

AGENDA
WYOMING CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
MONDAY, JANUARY 7, 2013, 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 December 17, 2012
- 7) Approval of Agenda**
- 8) Public Hearings**
7:01 p.m. To Consider Approval of an Application for an Industrial Facility Exemption Certificate in the City of Wyoming for Grand Rapids Foam Technologies, Inc.
- 9) Public Comment on Agenda Items** (3 minute limit per person)
- 10) Presentations and Proclamations**
 - a) Presentations
 1. Presentation of the Raymond J. Faust Award to Mike Averill
 2. Utilities Department Presentation
 - b) Proclamations
- 11) Petitions and Communications**
 - a) Petitions
 - b) Communications
- 12) Reports from City Officers**
 - a) From City Council
 - b) From City Manager
- 13) Budget Amendments**
- 14) Consent Agenda**

(All items under this section are considered to be routine 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) Of Appreciation to Richard Coombs for His Service as a Member of the Downtown Development Authority for the City of Wyoming
- 15) Resolutions**
 - b) To Approve the Application of Grand Rapids Foam Technologies, Inc. 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) To Oppose the Amendment to the Kent County Act 451 Solid Waste Management Plan
- 16) Award of Bids, Contracts, Purchases, and Renewal of Bids and Contracts**
 - d) To Authorize the Mayor and City Clerk to Sign a Contract for Kent County Senior Millage Services and Authorize the Associated Budget Amendment to Provide Senior Citizen Therapeutic Recreation Services (Budget Amendment No. 29)

- e) To Authorize the Mayor and City Clerk to Execute an Agreement with URS Corporation Great Lakes for the Preparation of an Environmental Assessment Document for Division Avenue From 54th Street to 60th Street
- f) To Concur With the Emergency Repair of the Holding Tank Mixer Gearbox and to Authorize Payment for the Repairs

17) Ordinances

11-12 To Amend Section 90-32 of the Code of the City of Wyoming by Adding Subsection (90) Thereto to Rezone 17.9 Acres from I-1 Light Industrial to B-2 General Business (North side of 54th Street across from Crippen Avenue SW, Section 36)
(FINAL READING)

12-12 To Amend Sections 90-31 of the Code of the City of Wyoming (Districts Enumerated) (FINAL READING)

13-12 To Amend Section 90-64 of the Code of the City of Wyoming (Landscaping)
(FINAL READING)

14-12 To Add Section 90-68, Amend Sections 90-371(18) & (19), and Repeal Section 90-401(3) to the Code of the City of Wyoming (Outdoor Sales) (FINAL READING)

18) Informational Material

Communication from the Planning Commission – City Promotion and Encouragement of Irrigation Systems

19) Acknowledgment of Visitors

20) Closed Session (as necessary)

21) Adjournment

RESOLUTION NO. _____

RESOLUTION OF APPRECIATION TO RICHARD COOMBS FOR HIS SERVICE
AS A MEMBER OF THE DOWNTOWN DEVELOPMENT AUTHORITY
FOR THE CITY OF WYOMING

WHEREAS:

1. Richard Coombs has served faithfully and effectively as a member of the Downtown Development Authority since August 4, 2008.

NOW, THEREFORE, BE IT RESOLVED:

1. Council Members and citizens of the City of Wyoming wish to express their deep appreciation to Richard Coombs 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: January 7, 2013.

Heidi A. Isakson, Wyoming City Clerk

RESOLUTION NO. _____

RESOLUTION TO APPROVE THE APPLICATION OF
GRAND RAPIDS FOAM TECHNOLOGIES, INC.
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:

1. The City established Industrial Development District Number 271, under Act 198, Public Acts of 1974, as amended, by adopting Resolution Number 21540 on September 20, 2004.
2. Grand Rapids Foam Technologies, Inc. has filed an application for an Industrial Facilities Exemption Certificate under PA 198 of 1974, with respect to a new facility to be acquired and installed within Industrial Development District 271, with an estimated cost of \$75,000 for real property and \$507,000 for personal property to be located at 2788 Remico Street SW.
3. Before acting on this application, the City Council held a public hearing on January 7, 2013, 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 November 13, 2012, the date of acceptance of the application for the Industrial Facilities Exemption Certificate.
5. 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.
6. 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:

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 Grand Rapids Foam Technologies, Inc., 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 271, to wit:

Address: 2788 Remico Street SW, Wyoming, MI 49519

Parcel No.: 41-17-16-251-017

Legal Description:

LOTS 55 & 56. GRAND RAPIDS GRAVEL CO INDUSTRIAL PARK #3 ALSO PART NE 1/4 COM AT INT OF N&S 1/4 LINE & SW COR OF LOT 55 GRAND RAPIDS GRAVEL CO INDUSTRIAL PARK #3 TH S TO CEN OF SEC TH E ALONG E&W 1/4 LINE 416.40 FT TH N TO SE COR OF LOT 56 OF SD PLAT TH W TO BEG SEC 16 T6N R12W 4.67 A.

be the same as hereby approved.

3. The Industrial Facilities Exemption Certificate, 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 Grand Rapids Foam Technologies, Inc.

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: January 7, 2013.

Heidi A. Isakson, Wyoming City Clerk

ATTACHMENT: Staff Memo
 IFT Agreement

Resolution No. _____

Staff Report

Date: 12/11/2012
Subject: Grand Rapids Foam Technologies, Inc.
From: Kelli VandenBerg, Assistant to the City Manager
Meeting Date: December 17, 2012 City Council Meeting

Recommendation:

Staff recommends a twelve (12) year IFT abatement be granted to Grand Rapids Foam Technologies, Inc. based on the City of Wyoming’s Economic Development Policy.

Sustainability Criteria:

Environmental Quality – Grand Rapids Foam Technologies, Inc. has proven to be responsible and cooperative in its 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 and expand a local manufacturer, encourage continued investment by Benteler Automotive and provide additional employment opportunities to the area.

Discussion:

Grand Rapids Foam Technologies, Inc. has been operating and growing in the City of Wyoming for 8 years and is requesting the approval of an Industrial Facilities Exemption Certificate (IFT). Staff has reviewed the IFT application, which is summarized below:

Address of project:	2788 Remico Street SW Wyoming, MI 49519
Personal Property:	\$507,000.00
Real Property:	\$ 75,000.00
Estimated Jobs:	25 new jobs 101 retained jobs
Starting date of project:	November 2012

Grand Rapids Foam Technologies, Inc. is in the business of fabricating and manufacturing foam rubber products that are used in a diverse group of industries, including the boating and

furniture industries. Grand Rapids Foam Technologies is requesting a tax abatement to install two new injection foam molding machines. This investment will allow the company to purchase the equipment and hire an additional 25 positions to support its operations.

Budget Impact:

The estimated first year tax savings for Grand Rapids Foam Technologies, Inc., which is located in the Wyoming Public School District, is \$9,282.35.

INDUSTRIAL FACILITIES TAX ABATEMENT AGREEMENT

This Industrial Facilities Tax Abatement Agreement is made as of January 7, 2013, pursuant to 1974 PA 198, as amended, MCL 207.552 *et seq.* (“Act 198”) between the City of Wyoming, a local governmental unit as defined in Act 198, the address of which is 1155 – 28th Street SW, PO Box 905, Wyoming, MI 49509-0905 (the “City”) and Grand Rapids Foam Technologies, Inc., a corporation, the address of which is 2788 Remico Street SW, Wyoming, MI, 49519 (the “Company”).

RECITALS

- A. The Company applied for an Industrial Facilities Tax Abatement pursuant to Act 198 on the application a copy of which is attached as Exhibit A and incorporated by reference (the “Application”).
- B. Following a public hearing on January 7, 2013, the City Council of the City adopted a resolution to approve the tax abatement for a period of 12 years, conditional upon the parties entering into this Agreement (the “Abatement”) for the property located at 2788 Remico Street SW, in the City (the “site of the Abatement”).
- C. The City Council did so upon the Company’s representations in the Application and upon the understanding that doing so would enhance the City’s employment and tax base as indicated in the application and as stated at the public hearing which enhancements would exceed the term of the tax abatement.

TERMS AND CONDITIONS

In exchange for the consideration in and referred to by this Agreement, the parties agree:

- 1. The Company affirms the statements in the application and the statements at the public hearing that it will invest not less than \$582,000.00 in improvements to its property in the City and that at least 25 new job(s) will be created and at least 101 jobs will be retained as a result of that investment. The Company further pledges that those improvements will remain in place or be replaced by comparably valued improvements for at least 2 years after the expiration of the term of the Abatement and the jobs created and maintained will remain in existence within the City for at least 2 years after the expiration of the term of the Abatement.
- 2. The City is relying upon and the Company agrees the City may rely upon the representations in the preceding paragraph, in the Application, and at the public hearing, for purposes of determining the length of the Abatement, the amount of the Abatement, and other terms of the Abatement.
- 3. Beginning on December 31 of the year which is 2 years after the Abatement is granted (*i.e.*, 2015) and each December 31 thereafter the Company shall submit a letter to the City, stating:
 - (a) The number of new jobs projected in the Application to be created and retained upon the project’s completion and the actual number of new jobs created.
 - (b) The number of employees at the time of the Application and the current number of employees.
 - (c) The estimated project cost stated in the Application and the actual project cost.
- 4. Upon receipt of the letter provided for in the preceding paragraph:
 - (a) The City may either:
 - (1) Apply the criteria in the City Act 198 Tax Abatement Policy in effect as of the date of this Agreement and increase or decrease the term of the Abatement to the maximum number of years allowable under that Policy based on the Company's actual employment levels and project costs as stated in the letter, or

(2) If the number of new jobs or the cost of the project is substantially below that stated in the application for reasons within the control of the Company, the City Council may recommend revocation of the Abatement.

(b) The City may, in its discretion, waive its right to reduce the term of the years of the Abatement or to revoke the Abatement if:

(1) The Company has substantially met its stated goals, with only minor deviations which are not expected to reduce the anticipated benefits of the City, or

(2) Upon a finding of changed circumstances not reasonably anticipated by the Company at the time it made Application.

(c) The City shall provide the Company written notice of and an opportunity to address the City Council prior to formally considering any such actions.

5. The Company intends to continue operations within the City for the time period at least equal to two years beyond the expiration of the term of the Abatement as granted.

(a) If, at any time during the term of the Abatement or two years following the expiration or early termination of the Abatement, the City determines based on a Company announcement or other reasonably reliable information that the Company is intending to discontinue or substantially curtail its operations on the site of the Abatement, or the City determines that the company has discontinued or substantially curtailed its operations on the site of the Abatement, or the no longer employs on the Site of the Abatement the number of employees represented in the Application and in this Agreement:

(1) The City Council may, in its sole discretion, request revocation of the Abatement; and

(2) The City Council, in its sole discretion, may require the Company to pay the City an amount equal to the total taxes abated by the City under the Abatement.

(b) In making any decision under the preceding subparagraph (a) the City Council shall consider whether:

(1) Due to events or conditions which were unforeseeable by either party on the date of this Agreement, and absent the fault of either party, it has become impossible or commercially impractical for the Company to continue its operation on the site of the Abatement; or

(2) The Company has substantially complied with all requirements of this Agreement, such that the Company's failure to comply fully with all requirements was neither willful nor intentional, and the City has reasonably received the benefits anticipated from granting the Abatement.

