

AGENDA
WYOMING CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
MONDAY, MARCH 19, 2012, 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 March 5, 2012
- 7) Approval of Agenda**
- 8) Public Hearings**
 1. To Consider Approval of an Application for an Industrial Facilities Exemption Certificate in the City of Wyoming for Michigan Turkey Producers (7:01 p.m.)
- 9) Public Comment on Agenda Items** (3 minute limit per person)
- 10) Presentations and Proclamations**
 - a) Presentations
 1. Grace Bible College Men's Basketball Team, 2012 NCCAA Division II National Champions
 2. Chief Carmody and Sgt. Jim Maguffee to present the Police Department's 2012 Citizen Awards
- 11) Petitions and Communications**
 - a) Petitions
 - b) Communications
- 12) Reports from City Officers**
 - a) From City Council
 - b) From City Manager
- 13) Budget Amendments**
- 14) Consent Agenda**

(All items under this section are considered to be routine and will be enacted by one motion with no discussion. If discussion is desired by a Council member, that member may request removal from the Consent Agenda.)

 - a) To Authorize the Mayor of the City of Wyoming to Attend the Commission on Accreditation for Law Enforcement Convention
- 15) Resolutions**
 - b) To Approve the Application of Michigan Turkey Producers for Industrial Facilities Exemption Certificates in the City of Wyoming for New Facilities and Authorizing the Mayor and City Clerk to Sign the IFT Agreement
- 16) Award of Bids, Contracts, Purchases, and Renewal of Bids and Contracts**
 - c) For Award of Bids
 1. Shredded Bark
 2. Fertilizer
- 17) Ordinances**

4-12 To Amend Section 2-31 of the Code of the City of Wyoming (Administrative Offices; Department Heads) (FINAL READING)

5-12 To Amend Sections 78-1 and 78-41 of the Code of the City of Wyoming (Michigan Vehicle Code) (FIRST READING)

6-12 To Add Sections 78-4 and 78-5 to the Code of the City of Wyoming (Michigan Vehicle Code) (FIRST READING)

18) Informational Material

19) Acknowledgment of Visitors

20) Closed Session (as necessary)

21) Adjournment

RESOLUTION NO. _____

RESOLUTION TO AUTHORIZE THE MAYOR OF THE CITY OF WYOMING TO ATTEND
THE COMMISSION ON ACCREDITATION FOR LAW ENFORCEMENT CONVENTION

WHEREAS:

1. The Commission on Accreditation for Law Enforcement Convention will be held in Mobile, Alabama, March 23 through March 25, 2012
2. It is the desire of the City Council that Wyoming be represented at the convention by Mayor Poll.

NOW, THEREFORE, BE IT RESOLVED:

1. That Mayor Poll will submit his expense report at the conclusion of the conference for approval at the next regular City Council meeting.

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 THE APPLICATION OF MICHIGAN TURKEY
PRODUCERS FOR INDUSTRIAL FACILITIES EXEMPTION CERTIFICATES IN
THE CITY OF WYOMING FOR NEW FACILITIES AND
AUTHORIZING THE MAYOR AND CITY CLERK TO SIGN THE IFT AGREEMENT

WHEREAS:

1. The City established Industrial Development District Number 273 and 230, under Act 198, Public Acts of 1974, as amended, by adopting Resolution Number 21784 on June 6, 2005 and Resolution Number 19081 on May 24, 1999, respectively.
2. Michigan Turkey Producers has filed applications for Industrial Facilities Exemption Certificates under Act 198 with respect to new facilities to be acquired and installed within Industrial Development District 273, with an estimated cost of \$2,300,000.00 for personal property to be located at 1100 Hall Street SW, and within Industrial Development District 230, with an estimated cost of \$10,640,000.00 for real and personal property to be located at 2140 Chicago Drive SW.
3. Before acting on these applications, the City Council held a public hearing on March 19, 2012, 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 this application.
4. Construction of the facility and installation of new machinery and equipment had not begun earlier than six (6) months before February 7, 2012, the date of acceptance of the applications for the Industrial Facilities Exemption Certificates.
5. Completion of the facilities is calculated to and will, at the time of issuance of the certificates, have the reasonable likelihood to retain, create or prevent the loss of employment in the City of Wyoming.
6. The aggregate SEV of real and personal property exempt from ad valorem taxes within the City of Wyoming, after granting these certificates, will not exceed 5% of an amount equal to the sum of SEV of the units, plus SEV of personal and real property thus exempted.

