

**MINUTES OF THE CLAY TOWNSHIP DOWNTOWN DEVELOPMENT  
AUTHORITY REGULAR MEETING HELD ON TUESDAY, MARCH 13, 2007  
IN THE CLAY TOWNSHIP BOARD ROOM, 4710 PTE. TREMBLE ROAD,  
CLAY TOWNSHIP, MICHIGAN 48001 AT 7:30 P.M.**

Vice-Chair Mark Thompson called the meeting to order at 7:30 p.m.

1. **ROLL CALL:**

**PRESENT:** Vice-Chair Mark Thompson, Artie Bryson, William Seifert, Pauline Dueweke, Joseph Little

**ABSENT:** Chairman Richard Wagner (excused); Ann Horeftis (excused); Jon Manos (excused)

**Also present:** Treasurer Connie Turner; John Monte, Project Control Engineering

A moment of silent prayer was observed in memory of Dick Baker.

2. **APPROVAL OF AGENDA/AMENDMENTS:**

Thompson: Requested one additional item and one item to be moved. Under Bills Payable, we need to add Precision Lawn Care for \$1,800.00. Questioned moving 8(A), Downtown Promotion Reporter Subscription Renewal, up to Bills Payable or to not renew?

**Motion by Bryson, supported by Little to accept Agenda as amended.**

Monte: Mentioned bill from Washtenaw Maintenance Services, Inc. and that Mr. Riley was present and wondered whether same would be discussed.

Thompson: We will discuss this bill. And, if Board has a consensus, and you are of the opinion we should do something, we will do that.

**Restated motion by Bryson, supported by Little to accept Agenda as amended.**

Agenda approved with above changes.

**AYES: All NAYS: None ABSENT: Wagner (excused); Manos (excused); Horeftis (excused)**

Agenda approved with above changes.

**MOTION CARRIED.**

3. **APPROVAL OF MINUTES OF JANUARY 9, 2007:**

**Motion by Seifert, supported by Little to approve the January 9, 2007 Minutes as submitted.**

Minutes approved as submitted.

**AYES: All NAYS: None ABSENT: Wagner (excused); Manos (excused); Horeftis (excused)**

**MOTION CARRIED.**

4. **TREASURER'S REPORT FOR JANUARY & FEBRUARY 2007:**

**Motion by Seifert, supported by Bryson to accept Treasurer's Report for January and February, 2007 as submitted.**

Turner: School has been paid for bleachers and police have been paid for ID Network - HSB Business Solutions.

**Restated Motion by Seifert, supported by Bryson to accept Treasurer's Report for January and February, 2007 as submitted.**

Treasurer's Report for January and February 2007 approved as submitted.

**AYES: All NAYS: None ABSENT: Wagner (excused); Manos (excused); Horeftis (excused)**

**MOTION CARRIED.**

5. **BILLS PAYABLE:**

**Motion by Seifert, supported by Bryson to approve payment of Bills Payable.**

Project Control	\$ 850.00
	696.25
Valerie Kulba	56.25
West Shore Services, Inc.	1,044.00
Project Control Engineering	4,505.00
Precision Lawn Care	1,800.00

Thompson: Restated that Precision Lawn Care has been added to Bills Payable. After research by Treasurer Turner, it was determined that they were only paid three times last year and are owed for their fourth bill in the amount of \$1,800.00.

**Restated motion by Seifert, supported by Bryson to approve payment of Bills Payable, as amended.**

Bills Payable approved for payment as amended.

**AYES: All NAYS: None ABSENT: Wagner (excused); Manos (excused); Horeftis (excused)**

**MOTION CARRIED.**

6. **COMMUNICATIONS:**

Thompson: Last month's packet contained a letter from Valerie Kulba, Recording Secretary, stating that she would no longer be available for this position. Introduced new Recording Secretary, Chris Holcomb, from Harsens Island.

Dueweke: Requested that a letter of thanks be sent to Ms. Kulba for her years of service.

Bryson/Seifert: Questioned the possibility of presentation of a plaque or certificate of commendation be presented to Ms. Kulba for her service.

Thompson: Stated that could be brought for discussion at next month's meeting.

