

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

- 1) Call to Order**
- 2) Invocation**  
Pastor Jon Cordero, Resurrection Life Church.
- 3) Pledge of Allegiance**
- 4) Roll Call**
- 5) Student Recognition**
- 6) Approval of Minutes**  
From the regular meeting of October 17, 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
- 13) Budget Amendments**
- 14) Consent Agenda**
  - a) Of Appreciation to Robert Van Ee for his service as a Member of the Community Enrichment Commission of the City of Wyoming
  - b) Of Appreciation to Harriet Sturim for her service as a Member of the Community Enrichment Commission of the City of Wyoming
  - c) Of Appreciation to Dale R. Cross, Jr., for his service as a Member of the Downtown Development Authority for the City of Wyoming
  - d) To Approve Traffic Control Order No. 4.01-11
  - e) To Authorize the Mayor and City Clerk to Execute an Amendment to the Streetlighting Contract with Consumers Energy Company
- 15) Resolutions**
  - f) To Approve Memorandums of Understanding with the Administrative and Supervisory Association and the Wyoming City Employees Union
  - g) Objection to the Transfer of Properties not sold at the 2011 Delinquent Property Tax Sale to the City of Wyoming
- 16) Award of Bids, Contracts, Purchases, and Renewal of Bids and Contracts**
  - h) To Authorize the Mayor and City Clerk to Execute an Agreement with the Michigan Department of Transportation for the Reconstruction of the Intersection at 28<sup>th</sup> Street and Byron Center Avenue (Budget Amendment No. 21)

- i) To Authorize Final Acceptance of a Settlement Agreement for Two Centrifuges at the Water Treatment Plant and to Authorize the Mayor and City Clerk to Execute the Agreement
- j) To Authorize Cummins Bridgeway to Complete Repairs to Two Generators at the Water Treatment Plant

**17) Ordinances**

15-11: To Add a Definition to Section 90-18 Definitions “R,” Sections 90-67 and 90- 507(10) to the Code of the City of Wyoming (Facilities to house persons on parole or probation) FIRST READING

16-11: To Amend Sections 90-47(1), 90-47(3) and Section 90-894 (Footnote 5) of the Code of the City of Wyoming (Fences) FIRST READING

**18) Informational Material**

**19) Acknowledgment of Visitors**

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

**21) Adjournment**

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

RESOLUTION OF APPRECIATION TO ROBERT VAN EE FOR HIS SERVICE  
AS A MEMBER OF THE COMMUNITY ENRICHMENT COMMISSION  
OF THE CITY OF WYOMING

WHEREAS:

1. Robert Van Ee since November 15, 2010, served faithfully and effectively as a member of the Community Enrichment Commission.

NOW, THEREFORE, BE IT RESOLVED:

1. Council Members and citizens of the City of Wyoming wish to express their deep appreciation to Robert Van Ee for his dedicated service as a member of the Community Enrichment Commission.

Moved by Councilmember:

Seconded by Councilmember:

Motion Carried        Yes

                                  No

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

---

Heidi A. Isakson, Wyoming City Clerk

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

RESOLUTION OF APPRECIATION TO HARRIET STURIM FOR HER SERVICE  
AS A MEMBER OF THE COMMUNITY ENRICHMENT COMMISSION  
OF THE CITY OF WYOMING

WHEREAS:

1. Harriet Sturim since April 6, 2009, served faithfully and effectively as a member of the Community Enrichment Commission.

NOW, THEREFORE, BE IT RESOLVED:

1. Council Members and citizens of the City of Wyoming wish to express their deep appreciation to Harriet Sturim for her dedicated service as a member of the Community Enrichment Commission.

Moved by Councilmember:

Seconded by Councilmember:

Motion Carried      Yes  
                                    No

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

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

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

RESOLUTION OF APPRECIATION TO DALE R. CROSS, JR., FOR HIS SERVICE  
AS A MEMBER OF THE DOWNTOWN DEVELOPMENT AUTHORITY  
FOR THE CITY OF WYOMING

WHEREAS:

1. Dale R. Cross, Jr. since August 3, 2009, served faithfully and effectively as a member of the Downtown Development Authority.

NOW, THEREFORE, BE IT RESOLVED:

1. Council Members and citizens of the City of Wyoming wish to express their deep appreciation to Dale R. Cross, Jr. for his dedicated service as a member of the Downtown Development Authority.

Moved by Councilmember:

Seconded by Councilmember:

Motion Carried      Yes  
                                    No

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

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

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

RESOLUTION TO APPROVE  
TRAFFIC CONTROL ORDER NO. 4.01-11

WHEREAS:

1. Traffic Control Order No. 4.01-11 as set forth in exhibit attached hereto and made a part of this Resolution, has been proposed in the City of Wyoming
2. 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:

1. That such final approval be and is hereby granted that the aforesaid Traffic Control Order No 4.01-11 be made a permanent part of the Traffic Control Order Files of the City of Wyoming.

Moved by Councilmember:

Seconded by Councilmember:

Motion Carried      Yes  
                                    No

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

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

ATTACHMENTS:

Traffic Control Order  
Map



Traffic Department  
Telephone (616) 530-7263  
2660 Burlingame Avenue SW, Wyoming, Michigan 49509

www.wyomingmi.gov



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

November 7, 2011

PERMANENT  
TRAFFIC CONTROL ORDER NO. 4.01-11

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:

Gezon Parkway at its intersection with Metro Way

2. REGULATION:

- A. Install traffic control devices: traffic signal with red, amber and green lenses
- B. Part of Traffic Control Order No. 1.11-07, dated August 6, 2007, is hereby revoked

3. SIGNS:

As required

4. EFFECTIVE:

Immediately

Authority,

William D. Dooley, PE  
Traffic Engineer

WDD:kh

cc: Police Dept

27

PINES GOLF COURSE

52ND ST

34

AURORA POND RETIREMENT RESIDENCE

GEZON PUMPING STATION

PARKCREST APTS.

F.S. 3

TCO

HEALTH DRIVE

GEZON PARKWAY

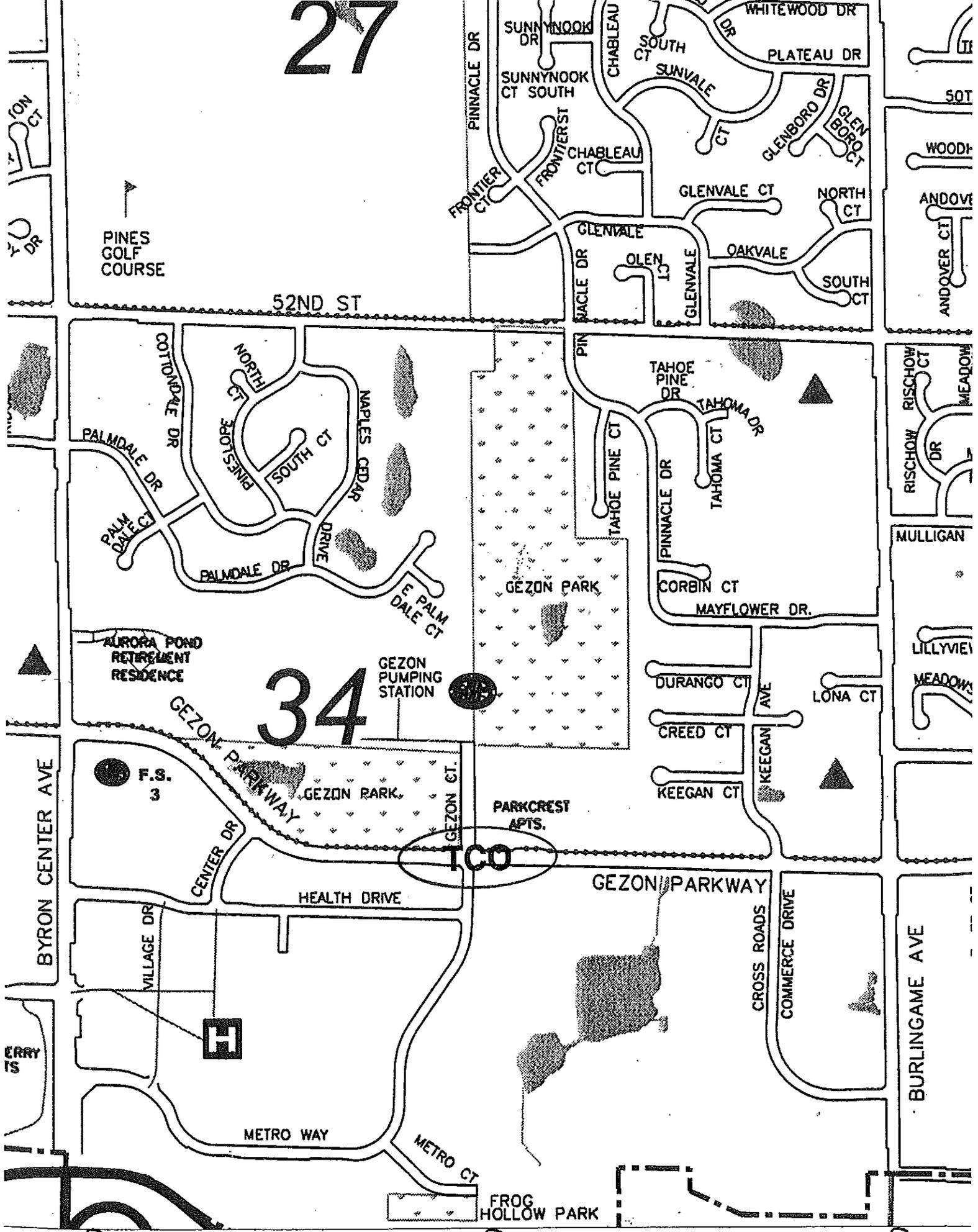
METRO WAY

FROG HOLLOW PARK

2400

2000

1600



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

RESOLUTION TO AUTHORIZE THE MAYOR AND CITY CLERK  
TO EXECUTE AN AMENDMENT TO THE STREELIGHTING  
CONTRACT WITH CONSUMERS ENERGY COMPANY