NOW, THEREFORE, BE IT RESOLVED:

1. The Wyoming City Council finds and determines that the granting of these Industrial Facilities Exemption Certificates considered together with the aggregate amount of certificates 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 Michigan Turkey Producers, for Industrial Facilities Exemption Certificates, with respect to new facilities on the following described parcels of real property situated within Industrial Development Districts 273 and 230, to wit:

Address: 1100 Hall Street SW, Wyoming, MI 49509

Parcel No.: 41-17-02-201-009

Legal Description:

PART OF N 1/2 OF SEC COM AT NW COR OF NE 1/4 TH E ALONG N SEC LINE TO W LINE OF FREEMAN AVE / 30 FT WIDE/ TH SLY ALONG W LINE OF SD AVE TO NLY LINE OF CONRAL RR R/W /50 FT WIDE/ TH NWLY ALONG SD RR R/W TO CL OF PLASTER CREEK TH NLY ALONG SD CL TO N SEC LINE TH E TO BEG * SEC 2 T6N R12W 4.99 A.

and

Address: 2140 Chicago Drive SW, Wyoming, MI 49509

Parcel No.: 41-17-03-377-019

Legal Description:

PART OF E 1/2 SW 1/4 COM AT SW COR THEREOF TH N 89D 46M E ALONG S SEC LINE 465.88 FT TH N 3D 44M W 33.0 FT TO N LINE OF S 33 FT OF SW 1/4 & TO BEG OF THIS DESC - N 3D 44M W PAR WITH W 1/8 LINE 1368.03 FT TO A PT 505.09 FT NELY ALONG SLY LINE OF CHICAGO DR /100 FT WIDE/ FROM W 1/8 LINE TH N 63D 17M E ALONG SD SLY LINE 71.69 FT TH S 3D 44M E 602.0 FT TH N 78D 33M E 590.21 FT TO WLY LINE OF C&O RR R/W TH SELY ALONG WLY LINE OF SD RR R/W TO N&S 1/4 LINE TH S ALONG N&S 1/4 LINE 71.21 TO A PT 33.0 FT N FROM S SEC LINE TH W PAR WITH S SEC LINE 836.59 FT TO BEG * SEC 3 T6N R12W 15.56 A.

be the same as hereby approved.

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

Moved by Councilmember:

Seconded by Councilmember:

Motion Carried Yes
 No

03/19/2012
Manager/KV

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

ATTACHMENT: Staff Memo

Resolution No. _____

Staff Report

Date: 02/28/2012
Subject: Michigan Turkey Producers
From: Kelli VandenBerg, Assistant to the City Manager
Meeting Date: March 5, 2012 City Council Meeting

Recommendation:

Staff recommends a twelve (12) year IFT abatement be granted to Michigan Turkey Producers (MTP) based on the City of Wyoming’s Economic Development Policy.

Sustainability Criteria:

Environmental Quality – MTP has proven to be responsible and cooperative in their efforts to be environmentally responsible. Furthermore, approval of the expansion on this industrial site is consistent with the City’s Land Use Plan.

Social Equity – Approval of this application does not significantly impact social equity.

Economic Strength – Approval of this application will help retain a large employer, encourage continued investment by MTP and provide additional employment opportunities to the area.

Discussion:

MTP has been operating and growing in the City of Wyoming for twelve (12) years and is requesting the approval of an Industrial Facilities Exemption Certificate (IFT). Staff has reviewed the IFT application, which is summarized below by facility:

Address of project:	1100 Hall Street SW Wyoming, MI 49503	2140 Chicago Drive SW Wyoming, MI 49509
Personal Property:	\$2,300,000.00	\$1,440,000.00
Real Property:	\$ 0.00	\$9,200,000.00
Estimated Jobs:	25 new jobs 0 retained jobs	10 new jobs 0 retained jobs
Starting date of project:	April 2012	April 2012

MTP is looking to expand its cooked turkey products and intends to do so by expanding operations in both its Hall Street and Chicago Drive locations. This planned expansion will allow the company to increase production in order to support growing demand for turkey lunch meat

products. This increase in production will require an additional 35 positions between the two facilities.