(c) The City shall provide the Company written notice of and an opportunity to address the City Council prior to formally considering any such actions.

6. This Agreement is entered into according to Section 22 of Act 198, as amended, MCL 207.572, is in addition to the other requirements of Public Act 198, and does not modify or waive any requirements of Act 198.

7. This is the entire agreement between the parties as to its subject matter. No unwritten agreements shall have any effect. This Agreement may be modified only with a written agreement signed by both parties following approval of the City Council.

The parties have signed this Agreement as of the date first written above.

CITY OF WYOMING

GRAND RAPIDS FOAM TECHNOLOGIES,
INC.

By: _____
Jack A. Poll, Mayor

By: _____
_____, _____

By: _____
Heidi A. Isakson, City Clerk

By: _____
_____, _____

Date signed: _____, 2013

Date signed: _____, 2013

RESOLUTION NO. _____

RESOLUTION TO OPPOSE THE AMENDMENT TO THE
KENT COUNTY ACT 451 SOLID WASTE MANAGEMENT PLAN

WHEREAS:

1. Kent County Solid Waste Planning Committee has proposed an amendment to the Kent County Act 451 Solid Waste Management Plan.
2. Amendments to the plan outline the objectives and action steps to be taken to fulfill the obligations of the Solid Waste Management Plan.
3. These objectives and actions steps include fiscal components that will increase costs to City of Wyoming residents and will result in Wyoming residents subsidizing this service for other County residents.

NOW, THEREFORE, BE IT RESOLVED:

1. The Wyoming City Council opposes this amendment to the Kent County Act 451 Solid Waste Management Plan and encourages the Kent County Solid Waste Planning Committee to develop a more equitable plan for all County residents.

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

THEODORE J. VONK
Chairman

GARY ROLLS
Vice Chairman

WILLIAM BYL
Secretary

DAVID GROENLEER
DAN KOORNDYK
SHANA SHROLL
RICHARD VANDER MOLEN

DOUGLAS G. WOOD
Director



NOV 13 2012
RECEIVED
KENT COUNTY

Board of Public Works

November 8, 2012

Manager Curtis Holt
City of Wyoming
PO Box 905
Wyoming, MI 49509-0905

Re: Solid Waste Management Plan Amendment

Dear Manager Holt:

Enclosed is a copy of the Kent County Solid Waste Management Plan Amendment. On November 8, 2012, the Kent County Board of Commissioners approved the Solid Waste Management Plan Amendment. The next step required by Public Act 451, is to distribute the Plan for local government review and consideration for approval.

The Michigan Department of Environmental Quality (MDEQ) is required by state law to require solid waste management plans be updated every five years. For a variety of reasons, MDEQ has decided not to require that plans be updated. As a result, Kent County moved forward to amend its plan to incorporate new State solid waste policies and to reflect plans to advance programs and facilities. Three major areas were addressed in the plan amendment:

1. The goals and objectives of the Solid Waste Management Plan were amended to reflect a committed strategy to utilize 50% of the municipal solid waste generated in Kent County by 2015. This includes expansion of residential recycling services, expansion of the Household Hazardous Waste program and expansion of all education and marketing endeavors to increase participation by 25% in all programs over the next five-year planning period.
2. Allow institutional wastes for disposal at the Waste-To-Energy Facility from municipalities outside the County and from State or Federal Departments and Agencies. Institutional wastes include material discarded by schools, non-medical wastes discarded by hospitals, prisons and government facilities

Solid Waste Management Plan Amendment

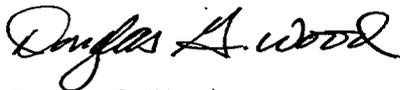
3. Allow the County to adopt an ordinance to regulate the collection and transportation of solid waste, to establish conditions for issuing waste hauler licenses, provide residents and businesses an incentive to recycle, and to establish and assess a county wide surcharge on solid waste generated for disposal to used to fund closed county landfills and the Household Hazardous Waste program.

Kent County remains fully committed to an integrated solid waste management system. The system includes reuse, waste reduction, recycling, waste-to-energy and landfilling. The main emphasis of the Solid Waste Management Plan is a continuation of the present system to ensure long-term disposal capacity through the Waste-to-Energy Facility and the South Kent Landfill after materials diversion. This system has worked well in the County during the previous plan and no major changes to the system are seen in the five-year planning period. The County has adequate landfill capacity for the next 15 years at the County-owned South Kent Landfill and in landfills in adjacent counties.

Staff from the Department of Public Works will be available as a resource in your Plan review and approval process. A draft resolution is enclosed to assist you in your approval consideration process. If you find the resolution acceptable (you may use your own), please sign and return it to me using the envelope provided. Please call me at 336-3532 or Dennis Kmiecik, Director, Solid Waste Operations at 336-4369 for any questions that you may have on the Plan Amendment.

Best regards,

KENT COUNTY DEPARTMENT OF PUBLIC WORKS



Douglas G. Wood
Director

Attachments

AMENDMENT TO KENT COUNTY ACT 451
SOLID WASTE MANAGEMENT PLAN
December 2011

The Kent County Act 451 Solid Waste Management Plan (May 1999) is hereby amended as follows:

Amendment to: Section I.2, pages I-3 thru I-6

The following Goals and Objectives replace those in the Plan Amendment dated August 25, 2009

Policy Statement:

The Kent County Solid Waste Management Plan works toward the goal of utilizing 50% of the Municipal Solid Waste (MSW) generated in Kent County by 2015, as defined by the Michigan Solid Waste Policy 2007. Kent County will strive to make continuous improvements toward this goal by establishing and implementing systems that take into consideration the economic vitality, ecological integrity, and social equity of the management of MSW. All systems established and managed within these principles will foster the ultimate goal of a sustainable Solid Waste Management Plan.

This policy statement will guide the following goals and objectives:

Goal 1: Maintain a sustainable solid waste management system centered on the protection of public health and the environment.

Objective 1: Ensure long-term disposal capacity is available for Kent County residents and businesses.

Action 1: Evaluate each year the long-term availability of final disposal capacity for solid waste that includes in the evaluation solid waste facilities owned and operated by Kent County and regional disposal facilities.

Action 2: Obtain agreements or a contract as needed with public or private entities to make certain long-term (20-year) solid waste disposal capacity is available.

Objective 2: Ensure maintenance and operation of a waste management system that includes the Waste-to-Energy Facility, South Kent Landfill, Material Recovery Facility, North Kent Transfer Facility, recycling drop-off centers, household hazardous waste facilities and resource recovery programs in accordance with federal, state and local laws, rules and regulations.

Action 1: Prepare a feasibility analysis decision-making tool for expansion of the Waste-to-Energy Facility that includes examination of service area, capital requirements and legal requirements.

Action 2: Evaluate, recommend and/or implement the usage of long term disposal contracts with existing landfill companies in lieu of expanding the South Kent Landfill.

Action 3: Complete expansion plan for South Kent Landfill into Allegan County that includes additional properties needed, economic analysis, cooperative partnership with Allegan County concerning long-term disposal requirements for both Counties, implementation schedule, sustainable development and environmental accounting considerations above those required by rule, regulation or law.

Objective 3: Evaluate, recommend and/or implement an economic financing plan that provides support for solid waste management services.

Action 1: Evaluate long-term legacy costs for closed landfills.

Action 2: Develop equitable financing plan for solid waste management services.

Objective 4: Examine and evaluate alternative solid waste technologies for management of recoverable materials and organic wastes.

Action 1: Form a technical work group and partnerships by 2015 to research organic waste technologies that may include anaerobic digestion

Action 2: Form a technical work group by 2015 to research recovery material technologies that may include unseparated commercial and industrial waste sources.

Goal 2: Develop, maintain and expand public education programs and marketing and public relations materials which showcase, support & explain the Solid Waste and Resource Recovery services to increase participation in all programs by 5% per year.

Objective 1: Increase participation in the Earth Day Recycle Challenge and similar outreach programs.

Action 1: Utilize the Kent ISD courier service to send information

Action 2: Establish a database of schools & organizations that participate in tours/presentations to send program information by direct mail.

Action 3: Increase budget to provide incentives for participants.

Action 4: Research potential corporate sponsors or partners for the Recycle Challenge, Random Recycling Rewards, Waste & Recycling Guide, West MI Take Back Meds and other outreach programs.

Objective 2: Utilize the education center at the Materials Recovery Facility for a variety of community activities and continue to expand availability of services.

Action 1: Establish a schedule that includes preplanned activities

Action 2: Evaluate the feasibility of hosting fee-based private functions

Action 3: Develop signage to enhance comprehension on self- and staff-guided tours

Action 4: Develop a display area to be open to the public with exhibits promoting recycling and resource recovery

Action 5: Evaluate opening the education center for a limited amount of "public hours", including weekends and evenings.

Objective 3: Maintain a separate webpage for emphasizing recycling and other waste reduction techniques and maintain the information to be accurate and timely.

Action 1: Review all printed materials to ensure logos and web addresses are listed

Action 2: Evaluate websites to ensure they are user-friendly

Action 3: Increase exposure of websites by asking partner/community organizations to post links on their websites

Objective 4: Establish a composting education program by 2015.

Action 1: Research potential community partners – both corporate sponsorships and program partnerships to avoid duplication of community programs.

Action 2: Research available programs to promote backyard composting through at-cost sales of compost bins

Action 3: Create an educational program to teach and promote backyard composting

Action 4: Research the options for incentives for residents to compost yard wastes and food wastes (where allowed)

Objective 5: Develop new and continue to update timely marketing materials and media releases that promote new and established Resource Recovery programs and Solid Waste services.

Action 1: Continue to promote the Household Hazardous Waste program and find new resources for promotion of the program

Action 2: Continue the Household Waste Guide production with yearly updates

Action 3: Maintain online version of the Household Waste Guide & update as needed throughout the year

Action 4: Continue to produce handouts for distribution at recycling drop off centers

Action 5: Distribute and update the information/press kit that highlights all aspects of DPW to be used for promotional opportunities

Action 6: Purchase promotional gifts – magnets, etc.

Action 7: Utilize social media to increase outreach

Objective 6: Increase the educational opportunities available for schools

Action 1: Establish education kits that teachers can borrow for use in the classroom

Action 2: Create lesson plans for new presentations on specific topics that can be brought to a school or presented in the Materials Recovery Facility Education Center.

Action 3: Correlate lesson plans & tour content to the Michigan State Grade Level Content Expectations

Action 4: Encourage recycling in schools by researching available resources for school recycling and assisting schools in establishing and expanding recycling programs

Objective 7: Continue to assist local businesses, non-profit organizations and schools in finding outlets for recyclable materials and reducing waste generation.

Action 1: Research options for recycling and promoting options to businesses

Action 2: Develop web-based resources for non-residential waste reduction

Goal 3: Ensure Kent County residents have access to convenient, state-of-the-art technologies and cost effective access to public and private residential recycling programs.

Objective 1: Maintain Material Recovery Facility operations to reliably process recyclable materials.

Action 1: Seek to increase process amount by 1,000 tons per year until capacity is reached

Action 2: Actively pursue markets for the sale of recyclable materials

Action 3: Assess methods to improve processing efficiency, product quality and marketability of output

Objective 2: Facilitate a plan to increase public and private recycling options for multifamily dwellings, condominiums, apartment complexes, public facilities/areas, rural areas and special events by 2015.