7. **OLD BUSINESS:**

**A. Washtenaw Maintenance Services, Inc.**

Thompson: Advised that John Monte, Project Control Engineering and Mike Riley of Washtenaw Maintenance Services, Inc. were present. Advised that at December meeting, a bill was submitted from Washtenaw Maintenance Services, Inc. for a partial payment and discussion of same was again held at the DDA January meeting. An update was requested from John Monte as to the status.

Monte: Bill for \$6,727.91 is a pay estimate and feels the amount reflects the value of work completed. There is still retainage on the job for some additional work that needs to be completed. Main concern is whether company would return to make corrections to work. Letters have been exchanged back and forth about the work and Mr. Riley is here to explain, assess the project, comment, present his position.

Seifert: Concern as to whether uncompleted work will be completed or that corrections will be made to existing work.

Monte: Can discuss contract basis with Mr. Riley. We do have a bond for the project that we will exercise if company fails to return and complete the work. Request to remove pile of broken concrete that was left in front of former Grillo's Deli has been completed.

Seifert: Questions Mr. Riley as to what his company will do to complete the project and correct deficiencies?

Riley: Stated there has been bantering back and forth over the deficiencies. DDA still has their retainage and performance and maintenance bond. This payment request was originally submitted in October and resubmitted in December after a Change Order. So, this is actually a progress payment from October. Construction Manager met with Todd Gamble regarding replacement of 13 flags of cement, which was agreed upon.

Seifert: Questioned of John Monte whether that was correct?

Monte: Verified the first Punchlist was for replacement of 13 flags of cement.

Riley: The original Punchlist was signed by Todd Gamble on August 23<sup>rd</sup> as completed. We then received a letter advising that 13 flags of concrete needed replacement. Alan Lamphere of Washtenaw Maintenance Services, Inc. met with Todd Gamble and identified the 13 flags of concrete and an agreement was made to replace them. A week later, written notification was received advising that there were instead 50 flags of concrete that needed replacement. The discovery of the additional flags was attributed to a recent rain in the area making puddling visible. He felt that the company had completed the Punchlist and understands with every project there are deficiencies that need to be corrected. His concerns is to where corrections were going to stop and start, as 50 is quite a different number than 13. He also advised he had driven the site tonight and did not see any standing water and also brought weather reports for entire summer showing when it did rain in this area. He is requesting a check for their progress payment. Reiterated agreement to replace 13 flags of cement.

Dueweke: Questioned whether 13 flags are part of the 50 flags or are they in addition to 13 on the first Punchlist?

Riley: 13 were on first Punchlist. Stated they have not received anything in writing identifying the location of the 50 flags.

Monte: Explained that Mr. Riley will not receive anything in writing. Feels that Mr. Riley is entitled to his progress payment. Punchlist was prepared for deficiencies that were found while work was being performed and those corrections were done. As the job was ending, 13 flags of sidewalk that needed to be replaced, sign to Harsens's Island was incorrect, miscellaneous little things needed to be completed. A Punchlist was assembled and given to Washtenaw Maintenance Services, Inc.

Riley: Stated the only thing outstanding is the installation of Harsens Island sign.

Monte: Stated a walk-through was completed with MDOT for their concerns, and Washtenaw Maintenance Services, Inc. came out and corrected majority of the items. In the meantime, it rains and puddles in middle of several flags of concrete are discovered and we immediately began receiving phone call complaints from Township, DDA Chairman Wagner, and other residents. Mr. Riley's office was contacted and notified of puddling and lack of sloping on concrete. All of the problem areas were marked, flagged, and videoed. We requested that the foreman come out to inspect problem and were told that the Punchlists were completed and no further work would occur until payment was received and letter identifying each sidewalk and the location of each was received. Realize distance and inconvenience play a part, but this is a routine construction issue.

Dueweke: Questioned whether work related to progress payment request had been completed when 50 flags were discovered?

Monte: No. Believes that progress payment relates to work that had already been put in place and now portions are defective. There is a one year maintenance/warranty/guaranty bond in the event deficiencies are discovered that should be corrected after they have been paid. If deficiencies are not corrected, we can enforce on the bond.