Budget Impact:

The estimated first year tax savings for MTP's Hall Street location, which is located in the Godfrey Lee Public School District, is \$42,976.31. The estimated first year tax savings for MTP's Chicago Drive location, which is located in the Wyoming Public School District, is \$168,208.29.

RESOLUTION NO. _____

RESOLUTION FOR AWARD OF BIDS

WHEREAS:

1. Formal bids have been obtained on the below listed items.
2. The bids received have been reviewed and evaluated as per the attached Staff Reports.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council does hereby award the bids for the listed items as recommended in the attached Staff Reports and summarized below.

Item	Recommended Bidder	Cost
Shredded Bark	Brink Wood Products, Inc.	Bid prices as shown on the attached Staff Report
Fertilizer	John Deere Landscapes, Michigan Turf & Ornamental, Central Turf & Irrigation Supply Commerce Corporation & Tri-Turf Inc.	Bid prices as shown on the attached tabulation sheet

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:
Staff Reports
Tabulation Sheet

Resolution No. _____

Staff Report

Date: March 12, 2012
Subject: Shredded Bark
From: Jeff Anderson, Parks & Facilities Supervisor
Meeting Date: March 19, 2012

RECOMMENDATION

It is recommended that the bid for a shredded bark be awarded to Brink Wood Products Inc.

SUSTAINABILITY CRITERIA

Environmental Quality – The City uses shredded bark as mulch, to retain soil moisture and to help with weed prevention around the trees and shrubs in the parks and other City facilities.

Social Equity – Does not significantly impact social equity.

Economic Strength – Well maintained properties have a positive direct impact on property values.

DISCUSSION

Bids were requested to provide shredded bark for the City's facilities and parks. One bid was received and is shown below, fifty-three invitations were sent to prospective bidders.

	Bid Price (cu. yd.)	Bid Price (cu. yd.) (to blow bark into location)	Minimum Truckload Per Delivery (no delivery charges)	Delivery Charge (deliveries under the minimum truckload)
Hardwood (Brown) Shredded Bark	\$16.50	\$37.50	70 yards	\$45.00
Red Enhanced Colored Bark	\$21.00	\$42.00	70 yards	\$45.00
ADA Compliant Shredded Bark	\$14.00	\$24.00	70 yards	\$45.00

BUDGET IMPACT

Funds for the purchase of the shredded bark are budgeted in various departmental accounts with the appropriate account being charged at the time of requisition. It is estimated the annual expenditure for shredded bark will total approximately \$11,000.00.

Staff Report

Date: March 12, 2012
Subject: Fertilizer
From: Jeff Anderson, Parks & Facilities Supervisor
Meeting Date: March 19, 2012

RECOMMENDATION

It is recommended that the bid for fertilizer be awarded to the low bidders, John Deere Landscapes, Michigan Turf & Ornamental, Central Turf & Irrigation Supply, Commerce Corporation and Tri-Turf Inc. in the amounts as indicated on the attached tabulation sheet.

SUSTAINABILITY CRITERIA

Environmental Quality – The City uses fertilizer to maintain the City’s parks and property.

Social Equity – Does not significantly impact social equity.

Economic Strength – Well maintained properties have a positive direct impact on property values.

DISCUSSION

Bids were requested to provide fertilizer for the City’s parks and facilities. Five bids were received, forty-five invitations were sent to prospective bidders.

It is recommended the bid be awarded to the low bidders for each type of fertilizer as highlighted on the attached tabulation sheet based on the type of fertilizer, analysis, square foot per bag, minimum truckload and delivery charges.

BUDGET IMPACT

Funds for the purchase of the fertilizer are budgeted in various departmental accounts with the appropriate account being charged at the time of requisition. It is estimated the annual expenditure for fertilizer will total approximately \$7,500.00.

CITY OF WYOMING, MICHIGAN

TABULATION OF BIDS

On Fertilizer

Opened By City Clerk On February 21, 2012 At 11:00 a.m.