WHEREAS:

1. The City has entered into a Contract with Consumers Energy Company which provides for a Consumers Energy Company owned streetlighting system within certain parts of the City of Wyoming.
2. The City desires to have Consumers Energy Company remove four 7500 lumen mercury vapor streetlights and replace with four 8500 lumen high pressure sodium streetlights located at Lee Street SW and Porter Street SW

NOW, THEREFORE, BE IT RESOLVED:

1. The Mayor and City Clerk are hereby authorized to execute the attached "Authorization for Change in Standard Streetlighting Contract" and the accompanying Consumers Energy Resolution.

Moved by Councilmember:

Seconded by Councilmember:

Motion Carried        Yes  
                                     No

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

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

ATTACHMENTS:

Streetlighting Contract  
Consumers Energy Resolution

**AUTHORIZATION FOR CHANGE IN STANDARD STREETLIGHTING CONTRACT**

Consumers Energy Company is hereby authorized as of the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by the City of Wyoming, to make changes, as listed below, in the streetlighting system(s) covered by the existing Standard Streetlighting Contract between the Company and the City of Wyoming, dated October 20 1986.

- Customer-Owned Streetlight System
- Company-Owned Streetlight System

<u>Number of Luminaires</u>	<u>Nominal Lumen Rating</u>	<u>Light Source</u>	<u>Installation or Removal</u>	<u>Location</u>
4	8500	HPS	Installed	Lee St SW & Porter SW
4	7500	MV	Removed	Lee St SW & Porter SW

Order # 16738610

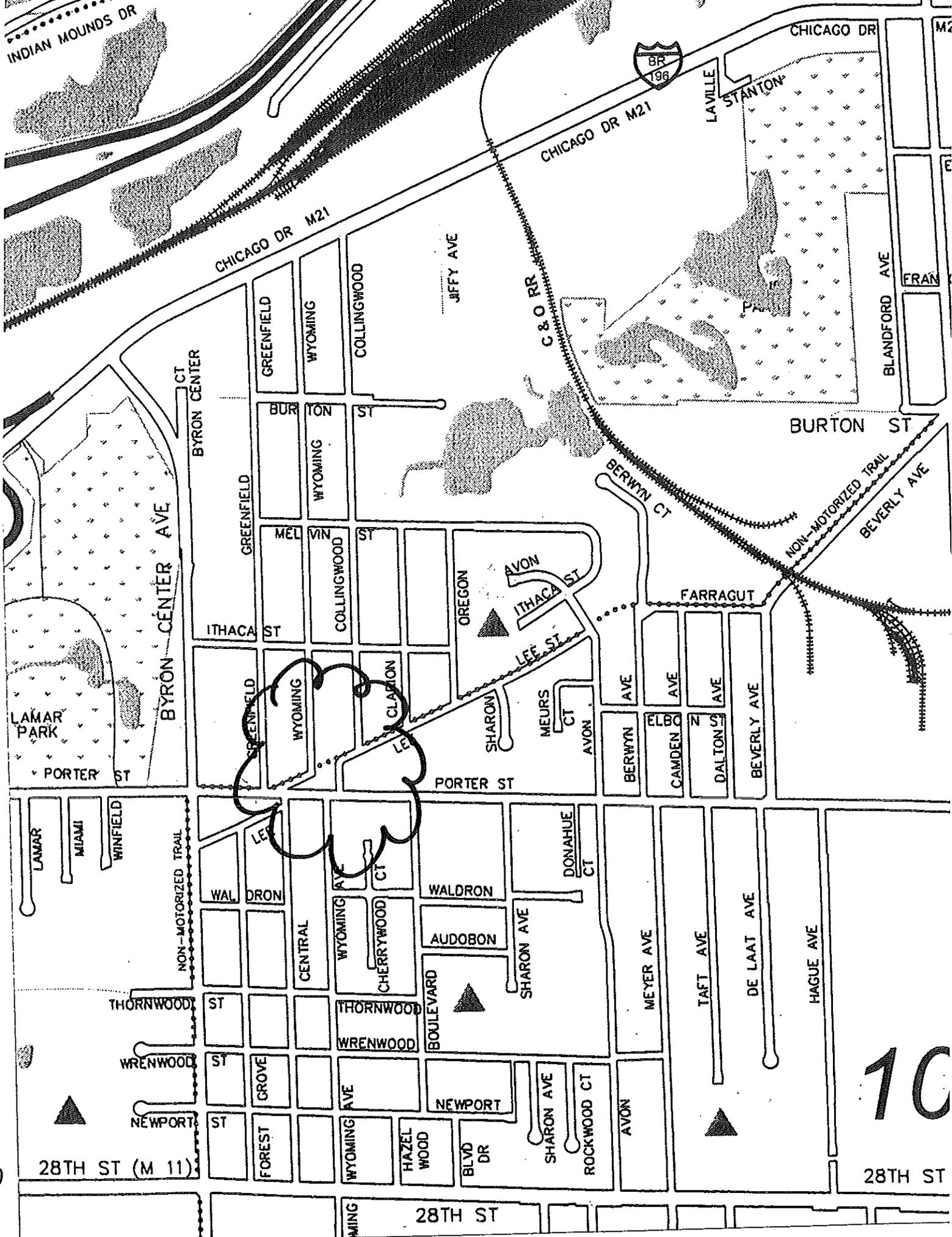
Notification # 1010153443

Except for the changes in the streetlighting system(s) as herein authorized, all provisions of the aforesaid Standard Streetlighting Contract dated October 20, 1986, shall remain in full force and effect.

By \_\_\_\_\_  
Its Mayor

By: \_\_\_\_\_  
Its Clerk





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

RESOLUTION TO APPROVE MEMORANDUMS OF UNDERSTANDING  
WITH THE ADMINISTRATIVE AND SUPERVISORY ASSOCIATION  
AND THE WYOMING CITY EMPLOYEES UNION

WHEREAS:

1. The Wyoming City Council has approved employment contracts between the City of Wyoming and the Administrative and Supervisory Association and the Wyoming City Employees Union.
2. The Administrative and Supervisory Association and the Wyoming City Employees Union have agreed to the provisions of the attached Memorandums of Understanding in the event the City implements a program whereby employees in non-public safety positions are trained as Reserve Fire Fighters and respond to calls for service.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council does hereby approve the attached Memorandums of Understanding with the Administrative and Supervisory Association and the Wyoming City Employees Union.
2. The City Council does hereby authorize the City Manager to execute the attached Memorandums of Understanding.

Moved by Councilmember:

Seconded by Councilmember:

Motion Carried        Yes  
                                  No

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

ATTACHMENTS:  
Memorandums of Understanding

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

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

## MEMORANDUM OF UNDERSTANDING

### **Fire Fighter Certification and Response to Calls for Fire and Rescue Services**

The **CITY OF WYOMING** (City) and the **WYOMING ADMINISTRATIVE AND SUPERVISORY ASSOCIATION** (Association) agree to the following provisions in the event the City implements a program whereby employees in non-public safety positions are trained as reserve Fire Fighters and respond to calls for service:

The City reserves the right to cross-train full-time employees to provide fire and rescue services, to accept or reject for any reason any or all employee requests to enter or continue in the program, to determine which employees shall respond to which calls, and to implement, manage, change or discontinue the program at any time and in any manner deemed to be in the best interests of the City.

#### Certification

1. An employee who performs fire suppression duties will be required to be trained and certified at a minimum level of Fire Fighter II with Hazmat Operation Level and pass physical fitness standards in accordance with the National Fire Prevention Association (NFPA) and a Fire Fighter physical ability test.
2. The City will cover training expenses for an employee who attends training necessary to obtain or maintain the required certification.
3. An employee will be released from their regular work without loss of pay to attend training during their regular work hours.
4. If an employee is required by the City to attend training outside of their regular work hours, such training will be paid at the employee's regular rate of pay in the employee's regular job.
5. If an employee chooses to attend training outside of their regular work hours, such training will be paid at the hourly rate of the D-Step of the Reserve Fire Fighter wages.