Action 1: Work with local municipalities and planning agencies to include recycling options for facilities other than single-family residences

Action 2: Continue to analyze and promote recycling drop-off centers for rural areas

Action 3: Work with local waste companies to develop programs to expand recycling opportunities for multifamily dwellings, condominiums, apartment complexes, rural areas and special events

Goal 4: Provide more opportunities to remove hazardous materials from the waste stream.

Objective 1: Evaluate the feasibility of establishing a permanent, centrally located Household Hazardous Waste (HHW) facility.

Action 1: Seek to increase usage of the county's four appointment-based centers by 5% each year

Action 2: Evaluate the ability to eliminate disposal fees for underserved communities

Action 3: Evaluate feasibility of private sector providing HHW management services

Objective 2: Investigate and work with other programs and/or businesses for the additional collection and disposal of common hazards including compact fluorescent bulbs, electronics, batteries, motor oil, latex paint, pharmaceuticals and sharps

Action 1: Utilize partnerships to establish and promote programs

Action 2: Seek sponsorships for program support

Action 3: Participate in product stewardship initiatives that partner with manufacturers, retailers, environmental groups, federal agencies and other key stakeholders to reduce the health and environmental impacts of consumer products

Objective 3: Evaluate feasibility of providing collections for Conditionally Exempt Small Quantity Generators (CESQG) to safely dispose of hazardous materials.

Action 1: Develop criteria for participating CESQG businesses

Action 2: Develop billing and cost accounting system for participating CESQG businesses

Action 3: Evaluate feasibility of private sector providing CESQG waste management services

Objective 4: Evaluate feasibility of designing, funding and building a permanent Household Hazardous Waste (HHW) and Conditionally Exempt Small Quantity Generator (CESQG) facility.

Action 1: Service a minimum of 5,000 households annually.

Action 2: Establish "business hours" that include weekdays and weekends

Action 3: Allocate space to include a reuse/ swap center for usable materials

Action 4: Investigate the feasibility of accepting and bulking latex paint

Section II, page II-6

The following replaces sections of the Plan Update approved on April 3, 2000.

CHANGE(S):

1. Under 'Waste Types Received (check all that apply)', check box for 'other' and label as "institutional waste**"
2. Below 'Explanation of special wastes, including a specific list and/or conditions', insert the following text:
**Institutional waste includes material discarded by schools, nonmedical waste discarded by hospitals, material discarded by nonmanufacturing activities at prisons and government facilities, and material discarded by other similar establishments or facilities.
3. Under 'Site Size', Annual energy production: Waste-to-Energy incinerators:' delete '72/day' and add '140,000'. After 'megawatts', delete '116,000 lb. Of steam/hr'

Section III – SELECTED SYSTEM

III.2 IMPORT AUTHORIZATION
Table 1-A

CHANGE(S):

1. Page III-3, below listing for 'Importing County: Kent, Exporting County: VanBuren', insert the following text:
"In addition to the import authorizations listed in Table 1-A, the County may accept institutional waste for disposal at the Waste-To-Energy Facility from municipalities located outside the County and from State or Federal Departments and Agencies." Institutional waste includes material discarded by schools, nonmedical waste discarded by hospitals, material discarded by nonmanufacturing activities at prisons and government facilities, and material discarded by other similar establishments or facilities.

III.5 SOLID WASTE DISPOSAL AREAS
FACILITY DESCRIPTIONS – Page III-10

CHANGE(S):

1. Insert same three changes as Section II.3, page II-6

Section III.16.G, page III-44

Revise Nos. 11-13 of Section III.16.G., Consistency Criteria, to read as follows:

"11. For all proposed facilities that are Type A or Type B transfer facilities, to the extent that the solid waste coming to the transfer station is generated from within the cities of Grand Rapids, Wyoming, East Grand Rapids, Kentwood, Grandville, or Walker, the applicant shall agree to comply with the applicable city or county ordinances directing waste to the Waste-to-Energy

Facility located at 950 Market Street and shall at all times comply with such ordinances and ordinance amendments.

12. If the proposed facility is a Resource Recovery Facility, to the extent that the materials coming to the facility are generated from within the cities of Grand Rapids, Wyoming, East Grand Rapids, Kentwood, Grandville, or Walker, the applicant must agree that all residue from such materials must be disposed of in compliance with the ordinances of the six cities or the county directing waste generated to the Waste-to-Energy Facility located at 950 Market Street, and shall at all times comply with such ordinances and ordinance amendments.

13. If the proposed facility is located in Wyoming, Grand Rapids, East Grand Rapids, Kentwood, Grandville, or Walker it must submit a written statement indicating that it will operate in compliance with all applicable ordinances and amendments, in effect at the time of the consistency determination, from the areas identified above or County issued ordinances, including, but not limited to, ordinance requirements directing solid waste to designated County facilities.

Section III.17.B, page III-50

Insert the following between the second and third paragraphs of Section III.17.B, page III-51

“The County may, however, enter into amendments of the new or amended base contract with the six cities, and contracts with other local units of government if appropriate, to implement a solid waste management program as provided in Section III.17.D. As part of a solid waste management program, the County may adopt and enforce a county solid waste management ordinance as an “enforceable mechanism” authorized by this Plan. The purpose of a County ordinance is to implement the approved Kent County Solid Waste Management Plan, as amended, and as adopted pursuant to Part 115 Solid Waste Management of Public Act 451 of 1994; to protect and promote the public health, safety and welfare of Kent County residents by regulating the collection, transportation, and disposal of solid waste; to establish conditions for issuing waste hauler licenses; to provide residents and businesses an incentive to recycle, thereby reducing the volume of solid waste; to preserve and improve the environment; to promulgate solid waste management rules and regulations; to provide penalties for violations of the Ordinance; and to establish and assess a Countywide surcharge on solid waste generated for final disposal to be used to fund closed county landfills and the Household Hazardous Waste Program. A county ordinance may include, but not be limited to, licensing of waste haulers including requirements for collection, transportation, and disposal of solid waste; transportation and disposal of recyclables; promote and encourage recycling, including source-separation and anti-scavenging provisions; and any matters related thereto, including criminal penalties, sanctions for civil infractions, and other legal or equitable remedies for violations. The requirements of a county solid waste management ordinance shall be in addition to any requirements of city, township, or village ordinances.

A county solid waste management ordinance shall be considered an approved “enforceable mechanism” under this Plan. The adoption and enforcement of a county solid waste management ordinance shall be deemed to be consistent with this Plan and the Michigan Solid Waste Policy.

Section III.17.B.1, page III-51

Delete the first paragraph of III.17.B.1 (p. III-51) and replace with the following:

“Cities possess home rule powers to pass and enforce ordinances to license waste haulers, regulate the use of their streets, and establish requirements for solid waste management, transportation and disposal. Hence, in 1985, Kent County entered into contracts with six cities requiring them to pass ordinances to ensure flow of waste to the Kent County Waste-to-Energy (WTE) Facility.

By law, the County has the authority to adopt and enforce a county ordinance relating to “county affairs.” Under Part 115 of NREPA, counties are charged with the responsibility for adopting and enforcing county solid waste management plans which shall include “enforceable mechanisms” to achieve solid waste management objectives. Part 115 specifically provides that an “enforceable mechanism” under a county solid waste management plan may include county ordinances.

Section III.19, page III-57 number 3 add # 15:

15. A county ordinance to meet the stated purposes of an ordinance as set forth in section III.17.B, which ordinance may include the following:
 - a. licensing of waste haulers;
 - b. requirements for collection and transportation of solid waste;
 - c. promote and encourage recycling, including source-separation and anti-scavenging provisions; and
 - d. any matters related thereto, including criminal penalties, sanctions for civil infractions, and other legal or equitable remedies for violations.

The requirements of a county solid waste management ordinance shall be in addition to any requirements of city, township, or village ordinances. The potential ordinance is not intended to regulate the location, development or operation of solid waste disposal areas. Regulation regarding the location, development or operation of solid waste disposal areas shall be done through a properly promulgated plan amendment in accordance with the provisions of Part 115.

Section III.20, page III-57

Revise Number 4 of Section III.20, p. III-57, Plan Violations, to read as follows:

“Failure to comply with a county solid waste management ordinance.

Change original Number 4 to Number 5

“Failure of any person to comply with any other requirement of this Plan.”

1. Certain ancillary construction details, such as landscaping, fencing and screening
2. Hours of operation
3. Noise, litter, vibration, odor, vector control and dust control
4. Lighting
5. Facility security
6. Monitoring of wastes accepted and prohibited refers to compliance with restrictions contained in the Plan and is not an authority to regulate waste acceptance and screening requirements imposed on disposal areas through their operating license and regulated by the Michigan Department of Environmental Quality.
7. Storm water and sewer management
8. Storage of materials on site. This authority refers to enforcement of local blight and junk-related regulations and is not an authority for the county or municipalities to regulate waste piles in conflict with the Michigan Department of Environmental Quality regulatory authority under R299.4129 and R299.4130 of the Part 115 Administrative Rules.
9. Traffic patterns, roads ingress/égress, parking, curb and gutter
10. Signage
11. Emergency services, i.e., fire protection
12. Composting and recycling
13. Building or other structure height
14. A county ordinance to meet the stated purposes of an ordinance as set forth in section III.17.B, which ordinance may include the following:
 - a. licensing of waste haulers;
 - b. requirements for collection and transportation of solid waste;
 - c. promote and encourage recycling, including source-separation and anti-scavenging provisions; and
 - d. any matters related thereto, including criminal penalties, sanctions for civil infractions, and other legal or equitable remedies for violations.

The requirements of a county solid waste management ordinance shall be in addition to any requirements of city, township, or village ordinances. The potential ordinance is not intended to regulate the location, development or operation of solid waste disposal areas. Regulation regarding the location, development or operation of solid waste disposal areas shall be done through a properly promulgated plan amendment in accordance with the provisions of Part 115.

RESOLUTION NO. _____

RESOLUTION TO AUTHORIZE THE MAYOR AND CITY CLERK TO SIGN A
CONTRACT FOR KENT COUNTY SENIOR MILLAGE SERVICES AND AUTHORIZE
THE ASSOCIATED BUDGET AMENDMENT TO PROVIDE SENIOR CITIZEN
THERAPEUTIC RECREATION SERVICES

WHEREAS:

1. The Kent County Board of Commissioners approved the 2013 funding recommendations of the Kent County Senior Millage (KCSM) review committee on November 29, 2012 which included a grant award to the City of Wyoming in the amount of \$120,512 towards funding of therapeutic recreation services for at-risk older adults through the City's Stepping-Stones program.
2. The Area Agency on Aging of Western Michigan, the administrating agency of funding contracts for the KCSM, has presented the attached contract, covering a period of January 1, 2013 through December 31, 2013, for signature.
3. A budget amendment is necessary to provide for the continuance of the Stepping-Stones program and the acceptance of the grant award.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council authorizes the Mayor and City Clerk to sign a contract for Kent County Senior Millage Services.
2. The City Council authorizes the attached budget amendment.

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: January 7, 2013.

Heidi A. Isakson, Wyoming City Clerk

ATTACHMENTS:

Agreement

Budget Amendment

CITY OF WYOMING BUDGET AMENDMENT

Date: January 7, 2013

Budget Amendment No. 02 9

To the Wyoming City Council:

A budget amendment is requested for the following reason: To appropriate \$143,570 of budgetary authority and related estimated revenue for the Kent County Senior Millage Grant Award per attached resolution.