All bid prices reduce to net. All bid prices shown are firm for orders placed within one year from date of award of bid unless otherwise noted.

	Price (Per Bag)	Analysis	Square Foot Per Bag	Mfg.	Price (Per Bag)	Analysis	Square Foot Per Bag	Mfg.	Price (Per Bag)	Analysis	Square Foot Per Bag	Mfg.
	John Deere Landscapes				Michigan Turf & Ornamental				Central Turf & Irrigation Supply			
21-0-11 Momentum Premium Weed & Feed or Equal	\$34.02	21-0-11	14,000	Lesco	\$23.25	22-0-10	12,500	E.C. Grows	\$19.99	22-0-5	12,500	E.C. Grow
19-0-6 Dimension 0.10% Plus Fertilizer or equal	\$17.37	19-0-6	12,500	Lesco	\$17.73	19-0-6	12,500	E.C. Grows	\$18.19	19-0-0	12,500	E.C. Grow
30-3-7 Professional Turf Fertilizer or equal	\$21.73	30-0-7	15,000	Lesco	\$20.32	32-0-10	21,000	E.C. Grows	\$17.69	30-0-3	15,000	E.C. Grow
19-0-5 10 Dimension 35% XRT Slow Release	\$16.75	19-0-0	12,500	Lesco	\$17.23	18-0-5	12,500	E.C. Grows	\$18.19	19-0-0	12,500	E.C. Grow
33-0-5 100% Nutrisphere Slow Release	\$20.93	34-0-0	17,000	Lesco	\$19.30	33-0-5	16,500	E.C. Grows	\$17.69	30-0-3	15,000	E.C. Grow
22-0-5 30% PCSU w/Trimec Slow Release	\$22.94	23-0-8	14,000	Lesco	\$19.55	22-0-5	12,500	E.C. Grows	\$19.99	22-0-5	12,500	E.C. Grow
Minimum Truckload	\$40.00				80 Bags				40 Bags			
Delivery Charges Under the Minimum Truckload	\$25.00 less skid								\$20.00			
	Commerce Corporation				Tri-Turf Inc.							
21-0-11 Momentum Premium Weed & Feed or Equal	\$19.30	15-0-5	10,000	Shaws								
19-0-6 Dimension 0.10% Plus Fertilizer or equal	\$18.02	19-0-5	12,500	Shaws	\$ 17.00	18-0-4	12,500	Andersons				
30-3-7 Professional Turf Fertilizer or equal	\$17.36	30-0-6	20,000	Shaws								
19-0-5 10 Dimension 35% XRT Slow Release	\$14.57	13-0-5	12,500	Shaws	\$ 17.00	18-0-4	12,500	Andersons				
33-0-5 100% Nutrisphere Slow Release	\$22.50	34-0-10	15,000	Shaws	\$ 19.35	33-0-5	16,500	E.C. Grow				
22-0-5 30% PCSU w/Trimec Slow Release	\$17.33	20-0-7	8,000-12,500	Shaws	\$ 19.56	22-0-5	12,500	E.C. Grow				
Minimum Truckload	\$350.00				1 Pallet							
Delivery Charges Under the Minimum Truckload	\$350-\$650 (\$49.00 Delivery Charge \$650+ (Freight Prepaid)								\$15.00			

ORDINANCE NO. 4-12
AN ORDINANCE TO AMEND SECTION 2-31
OF THE CODE OF THE CITY OF WYOMING

THE CITY OF WYOMING ORDAINS:

Section 1. That Section 2-31 of the Code is hereby amended to read as follows:

Sec. 2-31. Administrative Offices; Department Heads.

Except as provided by the City Charter, the administrative offices and departments shall be under the supervision and direction of the City Manager. The City Manager shall appoint, with the consent of the Council, department heads as appropriate for the administrative offices and departments of the City.

Section 2. This ordinance shall be in full force and effect on the _____ day of _____, 2012.

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 _____, 2012.

Heidi A. Isakson
Wyoming City Clerk

Ordinance No. _____

ORDINANCE NO. 5-12

AN ORDINANCE TO AMEND SECTIONS 78-1 AND 78-41
OF THE CODE OF THE CITY OF WYOMING

THE CITY OF WYOMING ORDAINS:

Section 1. That Section 78-1 of the Code of the City of Wyoming is hereby amended to read as follows:

Sec. 78-1. Adoption of code.