#### Responding to Calls

1. An employee who possesses the required certification shall receive annual compensation of \$2,500, pro-rated based on the number of calls they respond to while actively working their regular job (payable by July 31). For purposes of this provision, an employee shall be considered as having responded to a call if the employee was willing and able to respond but was directed not to do so by a supervisor. The pro-ration calculation is as follows:
  - An employee who responds to 90%-100% of the calls will receive \$2,500.
  - An employee who responds to 75%-89% of the calls will receive \$1,875.
  - An employee who responds to 50%-74% of the calls will receive \$1,250.
  - An employee who responds to 0%-49% of the calls will receive \$625.
2. An employee who possesses the required certification and responds to calls during hours that they are not working their regular job will be paid at the hourly rate of the D-Step of the Reserve Fire Fighter wages. An employee shall be paid a minimum of one hours' pay each time they respond to a call.

#### General

1. Compensation earned, excluding overtime, pursuant to this MOU will be considered compensation for purposes of the Post-Employment Health Plan and Defined Contribution Plan provided under the CBA.

2. Compensation earned pursuant to this MOU will be included in calculating final average salary for purposes of the Defined Benefit Plan provided under the CBA.

CITY OF WYOMING

Date: \_\_\_\_\_

By: \_\_\_\_\_

Curtis Holt

Its: City Manager

WYOMING ADMINISTRATIVE AND  
SUPERVISORY ASSOCIATION

Date: 10-25-11

By:  \_\_\_\_\_

Its: President

## MEMORANDUM OF UNDERSTANDING

### **Fire Fighter Certification and Response to Calls for Fire and Rescue Services**

The **CITY OF WYOMING** (City) and the **WYOMING CITY EMPLOYEES UNION** (Union) agree to the following provisions in the event the City implements a program whereby employees in non-public safety positions are trained as reserve Fire Fighters and respond to calls for service:

The City reserves the right to cross-train full-time employees to provide fire and rescue services, to accept or reject for any reason any or all employee requests to enter or continue in the program, to determine which employees shall respond to which calls, and to implement, manage, change or discontinue the program at any time and in any manner deemed to be in the best interests of the City.

#### Certification

1. An employee who performs fire suppression duties will be required to be trained and certified at a minimum level of Fire Fighter II with Hazmat Operation Level and pass physical fitness standards in accordance with the National Fire Prevention Association (NFPA) and a Fire Fighter physical ability test.
2. The City will cover training expenses for an employee who attends training necessary to obtain or maintain the required certification.
3. An employee will be released from their regular work without loss of pay to attend training during their regular work hours.
4. If an employee is required by the City to attend training outside of their regular work hours, such training will be paid at 1.5 times the employee's regular rate of pay in the employee's regular job.
5. If an employee chooses to attend training outside of their regular work hours, such training will be paid at the hourly rate of the D-Step of the Reserve Fire Fighter wages.
6. Time spent training will not be combined with hours worked in the employee's regular job for overtime purposes and will not be considered recorded overtime under the CBA (i.e., Article VI, Section 13).

#### Responding to Calls

1. An employee who possesses the required certification shall receive annual compensation of \$2,500, pro-rated based on the number of calls they respond to while actively working their regular job (payable by July 31). For purposes of this provision, an employee shall be considered as having responded to a call if the employee was willing and able to respond but was directed not to do so by a supervisor. The pro-ration calculation is as follows:
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  - An employee who responds to 50%-74% of the calls will receive \$1,250.
  - An employee who responds to 0%-49% of the calls will receive \$625.
2. An employee who possesses the required certification and responds to calls during hours that they are not working their regular job will be paid at the hourly rate of the D-Step of the Reserve Fire Fighter wages. An employee shall be paid a minimum of one hours' pay each time they respond to a call.
3. Time spent responding to fire calls will not be combined with hours worked in the employee's regular job for overtime purposes and will not be considered recorded overtime under the CBA (i.e., Article VI, Section 13).

**General**

1. Compensation earned, excluding overtime, pursuant to this MOU will be considered compensation for purposes of the Post-Employment Health Plan and Defined Contribution Plan provided under the CBA.
2. Compensation earned pursuant to this MOU will be included in calculating final average salary for purposes of the Defined Benefit Plan provided under the CBA.

CITY OF WYOMING

Date: \_\_\_\_\_

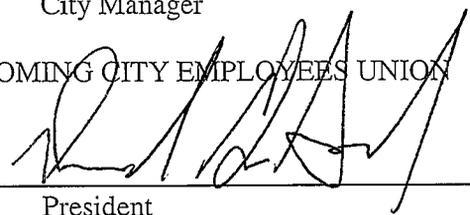
By: \_\_\_\_\_

Curtis Holt

Its: City Manager

WYOMING CITY EMPLOYEES UNION

Date: 10-20-2011

By:  \_\_\_\_\_

Its: President

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

OBJECTION TO THE TRANSFER OF PROPERTIES NOT SOLD AT THE 2011  
DELINQUENT PROPERTY TAX SALE TO THE CITY OF WYOMING

WHEREAS:

1. Each year the Kent County Treasurer holds a foreclosure sale for delinquent property taxes.
2. Pursuant to MCL 211.78m (6) "...property not sold by the foreclosing governmental unit under this section shall be transferred to the clerk of the city, village, or township in which the property is located" unless the city, village, or township objects in writing to this transfer.
3. The following properties did not sell at the 2011 foreclosure sale:  
PP# 41-17-27-278-034/ 4638 Deepwood Ct SW  
PP# 41-18-19-328-053/ 4148.5 Woodstock Ave SE
4. After examining the properties listed above it was determined that the City has no interest in receiving these parcels.

NOW, THEREFORE, BE IT RESOLVED:

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

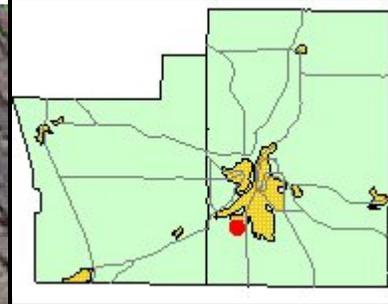
Moved by Councilmember:  
Seconded by Councilmember:  
Motion Carried        Yes  
                                  No

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

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

ATTACHMENTS:  
Aerial Photos

### 4638 Deepwood Ct SW PP#41-17-27-278-034



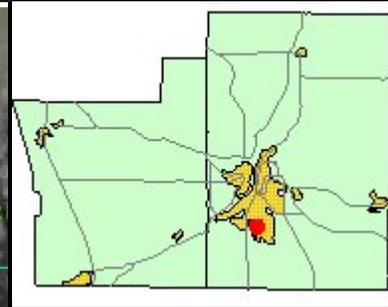
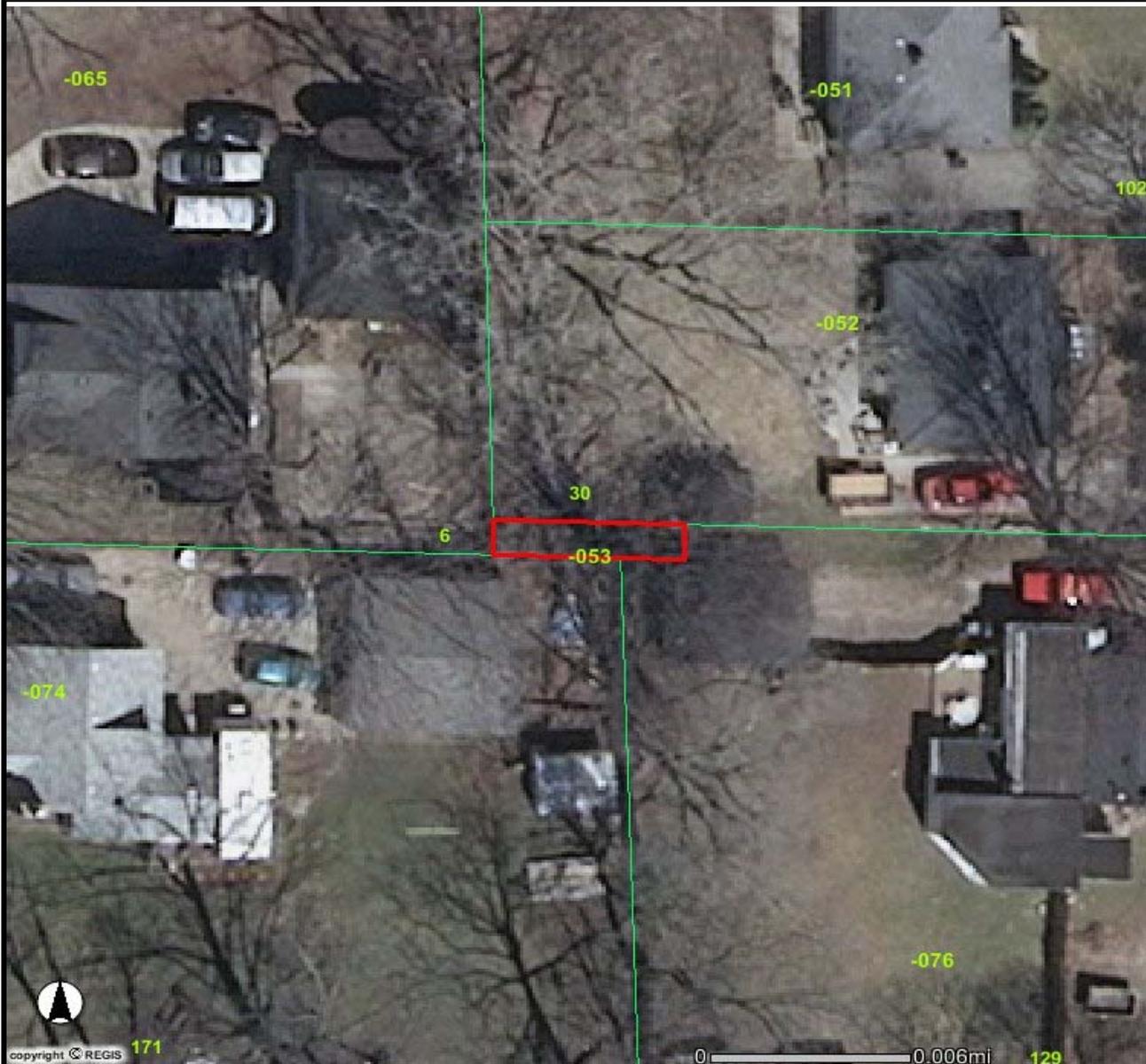
**Legend**