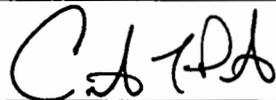
<u>Description/Account Code</u>	<u>Current</u>	<u>Increase</u>	<u>Decrease</u>	<u>Amended</u>
Parks and Recreation Fund				
Contributions from Local Units - KCSM Stepping Stones 2013 Fiscal Year 208-586.000 KCSM Stepping Stones.2013	\$0	\$120,510		\$120,510
Stepping Stones Fees - KCSM Stepping Stones 2013 Fiscal Year 208-638.000 KCSM Stepping Stones.2013	\$0	\$300		\$300
Donations - Stepping Stones - KCSM Stepping Stones 2013 Fiscal Year 208-675.030 KCSM Stepping Stones.2013	\$0	\$3,000		\$3,000
Income - Stepping Stones Fund Raiser - KCSM Stepping Stones 2013 Fiscal Year 208-675.035 KCSM Stepping Stones.2013	\$0	\$19,260		\$19,260
Income - Stepping Stones Program Income - KCSM Stepping Stones 2013 Fiscal Year 208-675.038 KCSM Stepping Stones.2013	\$0	\$500		\$500
Parks & Recreation - KCSM Stepping Stones Grant - Salaries 208-752-67200-706.000 KCSM 2013 Exp	\$0	\$53,390		\$53,390
Parks & Recreation - KCSM Stepping Stones Grant - FICA 208-752-67200-715.000 KCSM 2013 Exp	\$0	\$4,200		\$4,200
Parks & Recreation - KCSM Stepping Stones Grant - Hospitalization 208-752-67200-716.000 KCSM 2013 Exp	\$0	\$6,950		\$6,950
Parks & Recreation - KCSM Stepping Stones Grant - Life Insurance 208-752-67200-717.000 KCSM 2013 Exp	\$0	\$80		\$80
Parks & Recreation - KCSM Stepping Stones Grant - Pension - DB 208-752-67200-718.000 KCSM 2013 Exp	\$0	\$6,100		\$6,100
Parks & Recreation - KCSM Stepping Stones Grant - Pension - DC 208-752-67200-718.100 KCSM 2013 Exp	\$0	\$5,000		\$5,000
Parks & Recreation - KCSM Stepping Stones Grant - Workers Comp. Ins. 208-752-67200-719.000 KCSM 2013 Exp	\$0	\$1,600		\$1,600
Parks & Recreation - KCSM Stepping Stones Grant - CIP & Longevity 208-752-67200-721.000 KCSM 2013 Exp	\$0	\$1,050		\$1,050
Parks & Recreation - KCSM Stepping Stones Grant - Adaptive Equipment 208-752-67200-727.030 KCSM 2013 Exp	\$0	\$250		\$250
Parks & Recreation - KCSM Stepping Stones Grant - Contract Labor 208-752-67200-810.000 KCSM 2013 Exp	\$0	\$50,850		\$50,850
Parks & Recreation - KCSM Stepping Stones Grant - Travel & Training 208-752-67200-860.000 KCSM 2013 Exp	\$0	\$4,200		\$4,200
Parks & Recreation - KCSM Stepping Stones Grant - Liability Insurance 208-752-67200-910.000 KCSM 2013 Exp	\$0	\$900		\$900
Parks & Recreation - KCSM Stepping Stones Grant - Other Services 208-752-67200-956.000 KCSM 2013 Exp	\$0	\$3,000		\$3,000
Parks & Recreation - KCSM Stepping Stones Grant - Other Services - Fundraisers 208-752-67200-956.050 KCSM 2013 Exp	\$0	\$6,000		\$6,000
Fund Balance/Working Capital				

CITY OF WYOMING BUDGET AMENDMENT

Date: January 7, 2013

Budget Amendment No. 029 (Continued)

Recommended: 
Finance Director


City Manager

Motion by Councilmember _____, seconded by Councilmember _____
that the General Appropriations Act for Fiscal Year 2012-2013 be amended by adoption of the foregoing budget
amendment.

Motion carried: _____ yeas, _____ nays

I hereby certify that at a _____ meeting of the Wyoming City Council duly held on
_____ the foregoing budget amendment was approved.

City Clerk

STAFF REPORT

Date: Monday, December 26, 2012

Subject: Kent County Senior Millage Contract - Continuation funding for the Stepping Stones Program

From: Rebecca Rynbrandt, Director of Community Services

Council Meeting Date: Monday, January 7, 2013

Recommendation:

Staff recommends the acceptance of the Kent County Senior Millage grant in the amount of \$120,512 and the continuance of the Stepping Stones Program.

Sustainability Criteria:

Social Equity – The Stepping Stones program promotes independent functioning and enhances optimal health and personal growth in an enjoyable manner for older adults aged 60 and older who have been discharged from a hospital, rehabilitation center, and/or nursing home; or who are homebound due to illness, injury, or disability. The program provides personalized therapeutic recreation services including aquatic therapy, transportation assistance training, information and referral, etc. which works to return older adults to independent and active living within their community.

Economic Strength – In the most recent completed year, 2011, seventy-seven percent (77%) of clients enrolled were exempt from cost share due to limited incomes. This allows the clients to receive services at no cost thanks to the funding provided by the Kent County Senior Millage.

Discussion:

Stepping Stones is program of the Wyoming Parks and Recreation Department and is in its 13th year of operation. Demand for program services remains high with clients having to be placed on a waiting list an average wait of five weeks prior to receiving service. The program continues to see demand for Aquatic Therapy and Transportation Training as individuals are motivated to become independent within their communities. Stepping Stones provided 1,465 units of service to 132 clients in 2011 with a 51% success rate of individuals returning to independent living or achieving personal goals. The 2013 Kent County Senior Millage grant/contract provides of a minimum of 1,331 hours (units) of recreational therapy, including aquatic therapy, for qualifying senior citizens. Approximately 100 older adults will be served.

Budget Impact:

KCSM has approved \$120,512 grant, a 5% decrease over CY 2012 dollars. The decrease in funding does not reflect upon the merits of the program, rather it is due to the continued reality of decreasing millage funds as a result of declining property values. Additional funds shall be raised through donations and fundraising events such as the programs annual golf outing, a community carnival (shared with the Greater Wyoming Community Resource Alliance), and additional grants.

CONTRACT AMENDMENT

STATEMENT OF PURPOSE

The Area Agency on Aging of Western Michigan, Inc. (AAAWM), a Michigan Nonprofit Corporation located at 1279 Cedar Street NE, Grand Rapids, Michigan 49503 and City of Wyoming (Service Provider), a Michigan Municipality located at P.O. Box 905, Wyoming, MI 49509, entered into Contract numbered KCSM 104 in which the Service Provider undertook to provide certain services with Kent County funding for the period ending December 31, 2013. The parties now agree to amend the provisions of that contract for the period ending December 31, 2013.

Certification: Service Provider certifies that it has not been suspended or debarred by the U.S. government from receiving federal dollars.

AGREEMENT OF PARTIES

As of November 29, 2012, AAAWM and the Service Provider agreed:

1. That the amount of funds the AAAWM agrees to pay, for the budget period January 1, 2013 through December 31, 2013 as provided in the Contract of January 1, 2011, shall not exceed **\$120,512.00 (One hundred twenty thousand five hundred twelve and 00/100 dollars).**
2. That these funds AAAWM pays will be apportioned over the Contract Amendment period in a manner assuring that the services funded will be made available by Service Provider throughout the entire Contract period.
3. That Service Budget #1A is deleted and Service Budget #1A dated December 10, 2012 is added.

AREA AGENCY ON AGING OF WESTERN MICHIGAN, INC.
A MICHIGAN NONPROFIT CORPORATION

By: _____ Date _____
Person Authorized to Sign for Service Provider

Title: _____

By:  _____ Date 12-18-12
Thomas E. Czerwinski, Executive Director
Area Agency on Aging of Western Michigan

UNIT RATE BUDGET FORM
Kent County Senior Millage 2013

Service Provider: City of Wyoming

Service: Stepping Stones: A Continuum of Care for the Homebound Senior

Unit Rate Budget/Program Cost Narrative

SUMMARY (Whole Dollar Amounts Only)	
1. MILLAGE FUNDS	\$ 120,512
2. TOTAL NUMBER OF UNITS TO BE PROVIDED	1,331
3. NUMBER OF CLIENTS WHO WILL RECEIVE SERVICE	100
II. UNIT COST ANALYSIS (Per Unit, Dollars and Cents- 2 decimal places)	
1. Administration	\$0
2. Direct Service Cost	\$88.09
3. Equipment	\$0.17
4. Other	\$2.31
5. Total Unit Cost	\$90.57

Program Cost Narrative

Complete the following budget narrative describing the cash basis for expenditures in each category.

1. Administration: *\$0.00*

Costs absorbed (provided in-kind, an approximate \$25,000 value) by the City of Wyoming per alternate funding source. This includes accounting, payroll processing, technology support, human resources, etc.

2. Direct Service Cost:

CTRS duties include providing direct treatment/therapy, charting, information and referral, etc. Defined as direct or indirect client support. Such wages and benefits are mandatory by union contracts and federal labor law. Benefits include FICA, Workers Comp, health insurance, disability insurance, retirement, and liability insurance. In addition, the City of Wyoming subcontract's a portion of CTRS duties which does not require direct payment of benefits (health, retirement, etc) or mileage.

FTE: Wage for full-time staff equivalents (Incl. Benefits):	\$79,270
Mileage:	\$ 3,700
Sub-contracted CTRS:	\$ 50,850

3. Equipment:

Adaptive equipment, office supplies, etc.	\$ 250
---	--------

4. Other:

YMCA therapist and client membership fees to allow for pool use for aquatic therapy: \$ 3,000

Staff training to maintain certifications: \$ 500

Program Income budgeted for 2013: \$500.00

RESOLUTION NO. _____

RESOLUTION TO AUTHORIZE THE MAYOR AND CITY CLERK TO
EXCECUTE AN AGREEMENT WITH URS CORPORATION GREAT LAKES FOR THE
PREPARATION OF AN ENVIRONMENTAL ASSESSMENT DOCUMENT FOR
DIVISION AVENUE FROM 54TH STREET TO 60TH STREET

WHEREAS:

1. The City's adopted Thoroughfare Plan recommends that Division Avenue be widened to a (5) five-lane cross-section from 54th Street to 60th Street to accommodate anticipated increased traffic along the corridor.
2. Said widening will require the purchase of additional right-of-way and will use Federal funds for construction requiring the preparation of an Environmental Assessment document to identify impacts of proposed alternatives.
3. On November 29, 2012, URS Corporation Great Lakes submitted the attached proposal to prepare an Environmental Assessment for Division Avenue from 54th Street to 60th Street in the amount of \$45,015.
4. Division Avenue is a borderline street with the City of Kentwood who will share the project costs as per a separate City-City Agreement.
5. The cost of the study can be financed out of the Capital Improvements Fund.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council hereby authorizes the Mayor and City Clerk to execute the attached Agreement with URS Corporation Great Lakes to complete the Environmental Assessment document for Division Avenue from 54th Street to 60th Street in the amount of \$45,015.

