

VILLAGE *of* LAWTON
VILLAGE COUNCIL MEETING
COMMITTEE OF THE WHOLE
125 S. MAIN STREET, LAWTON, MI 49065
TUESDAY, October 24, 2023 – 7:00 P.M.
please silence your cell phones

AGENDA

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. PLEDGE OF ALLEGIANCE**
- IV. CONSENT AGENDA**
 - A. Approval of the October 24, 2023 Council Agenda
 - B. Approval of the October 11, 2023 Council Meeting Minutes
 - C. Approval of the October 11, 2023 Special Council Meeting Minutes
- V. COMMUNICATIONS / CORRESPONDENCE / PRESENTATIONS:**
 - A. DSMI Final Project Update.....Discussion
- VI. CITIZENS’ COMMENTS – (Please keep comments to 3 minutes)**
- VII. PUBLIC HEARINGS / APPOINTMENTS / PROCLAMATIONS**
- VIII. OLD BUSINESS**
 - A. Reid’s Corner Final Input.....Discussion
- IX. NEW BUSINESS**
 - A. Transition of Duties.....Discussion
- X. BOARD, COMMITTEE, AND STAFF REPORTS**
- XI. COUNCIL COMMENTS**
- XII. ADJOURNMENT - NEXT REGULAR MEETING DATE – *November 14, 2023***



LAWTON VILLAGE COUNCIL

Regular Meeting Minutes – Tuesday October 10, 2023, at 7:00 p.m.

Village Hall – 125 S. Main Street, Lawton MI 49065

WWW.LAWTONMI.ORG 269.624.6407

MINUTES

- I. **Call to Order:** President Appleby called the October 10, 2023, meeting of the Lawton Village Council to order at 7:00 p.m.
- II. **ROLL CALL** *Present:* Appleby, E. Dudek, Peterson, G. Dudek, Smith, Turner, Tanis *Absent:* None. *Others Present:* Village Manager Imus, Clerk Rathbun, Police Chief Mack, Superintendent Hackenberg, and seven other guests.
- III. **Consent Agenda:** The Consent Agenda included the approval of the October 10, 2023 Council Agenda, the September 12, 2023 Council Meeting Minutes, approval of MML yearly membership in the amount of \$1,746.00, the award of the Wellhead Protection Grant in the amount of \$5,000.00, and approval of the September 2023 disbursements in the amount of \$187,652.37. Peterson made a motion to approve the Consent Agenda supported by E. Dudek. A unanimous roll call vote approved the motion.
- IV. **COMMUNICATIONS / CORRESPONDENCE / PRESENTATIONS:**
 - A. Imus presented a Letter of Support for the submission of a grant which would allow staff to train with a professional grant writer. The awarded amount will be \$50,000, with each community matching \$2,000 in In Kind Services (IKS). The submission requires a Letter of Support from each community.
 - B. Imus presented a communication from Sarah Snoeyink of Market Van Buren that Market Van Buren was awarded a grant from the Michigan Department of Rural Development to complete a residential Target Market Analysis for Van Buren County. Matching Funds have been committed by Van Buren County in order to ensure that every municipality in Van Buren County has equal access to this data.
 - C. Imus Presented that the Federal Highway System would like council to fill out in an input survey.
- V. **CITIZENS' COMMENTS:**
 - A. County Commissioner Tina Leary came in and stated that she is going to try to come every other month to provide updates due to several local communities having meetings the same night. She stated the Veteran's Committee presented their updates for the last year and they had over 2900 contacts. She stated that of the veterans served over \$5 million are coming to the veterans in Van Buren County. Leary stated that they had 80,000 veterans sign up for healthcare in the last year. She wanted to mention that the morning of Friday October 13th from 10-2 they are having an open house at the Decatur VFW . Commissioner Leary reported that the Domestic Violence Coalition has been around for 25 years now. They have grown and have recently moved over to a bigger building on Gremps in Paw Paw. Commissioner Leary stated that the Domestic Violence Coalition is now looking for an extra board member, as well as more volunteers. County Commissioner Leary was excited to report that the county has created a new position as the Director of Community Services for Lawton's Village Manager, Lisa Imus, who begins with them next week.

- B. Therese Malberg from Mattawan spoke as a part of a group called MH action. They are fighting to make life easier for mobile home residents. She stated legislators are introducing bills 469-492 introduced on the 13th of last month that would create a manufactured parks commission and give local communities more ownership of mobile home communities along with other things. She stated she is not aware if there are any mobile home communities here in Lawton, however, it would also cover recreational parks, around the lakes more rurally, so she felt it would be important for everyone to know what is going on. She feels that these bills would help the situation for mobile home residents and owners very much.