Dueweke: Questioned whether at the time we received progress payment request, all 50 flags had not been finalized?

Monte: Believe at time of receipt of bill, issues had been presented. Feels progress payment should be made and if repairs are not completed, we have sufficient retainage funds and the bond to cover repairs.

Little: Last letter we received threatened legal action. DDA's last discussion was whether to spend the \$6,000.00 for an attorney instead of go ahead and do any more work because of their refusal to appear at the meeting and respond.

Dueweke: Questioned whether we should assume there are two separate issues. One issue being the bill that was received in October, which was recommended for payment. And, the other issue of work that should be redone that we have discovered is defective. It seems we need to decide whether they are two separate issues or should we still insist on folding this into one issue.

Thompson: Questioned Mr. Monte as to his recommendation of whether \$6,727.91 should be paid and what to do with balance of issues.

Seifert: Questioned Mr. Monte as to whether deficiencies exceed normal accepted standards in the industry?

Monte: We wouldn't ask for material to be pulled out if it was adequate. There are some areas of concrete that we are not totally pleased with but you can only go so far. They have cooperated on the other items. But, these are items of concern, especially during times of freeze and thaw and the puddle existing in the middle. In a lot of areas, standard has been met. But, in some of these situations, it's puddled in the middle. We have received complaints on these areas. It's defective workmanship and needs to be replaced.

Thompson: Problem appears to be that there are hollow spots in the middle causing puddling.

Bryson: Inquired how many flags are still out there that need to be replaced?

Monte: 50.

Little: Questioned if six months down the road we find that there are more deficiencies, is there enough money retained to cover the repairs? What legal recourse do we have?

Monte: If after he is paid in full we find deficiencies, we would contact him in writing requesting repair of the deficiencies. He would have a set amount of time to respond and complete work and if he did not, we would contact his bond company and ask them to take action to make the repairs. After one year, we technically have no recourse.

Little: When does the one year period start?

Monte: After the date of substantial completion, which was mentioned in a previous letter, somewhere between August and September.

Seifert: Questioned Mr. Riley as to his thoughts on the matter and whether he felt Mr. Monte is expecting too much?

Riley: Wants to bring closure to the project and make sure the Township is happy. He was a little confused about the 50 flags after he had been out to site and shown the 13 flags, which he agreed to replace. It's going to be fairly costly to replace 50 flags because of the narrowness of the area due to traffic control, etc.

Seifert: Again questioned Mr. Riley as to whether he felt Mr. Monte's complaints are legitimate?

Riley: He hasn't seen the 50 flags and has asked to see them or have them identified.

Thompson: Questioned whether Mr. Riley would like copy of video?

Mr. Riley: Stated a copy of the video would be great.

Monte: Stated he is not happy with situation. The flags are all marked, and they were requested to come and look at them. Doesn't care what weather data shows, the puddles in the concrete are

defective and need to be repaired. If they do not intend to repair them, they need to advise the DDA and appropriate action will be taken.

Riley: They want to take care of the deficiencies, but are just concerned as to where it's going to stop. They agreed to 13 flags, had meeting about 13 flags, came out and identified 13 flags, and then received a letter advising of 50 flags.

Little: It's going to stop when the sidewalk doesn't look like a lake in the middle. It has to be done right and repaired correctly.

Monte: If you want to view the deficiencies when it rains and walk the whole job, we can do that and count the flags and guarantee that he won't ask for any more than are marked.

Seifert: Questioned whether Mr. Riley and Mr. Monte could agree on a date to walk the job?

Thompson: Stated that he assumes what Mr. Riley would like is for payment of the \$6,727.91.

Riley: That is a progress payment for which the majority was extra work that was above and beyond the contract. DDA still has the retainage, maintenance and guaranty bond, and performance bond.

Thompson: What DDA wanted was for Mr. Riley to come to the meeting and respond to the problem and offer a solution to resolve same.

Little: Questioned whether enough funds are available to fix the 50 flags in the event Washtenaw Maintenance Services, Inc. refuses to comply?

Thompson: Questioned whether Mr. Monte feels confident that payment should be made?