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: January 7, 2013.

Heidi A. Isakson, Wyoming City Clerk

Resolution No. _____

Staff Report

Date: December 13, 2012
Subject: Division Avenue Environmental Assessment
From: Russ Henckel, Assistant Director of Public Works - Engineering
Meeting Date: January 7, 2013

Recommendation:

Staff recommends authorizing URS Corporation Great Lakes to perform the Environmental Assessment for Division Avenue from 54th Street to 60th Street for the amount of \$45,015.

Sustainability Criteria:

Environmental Quality – This study will consider ways to maintain the environmental quality of this area.

Social Equity – This study will identify impacts of the proposed alternatives to the social equity of the area.

Economic Strength – This study will consider impact of the proposed street improvements to the Division Avenue corridor.

Discussion:

On November 29, 2012, URS Corporation Great Lakes was one of two firms to submit a proposal for the preparation of an Environmental Assessment (EA) document for Division Avenue from 54th Street to 60th Street. Based upon the experience of the staff and the effort identified to prepare the EA document, URS Corporation Great Lakes was selected as the recommended firm. The scope of the EA will include all of the necessary activities required of the Federal Highway Administration (FHWA) to produce a Finding of No Significant Impact (FONSI) for the proposed improvements on Division Avenue. Said work will include data collection, traffic analysis, development of a purpose and need statement, public involvement, development of recommended alternatives, and a study of the impacts on the following items: socio-economic, noise, air quality, wetland mitigation, hydrologic, water quality, historic and archaeological, endangered species, farmland, visual, and hazardous waste.

It is recommended that the City Council authorize the Mayor and City Clerk execute the attached agreement with URS Corporation Great Lakes to prepare the Environmental Assessment document for Division Avenue from 54th Street to 60th Street in the amount of \$45,015.

Budget Impact:

Funds are available in the Capital Improvements Fund.

Attachments: Agreement
Proposal

AGREEMENT

This Agreement made this _____ day of _____, 2013 between the City of Wyoming, a municipal corporation of 1155 - 28th Street, S.W., Wyoming, Michigan 49509 (hereinafter "City") and URS Corporation Great Lakes, a corporation having an office located at 3950 Sparks Drive, S.E., Grand Rapids, Michigan, 49546 (hereinafter "Consultant") the terms of which are as follows:

1. The City hereby hires Consultant to perform consulting services to prepare an Environmental Assessment document for the widening of Division Avenue from 54th Street to 60th Street.
2. The work to be performed shall be in accordance with the Proposal dated November 29, 2012, and the customary standard of professional care.
3. Payment shall be made in accordance with the hourly rates contained in the proposal and upon billing for work completed in an amount not to exceed \$45,015. Undisputed portions of invoices are due within 30 days.
4. Upon completion of the services or in the event of a termination of the contract during the performance of the services, all completed work, and/or work in progress shall become the property of the City upon payment for the work.
5. Consultant is an independent contractor and the City is hiring consultant for professional services. All officers, agents and employees of consultant shall at all times be considered employees of consultant and not of the City.
6. This Agreement contains the entire agreement between the parties and may not be modified except in writing by mutual consent.

CITY OF WYOMING

URS CORPORATION GREAT LAKES

Jack Poll
Its Mayor

Heidi A. Isakson
Its City Clerk

APPROVED AS TO FORM:
Jack Shuck

Cost and Price Analysis

Task	Hours	Theresa Petko Project Mgr.	Jason Bibby Dep. Project Mgr.	Andery Richert	Paul Burgo	Tara Weise	Brendan Earl	Troy Naperala	Jerome Winsor	Ray Schneider	Stephanie Kozlowicz	Mike DeVries
		\$185	\$85	\$85	\$165	\$115	\$55	\$115	\$100	\$85	\$55	\$185
1. Data Collection & Analysis	54	4	8	4	0	8	8	0	4	8	10	
2. Develop Purpose and Need Statement	12	2	4	0	0	2	0	0	2	2		2
3. Public Involvement	30	8	8	0	0	2	0	0	8	0	4	
4. Develop Alternatives for Consideration	56	2	8	0	0	14	0	0	4	4	24	2
5. Assess Impacts	130	6	24	4	12	8	12	8	8	8	40	3
6. Develop Cost Estimates	20		10			10						
7. Prepare Draft EA	94	8	22	2	4	4	2	2	8	2	40	
8. Prepare FONSI	56	8	16	0	0	4	0	0	4	4	20	4
Total Hours	452	38	100	10	16	52	22	10	38	28	138	11
Labor Costs	\$43,165	\$7,030	\$8,500	\$850	\$2,640	\$5,980	\$1,210	\$1,150	\$3,800	\$2,380	\$7,590	\$2,035
Expenses												
Mail	\$200											
Draft Documents (10 copies)	\$400											
Legal Ads	\$800											
Public Hearing Exhibits	\$200											
Mileage	\$250											
Total Expenses	\$1,850											
Summary												
Total Labor Costs	\$43,165											
Total Expense Costs	\$1,850											
Total Proposed Cost	\$45,015											

RESOLUTION NO. _____

RESOLUTION TO CONCUR WITH THE EMERGENCY REPAIR
OF THE HOLDING TANK MIXER GEARBOX AND TO
AUTHORIZE PAYMENT FOR THE REPAIRS

WHEREAS:

1. The City's Clean Water Plant Superintendent has provided the attached Staff Report summarizing emergency repairs that were made to the holding tank gearbox.
2. The cost of the repairs totaled \$9,407.00 and funds are available in account number 590-590-54300-930000.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council does hereby concur with the emergency repair of the holding tank mixer gearbox and authorizes payment to True-Tech Industries for the work performed.
2. The City Council does hereby waive the provisions of Sections 2-252, 2-253, 2-254 and 2-256 of the City Code regarding publication and posting of bid notices, notification of bidders and the bid opening procedure.

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: January 7, 2013.

ATTACHMENT:
Staff Report

Heidi A. Isakson, Wyoming City Clerk

Resolution No. _____

Staff Report

Date: 2 January 2013
Subject: Repair of a Sludge Holding Tank Gearbox, CWP
From: Tom Wilson, Clean Water Plant Maintenance Supervisor
Date of Meeting: 7 January 2013

Recommendation

It is recommended that the City Council approve the repair of the west holding tank gear box as stated in the quotation received from True-Tech Industries. The gear box is the drive mechanism for the second of two sludge holding tank mixers located on the north side of the main building.

Sustainability Criteria:

Environmental Quality – The Clean Water Plant is actively engaged in the protection of Michigan’s natural water environment and the public health of Wyoming’s citizens. As part of our efforts to continue making a positive impact on the environment, it is necessary that our infrastructure and the equipment that keeps it running are maintained in a safe, reliable, and optimal working condition.

Social Equity – The Utility function within the City of Wyoming provides the same high quality service to all areas of the City without regard to income level or socio-economic status. All of Wyoming’s residents enjoy equal access to the benefits of our state-of-the-art wastewater and drinking water treatment technologies.

Economic Strength – Regular and proper upkeep of city equipment contributes to the efficiency of the equipment, and to the prevention of untimely and costly repairs or replacement that could potentially interrupt the day to day operations of the Plant. True-Tech Industries strives to add overall value by improving the longevity and performance of the equipment they service.

Discussion:

On Monday, December 24, 2012, we experienced a failure of the gearbox that is positioned on the west sludge holding tank located on the north side of the main building. (The other identical gearbox located on the east holding tank failed in November and is still out for repair. We are looking into the coincident failures.) This gear box is the drive portion of the mixer that is used to mix the sludge with lime and keep it suspended. Lime is added to raise the pH of the mixture and biologically stabilize the sludge. Mixing is vital in this process in order to bring the lime into contact



with the sludge and to raise the pH level to 12, a Federal regulation that we must adhere to before land application of the sludge, at this point referred to as biosolids.

Plant staff removed the failed gearbox over Christmas week and sent it to True-Tech Industries for them to disassemble and evaluate for repair. The investigation by True-Tech Industries found that the cause of failure was the same as what happened to the east tank in November: that due to damage to the internal oil pump shaft and drive hub, failure of additional components ensued. Fortunately, the damage was not as extensive this time, and no parts had to be imported, which meant True-Tech was able to repair the gearbox immediately. The gearbox is scheduled to be delivered to the CWP on Thursday, January 3rd, and our maintenance staff can get it right back in service. This is good news since the east tank is still out of service while True-Tech waits for imported parts. Hence our need for haste in getting this repair approved, as we currently have no good way to lime stabilize our sludge.

The repair quotation from True-Tech Industries in the amount of \$9,704.00 is attached for your review. True-Tech Industries is not only a qualified service company but also was the supplier of this gearbox when the Clean Water Plant purchased it new in 2001.

Budget Impact:

Based on the information presented, and given the emergency nature of the situation, it is recommended that the City Council accept the quotation received for the repair of the east sludge holding tank gearbox as submitted by True-Tech Industries in the amount of \$9,704.00. Sufficient funds exist in the Clean Water Plant Maintenance and Repair Account #590-590-54300-930000.

Approved: Myron Erickson, CWP Plant Superintendent

Approved: Thomas Kent, Deputy Director of Public Works



True-Tech Industries Co.

2967 Interstate Parkway ★ Kalamazoo, MI 49048 ★ Ph. 269-349-6335 ★ Fax: 269-349-7088
 jim@truetechindustries.com ★ info@truetechindustries.com ★ www.truetechindustries.com

ATTN: MR. TOM WILSON twilson@wyomingmi.gov
 MAINTENANCE SUPERVISOR, UTILITIES DEPARTMENT
 CITY OF WYOMING, MI, CLEAN WATER PLANT

No. 8411-WYOC

2350 IVANREST AVE., S.W., WYOMING, MI 49418
 FAX 616-261-3590 OFFICE PH. 616-261-3573 CELL PH. 616-813-2136
 Date: December 27, 2012

QUOTATION

IN RESPONSE TO YOUR INQUIRY, WE PROPOSE THE FOLLOWING:

