

VILLAGE of LAWTON
VILLAGE COUNCIL REGULAR MEETING
125 S MAIN St, Lawton, MI 49065
TUESDAY, JULY 23RD, 2024 – 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 July 23, 2024 Council Agenda
 - B. Approval of the July 9, 2024 Council Meeting Minutes
- V. COMMUNICATIONS AND CORRESPONDENCE**
- VI. CITIZENS' COMMENTS – (Please keep comments to 3 minutes)**
- VII. PUBLIC HEARINGS / APPOINTMENTS**
- VIII. OLD BUSINESS**
- IX. NEW BUSINESS**
 - A. Zoning Solutions Update.....Discussion
 - B. Reid's Corner General Trades Bid from in the amount of \$211,478.65.....Staff Recommends Approval
 - C. Reid's Corner Earthwork & Site Utilities Bid from Balkema Sitework & Development in the amount of \$313,900.00.....Staff Recommends Approval
- X. COUNCIL COMMENTS**
- XI. ADJOURNMENT - NEXT REGULAR MEETING DATE – August 13, 2024 at 7:00 PM**

The Village of Lawton follows the Americans w/ Disabilities Act of 1990. Individuals with disabilities planning to attend this meeting and require accommodations, or those who have questions regarding the accessibility of this meeting or the facilities, are requested to contact the Village Clerk, at (269) 624-6407 or brathbun@lawtonmi.org to allow the Village to make reasonable accommodations. If you have questions or comments, and you are unable to make the meeting, forward to the Village Manager at thackenberg@lawtonmi.org



Village of Lawton
VILLAGE COUNCIL
REGULAR MEETING
125 S. MAIN, LAWTON MI 49065 269.624.6407
Tuesday July 9, 2024
MINUTES

- I. **Call to Order:** President Appleby called the July 9, 2024, meeting of the Lawton Village Council to order at 7:00 p.m.
- II. **Roll Call:** *Present:* Appleby, E. Dudek, Peterson, Turner, Smith, Tanis *Absent:* G. Dudek *Others Present:* Village Manager Hackenberg, Clerk Rathbun, Police Chief Cordes, and five guests.
- III. **Pledge of Allegiance:** The Pledge of Allegiance was recited.
- IV. **Consent Agenda:** The Consent Agenda included the approval of the July 9 Council Agenda, the June 11, 2024 Council Meeting Minutes, and approval of the June 2024 disbursements in the amount of \$448,741.79. Peterson made a motion to approve the Consent Agenda as presented supported by Turner. A unanimous roll call vote approved the motion.
- V. **Communications, Correspondence, and Presentations:**
 - A. President Appleby MML Board of Trustees ballot to the floor. All three trustees on the ballot are seeking a first term in different offices. Present council agreed T. Hackenberg will cast Lawton's ballot for those running as there is only one person running per office.
- VI. **Citizen Comments:**
 - A. John LeFrancois, a resident from a home on Morrill was interested in the rental ordinance discussion and how it would affect living there. A new owner took over the apartments over there, and several of the apartments have remained vacant. LeFrancois stated he is concerned with how things are happening with the rental complex right now. He stated he believes some of the contractors hired by the owners are potentially causing issues. The resident stated that while it is better now than what it used to be, he would like to see it improve further. President Appleby stated he didn't realize that those were empty, and he is unsure whether the ordinance would affect those items in particular. Appleby stated while it is just discussion tonight, they would like it to focus on maintenance, and quality of homes, so as not to bring down values of homes around the rental properties and maintain livability for renters.
- VI: **Public Hearings/Appointments/Proclamations:** None.
- VII. **Old Business:** None.