VI. PUBLIC HEARINGS / APPOINTMENTS / PROCLAMATIONS:

- A. President Appleby opened the Public Hearing for consideration of Resolution 14-2023: Establishment of Village of Lawton Plant Rehabilitation District (“Lawton PRD 2022”) for Welch Foods Inc at 7:13PM. President Appleby asked for public comment. There being none, Turner made a motion, seconded by G. Dudek to approve Resolution 14-23: Establishment of Village of Lawton Plant Rehabilitation District (“Lawton PRD 2022”) for Welch Foods Inc. A roll call vote was taken with all in favor and none opposed. President Appleby closed the public hearing at 7:17PM.
- B. President Appleby opened the Public Hearing for consideration of Resolution 15-2023: Approval of Industrial Facilities Exemption Certificates for Welch Foods Inc at 7:18PM. President Appleby opened the floor to public comment. There being none, Peterson motioned for approval of Resolution 15-2023: Approval of Industrial Facilities Exemption Certificates for Welch Foods Inc. Turner seconded, and a roll call vote was taken with all in favor and none opposed. Following the resolution approval, President Appleby closed the public hearing at 7:22PM.

VII. OLD BUSINESS: None

VIII. NEW BUSINESS:

- A. E. Dudek made a motion to establish 2023 trick or treat hours in the village between 5:30-7:30PM on October 31st. Smith seconded the motion, followed by a voice vote. All in favor, none opposed. Motion carried.
- B. Hackenberg presented Silversmith Data Service Agreement. Hackenberg reported that this will provide the Village with many services including a work order program, street sign inventory, along with alerts to update out of date items and alarms for repetitive maintenance that is necessary. Hackenberg reported this will work with our current GIS software. Silversmith will offer the Village 24/7 support, and this amount is locked in yearly. It will not go up. Trustee E. Dudek, supported by trustee Turner made a motion to enter into a service agreement with Silversmith Data in the amount of \$3,412.00, with an annual recurring fee of \$1,436.00. A roll call vote was taken with all in favor, and none opposed.
- C. Wightman engineer, Paul Harvey presented a contract agreement with Wightman for White Oak Road improvement projects. Harvey reported that this will be an improvement project with Federal funding to back it. He reported that repairs will be done through MDOT. While MDOT has a stricter deadline, they will bid it out at the end of the 2024 fiscal year, and plan to begin construction in Spring of 2025. Harvey wanted to note that fees include for the design and construction engineering services are firm, but construction services are time and materials. Hackenberg commented that the additional services like extending water to the village limit and replacing lead and copper services will be added to the project. Hackenberg stated they looked at sewer, but that was too expensive. With the addition of utilities, property within the village will become more desirable for developers. After hearing the benefits of this project, G. Dudek seconded by Smith made a motion to award Wightman Engineering the service agreement for White Oak Road improvements project in the amount of \$ 139,300.00. A roll call vote was taken,

with all in favor and none opposed.

- D. Hackenberg presented an invoice from Peerless Midwest for well cleaning. Hackenberg stated that we have all of the wells cleaned on a rotation and do one yearly. He stated this amount is for well number 4. After discussion, trustee Peterson, seconded by trustee Tanis made a motion to award Peerless Midwest the quote in the amount of \$46,725.00 to clean village well #4. A roll call was taken with all in favor and none opposed.
- E. President Appleby presented an invoice from Market Van Buren. He stated that this is a yearly membership price, and that being a part of Market Van Buren has been beneficial for the Village of Lawton. Turner made a motion to pay the invoice from Market Van Buren for the amount of \$1,210.15, seconded by Smith. A roll call vote was taken with all in favor and none opposed.
- F. Hackenberg presented a contract from Dixon for Emergency Services. Hackenberg reported that the village can choose to renew every year, and we can decide to cancel at any point if we decide we do not like it. He reported that there are no costs up front, but it will lock in prices for us in the event of an emergency. These prices are locked in for a year. After discussion, E. Dudek made a motion to enter into the contract with Dixon for Emergency Services with an attached fee schedule. Tanis seconded, followed by a roll call vote with all in favor and none opposed.

