

CHARTER TOWNSHIP OF MONITOR
SPECIAL TOWNSHIP BOARD MEETING
SEPTEMBER 1, 2020

The Supervisor called the meeting to order at 2:00 p.m.

Members present: Malkin, Kowalski, Pike, Brandt, Kochany, Reder, Walsh
Members absent: None
Also present: R. Sheppard, Township Attorney
B. Woolwine & Joel Keister, Serenus Johnson
P. Haselhuhn – WTA
D. Scherzer - Spicer

The Pledge of Allegiance was recited by all present.

Public Input opened at 2:01 p.m.

S. Carmona, Grayling, MI (Business 2020 S. Euclid) asked questions regarding the cross outs in the amended agreement and asked if there were another contract.

Malkin requested Carmona supply to the board a listing of his concerns regarding the contract.

J. Leuenberger, 3368 Fraser, referenced the April 16, 2020 special meeting minutes and asked if the township was going to get 3 bids for construction.

Public Input closed at 2.09 p.m.

Brandt asked to add the BCPS Maintenance building to the agenda.

The Clerk stated the only thing posted on the notice for this meeting was the Serenus Johnson contract.

Reder asked Sheppard if all board members are present, if additional items could be added.

Sheppard stated items for a special meeting cannot be added to the agenda if it was not noticed unless all board members are present.

Motion by Reder supported by Walsh to adopt the agenda with the addition of the BCPS Maintenance building.

Motion carried.

The purpose of the meeting was for board members to discuss the Fire Station Project with Serenus Johnson and consider the amendment to the contract that was tabled at the August 24, 2020 regular meeting.

Reder asked B. Woolwine from Serenus Johnson to explain the contract amendment.

Woolwine stated the whole contract is based on the project description and estimates contained in the 3-ring binder that was submitted to the board at the April 16, 2020 special meeting.

Woolwine stated their goal of design build is to work closely with the owner and the design team to oversee the construction for “value engineering”. Serenus Johnson is an open book company; they will provide updates of the project as well budget updates. Their intent is that once the

contract is approved/signed, the project is put out for bid for all the subcontract work. The board will be aware of what the final cost will be once the numbers come in. Serenus Johnson will be the contractor for the project.

Brandt asked if there are contingencies.

Woolwine stated they did put in allowances for the project for testing, temporary electrical service, utility service fee, landscaping and kitchen equipment (listed in the proposed construction budget in the binder from April 16.) Woolwine stated it was at that meeting the board opted to add 150,000 to the project for soft costs. Woolwine further stated that any cost estimates that come in lower for the project will be set aside for contingencies.

Every component of the addition has been thoroughly reviewed and estimated out. The addition represents a large portion of the project.

Pike asked if the recent hurricane would affect the project cost.

Woolwine stated since most of the materials for the main addition are metal, (steel building with a steel roof) those costs have remained stable.

Pike asked if there has been information supplied for who would be the owner representative and if we needed to get bids.

Malkin stated, as it was discussed at our last board meeting, the township engineer would generally act as the owner representative. The township has two engineering firms; Kibbe and Spicer. Since Kibbe is working as engineer with Serenus Johnson on another project, he said at the meeting, he would ask Spicer to submit a proposal for the next board meeting. Since D. Scherzer from Spicer was present at our meeting last week (August 24, 2020), Scherzer called the next day and stated Spicer would act as the township owner representative for an hourly fee. It was for this reason Malkin asked Scherzer to attend the meeting today.

Woolwine stated the original contract was \$20,000 for design. In April, the board approved an additional amount (\$80,000) for Serenus Johnson to work in conjunction with WTA, to continue to develop the design work so that after the proposal passed, the prefab building could be ordered. It will take approximately 12 weeks for the building to be fabricated once the order is placed.

Sheppard stated there is nothing in the AIA amended contract that is controversial. It does contain a stipulated amount in the contract.

Reder asked if there were an issue regarding the resolution on sealed bids that was adopted at the October 22, 2018 regular meeting, of whether the board needed to bid out the construction project before it could proceed.

Sheppard stated the competitive bid requirement was repealed. Though Sheppard stated he was not at the meeting, the township did on October 18, 2018, adopt by motion by Reder supported by Walsh, Resolution R-2018-014, the resolution on sealed bids that gave the township board the ability to supersede the provisions of this resolution and base their decision on the interview process. The township chose to do so for the fire station project; interviewed three contracting firms and ultimately chose Serenus Johnson Construction for the project.

Scherzer stated the contract amendment is a standard AIA agreement and it is not unusual for the amendment to not have all the wording of the original agreement.

Pike asked for the board to go through all the paragraphs with strikeouts of the contract. Woolwine stated the contract has a stipulated amount. Most of the paragraphs are not applicable and that is the reason they are crossed out. The amendment to the contract is based on the scope of work they initially proposed. This is different from work based on a guaranteed price that are contained in the crossed-out paragraphs.

Woolwine stated any change to the scope of the project would have to be approved by the township board.

After considerable discussion of the AIA document, the following motion was made:

Motion by Kowalski supported by Reder to approve the design/build amendment submitted by Serenus Johnson at the August 24, 2020 board meeting and amended at this special meeting of September 1, 2020 for continued design and build of the fire station improvement project in the amount of \$4,584,700, due to the passage of the Fire Station bond proposal on August 4, 2020, contingent upon the following amendments to the contract are inserted as follows: reinsertion of paragraph A.1.5.1.5; reinsertion of paragraph A.1.5.1.6; Addition to paragraph 2.2 to reflect the second substantial completion date of 04-01-2022 for the north addition and remainder of the project; reinsertion of paragraph 5.2; reinsertion of paragraph A.5.4.3 and reinsertion of paragraph A.5.5.; Either the Supervisor or Clerk are granted the power to sign the amended contract submitted.

Roll call vote:

Yes: Malkin, Kowalski, Pike, Kochany, Reder, Walsh

No: Brandt

Absent: None

Motion carried.

There was a short 5-minute intermission of the board meeting.

BCPS Maintenance Building

Brandt submitted a copy of an email he sent to the Bay City Public School board members, inquiring as to the events leading to the sale of the former Baxman School property (currently the BCPS maintenance building) and the reasons why the township was not given the opportunity to make a counter offer before the property was sold on August 10th.

Brandt also supplied a copy of the email he received from BCPS board president Rademacher.

Malkin stated he made a report at 2 board meetings of the BCPS interest to sell the maintenance building and received no definite feedback from board members to put the item on the agenda and make an offer above the initial \$1.00 that was discussed with BCPS Superintendent Bigelow. He had discussed the building with the building and grounds director, D. Pfund to inquire the status of the building but did not go further with his investigation without board input or approval.

The main question now is, “where does the board wish to go from here?”

There was discussion regarding the possibility to purchase the property from the new owner. Motion by Reder supported by Walsh to authorize the Supervisor and the township attorney to contact R. Clements to see what interest he has for the township to purchase the former BCPS maintenance building.

Motion carried.

Brandt stated he would like to be included in the meeting with Clements. Malkin stated he would let Brandt know the date and time of the meeting.

The meeting adjourned at 4:30 p.m.

Cindy L. Kowalski, Clerk

Ken Malkin, Supervisor