VII: New Business:

- A.** President Appleby brought, the Final Zoning Ordinance review to the floor. Planning Commission has reviewed this and has sent it to Village Council for the final approval. Appleby stated that this is fruition of the past year of hard work and collaboration between the Planning Commission and the Village Council, and he is excited to see it at this point. Hackenberg stated he sent some things back to Progressive to have a chart fixed, as well as several grammatical errors that were found. Village Manager Hackenberg, as well as Trustee Peterson, who is the chair of the Planning Commission, stated they are confident in the content, and are just working on grammatical errors. Peterson made a motion to adopt Resolution 08-2024: A Resolution to Adopt New Zoning Ordinances for the Village of Lawton, seconded by E. Dudek. A unanimous roll call vote approved this motion. Motion carried.
- B.** President Appleby brought a rental housing ordinance discussion to the floor. Hackenberg stated that one issue we need to look into including in this ordinance is Land Lease contracts, which if allowed to be a loophole can cause issues. Hackenberg stated he would like to see some research done to know what other communities are doing to tackle this loophole as well. E. Dudek would like to see what communities are doing for vacant homes. Hackenberg stated he has seen some communities are doing a vacancy registration with a checklist. Council would like to see research done on compliancy for the rental ordinances. Appleby stated in the past people brought up the issue that a rental inspection ordinance was unfair to the good rentals, as it was a cost to the owners, and blight on owner occupied homes was not being addressed. Appleby stated that now we have addressed that issue, and have been going after the owner-occupied homes with blight within the village. Hackenberg stated that by doing these rental ordinances, we are looking out for the people who live in them, making sure they are in a livable home. N. Smith asked how much these inspections cost. Peterson stated this is the same type of inspection that occurs for section 8 rental housing. It is kind of a bare minimum, and is a lower cost inspection. Appleby would like to see a number of non-owner-occupied homes from the assessor's office. He stated this would give us a good idea of how many we have. Council would like staff to spend some time researching several questions and come back for discussion the second meeting in September, with a goal to pass this by Spring 2025.
- C.** President Appleby brought the idea of a Water Shut Off Ordinance to the floor for discussion. Hackenberg stated that with the potential legislation not allowing shut offs anymore, many places are moving to doing an ordinance to just put this on taxes as opposed to doing shutoffs. This will also be better for residents as they will not get shut off if they fall behind, and they will not get charged a shut off/turn on fee in the case they fall behind on bills. The past due bill will instead become a lien against the property. Council agreed that they would like to see this happen, there is no downside for the Village. Hackenberg stated we will reach out to an attorney to move forward.

VIII: Board, Committee, and Staff Reports:

- A.** Village Manager Hackenberg reported that today there was a pre-construction meeting for the Reid's corner project. There were some contractors there who were interested in the remaining pieces that needed to be bid out. Hackenberg stated that the Village already has contractors for the electric and the concrete he found out today. Bid opening for the remaining projects in Reid's Corner will be at noon at Village Hall on July 18. If we have bidding, we will have a second meeting this month on July 23rd. Hackenberg

stated that water services to the houses are almost done, and the new water main is active. We did not have to replace as many as we thought, because there were several that were already either copper or plastic. Hackenberg stated that next week they will start doing the connections at the cross streets. He stated that today they found out that they need to hook Welch's to the 12" main that was put in for them rather than the 6" pipe they are currently on. Hackenberg stated the contractors are currently working on the sanitary sewer, he stated the culvert is complete at this point, however they have not yet run water for the extension up there. Hackenberg reported the project is still anticipated to be completed on time as of right now. Hackenberg stated he has reached out to the dumpster company, it is looking like the middle or end of September is when this should happen. Hackenberg stated that we are on the list to get the garage door fixed, however there is a waiting list due to the damage from the storms in Kalamazoo. There is no tentative date to get this completed yet, however, they have been in contact regularly on this. Hackenberg stated he has been working on the cemetery easement. Village Manager Hackenberg stated that the DDA started a raffle for the local businesses during construction. The boxes are currently in place at local businesses for people to fill out and enter after a purchase, and there will be a grand prize drawing at the end of the raffle. Hackenberg stated that he is trying to get ahold of the contractor for the pickleball courts, as they still have not come in to lay the concrete for the courts. Hackenberg reported that they have been out picking up brush after the storms. Hackenberg also stated that we have three or four sink holes forming by the old drain sewers. Consumer Confidence report is live and online for people to view. Hackenberg stated that DPW has been mowing and landscaping, and they are going to go through Kids' Dream with fresh painting and checking boards for repairs. He reported vehicle maintenance has been low. Hackenberg reported three internments at the cemetery this month, and lots of foundations have been poured this month, which is very time consuming for the level of staff we have. Hackenberg is looking into the Village no longer doing foundations, as many communities have moved that route because we just do not have the manpower to do those in a timely manner with all of the other projects our limited staff is in charge of. Hackenberg also stated that water usage is down, due to a combination of increased rain this year as well as the splash pad being closed this summer.