IX. BOARD, COMMITTEE, AND STAFF REPORTS

- A. Village Manager Imus reported on the ARPA funds status and the availability of \$145,000 available for Village Hall repairs. Imus reported we are in the process of getting bids for roof replacement bids. Imus reported that we did receive the \$5,000 wellhead protection grant with the village matching \$5,000 from the water fund to find out where we can place a new well to diversify where the water comes from. Imus reported DPW Director Hackenberg will be taking on this project. Imus also reported that as she is transitioning out of the position beginning next week to accept her new position with Van Buren County. She is in the process of creating a spreadsheet of projects with assignments and funding. While this Friday the 13th will be her last official day, she will be here for the meeting on October 24th to discuss transitional projects, duties, and Village Priorities. Village Manager Imus reported that the community has been informed that beginning next week we will have a staff shortage, and we may need some flexibility on hours as needs arise. Village Manager Imus reported that while we are between her and the next Village Manager, she thought it would be good to appoint an interim Village Manager in case of emergencies and to help with processing the day to day activities. Upon Village Manager Imus' recommendation, E. Dudek moved to appoint DPW Director Todd Hackenberg as the interim Village Manager, with support from G. Dudek. A voice vote was taken with all in favor and none opposed.
- B. Superintendent Hackenberg reported that the new truck he ordered a year ago is finally here. He believes that November 1st will be a good day for leaf pickup to begin. He reported that the new water line locator is here, so he is waiting on getting training for that. Hackenberg reported after harvest he will be doing hydrant flushing during the day rather than at night by quadrant, and he is working on a signage plan for residents to be alerted. Superintendent Hackenberg reported that since grape harvest has begun the village is pumping about 1.5 million gallons of water per day. He also reported that the village did our state testing which has been submitted. The village has high iron levels on two wells, which exceed the state levels. He is going to call into EGLE for a second time this week to see what the next steps are.
- C. Clerk Rathbun reported that while going through new insurance contracts, she found that the plan did not allow for Short Term Disability insurance to be supplemented with sick time. This was against the police union policy. After going through the information with the village insurance rep and several companies, Kansas City Life was willing to rewrite the Village's Short-Term Disability plan to allow for the supplementation of sick time for an additional \$35.13 per month,

which will keep us in line with our union contract.

- D. Chief Mack reported that there have been some resident concerns about blight. He did stop at the properties and they were in the process of cleaning things out, and already have a court date. He did ask for a status update from Beth for Zoning Solutions. He reported we are trying to get a date where we can meet because they have provided us with a list of properties to address, but there isn't a whole lot of detail on what is going on at these addresses. Chief Mack would like to make sure that properties are not being addressed by both our police department and Zoning Solutions with the lack of communication from Zoning Solutions. He stated we need to have that meeting so that we can have status updates. He reported he has resigned due to another opportunity he has accepted. He stated he is committed to the community, and has agreed to stay on part time as a chief currently and would like to stay on part time as an officer for the department long term. He has been working on staffing since we are still short an officer as well. He stated Scott Hitchcock switched his shift to work a day shift Monday through Friday 7AM-3PM to cover Chief Mack's current hours. Dalton and Largen will be working 3PM-3AM shift for maximum coverage. We will be doing that shift until further notice. He stated this has been a great opportunity and he would like to thank everyone for the support over all the years.
- E. Peterson reported Planning commission did not meet in October, however they will be starting on Zoning Ordinance in November and December and they would like any council members who can attend these meetings to come and participate from the audience rather than holding second council meetings for the months of November and December.
- F. G. Dudek reported DDA met and would like to remind everyone that the Golf Cart Parade is this Sunday, October 15 with a rain date of the following Sunday, October 22. G. Dudek reported that we did get a third bid on the pickleball courts. The third bidder is suggesting that the courts get completely torn out and replaced. We may need to ask for an extension on the grant for the pickleball courts. To replace both courts will be about \$60,000 vs. \$62,000 to repair, so this will be a more long-term solution.
- G. E Dudek reported that the Fireboard met and they discussed the roof.
- H. Library Director Tone reported the library has a few exciting things happening including a paranormal event on October 24th at 6PM. They will be adding an evening story time starting in November. This story time will be the first Wednesday of the month at 4:30PM. They are also partnering with the Van Buren County Legal Help. Our library will now be a legal help hub. The library will now be going back to White Oaks to do crafts with the adults on the second Wednesday of the month at 3:00PM she is also trying to get ahold of Blueberry Hill to see about doing crafts with those residents as well.

X. COUNCIL COMMENTS:

- A. President Appleby stated that the council has hiring committees set up for interview, and he is grateful that both Village Manager Imus and Chief Mack will stay on to help with their transition. President Appleby stated that he would like to express his appreciation for everything that they have done for the village in both of their time with the village.

- XI. **ADJOURNMENT:** Turner supported by E. Dudek made a motion to adjourn the meeting at 8:40PM. The motion was approved by unanimous consent.