- Selected\_Features
- Route Markers
- Parcel Number Anno Hudsonville
- Parcel Dimension Anno Hudsonville
- Parcel Number Anno
- Parcel Dimension Anno
- Railroads
- River and Stream Lines
- Street Centerlines
- City Major Street
- City Minor Street
- County Local Road
- County Primary Road
- Private Street or Road
- State Trunkline
- Unknown
- Lakes and Ponds
- Parcels
- Village Areas
- Government Units
- Orthophotography
- Orthophotography

This map does not represent a legal document. It is intended to serve as an aid in graphic representation only. Information shown on this map is not warranted for accuracy and should be verified through other means



4148.5 Woodstock Ave SE PP#41-18-19-328-053



**Legend**

- Selected\_Features
- Route Markers
- Parcel Number Anno Hudsonville
- Parcel Dimension Anno Hudsonville
- Parcel Number Anno
- Parcel Dimension Anno
- Railroads
- River and Stream Lines
- Street Centerlines
- City Major Street
- City Minor Street
- County Local Road
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- Parcels
- Village Areas
- Government Units
- Orthophotography
- Orthophotography

This map does not represent a legal document. It is intended to serve as an aid in graphic representation only. Information shown on this map is not warranted for accuracy and should be verified through other means



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

RESOLUTION TO AUTHORIZE THE MAYOR AND CITY CLERK TO  
EXECUTE AN AGREEMENT WITH THE MICHIGAN DEPARTMENT OF  
TRANSPORTATION FOR THE RECONSTRUCTION OF THE  
INTERSECTION AT 28<sup>TH</sup> STREET AND BYRON CENTER AVENUE

WHEREAS:

1. The Michigan Department of Transportation (MDOT) proposes to reconstruct the intersection of 28<sup>th</sup> Street and Byron Center Avenue in the City of Wyoming in the summer of 2012.
2. The project includes reconstructing the intersection pavement and incorporating new box span signals at the intersection.
3. MDOT has prepared the attached City-State Agreement for the project, identifying the costs and obligations of each respective party.
4. The City's share of the project is estimated to be \$12,800 and can be financed out of the Capital Improvement Program, but a budget amendment is necessary.

NOW, THEREFORE, BE IT RESOLVED:

1. The Major and City Clerk are hereby authorized to execute the attached City-State Agreement with MDOT for the reconstruction of the 28<sup>th</sup> Street and Byron Center Avenue intersection.
2. The attached budget amendment is approved.

Moved by Councilmember:

Seconded by Councilmember:

Motion Carried        Yes  
                                  No

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

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

ATTACHMENTS:    City-State Agreement  
                          Budget Amendment



ACT 51  
FEDERAL AID PROGRESS PAYMENT

DAB  
Control Section NH 41062  
Job Number 109765A; 109765C  
Fed Project # NH 1141(087);  
NH 1041(072)  
Fed Item # HH 7595; HH 5661  
Contract 11-5474

THIS CONTRACT is made and entered into this date of \_\_\_\_\_, by and between the MICHIGAN DEPARTMENT OF TRANSPORTATION, hereinafter referred to as the "DEPARTMENT"; and the CITY OF WYOMING, a Michigan municipal corporation, hereinafter referred to as the "CITY"; for the purpose of fixing the rights and obligations of the parties in agreeing to construction improvements located within the corporate limits of the CITY.

WITNESSETH:

WHEREAS, the parties hereto anticipate that payments by them and contributions by agencies of the Federal Government or other sources will be sufficient to pay the cost of construction or reconstruction of that which is hereinafter referred to as the "PROJECT" and which is located and described as follows:

Reconstruction work at the intersection of Highway M-11 (28<sup>th</sup> Street) and Byron Center Avenue; together with necessary work, located within the corporate limits of the CITY; and

WHEREAS, the DEPARTMENT presently estimates the PROJECT COST as hereinafter defined in Section 1 to be: \$563,750; and

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

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

1. The CITY hereby consents to the designation of the PROJECT as a state trunkline highway. The parties shall undertake and complete the construction of the PROJECT as a state trunkline highway in accordance with this contract. The term "PROJECT COST", as herein used, is hereby defined as the cost of construction or reconstruction of the PROJECT including the costs of preliminary engineering (PE), plans and specifications; acquisition costs of the property for rights of way, including interest on awards, attorney fees and court costs; physical construction necessary for the completion of the PROJECT as determined by the

DEPARTMENT; and construction engineering (CE), legal, appraisal, financing, and any and all other expenses in connection with any of the above.

2. The cost of alteration, reconstruction and relocation, including plans thereof, of certain publicly owned facilities and utilities which may be required for the construction of the PROJECT, shall be included in the PROJECT COST; provided, however, that any part of such cost determined by the DEPARTMENT, prior to the commencement of the work, to constitute a betterment to such facility or utility, shall be borne wholly by the owner thereof.

3. The CITY shall make available to the PROJECT, at no cost, all lands required thereof, now owned by it or under its control for purpose of completing said PROJECT. The CITY shall approve all plans and specifications to be used on that portion of this PROJECT that are within the right of way which is owned or controlled by the CITY. That portion of the PROJECT which lies within the right of way under the control or ownership by the CITY shall become part of the CITY facility upon completion and acceptance of the PROJECT and shall be maintained by the CITY in accordance with standard practice at no cost to the DEPARTMENT. The DEPARTMENT assumes no jurisdiction of CITY right of way before, during or after completion and acceptance of the PROJECT.

4. The parties will continue to make available, without cost, their sewer and drainage structures and facilities for the drainage of the PROJECT.

5. The PROJECT COST shall be met in part by contributions from agencies of the Federal Government. The balance of the PROJECT COST shall be charged to and paid by the DEPARTMENT and the CITY in the following proportions and in the manner and at the times hereinafter set forth:

DEPARTMENT -	87.5%
CITY -	12.5%

The PROJECT COST and the respective shares of the parties, after Federal-aid, is estimated to be as follows:

	TOTAL ESTIMATED COST	FEDERAL AID	BALANCE AFTER FEDERAL AID	DEPT'S SHARE	CITY'S SHARE
Constr. & CE	\$456,250	\$373,450	\$82,800	\$72,450	\$10,350
PE	\$107,500	\$88,000	\$19,500	\$17,050	\$2,450
TOTAL	\$563,750	\$461,450	\$102,300	\$89,500	\$12,800

The PE costs for will be apportioned in the same ratio as the actual construction award and the CE costs will be apportioned in the same ratio as the actual direct construction costs.

Participation, if any, by the CITY in the acquisition of trunkline right-of-way shall be in accordance with 1951 P.A. 51 Subsection 1d, MCL 247.651d. An amount equivalent to the federal highway funds for acquisition of right-of-way, as would have been available if application had been made thereof and approved by the Federal government, shall be deducted from the total PROJECT COST prior to determining the CITY'S share. Such deduction will be established from the applicable Federal-Aid matching ratio current at the time of acquisition.

6. The DEPARTMENT shall maintain and keep accurate records and accounts relative to the cost of the PROJECT. The DEPARTMENT may submit progress billings to the CITY on a biweekly basis for the CITY'S share of the cost of work performed to date, less all payments previously made by the CITY. No biweekly billings of a lesser amount than \$1,000 shall be made unless it is a final or end of fiscal year billing. All billings will be labeled either "Progress Bill Number \_\_\_\_\_", or "Final Billing". Upon completion of the PROJECT, payment of all items of PROJECT COST and receipt of all Federal Aid, the DEPARTMENT shall make a final billing and accounting to the CITY.