- B.** Clerk Rathbun reported that she went to her conference a few weeks ago, and it was very informational and very good for networking. Rathbun reported that we have an audit set for the CEM grant that was applied for, and that we have learned a lot of grant search engines, so she would like to know if council had ideas for what they would like to see. There was some discussion about electric car charging ports, and whether or not that would be feasible for our grid and area. It was decided we would place that on the back burner for now, but she will be looking for other grants for the Rural Readiness Grant to help prepare.
- C.** Chief Cordes reported that he is trying to reduce paperwork. He reported that the department was writing reports for every traffic shop. He stated that this was not always necessary, and in getting rid of them, traffic stops doubled. Cordes stated they were short on hours this month, but that was due to summer vacations being utilized. Cordes also reported that he is still working on the standard operating procedure for the chief's position. Cordes stated that he has been looking at close communities to get ideas, as well as on the job experience. He stated we recently received \$1000 from the state of Michigan for training through MCOLES. He stated that there will be training required for

certain licensing. He stated the money can be used to send people to training, or to do in house training. So, it can be used for training and wages. Essentially this is a funded mandate. He stated this year it is starting in June, and 12 credit hours are required per officer (both part time and regular officers), and it will be 16 credit hours next year. Cordes stated they are all going to Legal Updates training in September in Holland, and that he is looking into other memberships that provide trainings as well.

- D. Peterson Reported the Planning Commission met and they recommended the zoning ordinance to council. Peterson provided some interesting discussion from Planning Commission. Pin High Golf Course have moved the driving range, and there have been complaints that those are now hitting the homes across the street, as well as numerous vehicles. Peterson would like to see if there was originally a site plan for the golf course and how it was laid out, however, a property of that size if you change things, you must submit a new site plan, which the golf course did not do prior to changing the direction the driving range was facing. Appleby stated that if there is something within our power to do we should, because someone could be injured, and property is being damaged. Hackenberg stated the complaints have stated that the golf course has not been open to conversations with those affected. Hackenberg stated he would like to try to talk to them as well. Smith stated they are not the actual owners, and we should find out who the owners of the course are as well.
- E. N. Smith stated that the DDA was very receptive to the construction raffle idea, and purchased a total of 17 gift cards for participating locations.
- F. E. Dudek Reported that the fireboard has not met.

IX: Council Comments:

- A. N. Smith mentioned that the storm drainage in concord hills is better, however it is still bad. It is eroding the road, and causing floods. Council and Hackenberg stated that this is due to people filling in their storm drainage ditches, and what needs to happen is we need to re-dig those out to stop the flooding and road erosion. Unfortunately, over time, people have filled in the drainage ditches for mowing, and planted in them and we will need to re-dig and place the storm drains in the right of way, as this is what will stop the flooding and erosion in that neighborhood, however, every house needs to have it in place to work properly.

- X. **Adjournment:** Turner moved, with support E. Dudek from to adjourn the Village Council Meeting at 8:32p.m. Next council meeting to take place on July 23, 2024 at 7:00 PM.

Respectfully Submitted by,

Brittany Rathbun
Village Clerk



July 22, 2024

Todd Hackenburg
Village of Lawton
125 South Main St
P.O. Box 367
Lawton, MI 49065

Re: Village of Lawton – Reid’s Corner Rebid
Subcontract Recommendations for Award

Dear Todd,

The following is our recommendation for award on the above-referenced project. Recommendations are based on the lowest responsible bids that we received through the public bid process, as well as post-bid reviews subsequently performed on July 19, 2024.

Work Category No. 06 – General Trades

KMF Construction	
Base Bid	\$211,478.65

Work Category No. 31 – Earthwork & Site Utilities

Balkema Sitework & Development	
Base Bid	\$313,900.00

Please refer to the attached Bid Tabulation for the actual bid numbers. We will deliver electronic copies of the bids to you under separate cover.