Respectfully Submitted by,

Brittany Rathbun
Village Clerk



**Village of Lawton
VILLAGE COUNCIL
SPECIAL MEETING
125 S. MAIN, LAWTON MI 49065 269.624.6407
Thursday, October 10, 2023
MINUTES**

- I. **Call to Order:** President Appleby called the October 10, 2023, special meeting of the Lawton Village Council to order at 5:00PM
- II. **Attendance:** Present: Appleby, G. Dudek, E. Dudek, Peterson, Village Manager Imus, Clerk Rathbun, Superintendent Hackenberg, Joy Sportel and Nolan Miller from Progressive AE, Joe Magers a local business owner, guest Molly Buckham, and one other guest.
- III. **Communications, Correspondence, and Presentations:**
- IV. Joy Sportel and Nolan Miller with Progressive AE provided architectural updates and an overview of the final plans for Reid's corner. Council and guests provided questions for feasibility and input for the engineers. Progressive will take the input and revise and provide another update.
- V. **Council Comments:** None.
- VI. **Adjournment:** motioned, and seconded to adjourn at pm.

Respectfully Submitted by,

Brittany Rathbun
Village Clerk

Good afternoon,

Please see the attached Draft Final Pay Estimate to Kalamazoo Excavation for the DSMI Project. Please note, the pay estimate includes the release of retainage and would wrap up the project. Therefore, if there is any restoration or clean up necessary, we should get that taken care of prior to signing and issuing payment. The total of this pay estimate is \$13,970.50

In summary:

- Total payment for the following items:
 - Interior Inspections – 115 ea
 - Exterior Inspections – 95 ea

- Actual inspections complete:
 - Interior Inspections – 103 ea (15 attempted by Kzoo Excavation but unable to be accessed)
 - Exterior Inspections – 105 ea (14 exteriors that were completed when the interior could not be accessed, these 14 were not considered for payment. Four exteriors were partially complete and attempted but could not be completed due to roots / tree obstructions.)
 - Total Inspections Complete (both interior and exterior) – 91 ea

Our original goal was to complete 102 inspections (20% of the approx. total 506 active services). We currently have 91 entirely complete with a handful partially complete. In my opinion, this should be sufficient to assist in completing the CDSMI (Complete Distribution Service Materials Inventory) which is due at the end of next year. The inspection data will be used to extrapolate and estimate the water service materials throughout the Village. Also, MDOT is replacing +/- 38 services next year which will be additional data we can use to help estimate the service materials throughout the Village.

Please let me know if you have any questions or concerns. If you agree with the quantities, I will send over to Kzoo Excavation for their approval / signature prior to the Village signing.

Thank you very much,

Paul Harvey PE

OFFICE 269.605.4103 MOBILE 269.760.5082
433 E RANSOM STREET, KALAMAZOO, MI 49007
GOWIGHTMAN.COM



Contractor's Application for Payment

Owner: <u>Village of Lawton</u>	Owner's Project No.: _____
Engineer: <u>Wightman</u>	Engineer's Project No.: <u>214444</u>
Contractor: <u>Kalamazoo Excavation</u>	Contractor's Project No.: _____
Project: <u>Distribution System Materials Inventory (DSMI)</u>	
Contract: _____	
Application No.: <u>2</u>	Application Date: <u>10/17/2023</u>
Application Period: From <u>8/2/2023</u> to <u>10/17/2023</u>	

1. Original Contract Price	\$	49,010.00
2. Net change by Change Orders	\$	-
3. Current Contract Price (Line 1 + Line 2)	\$	49,010.00
4. Total Work completed and materials stored to date (Sum of Column G Lump Sum Total and Column J Unit Price Total)	\$	39,220.00
5. Retainage		
a. <u>0%</u> X <u>\$ 24,505.00</u> Work Completed	\$	-
b. _____ X <u>\$ -</u> Stored Materials	\$	-
c. Total Retainage (Line 5.a + Line 5.b)	\$	-
6. Amount eligible to date (Line 4 - Line 5.c)	\$	39,220.00
7. Less previous payments (Line 6 from prior application)	\$	25,249.50
8. Amount due this application	\$	13,970.50
9. Balance to finish, including retainage (Line 3 - Line 4)	\$	9,790.00

Contractor's Certification

The undersigned Contractor certifies, to the best of its knowledge, the following:

(1) All previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with the Work covered by prior Applications for Payment;

(2) Title to all Work, materials and equipment incorporated in said Work, or otherwise listed in or covered by this Application for Payment, will pass to Owner at time of payment free and clear of all liens, security interests, and encumbrances (except such as are covered by a bond acceptable to Owner indemnifying Owner against any such liens, security interest, or encumbrances); and

(3) All the Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.