Qty.	Description	Unit price
1 ea.	Disassemble & evaluate for repair, TTI / Radicon #G1530-TTI heavy-duty agitator motor reducer (less motor).	<u>Discounted:</u> \$800.00 ea.
1 ea.	Repair TTI / Radicon #G1530-TTI heavy-duty agitator motor reducer (less motor) <i>Additional mfr's. tag info:</i> Order no. D900237. Assembly position: RL2. Ratio 54.379:1. <i>Unit specifications:</i> Input horsepower 15; input R.P.M. 1160; output R.P.M. 20.7. <i>Input mechanical H.P. rating</i> 43.2 H.P. Thermal H.P. rating 90 H.P. <i>Output torque</i> 122,000 lbs./in. <i>Gearing:</i> Triple reduction, helical case hardened & ground. <i>Shaft arrangement:</i> Parallel-vertical. <i>Housing style:</i> Vertical input, vertical output. <i>Bearing arrangement:</i> input pinion gear – Timken taper roller; intermediate gear (2 nd stage) -- SKF double spherical; low speed (3 rd stage) output gear – Timken taper roller. <i>Lubrication:</i> Internal oil pump to all upper bearings, splash oil lube gear train. Gravity oil lube lower bearings, grease lube output lower drywell bearing. <i>Motor:</i> Siemens 15 H.P. vertical 284 TC frame with protective drip pan, 1160 R.P.M., 230V/460V 3-phase. <i>Motor coupling:</i> Cone ring coupling #61103-611 Type 03 for 284 TC, 15 H.P. motor, .100 allowable eccentricity (pin and bush type). <i>Agitator coupling:</i> Transition hub, mounted on low-speed output shaft. <i>Lube spec:</i> 6E Synthetic EP ISO 220. Gear Lube (Gear case qty. approx. 5 gal.). <i>Bearing grease:</i> NLGI grade 2 Synthetic. Brand mfg.: Mobil SHC 220 or equivalent. Operating temp -20 deg. F to 350 deg. F. <i>Failure analysis:</i> Damaged oil pump shaft and pump drive hub, due to overload or shock load. Upper end bearings dry ran: lack of lubrication. Second to third stage intermediate upper bearing failed. All upper bearings damaged from lack of lubrication. All gears in good condition. Metal debris throughout unit, from bearings. <u>Condensed general repair workscope:</u> <ul style="list-style-type: none"> • Pick up unit at customer's facility. • Drain lube from unit. Note: Oil very rusty from moisture. • Disassemble unit. • Clean and recondition all gears and shafts for reuse. Replace all bearings with new. • Strip clean, inspect and detail all housing components for reuse. • Remove, clean and reinstall internal oil feed lines. • Remove and discard damaged oil pump drive hub and replace with new. • Hand-lap all gear tooth surfaces to remove surface nicks and scratches. • Remove #1 shaft high-speed bearings and replace with new. • Remove #2 shaft first stage intermediate bearings and replace with new. • Remove #3 shaft second stage intermediate bearings and replace with new. • Remove #3 pinion gear / shaft for reinstallation. • Remove #4 shaft low-speed 77-tooth gear for reinstallation. • Remove #4 shaft low-speed bearings and replace with new. • Remove all seals, gaskets, shims, and replace with new. • Reassemble gear unit to manufacturer specifications. • Mount gear unit to mounting base. • Reinstall transition drive hub on low-speed shaft. • Reinstall input / motor drive coupling hub on H.S. shaft (marked location). • Paint unit. • Fill oil reservoir with Synthetic ISO 220EP gear lube. • Grease dry well bearings. • Deliver unit. 	8,607.00 ea. <hr style="width: 50%; margin-left: auto; margin-right: 0;"/> \$9,407.00 ttl. <i>Consisting of:</i> <i>Parts (discounted)</i> \$3,571.00 Air freight N/C <i>Gear oil (discounted)</i> \$236.00 <i>Skilled labor (discounted)</i> \$4,800.00

Target delivery: Work in progress, expedited. 3-5 working days, estimate. **F.O.B.** Kalamazoo **Terms:** 1% 10; net 30.

By: jhh:ajh

Authorized signature:
 Jim Henning, Sr.

THE ABOVE PRICE IS FOR ACCEPTANCE WITHIN 20 DAYS.
 ANY CHANGES OR CANCELLATIONS MAY BE SUBJECT TO AN ADJUSTED CHARGE.

ORDINANCE NO. 11-12

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

THE CITY OF WYOMING ORDAINS:

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

(90) To rezone 17.9 acres from I-1 Light Industrial to B-2 General Business (North side of 54th Street across from Crippen Avenue SW, Section 36)

LEGAL DESCRIPTION:

All that part of the northwest quarter of the northeast quarter of Section 36 , T06N, R12W, City of Wyoming, Kent County, Michigan described as: Commencing at the N ¼ corner of said Section 36; thence S87°40'16"E along the North line of said Section 36, 25.14 feet to the point of beginning; thence continuing along said North line S87°40'16"E, 940.83 feet; thence S00°38'06"E, 100.01 feet; thence N87°40'16"W parallel with said North line, 300.96 feet; thence S00°32'33"E, 405.26 feet; thence S38°24'25"E, 10.39 feet; thence S87°40'31"E, 20.02 feet; thence S00°32'48"E, 372.00 feet; thence S89°27'12"W, 46.50 feet; thence S00°32'48"E, 440.05 feet to the South line of the northwest quarter of the northeast quarter of Section 36; thence N87°51'17"W along said South line, 633.01 feet to the East line of the CSX railroad right-of-way; thence N00°01'29"E along said right-of-way, 1328.95 feet to the point of beginning. Containing 20.41 acres of land more or less and subject to 50' right-of-way for 54th Street and all other easements, covenants, and restrictions of record if any.

Section 2. This ordinance shall be in full force and effect the ____ day of _____, 2013.

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 _____ day of _____, 2013.

Heidi A. Isakson, City Clerk



November 27, 2012

Ms. Heidi A. Isakson
City Clerk
Wyoming, MI

Subject: Request to rezone 17.9 acres from I-1 Light Industrial to B-2 General Business. The properties are located on the north side of 54th Street across from Crippen Avenue.

Recommendation: To approve the subject rezoning.

Dear Ms. Isakson:

The above referenced request was reviewed by the Wyoming Planning Commission at its regular meeting on November 20, 2012. Staff had the following comments:

The petitioner proposes to rezone this site to accommodate the development of a Walmart Supercenter Store with two potential outlots. The overall property is a combination of three parcels. The attached exhibit can be used for reference, but it has not been submitted for site plan review. If the rezoning is approved, a site plan will be submitted for Planning Commission consideration.

This site is identified within the City of Wyoming Land Use Plan 2020 as being suitable for Community Commercial use (see attached). This is the same designation as applied to the adjacent Home Depot and the nearby Meijer's, Target and Menard's properties. The intent of the Community Commercial category, as described in the Land Use Plan, is to provide the full spectrum of activities meant to serve the population on a community-wide scale. The location of this site on the 54th Street five-lane thoroughfare, in close proximity to the U.S. 131 interchange, and less than two miles from M-6, makes it highly desirable for commercial uses. In addition, 54th Street is one of the City's most traveled roads. This further makes it attractive for commercial businesses.

This site is one-half of what was VKW Hardwoods. As the lumber operation waned, VKW consolidated their operation to this western half. In August 2000, the City Council with recommendation from the Planning Commission, rezoned the eastern 17.9 acres of VKW from I-1 Light Industrial to B-2 General Commercial. Shortly thereafter, the Planning Commission approved the site plan for the Home Depot development. That approval provided for two outlots on the site, which led to the development of Aldi's (2001) and Culver's Restaurant (2002). In addition, in 2002 the City Council decided to sell the South Wyoming

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

Senior Center that was located east of the Home Depot. The property's R-2 Single Family Residential zoning at that time drew only limited interest from potential buyers. The City initiated rezoning of the property to B-2 General Business to allow commercial and office uses. B-2 General Business zoning now extends on the north side of 54th Street from Division Avenue to the Home Depot. VKW has long since ceased all operations from the subject property and has removed all but one building.

The development of any major commercial use on this site will require integration with the surrounding properties and appropriate traffic management on 54th Street. However, these are not considerations applicable to the rezoning. If the rezoning is approved, the property would become available for a wide range of commercial businesses allowable with the B-2 General Business zoning. The petitioner is currently working on a traffic study to identify, and propose a design, that will mitigate the impacts of the Walmart development. Maintaining acceptable traffic flow along 54th Street through the numerous signalized intersections between Clyde Park Avenue and Division Avenue is a significant concern. Those considerations will be evaluated with the site plan review for the development, if the proposed rezoning is approved. Any conditions of approval pertaining to the rezoning may not be proposed except as voluntarily offered by the petitioner to the City Council.

It should be acknowledged that the rezoning of this property, and the potential development of the Walmart Supercenter Store, would have a substantial impact on properties across 54th Street. Currently, the properties west of Crippen Avenue are zoned I-1 Light Industrial. The properties east of Crippen Avenue are zoned R-2 Single Family Residential. As stated earlier, the City of Wyoming Land Use Plan 2020 envisioned the development of Community Commercial uses on the subject property. It also took into consideration the nearby properties along the south side of 54th Street. In addition to the impacts of 54th Street, those properties have a mix of land uses, small parcel sizes, proximity to the railroad, and several property owners. The Land Use Plan recommends the existing I-1 Light Industrial properties remain to provide for Business Industrial uses, while the residential properties with frontage on 54th Street eventually transition to Office Service uses.

The Development Review Team suggested the Planning Commission recommend to the City Council the subject rezoning of 17.9 acres from I-1 Light Industrial to B-2 General Business.

At the public hearing, one letter was received and three nearby residents spoke. Their concerns involved the perceived negative impacts on area commercial businesses and the associated problems with increased traffic.

A motion was made by Postema, supported by Bueche, to recommend to City Council the subject rezoning. After discussion the motion carried unanimously. Additional explanation regarding this proposal may be obtained from the Planning Commission minutes of November 20, 2012.

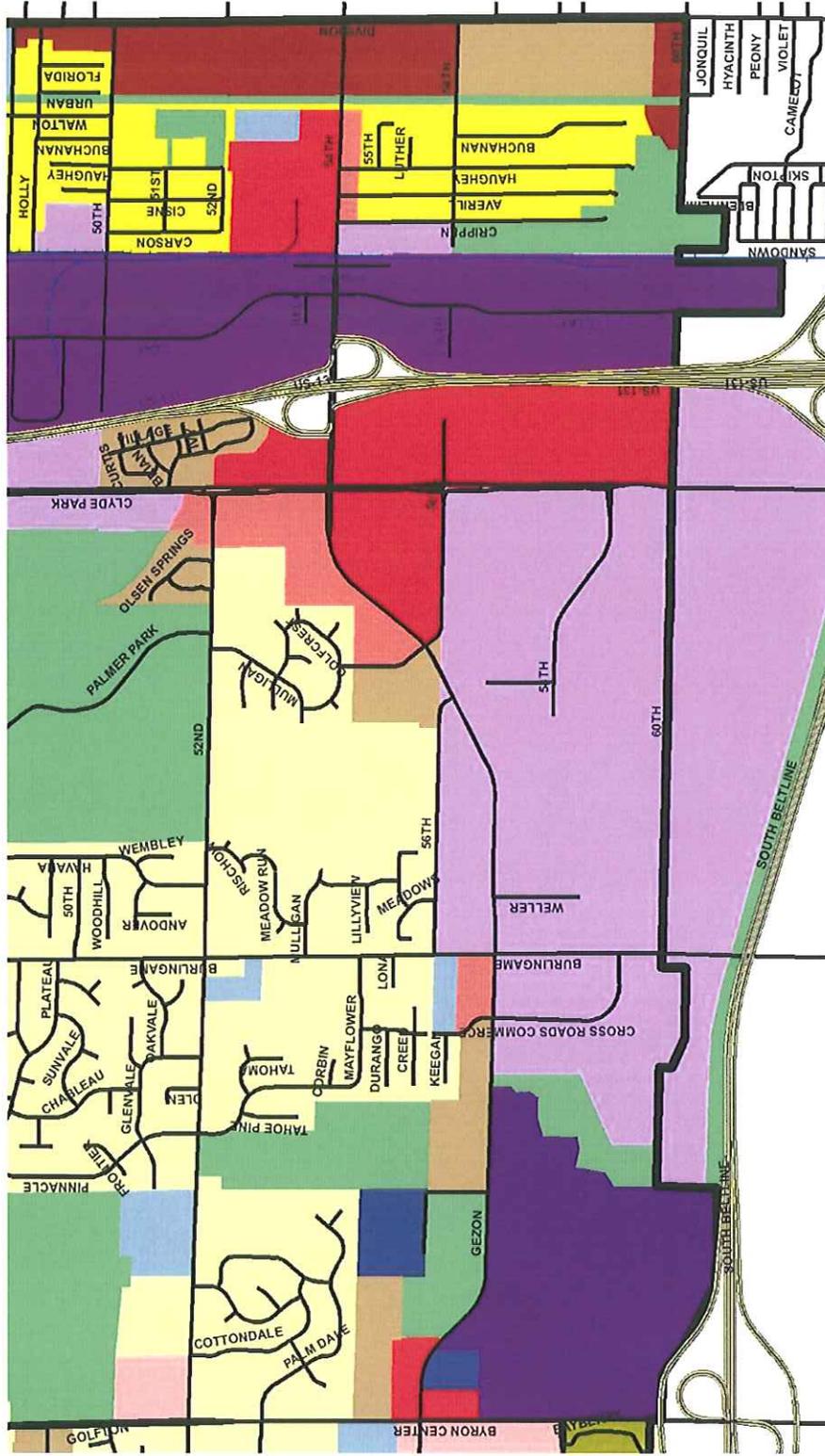
Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Timothy Cochran".