7. In order to fulfill the obligations assumed by the CITY under the provisions of this contract, the CITY shall make prompt payments of its share of the PROJECT COST upon receipt of progress billings from the DEPARTMENT as herein provided. The CITY shall be billed for their share of the preliminary engineering costs upon award of the PROJECT. All payments will be made within 30 days of receipt of billings from the DEPARTMENT. Billings to the CITY will be based upon the CITY'S share of the actual costs incurred less Federal Aid earned as the work on the PROJECT progresses.

8. Pursuant to the authority granted by law, the CITY hereby irrevocably pledges a sufficient amount of funds received by it from the Michigan Transportation Fund to meet its required payments as specified herein.

9. If the CITY shall fail to make any of its required payments when due, as specified herein, the DEPARTMENT shall immediately notify the CITY and the State Treasurer of the State of Michigan or such other state officer or agency having charge and control over disbursement of the Michigan Transportation Fund, pursuant to law, of the fact of such default and the amount thereof, and, if such default is not cured by payment within ten (10) days, said State Treasurer or other state officer or agency is then authorized and directed to withhold from the first of such moneys thereafter allocated by law to the CITY from the Michigan transportation Fund sufficient moneys to remove the default, and to credit the CITY with payment thereof, and to notify the CITY in writing of such fact.

10. The DEPARTMENT shall secure from the Federal Government approval of plans, specifications, and such cost estimates as may be required for the completion of the PROJECT; and shall take all necessary steps to qualify for Federal Aid such costs of acquisition of rights of way, construction, and reconstruction, including cost of surveys, design, construction engineering, and inspection for the PROJECT as deemed appropriate. The DEPARTMENT may elect not to apply for Federal Aid for portions of the PROJECT COST.

11. This contract is not intended to increase or decrease either party's liability, or immunity from, tort claims.

12. All of the PROJECT work shall be done by the DEPARTMENT.

13. In connection with the performance of the PROJECT work under this contract the parties hereto (hereinafter in Appendix "A" referred to as the "contractor") agree to comply with the State of Michigan provisions for "Prohibition of Discrimination in State Contracts", as set forth in Appendix A, attached hereto and made a part hereof. The parties further covenant that they will comply with the Civil Rights Acts of 1964, being P.L. 88-352, 78 Stat. 241, as amended, being Title 42 U.S.C. Sections 1971, 1975a-1975d, and 2000a-2000h-6 and the Regulations of the United States Department of Transportation (49 C.F.R. Part 21) issued pursuant to said Act, including Appendix "B", attached hereto and made a part hereof, and will require similar covenants on the part of any contractor or subcontractor employed in the performance of this contract. The parties will carry out the applicable requirements of the DEPARTMENT'S Disadvantaged Business Enterprise (DBE) program and 49 CFR, Part 26, including, but not limited to, those requirements set forth in Appendix C.

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

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

CITY OF WYOMING

MICHIGAN DEPARTMENT  
OF TRANSPORTATION

By \_\_\_\_\_  
Title:

By \_\_\_\_\_  
Department Director MDOT

By \_\_\_\_\_  
Title:

FORM APPROVED  
10/11/11  
*[Signature]*  
ASSISTANT  
ATTORNEY  
GENERAL

WCS  
REMOVED  
16-4-11  
NEW BRANCH

APPROVED AS TO FORM:

*[Signature]*  
\_\_\_\_\_

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

RESOLUTION TO AUTHORIZE FINAL ACCEPTANCE OF A SETTLEMENT AGREEMENT FOR TWO CENTRIFUGES AT THE WATER TREATMENT PLANT AND TO AUTHORIZE THE MAYOR AND CITY CLERK TO EXECUTE THE AGREEMENT

WHEREAS:

1. As detailed in the attached staff report from the City's Water Plant Superintendent, two centrifuges were installed as part of the Phase 1B Water Plant Expansion.
2. Final acceptance of these units has been withheld because of performance issues and a Settlement Agreement that includes additional services from the manufacturer and contractor has been drafted.
3. It is recommended the City Council authorize acceptance of the Settlement Agreement with GEA Mechanical Equipment US, Inc., GEA Westfalia Separation Division (GEA) for the final acceptance of the two centrifuges at the Water Treatment Plant.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council does hereby authorize acceptance of the Settlement Agreement for final acceptance of two centrifuges at the Water Treatment Plant.
2. The City Council does hereby authorize the Mayor and City Clerk to execute the Agreement.

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

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

ATTACHMENTS:  
Staff Report  
Settlement Agreement

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

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

## Staff Report

Date: October 31, 2011

Subject: Water Treatment Plant  
Phase 1B Centrifuge Settlement Agreement

From: Gerald H. Caron, Superintendent

Meeting Date: November 7, 2012 City Council Meeting

---

### Recommendation:

It is recommended that the City Council authorize a Settlement Agreement with GEA Mechanical Equipment US, Inc., GEA Westfalia Separation Division (GEA) for the final acceptance of the two centrifuges at the Donald K. Shine Water Treatment Plant.

### Sustainability Criteria:

Environmental Quality – Dewatering and land filling the water treatment residuals using centrifuges is better than the prior method which utilized open drying lagoons.

Social Equity – No impact.

Economic Strength – In exchange for accepting centrifuges which do not fully meet all of the specified performance criteria, the equipment manufacturer will provide additional services and value to Wyoming.

### Discussion:

The Wyoming Water Treatment Plant has two centrifuges in operation to mechanically dewater treatment residuals. The centrifuges were installed as part of the Phase 1B Water Plant Expansion and replace the drying lagoons.

The centrifuges have been in service for approximately two years. Wyoming has withheld final acceptance of these units because of performance issues with the centrifuges. The manufacturer and the contractor were required to prove that the supplied equipment could achieve all of the prescribed performance standards. For various reasons the standards have not been fully met. With this in mind, Wyoming asked the manufacturer and contractor to provide additional services as listed in the settlement agreement to compensate for the additional amount of polymer needed and the lower percent of dry solids produced. The additional service proposed by GEA has an estimated value of \$80,000.

### Budget Impact:

Wyoming may end up using a higher amount of polymer and may produce a slightly wetter sludge which will have limited impact to the operating budget. Future services provided by GEA, however, should offset these additional operating expenses.

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

RESOLUTION TO AUTHORIZE CUMMINS BRIGEWAY TO COMPLETE  
REPAIRS TO TWO GENERATORS AT THE WATER TREATMENT PLANT

WHEREAS:

1. As detailed in the attached staff report from the City's Water Plant Superintendent, two diesel generators at the Water Treatment Plant are in need of repair.
2. Cummins Bridgeway provided the City with the attached estimates totaling \$19,930.97 to complete the repairs.
3. Funds for the repairs are available in account number 591-591-55300-930000.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council does hereby authorize Cummins Bridgeway to complete repairs to two generators at the Water Treatment Plant in the estimated amount of \$19,930.97.

Moved by Councilmember:

Seconded by Councilmember:

Motion Carried        Yes  
                                  No

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

ATTACHMENT:  
Staff Report  
Estimates

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

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

## Staff Report

Date: October 31, 2011  
Subject: Diesel Generator Repair at the WTP  
From: Gerald H. Caron, Superintendent  
Meeting Date: November 7, 2012 City Council Meeting

---

### Recommendation:

It is recommended that the City Council authorize Cummins Bridgeway to perform needed repairs to the two diesel generators at the Donald K. Shine Water Treatment Plant at a cost of \$19,930.97.

### Sustainability Criteria:

Environmental Quality – By providing emergency back-up power these two generators help ensure that Wyoming and its customers have safe drinking water and fire protection.

Social Equity – All rate payers share in the cost and benefits of maintaining these two generators.

Economic Strength – Providing timely repair of these two generators allows Wyoming to maintain a high quality and sustainable water system infrastructure.

### Discussion:

The two 2.5 MW generators at the water treatment plant are exercised monthly in order to maintain their readiness for emergencies. During a recent exercise, an operator noticed cooling fluid leaking onto the floor from one of the generators. The generator was shut down but the operator was unable to locate the source of the leak. A Cummins mechanic inspected the generators and determined that the leak was coming from the oil cooler plates. The cost to repair this generator is \$16,115.96.

The gasket material on the other generator is made of the same material. Since it has about the same amount of use, it would be wise to replace the gaskets in this generator as well before it fails. The cost to replace the same gaskets in the second generator is \$3,815.01. The total cost to repair both generators is \$19,930.97.

### Budget Impact:

Funds are available for these repairs in account number 591-591-55300-930000.