Based on the bids received and overall schedule, we recommend moving forward with the bidders as listed above.

If bidders as recommended are approved for contract award by the Village, Progressive SPR will prepare a formal Change Order for signature and revise the AIA A141 Agreement Exhibit A.1 Construction Cost Summary.

Sincerely,

Courtney Vallier
Construction Project Manager

Enclosures

CLV/kcl
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Bid Summary
Village of Lawton - Reid's Corner

Selected Bidder	Category	Bidders	Total Contract	Base Bid	Notes	Bid Bond	Pay & Perf Bond	Familial Form	Iran Form	Unit Price	Signed SOW	Exclusions	Addenda / RFI
Work Category		Concrete											
X	3	Earley & Associates, Inc	\$ 54,000.00	\$ 54,000.00		X	X	X	X		X		X
Work Category		General Trades											
x	6	KMF Construction	\$ 211,478.65	\$ 211,478.65		x	x	x	x		x		x
	6	Vander Kodde Constrution	\$ 252,000.00	\$ 252,000.00		x	x	x	x		x		x
	6		s										
Work Category		Electrical Systems											
x	26	IBID County Electric	\$ 69,472.00	\$ 69,472.00		x	x	x	x		x		x
	26		\$ -										
Work Category		Earthwork and Site Utilities											
x	31	Balkema Sitework & Development	\$ 313,900.00	\$ 313,900.00		x	x	x	x	x	x		x
	31		\$ -										

CONSTRUCTION COST SUMMARY

7/22/2024 4:42 PM

PROJECT NUMBER		PROJECT NAME		TOTAL PROJECT OVERVIEW		
90050004		Reid's Corner		COST/SQ. FT.		
DATE		CLIENT COMPANY		BUILDING COMPONENTS	\$ 87.90	\$ 351,609.88
7/22/2024		Village of Lawton		SITework COMPONENTS	\$ 78.48	\$ 313,900.00
PREPARED BY		CLIENT NAME		GENERAL CONDITIONS	\$ 37.50	\$ 150,000.00
B. OUZOONIAN		Todd Hackenberg		GENERAL REQUIREMENTS	\$ 5.91	\$ 23,643.37
				CONTINGENCIES	\$ 21.00	\$ 84,000.00
				AE DESIGN FEES	\$ 17.37	\$ 69,475.00
				PROJECT TOTAL	\$ 248.16	\$ 992,628.25

CONSTRUCTION COST		SITE SQUARE FOOTAGE	-	BUILDING SF	4,000
TRADE CATEGORY	TRADE DESCRIPTION			COST/SQ. FT.	TOTAL COST
Building Components					
01 00 00	GENERAL REQUIREMENTS			\$ 2.66	\$ 10,659.23
02 00 00	EXISTING CONDITIONS:			\$ -	\$ -
03 00 00	CONCRETE:			\$ 13.50	\$ 54,000.00
04 00 00	MASONRY:			\$ -	\$ -
05 00 00	METALS:			\$ -	\$ -
06 00 00	WOOD, PLASTICS & COMPOSITES:			\$ 52.87	\$ 211,478.65
07 00 00	THERMAL & MOISTURE PROTECTION:			\$ -	\$ -
08 00 00	OPENINGS:			\$ -	\$ -
09 00 00	FINISHES:			\$ -	\$ -
10 00 00	SPECIALTIES: Code Required Special Inspections			\$ 1.50	\$ 6,000.00
11 00 00	EQUIPMENT:			\$ -	\$ -
12 00 00	FURNISHINGS:			\$ -	\$ -
13 00 00	SPECIAL CONSTRUCTION:			\$ -	\$ -
14 00 00	CONVEYING EQUIPMENT:			\$ -	\$ -
21 00 00	FIRE SUPPRESSION:			\$ -	\$ -
22 00 00	PLUMBING:			\$ -	\$ -
23 00 00	HEATING, VENTILATION & AIR CONDITIONING:			\$ -	\$ -
26 00 00	ELECTRICAL:			\$ 17.37	\$ 69,472.00
27 00 00	COMMUNICATIONS:			\$ -	\$ -
28 00 00	ELECTRONIC SAFETY EQUIPMENT:			\$ -	\$ -
SUBTOTAL BUILDING COMPONENTS				\$ 87.90	\$ 351,609.88
Sitework Components					
31 00 00	EARTHWORK + SITE UTILITIES			\$ 78.48	\$ 313,900.00
32 00 00	EXTERIOR IMPROVEMENTS:			\$ -	\$ -
33 00 00	SITE UTILITIES			\$ -	\$ -
SUBTOTAL SITework COMPONENTS				\$ 78.48	\$ 313,900.00