Timothy Cochran, City Planner
Planning and Development Department

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

FUTURE LAND USE CITY OF WYOMING LAND USE PLAN 2020



Future Land Use Categories

- Low Density Residential (up to 3.5 units/ac.)
 - Mixed Residential (up to 4 units/ac.)
 - Low-Medium Density Residential (3.5 to 6 units/ac.)
 - Medium-High Density Residential (6 to 16 units/ac.)
 - High Density Residential (16+ units/ac.)
 - Neighborhood Commercial
 - Office Service
 - Community Commercial
 - Downtown Center
-
- Mixed Use
 - Division Avenue Commercial
 - Medical Village
 - Business Industrial
 - General Industrial
 - Parks & Open Space
 - Schools
 - City Buildings

Gezom/54th Street Corridor

Future Land Use

City of Wyoming
Kent County, MI

December 2006



LSL Planning, Inc.
Data Sources:
MapInfo
Michigan Center for Geographic Information

ORDINANCE NO. 12-12

AN ORDINANCE TO AMEND SECTION 90-31
OF THE CODE OF THE CITY OF WYOMING

THE CITY OF WYOMING ORDAINS:

Section 1. That Section 90-31 of the Code of the City of Wyoming is hereby amended to read as follows:

Sec. 90-31. Districts Enumerated.

The city is hereby divided into the following districts:

R-1 residential district, single-family
R-2 residential district, single-family
R-3 residential district, two-family
R-4 residential district, low density multiple-family;
R-5 residential district, high-rise;
R-7 residential district, special multiple family;
ER residential district, estate;
B-1 business district, local;
B-2 business district, general;
B-3 business district, planned shopping;
DC business district, downtown center;
RO-1 business district, restricted office;
I-1 industrial district, light;
I-2 industrial district, general;
I-3 industrial district, restricted;
P-1 vehicular parking district;
PUD-1 planned unit development, low-density;
PUD-2 planned commercial development district; and
PUD-3 planned health care district.

Section 2. This ordinance shall be in full force and effect on the _____ day of _____, 2013.

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 _____, 2013.

Heidi A. Isakson
Wyoming City Clerk



November 27, 2012

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 Section 90-31 Districts
Enumerated to identify the DC Downtown Center and
PUD-3 Planned Health Care Zoning Districts.

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 November 20, 2012. Staff had the following comments:

Zoning Code Section 31 Districts Enumerated lists the different zoning districts contained in the Code. Inadvertently, when the PUD-3 Planned Health Care District was created in 2001, and the DC Downtown Center District was created in 2002, they were not identified within this section of the Zoning Code. The proposed amendment merely adds the reference to these two districts with all other zoning districts.

PROPOSED ORDINANCE AMENDMENT:

Section 90-31. Districts Enumerated.

The city is hereby divided into the following districts:

R-1 residential district, single-family;
R-2 residential district, single-family;
R-3 residential district, two-family;
R-4 residential district, low-density multiple-family;
R-5 residential district, high-rise;
R-7 residential district, special multiple-family;
ER residential district, estate;
B-1 business district, local;
B-2 business district, general;
B-3 business district, planned shopping;
DC business district, downtown center;
RO-1 business district, restricted office;

I-1 industrial district, light;
I-2 industrial district, general;
I-3 industrial district, restricted;
P-1 vehicular parking district;
PUD-1 planned unit development, low-density;
PUD-2 planned commercial development district; and
PUD-3 planned health care district.

The Development Review Team suggested the Planning Commission recommend to the City Council the subject Zoning Code amendments.

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 unanimously. Additional explanation regarding this proposal may be obtained from the Planning Commission minutes of November 20, 2012.

Respectfully submitted,



Timothy Cochran, City Planner
Planning and Development Department

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

ORDINANCE NO. 13-12

AN ORDINANCE TO AMEND SECTION 90-64
OF THE CODE OF THE CITY OF WYOMING

THE CITY OF WYOMING ORDAINS:

Section 1. That Section 90-64 of the Code of the City of Wyoming is hereby amended to read as follows:

Sec. 90-64. Landscaping.

In order to provide a more aesthetic appearance, a measure of shading, increased oxygen generation, and reduced air pollution, wherever site plan approval is required in this chapter part of that approval shall include a landscaping plan unless waived by the City Planner under the provisions of Section 90-1003 of this Zoning Code. The applicable landscaping plan requirements are detailed in Table 90-1003 (e) of this Zoning Code. The following standards shall apply for all required landscaping:

(1) *Front yards and secondary front yards.* At least one shade tree of a minimum 2.5 inch caliper or one evergreen tree at least six feet in height, or a combination thereof, shall be planted for each 50 feet of street frontage or fraction thereof. Said trees may be grouped or spaced. In addition, at least ten percent of the required greenbelt area must contain trees, shrubbery, flower beds, berms, groundcover, landscape mulch, woodchips, stone and/or other types of landscape materials. However, credit may be obtained for existing, healthy trees and plant material where consistent with the intent of this section. Shrubby must be planted at least three feet from all sidewalks, drives and parking lots, so as to not infringe upon same.

(2) *Large parking lots.* For every 50 parking spaces, or fraction thereof, there shall be provided an interior landscape area at least ten feet in width and 20 feet in length. Said landscape area shall contain at least one shade tree, at least 2.5 inch caliper. Other landscaping treatment shall be included in the landscape area, as described in (1) above. Shrubby must be planted at least three feet from all sidewalks, drives and parking spaces, so as to not infringe upon same.

(3) *Maintenance.*

a. In ground automatic irrigation shall be installed and utilized within the required front yard and secondary front yards for all commercial zoned districts. Irrigation shall

be installed along the entire street frontage either with new developments or with building additions adjacent to the street frontage that exceeds 50% of the existing building width.

b. All landscaping shall be maintained in a healthy, neat and orderly state, free from refuse and debris.

c. Plants shall be controlled by pruning, trimming, or other suitable methods so that they do not restrict pedestrian or vehicular access, or constitute a traffic hazard.

d. Any dead or diseased plants that were required by site plan approval shall be removed and replaced within one (1) year from the time that the plant dies.

e. Trees shown on the site plan shall not be removed, except to replace dead or diseased trees, unless approved as a site plan amendment. Any tree that is removed must be replaced in accordance with the approved site plan. Existing trees marked on the site plan to be preserved that are damaged or lost shall be replaced by at least two (2) trees of similar or better species of at least 2.5 inch caliper if deciduous, or six (6) feet in height if evergreen.

f. Trees that shall be retained on a lot or development site shall be located within an area referred to as a tree protection zone, which shall include the area occupied by the critical root zone. The area below the drip line of an existing tree to be saved should remain undisturbed. The drip line is an imaginary vertical line that extends downward from the outermost tips of the tree branches to the ground. The owner/developer shall take all necessary steps to avoid damage or destruction to existing trees to be preserved as shown on the site plan. Tree protection fencing, notes and details shall be shown on the landscape plan.

Section 2. This ordinance shall be in full force and effect on the _____ day of _____, 2013.

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 _____, 2013.

Heidi A. Isakson
Wyoming City Clerk

Ordinance No. 13-12



November 27, 2012

Ms. Heidi A. Isakson
City Clerk
Wyoming, MI

Subject: Request to amend Zoning Code Section 90-64 Front Yard Greenbelt and Parking Lot Landscaping regarding commercial front yard irrigation and the installation and preservation of landscaping.

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 November 20, 2012. Staff had the following comments:

The existing Zoning Code regulations pertaining to landscaping have been in effect since 1997. Over the years, there has been situations where the existing code has not been adequate. The proposed amendments are intended to address the following:

(a) Section 90-64 Title and beginning narrative.

Landscape plans, under Section 90-1003, are now required for all site plan reviews. This extends beyond front yard greenbelts and parking lot landscaping for nonresidential developments. Multifamily developments and nonresidential uses in residential districts will provide landscape plans. Also, situations will arise where landscape screen plantings and buffers are desired between uses. To address this, the title of Section 90-64 is proposed to be changed to "Landscaping". In addition, the phrase "for nonresidential uses" is removed from the beginning narrative. The City Planner is authorized under Section 90-1003 to waive the landscape plan requirement when it is not pertinent to the site plan review. This would typically be building additions to the rear of an existing development or associated with special use approval requests with no new construction.

(b) Section 90-64 (3) Maintenance.

This section of the ordinance is proposed to be greatly expanded. It's title is changed from "Maintenance" to "Installation and Maintenance." The amendments

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

would require the following:

1. Irrigation in the front and secondary front yards for new commercial developments, or significant additions in the front yard areas, would be provided. For years, staff and others have noticed the poor condition of front yards in the commercial districts when no irrigation system is utilized. This led to the DDA installing irrigation along 28th Street. The situation became far more noticeable with the drought conditions this summer. Significant efforts are underway to revitalize our commercial corridors whether it be through the Turn on 28th Street master planning or the redevelopment opportunities provided by the Silverline Bus Rapid Transit System along Division Avenue. New private investments in our commercial corridors would be encouraged by an overall attractive streetscape and it would enhance the community's image.
2. Additional language is provided to maintain the health and appearance of landscaping, as well as ensure that it does not become a hindrance or safety issue to pedestrians, traffic or utility services. Plants that are approved with the landscape plan and subsequently die would be required to be replaced within one year.
3. Approved trees on the landscape plan that subsequently are removed without a plan amendment would be required to be replaced. It would be difficult to replace a tree that has grown into maturity. As such, a mature tree would be required to be replaced by two trees of similar or better species and 2 ½ inch caliper if deciduous or six foot if evergreen.
4. Periodically, projects will include the preservation of a significant tree, stand of trees, or a do not disturb area for buffering or environmental purposes. During construction of the developments surrounding these areas, it is important to prevent construction equipment from disturbing the trees root zone and ultimately killing the trees. Measures such as temporary fencing to protect the trees would be shown on the landscape plan.
5. Under the current ordinance, the City would be provided a financial guarantee that landscaping would be installed if the conditions warrant. This has never been requested or provided. Staff would work with the developer to set a reasonable time frame for the installation. It is highly questionable that the City could withhold issuance of a Certificate of Occupancy for a development over landscaping as is not a health or safety issue. Staff proposes to amend the ordinance to adhere with current practice. In the event installation of the landscaping becomes an issue, City Codes through the civil infraction process can force compliance.