Contractor: Kalamazoo Excavation

Signature: _____ **Date:** _____

Recommended by Engineer	Approved by Owner
By: _____	By: _____
Title: <u>Paul Harvey, P.E., Project Manager</u>	Title: _____
Date: _____	Date: _____
Approved by Funding Agency	
By: _____	By: _____
Title: _____	Title: _____
Date: _____	Date: _____

Progress Estimate - Unit Price Work

Contractor's Application for Payment

Owner: Village of Lawton
Engineer: Wightman
Contractor: Kalamazoo Excavation
Project: Distribution System Materials Inventory (DSMI)
Contract: _____

Owner's Project No.: _____
Engineer's Project No.: 214444
Contractor's Project No.: _____

Application No.: 2 **Application Period:** From 08/02/23 to 10/17/23 **Application Date:** 10/17/23

A	B	C	D	E	F	G	H	I	J	K	L
Bid Item No.	Description	Contract Information				Work Completed		Materials Currently Stored (not in G) (\$)	Work Completed and Materials Stored to Date (H + I) (\$)	% of Value of Item (J / F) (%)	Balance to Finish (F - J) (\$)
		Item Quantity	Units	Unit Price (\$)	Value of Bid Item (C X E) (\$)	Estimated Quantity Incorporated in the Work	Value of Work Completed to Date (E X G) (\$)				
Original Contract											
1	Interior Water Service Inspection	105.00	EA	50.00	5,250.00	115.00	5,750.00		5,750.00	110%	(500.00)
2	Exterior Water Service Inspection	105.00	EA	300.00	31,500.00	95.00	28,500.00		28,500.00	90%	3,000.00
3	Lawn Restoration	150.00	SYD	50.00	7,500.00	95.00	4,750.00		4,750.00	63%	2,750.00
4	HMA Pavement Removal and Restoration	85.00	SFT	45.00	3,825.00	-	-		-	0%	3,825.00
5	Concrete Sidewalk Restoration, 4-inch	50.00	SFT	11.00	550.00	20.00	220.00		220.00	40%	330.00
6	Concrete Restoration, Nonreinforced, 6-inch	35.00	SFT	11.00	385.00	-	-		-	0%	385.00
					-		-		-		-
					-		-		-		-
					-		-		-		-
					-		-		-		-
					-		-		-		-
					-		-		-		-
					-		-		-		-
					-		-		-		-
					-		-		-		-
					-		-		-		-
					-		-		-		-
					-		-		-		-
					-		-		-		-
					-		-		-		-
Original Contract Totals					\$ 49,010.00		\$ 39,220.00	\$ -	\$ 39,220.00	80%	\$ 9,790.00

Progress Estimate - Unit Price Work

Contractor's Application for Payment

Owner:	Village of Lawton	Owner's Project No.:	
Engineer:	Wightman	Engineer's Project No.:	214444
Contractor:	Kalamazoo Excavation	Contractor's Project No.:	
Project:	Distribution System Materials Inventory (DSMI)		
Contract:			

Application No.: 2 Application Period: From 08/02/23 to 10/17/23 Application Date: 10/17/23

A	B	C	D	E	F	G	H	I	J	K	L
Bid Item No.	Description	Contract Information				Work Completed		Materials Currently Stored (not in G) (\$)	Work Completed and Materials Stored to Date (H + I) (\$)	% of Value of Item (J / F) (%)	Balance to Finish (F - J) (\$)
		Item Quantity	Units	Unit Price (\$)	Value of Bid Item (C X E) (\$)	Estimated Quantity Incorporated in the Work	Value of Work Completed to Date (E X G) (\$)				
Change Orders											
					-		-		-		-
					-		-		-		-
					-		-		-		-
					-		-		-		-
					-		-		-		-
					-		-		-		-
					-		-		-		-
					-		-		-		-
					-		-		-		-
					-		-		-		-
					-		-		-		-
					-		-		-		-
					-		-		-		-
					-		-		-		-
					-		-		-		-
					-		-		-		-
					-		-		-		-
					-		-		-		-
					-		-		-		-
Change Order Totals					\$ -		\$ -	\$ -	\$ -		\$ -
Original Contract and Change Orders											
Project Totals					\$ 49,010.00		\$ 39,220.00	\$ -	\$ 39,220.00	80%	\$ 9,790.00