessary to carry out the purposes of the Corporation subject to the following:

1. All such contracts shall be approved by the Commission Board and the City Council.
2. Such employees shall not be considered employees of the City of Wyoming.
3. The Commission shall comply with all local, federal and state tax laws and other laws regulating employees.

4. Appointed members of the Commission may not be compensated for services to the Commission.

Section 2. This ordinance shall be in full force and effect on the _____ day of _____, 2011.

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 _____, 2011.

Heidi A. Isakson
Wyoming City Clerk

Ordinance No. 9-11