The proposed ordinance amendments have been presented to the Downtown Development Authority, Division Avenue Business Association and the 28th Street Business Association. Effectively, the only concerns raised pertained to the irrigation requirements. All perceived the benefit to the overall business community by having attractive front yards in commercial corridors. However, some individuals place greater concern with the additional costs to businesses with irrigation installation, water use charges, and system maintenance. The DDA recommends the proposed code amendments, but there is no recommendation from the business associations.

PROPOSED ORDINANCE AMENDMENTS (as amended by the Planning Commission):

Section 90-64 Landscaping

In order to provide a more aesthetic appearance, a measure of shading, increased oxygen generation, and reduced air pollution, wherever site plan approval is required in this chapter (removed - for nonresidential uses), part of that approval shall include a landscaping plan unless waived by the City Planner under the provisions of Section 90-1003 of this Zoning Code. The applicable landscaping plan requirements are detailed in Table 90-1003 (e) of this Zoning Code. The following standards shall apply for all required landscaping:

- (1) Unchanged.
- (2) Unchanged.
- (3) Installation and maintenance.
 - a. In ground automatic irrigation shall be installed and utilized within the required front yard and secondary front yards for all commercial zoned districts. Irrigation shall be installed along the entire street frontage either with new developments or with building additions adjacent to the street frontage that exceeds 50% of the existing buildings width.
 - b. All landscaping shall be maintained in a healthy, neat and orderly state, free from refuse and debris.
 - c. Plants shall be controlled by pruning, trimming, or other suitable methods so that they do not restrict pedestrian or vehicular access, or constitute a traffic hazard.
 - d. Any dead or diseased plants that were required by site plan approval shall be removed and replaced within one (1) year from the time that the plant dies.

e. Trees shown on the site plan shall not be removed, except to replace dead or diseased trees, unless approved as a site plan amendment. Any tree that is removed must be replaced in accordance with the approved site plan. Existing trees marked on the site plan to be preserved that are damaged or lost shall be replaced by at least two (2) trees of similar or better species of at least 2.5 inch caliper if deciduous, or six (6) feet in height if evergreen.

f. Trees that shall be retained on a lot or development site shall be located within an area referred to as a tree protection zone, which shall include the area occupied by the critical root zone. The area below the drip line of an existing tree to be saved should remain undisturbed. The drip line is an imaginary vertical line that extends downward from the outermost tips of the tree branches to the ground. The owner/developer shall take all necessary steps to avoid damage or destruction to existing trees to be preserved as shown on the site plan. Tree protection fencing, notes and details shall be shown on the landscape plan.

(4) Deleted.

The Development Review Team suggested the Planning Commission recommend to the City Council the subject Zoning Code amendments.

A motion was made by Arnoys, supported by Hegyi, to recommend to City Council the Zoning Code amendments as recommended by the DRT. After discussion, and amending subsections "c" and "d", the motion carried 8-1 (Postema). Additional explanation regarding this proposal may be obtained from the Planning Commission minutes of November 20, 2012.

Respectfully submitted,



Timothy Cochran, City Planner
Planning and Development Department

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

ORDINANCE NO. 14-12

AN ORDINANCE TO ADD SECTION 90-68, AMEND
SECTIONS 90-371(18) & (19), AND REPEAL SECTION 90-401(3)
TO THE CODE OF THE CITY OF WYOMING

THE CITY OF WYOMING ORDAINS:

Section 1. That Section 90-68 is hereby added to the Code of the City of Wyoming to read as follows:

Sec. 90-68. Outdoor sales.

Outdoor or tent sales for permanent, occupant businesses, or for their customary store products, limited to a maximum of 15 days annually, between the months of May and November. Fraternal, public, charitable and religious organizations having permanent business addresses in the city are permitted to have outdoor sales, under the same time constraints, either in commercial districts or at the location of their permanent address in noncommercial districts. Between Thanksgiving and Christmas days, outdoor Christmas tree sales are allowed on any commercially zoned property and at the permanent business addresses of fraternal, public, charitable and religious organizations subject to obtaining a city business license.

Section 2. That Section 90-371(18) of the Code is hereby amended to read as follows:

(18) Reserved.

Section 3. That Section 90-371(19) of the Code is hereby amended to read as follows:

(19) Reserved.

Section 4. That Section 90-401(3) of the Code is hereby repealed.

Section 5. This ordinance shall be in full force and effect on the _____ day of _____, 2013.

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 _____, 2013.

Heidi A. Isakson
Wyoming City Clerk

Ordinance No. 14-12



November 27, 2012

Ms. Heidi A. Isakson
City Clerk
Wyoming, MI

Subject: Request to amend Zoning Code Section 90-371 B-2
General Business District Permitted Uses, Section 90-401
B-3 Planned Business District Permitted Uses and Section
90-68 regarding outdoor sales.

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 November 20, 2012. Staff had the following comments:

Zoning Code Sections 90-371 (19) B-2 District and 90-401 (3) B-3 District primarily provides for temporary commercial outdoor sales within these two zoning districts. However, the provisions go further by stating that fraternal, public, charitable and religious organizations are permitted to have outdoor sales on any commercial property in the City or at the location of their permanent address regardless of the zoning district. In addition, the provisions allow outdoor Christmas tree sales between Thanksgiving and Christmas days on any commercial property or, by the referenced service organizations, at their permanent business address. The ordinance provision is identical in both Zoning Code sections.

This regulation has been in the Zoning Code since 1983. Although it is placed in the B-2 and B-3 Districts use listings, its application is throughout the City. Staff believes it would be more appropriate to remove the provision from the use listings of the B-2 and B-3 districts and insert the same language into Section 90-68. This is a reserved and unused section of the Zoning Code. This reformatting would make it clear that the outdoor sales provisions are applicable City-wide, providing the business meets the defined parameters. The wording of this regulation is not altered by the proposed Zoning Code reformatting.

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

PROPOSED ORDINANCE AMENDMENTS:

Section 90-371. Principal permitted uses.

(19) Reserved.

Section 90-401. Principal permitted uses.

(3) (Removed from code).

Section 90-68. Outdoor sales.

Outdoor or tent sales for permanent, occupant businesses, or for their customary store products, limited to a maximum of 15 days annually, between the months of May and November. Fraternal, public, charitable and religious organizations having permanent business addresses in the city are permitted to have outdoor sales, under the same time constraints, either in commercial districts or at the location of their permanent address in noncommercial districts. Between Thanksgiving and Christmas days, outdoor Christmas tree sales are allowed on any commercially zoned property and at the permanent business addresses of fraternal, public, charitable and religious organizations subject to obtaining a city business license.

The Development Review Team suggested the Planning Commission recommend to the City Council the subject Zoning Code amendments.

A motion was made by Woodruff, supported by Hegyi, 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 November 20, 2012.

Respectfully submitted,



Timothy Cochran, City Planner
Planning and Development Department

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



November 27, 2012

Ms. Heidi A. Isakson
City Clerk
Wyoming, MI

Subject: Request to amend Zoning Code Section 90-371 B-2
General Business District Permitted Uses regarding
billboards.

Recommendation: To approve the subject Zoning Code amendment.

Dear Ms. Isakson:

The above referenced request was reviewed by the Wyoming Planning Commission at its regular meeting on November 20, 2012. Staff had the following comments:

In January 2009, the ordinance substantially amending the Zoning Code sign requirements was adopted. These amendments were significant and resulted in changes throughout all zoning districts. Included in these amendments was the requirement for off-premise advertising signs (billboards) under Section 90-800 (1) that states:

“Off-premise advertising signs shall be permitted only in the I-1 or I-2 districts on property abutting a freeway right-of-way.”

Prior to this amendment, the Zoning Code allowed billboards in the I-1 Light Industrial, I-2 General Industrial, B-2 General Business and B-3 Planned Business districts on properties abutting a freeway or major thoroughfare.

Lost in the restructuring of the Zoning Code with the amendments was the provision under Section 90-371 (18) B-2 General Business District Permitted Uses that currently states:

“Billboards, when abutting a freeway or major thoroughfare.”

This ordinance provision must be removed to eliminate the conflict with the appropriate provision under Section 90-800 (1). The City has not been at risk to allow billboards in the B-2 district during this period of opposing regulations as under Zoning Code Section 90-33 Conflicting Regulations the most restrictive provision within the Zoning Code governs.

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

PROPOSED ORDINANCE AMENDMENT:

Section 90-371 B-2 General Business District Permitted Uses

(18) Reserved.

The Development Review Team suggested the Planning Commission recommend to the City Council the subject Zoning Code amendment.

A motion was made by Woodruff, 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 November 20, 2012.

Respectfully submitted,



Timothy Cochran, City Planner
Planning and Development Department

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



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

January 2, 2013

Ms. Heidi A. Isakson
City Clerk
Wyoming, MI

Subject: Communication from the Planning Commission- City
promotion and encouragement of irrigation systems.

Dear Ms. Isakson:

On November 20, 2012, the Planning Commission recommended to the City Council landscaping amendments to the Zoning Code that included requiring front yard irrigation systems for commercial properties. On December 18, the Planning Commission recommended the City Council consider a City program to offset the costs associated with the irrigation systems. A copy of their official correspondence is attached.

For the record, a motion was made by Postema, supported by Woodruff, to recommend to the City Council the subject letter as a communication from the Planning Commission. The motion carried unanimously. Additional explanation regarding this recommendation is provided by the Planning Commission minutes of December 18, 2012.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read 'Timothy Cochran', written over a horizontal line.

Timothy Cochran, City Planner
Planning and Development Department

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

December 11, 2012

City Council
City of Wyoming
1155 28th St. SW
Wyoming, Mi 49509

RE: Irrigation requirements commercial and industrial properties

Dear Council Members:

Last month the Planning Commission recommended an amendment to the zoning ordinance that, among other things, will require irrigation be installed in the front and secondary front yard of commercial properties. The intent is to promote and encourage well maintained and healthy landscape areas within the city.

The Planning Commission recognizes that installation of the system is an additional burden to business in Wyoming not only because of the initial cost of installation, but because operation of the system is also a recurring cost. In order to encourage installation for grandfathered properties, and promote regular use of irrigation at all properties, the Planning Commission recommends that the City Council investigate options for reducing the cost of operation for commercial property irrigation systems.

While there may be many possible avenues to encourage installation and use of irrigation, the following are suggestions that we thought might be reasonable and effective:

1. Provide a second, "irrigation", water meter to property owners free of charge. This second meter allows for more accurate billing because the property owner is able to avoid charges for impact on the sewage system. The expense to the city is minimal and lowering the cost of operation of irrigation will encourage use.
2. Provide backflow testing for commercial properties free of charge. The city mandates this test annually to assure the integrity of the water system. The cost of this test is also a disincentive to installation of irrigation. The city could better monitor the integrity of these devices and minimize impact on business by completing the test itself. This added cost could be minimized by competitive forces if the city received bids for large areas of the city. Due to the extensive sprinkling systems the city has in boulevards and other areas, the city does some of this already.

Thank you for your consideration.,

Wyoming Planning Commission