Mail Payments To: #774494  
 4494 Solutions Center  
 Chicago, IL 60677-4004  
 Corporate Accounts Receivable: (248) 573-1600  
 Terms: NET 30 Interest at the rate of 1-1/2% per month

GRAND RAPIDS NORTH  
 3715 CLAY S.W.  
 GRAND RAPIDS, MI 49548-  
 (616)538-2250

<b>INVOICE NO</b>
<b>ESTIMATE</b>
Make Checks Payable To: CUMMINS BRIDGEWAY, LLC

**BILL TO**

CITY OF WYOMING  
 PO BOX 905  
 WYOMING, MI 49509-

RICK VELDERMAN - 616 669-5290

PAGE 1 OF 2

\*\*\* CHARGE \*\*\*

DATE	CUSTOMER ORDER NO.	DATE IN SERVICE	ENGINE MODEL	PUMP NO.	EQUIPMENT MAKE
19-OCT-2011 01:14PM			QSK78-G6		GEN SET
CUSTOMER NO.	SHIP VIA	FAIL DATE	ENGINE SERIAL NO.	CPL NO.	EQUIPMENT MODEL
316555		19-OCT-2011	66300411		GEN SET
REF. NO.	SALESPERSON	PARTS DISP.	MILEAGE/HOURS	PUMP CODE	UNIT NO.
187962			/ 4		411

QUANTITY ORDERED	BACK ORDERED	QUANTITY SHIPPED	PART NUMBER	DESCRIPTION	PRODUCT CODE	UNIT PRICE	AMOUNT
------------------	--------------	------------------	-------------	-------------	--------------	------------	--------

OSN/MSN/VIN N/A

COMPLAINT THIS IS A QUOTE -FOR GENERATOR #1 FOR THE FLOWING REPAIRS.

GEN #1 ESN 66300411 FOUND COOLANT LEAKING AT THE AFTERCOOLER TRANSFER TUBING. ORINGS ON TUBING ARE SEEPING AND NEED TO REPLACE O-RINGS.

THIS IS A QUOTE FOR THE NEEDED REPAIRS. ESTIMATED TO TAKE 2 GUYS AND TWO TEN HOUR DAYS.

3	0	3410850	GASKET,WATER HEADER COVER	CECO		100.11	300.33
12	0	3028291	SEAL,O RING	CECO		2.43	29.16
11	0	3035026	SEAL,O RING	CECO		2.52	27.72
3	0	4007438	GASKET,CONNECTION	CECO		122.60	367.80
1	0	MISC	MISC PARTS AS NEEDED	OTHER		200.00	200.00
PARTS:							925.01
PARTS COVERAGE CREDIT:							0.00 CR
TOTAL PARTS:						<b>925.01</b>	
SURCHARGE TOTAL:							<b>0.00</b>
LABOR:							2,366.00
LABOR COVERAGE CREDIT:							0.00 CR
TOTAL LABOR:						<b>2,366.00</b>	
MISC.:							524.00
MISC. COVERAGE CREDIT:							0.00 CR
TOTAL MISC.:						<b>524.00</b>	
ROAD MILEAGE (NON-BOOM)							324.00
PG SHOP SUPPLIES							200.00

Completion date : 06-Oct-2011 04:33PM. Estimate expires : 04-Nov-2011 04:33PM.

MATERIAL SAFETY DATA SHEETS REQUIRED BY OSHA HAZARD COMMUNICATION STANDARD ARE AVAILABLE AT ALL BRANCHES

THIS INVOICE FOR ENGINES PARTS, COMPONENTS, REPAIR AND/OR SERVICE IS SUBJECT TO THE TERMS AND CONDITIONS OF SALE SET FORTH ON THE BACK OF THIS INVOICE, WHICH INCLUDES LIMITATIONS ON WARRANTIES AND REMEDIES. PURCHASER ACKNOWLEDGES THAT SUCH TERMS AND CONDITIONS HAVE BEEN READ AND FULLY UNDERSTOOD.

AUTHORIZED BY (print name) \_\_\_\_\_ SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_



Mail Payments To: #774494  
 4494 Solutions Center  
 Chicago, IL 60677-4004  
 Corporate Accounts Receivable: (248) 573-1600  
 Terms: NET 30 Interest at the rate of 1-1/2% per month

GRAND RAPIDS NORTH  
 3715 CLAY S.W.  
 GRAND RAPIDS, MI 49548-  
 (616)538-2250

<b>INVOICE NO</b>
<b>ESTIMATE</b>
Make Checks Payable To: CUMMINS BRIDGEWAY, LLC

**BILL TO**

CITY OF WYOMING  
 PO BOX 905  
 WYOMING, MI 49509-

RICK VELDERMAN - 616 669-5290

PAGE 2 OF 2

\*\*\* CHARGE \*\*\*

DATE	CUSTOMER ORDER NO.	DATE IN SERVICE	ENGINE MODEL	PUMP NO.	EQUIPMENT MAKE
19-OCT-2011 01:14PM			QSK78-G6		GEN SET
CUSTOMER NO.	SHIP VIA	FAIL DATE	ENGINE SERIAL NO.	CPL NO.	EQUIPMENT MODEL
316555		19-OCT-2011	66300411		GEN SET
REF. NO.	SALESPERSON	PARTS DISP.	MILEAGE/HOURS	PUMP CODE	UNIT NO.
187962			/ 4		411

QUANTITY ORDERED	BACK ORDERED	QUANTITY SHIPPED	PART NUMBER	DESCRIPTION	PRODUCT CODE	UNIT PRICE	AMOUNT
OSN/MSN/VIN		N/A					
TAX EXEMPT NUMBERS:		MI-EX	38-6006933	TAXES:	STATE		0.00
**** NO RETURN ON ELECTRICAL PARTS **** 25% RESTOCKING FEE ON APPROVED RETURNS NO CREDIT FOR CORE RETURNED AFTER 90 DAYS TAX ON CORE CHARGE IS NOT REFUNDABLE							

WE APPRECIATE YOUR BUSINESS!!

Completion date : 06-Oct-2011 04:33PM. Estimate expires : 04-Nov-2011 04:33PM.

MATERIAL SAFETY DATA SHEETS REQUIRED BY OSHA HAZARD COMMUNICATION STANDARD ARE AVAILABLE AT ALL BRANCHES

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SUB TOTAL:	3,815.01
TOTAL TAX:	0.00
<b>TOTAL AMOUNT: US \$</b>	<b>3,815.01</b>

AUTHORIZED BY (print name) \_\_\_\_\_ SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_



Mail Payments To: #774494  
 4494 Solutions Center  
 Chicago, IL 60677-4004  
 Corporate Accounts Receivable: (248) 573-1600  
 Terms: NET 30 Interest at the rate of 1-1/2% per month

GRAND RAPIDS NORTH  
 3715 CLAY S.W.  
 GRAND RAPIDS, MI 49548-  
 (616)538-2250

<b>INVOICE NO</b>
<b>ESTIMATE</b>
Make Checks Payable To: CUMMINS BRIDGEWAY, LLC

**BILL TO**

CITY OF WYOMING  
 PO BOX 905  
 WYOMING, MI 49509-

**OWNER**

CITY OF WYOMING  
 1155 28TH ST. SW.  
 WYOMING, MI 49509-  
 RICK VELDERMAN - 616 669-5290

PAGE 1 OF 2

\*\*\* CHARGE \*\*\*

DATE	CUSTOMER ORDER NO.	DATE IN SERVICE	ENGINE MODEL	PUMP NO.	EQUIPMENT MAKE
19-OCT-2011 12:43PM			2640DQLA		ONAN
CUSTOMER NO.	SHIP VIA	FAIL DATE	ENGINE SERIAL NO.	CPL NO.	EQUIPMENT MODEL
316555		04-OCT-2011	B03K308040		DQLA
REF. NO.	SALESPERSON	PARTS DISP.	MILEAGE/HOURS	PUMP CODE	UNIT NO.
187899					WYOMING WATER

QUANTITY ORDERED	BACK ORDERED	QUANTITY SHIPPED	PART NUMBER	DESCRIPTION	PRODUCT CODE	UNIT PRICE	AMOUNT
OSN/MSN/VIN		B03K308040					
COMPLAINT		THE EMERGENCY GENERATOR DURING ITS WEEKLY TEST FOUND ANTIFREEZE ON THE FLOOR. CUSTOMER WOULD LIKE TECHNICIAN TO CHECK OUT.					
CORRECTION		<p>THIS IS A QUOTE FOR REPAIRS FOUND TO BE NEEDED TO GENERATOR #2. QUOTE PRICE INCLUDES ALL LABOR THAT THE TECH HAD IN TO INSPECTING BOTH ENGINES AND MAKING QUOTES PER CUSTOMER REQUEST.</p> <p>GEN #2 ESN 66300415, FOUND OIL COOLER PLATES LEAKING AT THE VEE OF ENGINE. COOLANT IS RUNNING DOWN NEXT TO THE HEADS AND DRIPPING ONTO FLOOR. NEED TO R AND I THE OIL COOLER PLATES AND RESEAL.</p> <p>THIS IS A QUOTE FOR TWO GUYS FOR FIVE 10 HOURS DAYS TOTAL TO FIX THE ITEMS THAT ARE WRONG WITH THE UNIT AT THIS TIME. THIS INCLUDES TROUBLESHOOTING</p>					
						<b>DIAGNOSTIC CHARGE:</b>	0.00
10	0	0	3637730	GASKET,LUB OIL CLR COVER	CECO	7.10	71.00
		ORDERED ITEM		3630969 CECO			
10	0	0	3089271	NUT,LOCK	CECO	4.44	44.40
6	0	0	4065615	GASKET,TURBOCHARGER	CECO	4.17	25.02
6	0	0	3089955	GASKET,CONNECTION	CECO	4.68	28.08
1	0	0	3202117	*GASKET,CONNECTION	CECO	2.01	2.01
18	0	0	4007576	GASKET,EXHAUST MANIFOLD	CECO	108.43	1,951.74
6	0	0	4065349	GASKET,EXH OUT CONNECTION	CECO	11.73	70.38
3	0	0	3410850	GASKET,WATER HEADER COVER	CECO	100.11	300.33
		ORDERED ITEM		3089170 CECO			
12	0	0	3028291	SEAL,O RING	CECO	2.43	29.16
11	0	0	3035026	SEAL,O RING	CECO	2.52	27.72

Completion date : 05-Oct-2011 03:18PM. Estimate expires : 03-Nov-2011 03:18PM.