The Michigan Vehicle Code (Act. No. 300 of the Public Acts of 1949, MCL 257.1 et seq) as amended is adopted by reference as herein modified for the purpose of protecting the public. The Michigan Vehicle Code together with the provisions of this section shall be known and may be cited as the Vehicle Code of the City of Wyoming. Complete copies of the code are available at the office of the City Clerk for inspection by and distribution to the public.

Section 2. That Section 78-41 of the Code of the City of Wyoming is hereby amended to read as follows:

Sec. 78-41. Adoption.

The Uniform Traffic Code for Cities, Townships, and Villages, as amended is hereby adopted by reference as modified in this article. Complete copies of the code are available at the office of the City Clerk for inspection by and distribution to the public.

Section 3. This ordinance shall be in full force and effect on the ____ day of _____, 2012.

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 _____, 2012.

Heidi A. Isakson
Wyoming City Clerk

Ordinance No. _____

APW/sak
3/5/12

ORDINANCE NO. 6-12

AN ORDINANCE TO ADD SECTIONS 78-4 AND 78-5
TO THE CODE OF THE CITY OF WYOMING

THE CITY OF WYOMING ORDAINS:

Section 1. That Section 78-4 is hereby added to the Code of the City of Wyoming to read as follows:

Sec. 78-4 ADOPTION OF MCL 625(1)(c)

Section 625(1)(c) of the Michigan Vehicle Code (Act No. 300 of the Public Acts of 1949) MCL 257.625(1)(c) as amended, is hereby adopted by reference for the purpose of protecting the public.

Section 2. That Section 78-5 is hereby added to the Code of the City of Wyoming to read as follows:

Sec. 78-5. PENALTY.

The penalties provided by MCL 257.625(1)(c) are adopted by reference and violations of this section shall be punishable by 1 or more of the following:

- a. Community Service for not more than 360 hours
- b. Imprisonment for not more than 180 days.
- c. A fine of not less than \$200 or more than \$700

Section 3. This ordinance shall be in full force and effect on the _____ day of _____, 2012

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 _____, 2012.

Heidi A. Isakson
Wyoming City Clerk

Ordinance No. _____

MEMORANDUM

TO: Curtis L. Holt
City Manager

FROM: Jack R. Sluiter
Wyoming City Attorney

DATE: March 2, 2012

RE: Super Drunk Driving Ordinance

The State has amended the Motor Vehicle Code to add additional penalties for persons deemed to be “super drunk” meaning persons arrested while driving with a blood alcohol content of .17 or higher. Because the penalties exceed \$500 in fines and/or 93 days in jail, these case could only be prosecuted by the County Prosecutor under state statute. Public Act 7 of 2012, effective February 15, 2012, changed that to allow a city to adopt that portion of the statute with the enhanced penalties allowed under that section.

We are recommending the City adopt this ordinance in order to allow local ordinance prosecution of these “super drunk” offenses. There are several reasons for the recommendation:

1. Having these cases handled under state law has resulted in a significant revenue loss to the local court.
2. Approximately ½ of those charged under the “super drunk” section have had those charges reduced to Operating While Intoxicated similar to our local ordinance but with the same loss of revenue to the local court budget.
3. There will be increased efficiency for both the Police Department and the Court in having all of these cases handled at the local level.
4. The Kent County Prosecutors Office will be given more time and resources to handle felony cases including felony drunk driving offenses.
5. The cost to the City will be minimal as these cases rarely go to trial, particularly with the high blood alcohol levels charged under the section.

Curtis Holt
Page 2
March 2, 2012

We therefore recommend adoption of the ordinance. The Court and Police Department are in concurrence with the recommendation. I would request that the ordinance be placed on the agenda for first reading on March 19 unless you wish to discuss it at the March 12 Work Session.

I have also included an ordinance readopting both the Vehicle Code and the Uniform Traffic Code. We periodically readopt these codes so that there is no question that we have adopted any amendments by reference.

cc: Heidi Isakson
Rhonda Galligan
Chief Carmody
Chris Kittman