GENERAL CONDITIONS		COST/SQ. FT.	TOTAL COST
	PRECONSTRUCTION STAFFING: Add'l Pre-con for re-bidding efforts in July	\$ 0.98	\$ 3,900.00
	CONSTRUCTION STAFFING & REIMBURSABLES	\$ 17.75	\$ 71,000.00
	CONSTRUCTION MANAGEMENT FEE (10%)	\$ 18.78	\$ 75,100.00
SUBTOTAL GENERAL CONDITIONS		\$ 37.50	\$ 150,000.00

GENERAL REQUIREMENTS		COST/SQ. FT.	TOTAL COST
	CGL INSURANCE	\$ 1.65	\$ 6,600.00
	BUILDERS RISK INSURANCE	\$ -	\$ -
	PLM BOND	\$ 2.37	\$ 9,493.37
	ESTIMATED PERMITS & PLAN REVIEW FEES	\$ 1.89	\$ 7,550.00
SUBTOTAL GENERAL REQUIREMENTS		\$ 5.91	\$ 23,643.37

CONSTRUCTION COST SUMMARY

7/22/2024 4:42 PM

CONTINGENCIES		
	COST/SQ. FT.	TOTAL COST
DESIGN CONTINGENCY (0%)	\$ -	\$ -
CONSTRUCTION CONTINGENCY (10%)	\$ 21.00	\$ 84,000.00
ESCALATION & BIDDING CONTINGENCY (0%)	\$ -	\$ -
SUBTOTAL CONTINGENCIES	\$ 21.00	\$ 84,000.00

AE DESIGN FEES		
	COST/SQ. FT.	TOTAL COST
AE DESIGN SERVICES	\$ -	
AE DESIGN SERVICES FEES (in previously signed proposal)	\$ 13.33	\$ 53,325.00
AE REIMBURSABLES (estimated in previously signed proposal)	\$ 0.50	\$ 2,000.00
SPR PRE-CONSTRUCTION		
FRONT ENDS, SCOPES, BIDDING (in previously signed proposal and includes \$650 reimbursables)	\$ 2.29	\$ 9,150.00
AE DESIGN CONSTRUCTION ADMINISTRATION FEES	\$ 1.25	5,000
ARTWORK	\$ -	\$ -
EQUIPMENT	\$ -	\$ -
TECHNOLOGY EQUIPMENT	\$ -	\$ -
CONSULTANTS	\$ -	
THIRD PARTY CONSULTANTS	\$ -	\$ -
THIRD PARTY COMMISSIONING	\$ -	\$ -
OWNER CONTINGENCY		
OWNER CONTINGENCY		\$ -
SUBTOTAL OWNER HELD CONTRACTS	\$ 17.37	\$ 69,475.00

ALTERNATES	ADD/DEDUCT	TOTAL COST
-	ADD	\$ -
-	ADD	\$ -
-		
-		
-		
-		

PRICING CLARIFICATIONS

- 1 This cost includes a Construction Contingency of 10% that is indicated to be carried per the contract.
- 2
- 3 The construction costs presented include construction costs and "soft costs" i.e. General Conditions, Profit, and Permit Fees
- 4 The cost excludes demolition, removal, or disposal of hazardous or contaminated materials
- 5 The cost assumes work to take place during "normal" daylight working hours, excluding weekends and holidays
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14

GEN. CONDITIONS & REQUIREMENTS CLARIFICATIONS

- 1 General Conditions & General Requirements are the costs incurred during a project that typically involve the daily oversight and supervision of Trade Contractors
- Material Deliveries, and Jobsite Safety & Security.