MATERIAL SAFETY DATA SHEETS REQUIRED BY OSHA HAZARD COMMUNICATION STANDARD ARE AVAILABLE AT ALL BRANCHES

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AUTHORIZED BY (print name) \_\_\_\_\_ SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_



Mail Payments To: #774494  
 4494 Solutions Center  
 Chicago, IL 60677-4004  
 Corporate Accounts Receivable: (248) 573-1600  
 Terms: NET 30 Interest at the rate of 1-1/2% per month

GRAND RAPIDS NORTH  
 3715 CLAY S.W.  
 GRAND RAPIDS, MI 49548-  
 (616)538-2250

<b>INVOICE NO</b>
<b>ESTIMATE</b>
Make Checks Payable To: CUMMINS BRIDGEWAY, LLC

**BILL TO**

CITY OF WYOMING  
 PO BOX 905  
 WYOMING, MI 49509-

**OWNER**

CITY OF WYOMING  
 1155 28TH ST. SW.  
 WYOMING, MI 49509-  
 RICK VELDERMAN - 616 669-5290

PAGE 2 OF 2

\*\*\* CHARGE \*\*\*

DATE	CUSTOMER ORDER NO.	DATE IN SERVICE	ENGINE MODEL	PUMP NO.	EQUIPMENT MAKE
19-OCT-2011 12:43PM			2640DQLA		ONAN
CUSTOMER NO.	SHIP VIA	FAIL DATE	ENGINE SERIAL NO.	CPL NO.	EQUIPMENT MODEL
316555		04-OCT-2011	B03K308040		DQLA
REF. NO.	SALESPERSON	PARTS DISP.	MILEAGE/HOURS	PUMP CODE	UNIT NO.
187899					WYOMING WATER

QUANTITY ORDERED	BACK ORDERED	QUANTITY SHIPPED	PART NUMBER	DESCRIPTION	PRODUCT CODE	UNIT PRICE	AMOUNT
		OSN/MSN/VIN		B03K308040			
3	0	0	4007438	GASKET, CONNECTION	CECO	122.60	367.80
1	0	0	3089308	CLAMP, V BAND	CECO	93.32	93.32
1	0	0	MISC PARTS	IF NEEDED	OTHER	500.00	500.00

PARTS: 3,510.96  
 PARTS COVERAGE CREDIT: 0.00 CR  
 TOTAL PARTS: 3,510.96  
 SURCHARGE TOTAL: 0.00  
 LABOR: 11,830.00  
 LABOR COVERAGE CREDIT: 0.00 CR  
 TOTAL LABOR: 11,830.00  
 MISC.: 775.00  
 MISC. COVERAGE CREDIT: 0.00 CR  
 TOTAL MISC.: 775.00  
 ROAD MILEAGE (NON-BOOM) 540.00  
 FUEL SURCHARGE 100-200 MI 35.00  
 PG SHOP SUPPLIES 200.00

TAX EXEMPT NUMBERS: MI-EX 38-6006933 TAXES: STATE 0.00

\*\*\*\* NO RETURN ON ELECTRICAL PARTS \*\*\*\*  
 25% RESTOCKING FEE ON APPROVED RETURNS  
 NO CREDIT FOR CORE RETURNED AFTER 90 DAYS  
 TAX ON CORE CHARGE IS NOT REFUNDABLE

WE APPRECIATE YOUR BUSINESS!!

Completion date : 05-Oct-2011 03:18PM. Estimate expires : 03-Nov-2011 03:18PM.

MATERIAL SAFETY DATA SHEETS REQUIRED BY OSHA HAZARD COMMUNICATION STANDARD ARE AVAILABLE AT ALL BRANCHES

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SUB TOTAL: 16,115.96  
 TOTAL TAX: 0.00  
**TOTAL AMOUNT: US \$ 16,115.96**

AUTHORIZED BY (print name) \_\_\_\_\_ SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

JRS/sak  
11/07/11

ORDINANCE NO. 15-11

AN ORDINANCE TO ADD A DEFINITION TO  
SECTION 90-18 DEFINITIONS "R," SECTIONS 90-67  
AND 90-507(10) TO THE CODE OF THE CITY OF WYOMING

THE CITY OF WYOMING ORDAINS:

Section 1. That the following Definition is hereby added to Section 90-18, Definitions "R" of the Code to read as follows:

(R) Residential facilities to house persons on parole or probation: Any single family, multiple family, hotel/motel or similar facility which houses more than 2 persons on parole or probation to the State of Michigan, the United States or any court thereof having jurisdiction over that person for an offense other than a misdemeanor offense as defined by law.

Section 2. That Section 90-67 is hereby added to the Code to read as follows:

**90-67. Residential facilities to house persons on parole or probation.**

Residential facilities to house persons on parole or probation to the State of Michigan, the United States of America, or any contracting agencies thereof shall not be allowed in any residential or commercial zoned area in the City. Such facilities shall be allowed in an I-2 zone as a special use approval.

Section 3. That Section 90-507(10) is hereby added to the Code to read as follows:

(10) Residential facilities to house persons on parole or probation.

Section 14. 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 \_\_\_\_\_, 2011.

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

Ordinance No. 15-11



October 25, 2011

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

Ms. Heidi A. Isakson  
City Clerk  
Wyoming, MI

Subject: Request to amend Zoning Code Chapter 90 Sections 90-18, 90-67 and 90-507 pertaining to Residential Facilities to House Persons on Parole or Probation.

Recommendation: To approve the subject Zoning Code amendments.

Dear Ms. Isakson:

The above referenced request was reviewed by the Wyoming Planning Commission at its regular meeting on October 18, 2011. Staff had the following comments:

During the past two years, certain motels within the City of Wyoming have, as a substantial part of their residency base, become a placement center for State and Federal parolees and probationers. The placement of these parolees and probationers was done without notice or consultation with City or police officials. Only after an increased volume of police calls and the death of a recently terminally ill parolee, did it come to the attention of the Police Department that the Michigan Department of Corrections was placing large numbers of parolees, many of who are convicted sex offenders, in these motels. The challenge now to our Police Department is to somehow handle these increased service demands and monitoring requirements, without funding support from either the State or Federal governments (see attached).

Recent events have suggested that the City of Wyoming may be in line to take additional parolees in facilities beyond that of the current motels. If this were to occur, City staff is deeply concerned with the increased attention that would be required of the Police Department. In addition, we are concerned with the probability of stigmatizing particular areas that could lead to the detriment of nearby commercial and residential properties.

The proposed Zoning Code amendments are intended to significantly restrict, but not outright ban, the location of residential facilities housing people on parole or probation. Such facilities would be relegated to the I-2 General Industrial zoning district, and in addition, would require special use approval from the Planning Commission.

ORDINANCE AMENDMENTS:

Section 90-18. Definitions "R"

Residential facilities to house persons on parole or probation: Any single family, multiple family, hotel/motel or similar facility which houses more than 2 persons on parole or probation to the State of Michigan, the United States or any court thereof having jurisdiction over that person for an offense other than a misdemeanor offense as defined by law.

Section 90-67. Residential facilities to house persons on parole or probation.

Residential facilities to house persons on parole or probation to the State of Michigan, the United States of America, or any contracting agencies thereof shall not be allowed in any residential or commercial zoned area in the City. Such facilities shall be allowed in an I-2 zone as a special use approval.

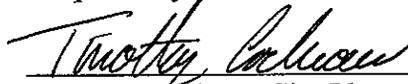
Section 90-507 Permitted uses after special approval (I-2 General Industrial District)

(10) Residential facilities to house persons on parole or probation.

The Development Review Team suggested the Planning Commission recommend to the City Council the subject Zoning Code amendments to Section 90-18, Section 90-67 and Section 90-507 pertaining to residential facilities to house persons on parole or probation.

At the public hearing, three spoke regarding their concerns with the City enacting new regulations to limit residential facilities for parolees. One letter expressing similar concerns was also received. A motion was made by Hegyi, supported by Woodruff, to recommend to City Council the Zoning Code amendments as recommended by the DRT. After discussion, the motion carried 8-1. Additional explanation regarding this proposal may be obtained from the Planning Commission minutes of October 18, 2011.

Respectfully submitted,

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

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

Police Department

Telephone (616) 530-7300

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October 4, 2011

Mr. Tim Cochran, City Planner  
City of Wyoming, Planning Department  
1155 28<sup>th</sup> Street SW  
Wyoming, Michigan 49509

Dear Tim;

This letter is in response to our previous discussions on the possibility of a local realtor and property owner opening another location in the City, to house State and Federal parolees. As we discussed, to add an additional 10-30 parolees to the current number of more than 200 active parolees located in our City, would place an additional burden on our already strained City resources.

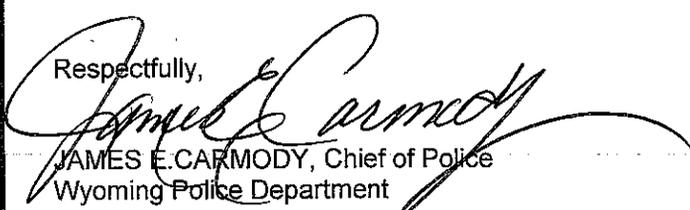
Over the past five years, the Wyoming Police Department has lost 17 fulltime police positions, its Communication's Center (14 FTE's) and six (6) civilian support staff. Aside from the ever increasing public service demands, we now find ourselves having to monitor; not only more than 200 active parolees (some of who are sex offenders), but an additional 290 registered sex offenders.

We assist the Michigan Department of Corrections (MDOC) several times a year in conducting residence and room verifications on their current probationers and parolees. In addition, registered sex offenders are required to report anywhere from every quarter - to annually - at the police department for resident verification registration. On average, it takes between 30 to 60 minutes per sex offender to register, and then we have to send officers into the field to verify the offender's residence.

All of these requirements are based on existing State and Federal laws. These are, as you well know, mandates forced upon us by the State and Federal government with no funding. To add another facility to that process creates a very distinct, yet unnecessary safety issue for the City and its residents.

Consequently, I have recommended that an ordinance be adopted to restrict the allowance of such facilities in the future. We will also continue to seek legislation that will prohibit the MDOC from placing probationers or parolees in locations, just because it is convenient. I ask that this issue be presented to the Planning Commission for their support as well.

Respectfully,

  
JAMES E. CARMODY, Chief of Police  
Wyoming Police Department

ORDINANCE NO. 16-11

AN ORDINANCE TO AMEND SECTIONS 90-47(1), 90-47(3)  
AND SECTION 90-894 (FOOTNOTE 5) OF THE CODE  
OF THE CITY OF WYOMING

THE CITY OF WYOMING ORDAINS:

Section 1. That Section 90-47(1) is hereby amended to read as follows:

**Sec. 90-47(1).** The erection, construction or alteration of any fence shall be approved by the building inspector for compliance with the provisions of this chapter. The finished side of a fence shall face outward toward abutting lots and rights-of-way.

Section 2. That the first paragraph of Section 90-47(3) is hereby amended to read as follows:

**Sec. 90-47(3).** No fence located in the required front yard, or within the first ten feet of the required secondary front yard in residential districts, shall exceed 36 inches in height above the ground level.

Section 3. That Section 90-894 (footnote 5) is hereby amended to read as follows:

**(5).** Where a business or industrial district borders a residentially zoned district, excepting where there is a public street or alley located between the districts, there shall be provided along the lot line bordering the residentially zoned district a solid fence or ornamental wall six feet in height above grade constructed of wood, concrete block, brick or comparable material on which there shall be no advertising. However, such fencing shall be reduced to a height of three (3) feet for the nearest 20 feet in length that is perpendicular to a public street right-of-way. Where a public alley is located between the business or industrial district and the residentially zoned district, no fence or wall is required in those locations where a building housing a permitted use is located adjoining the alley or where driveway access is provided to the public alley. Where a public street is located between the business or industrial district and the residentially zoned district, no fence is required unless the district is an I-3 restricted industrial district, in which case subsection (7) of this section applies.

Section 4. 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



October 25, 2011

MAYOR  
Jack A. Poil

Ms. Heidi A. Isakson  
City Clerk  
Wyoming, MI

AT-LARGE COUNCILMEMBER  
Sam Bolt

**Subject:** Request to amend Zoning Code Chapter 90 Sections 90-47 and 90-894 (5) pertaining to Fences.

AT-LARGE COUNCILMEMBER  
Dan Burrill

**Recommendation:** To approve the subject Zoning Code amendments.

AT-LARGE COUNCILMEMBER  
Kent Vanderwood

Dear Ms. Isakson:

1ST WARD COUNCILMEMBER  
William A. VerHulst

The above referenced request was reviewed by the Wyoming Planning Commission at its regular meeting on October 18, 2011. Staff had the following comments:

2ND WARD COUNCILMEMBER  
Richard K. Pastoor

The City of Wyoming's regulations for fence heights has been unchanged for several decades. These standards, under Zoning Code Section 90-47 (3), prescribe a maximum 30 inch height for fences in the front yard (35 foot setback) or secondary front yard (20 feet along side streets) on a corner lot, in residential districts. Also, under Section 90-894 (5), a 30 inch maximum fence height is prescribed for a setback of 20 feet in business and industrial developments adjoining residential districts. The rationale for requiring the 30 inch height is to maintain clear vision of oncoming traffic, and pedestrians / cyclists on the sidewalks, for drivers exiting their driveways. It also serves to help maintain the aesthetics of the front yards within neighborhoods. Fences beyond the required setbacks may be erected to a maximum six foot in height.

3RD WARD COUNCILMEMBER  
Joanne M. Voorhees

A permit is not required to erect a fence anywhere in the City, although building inspector approval is specified. The Building Inspection Department provides a handout to inform the public. Area fence construction companies are aware of the City standards. The City requirements have generally not resulted in significant difficulties for the public, or staff. However, occasionally a resident will erect a fence that exceeds the height limit on their property. Upon complaint (usually from a neighbor), City staff will approach the property owner to seek compliance. Historically, the fences were wood which could be cut lower. However, in the past few years, composite fences have become common. These fences are manufactured to standard heights, including 36 inches. Lower height composite fences are either a special order or are not available. These situations have resulted in many variance requests to the Board of Zoning Appeals.

CITY MANAGER  
Curtis L. Holt

In addition, in the secondary front yards of residential properties, fences exceeding 30 inches in height must be setback at least 20 feet. Many residents prefer to have a higher fence closer to the street in order to provide greater privacy and maximize the use of their rear yards. This situation has also resulted in several variance requests to the Board of Zoning Appeals.

In evaluating these situations, City staff believes that fences can be erected to a maximum of 36 inches in residential front yard areas without compromising public safety or community aesthetics. Also, staff believes that this 36 inch height is appropriate only for the first 10 feet of the secondary front yards. Staff recommends allowing a greater fence height (up to the maximum six feet) beyond that ten foot secondary front yard setback. The 36 inch fence height limit would thereby also be acceptable in business or industrial districts where fencing is required to shield abutting residential properties. As such, Section 90-894 (5) should also be amended to allow the greater height.

Additional consideration occurred regarding the aesthetics of fences as presented to the public. Currently, the City does not regulate where the finished side of a fence must be oriented. Upon review, both the City of Grand Rapids and City of Kentwood require the finished side to be oriented outward from the property. City staff believes this is also appropriate for Wyoming to improve overall community aesthetics. As such, this has been included as a recommended Zoning Code amendment. Staff considers either side of a board-on-board fence as meeting the finished requirement.

#### ORDINANCE AMENDMENTS:

Note – added ordinance language emphasized in **bold**:

Section 90-47. Fences, walls and other protective barriers.

(1) The erection, construction or alteration of any fence shall be approved by the building inspector for compliance with the provisions of this chapter. **The finished side of a fence shall face outward toward abutting lots and rights-of-way.**

(3) No fence located in the required front yard, or **within the first ten feet of the** required secondary front yard in residential districts, shall exceed **36 inches** in height above the ground level.

Section 90-894 Same – Footnotes to section 90-893.

(5) Where a business or industrial district borders a residentially zoned district, excepting where there is a public street or alley located between the districts, there shall be provided along the lot line bordering the residentially zoned district a solid fence or ornamental wall six feet in height above grade constructed of wood, concrete block, brick or comparable material on which there shall be no advertising. However, such fencing shall be reduced to a height of **three (3)** feet for the nearest 20 feet in length that is perpendicular to a public street right-of-way. Where a public alley is located between the business or industrial district and the residentially zoned district, no fence or wall is required in those locations where a building housing a permitted use is located adjoining the alley or where driveway access is provided to the public alley. Where a public street is located between the business or industrial district and the residentially zoned district, no fence is required unless the district is an I-3 restricted industrial district, in which case subsection (7) of this section applies.

The Development Review Team suggested the Planning Commission recommend to the City Council the subject Zoning Code amendments to Sections 90-47 (1) and (3), and Section 90-894 (5), pertaining to fences.

A motion was made by Bueche, supported by Arnoys, to recommend to City Council the Zoning Code amendments as recommended by the DRT. After discussion, the motion carried unanimously. Additional explanation regarding this proposal may be obtained from the Planning Commission minutes of October 18, 2011.

Respectfully submitted,

  
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Timothy Cochran, City Planner  
Planning and Development Department

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