Monte: Feels it is the appropriate thing to do, but not confident with Mr. Riley's response and questioned Mr. Riley if there are 50 flags that have a puddle in them are you going to repair them?

Riley: Stated if that's what it takes, yes.

Bryson: Suggested that they watch the video and make determinations of 50 flags.

Dueweke: Stated that she felt it was reasonable that all deficient flags of concrete be identified so that this issue does not continue to drag on.

Monte: Stated that's why they were flagged and marked and contractor notified.

Thompson: Agreed Mr. Monte and Mr. Riley need to meet and actually walk the site and possibly the video.

**Motion by Dueweke, supported by Seifert to pay Washtenaw Maintenance Services, Inc. \$6,727.91 progress payment.**

**AYES: Dueweke, Seifert, Bryson, Thompson    NAYS: Little**

**ABSENT: Wagner (excused); Manos (excused); Horeftis (excused)**

**MOTION CARRIED**

Seifert: Would also like to make a motion for an agreement to be reached before the end of March between Mr. Monte and Washtenaw Maintenance Services, Inc. on what has to be done to complete contract.

Thompson: Doesn't feel that motion is necessary.

Dueweke: Wonders whether it would be a good idea since literature has already been sent regarding the 50 flags. What if more deficient flags are discovered? Hope that all deficiencies will be flagged so project may be completed, which could be more than 50.

Thompson: That is something that needs to be taken care of between Mr. Monte and Washtenaw Maintenance Services, Inc.

Monte: Stated they will walk the site together and reach an agreement on the number of items.

Thompson: Thanked Mr. Riley for coming to the meeting and advised that payment will be forthcoming.

**B. PHASE III SIDEWALK UPDATE**

Thompson: Packets contain project manual, contract documents and specifications of Phase III going from Ainsworth to the drain in Pearl Beach. Requested letter of thanks be sent to Fannon's for granting easement at no charge.

Monte: Easement was obtained from Fannon's at no charge. One other easement is needed at Maynard Court right after the bridge. Have tried to contact residents to no avail. Requested letter be sent requesting easement to Mr. James Alfano.

Thompson: Once we get to Phase IV, we will need easement from DNR.

Monte: There will be five or six easements that we will need.

Seifert: For the current project we only need one more.

Thompson: Again reiterated that Township needs to send letter to particular homeowners with copy of documents requesting easement.

Monte: If we do not receive easement by the time construction takes place, we will have to stop short of area.

Thompson: We would then roll it into Phase IV.

Little: Questioned when sidewalk is installed, will they be installed in consideration that there might be a bridge put in later?

Monte: We would just stop short and go around.

Thompson: Questioned whether MDOT storm drains are in the way of the sidewalk or will they be between the sidewalk and the road?

Monte: It's between the sidewalk and the road, very close to the edge of the road. Our problem is we don't know if they are going to continue. We will have to put some coordination issues in here with the contractor. We are ready to bid and wanted to know when DDA wants us to do so.

Thompson: By tonight you should have approval to put this out for bid.

Monte: If we have approval, we could have the bids presented at the next meeting.

Thompson: Approximate cost of next phase is \$148,000.00.

Monte: We're supposed to keep it under \$150,000.00.

Dueweke: To be crystal clear, where canal is identified, there will be no sidewalk.

Thompson: That is area in which a bridge will be needed.

Dueweke: Requested clarification from Mr. Monte that in this phase, sidewalk will be run up to canal and then resume after canal.

Monte: Correct.

**Motion by Seifert, supported by Bryson, to instruct Project Control to put this phase out for bids.**

**AYES: All NAYS: None ABSENT: Wagner (excused); Manos (excused); Horeftis (excused)**

**MOTION CARRIED.**

**C. GOODEN PROPERTY COMMITTEE**

Thompson: Questioned Treasurer Turner if they have advertised or done anything on the property?

Turner: Not to her knowledge.

Little: Questioned what is being spent on topographical?

Monte: Have given price to the Township Board that was not approved. Township Board has requested us to come to next meeting.

Seifert: Doesn't understand Township Board's objection to the topographical survey.

Thompson: Objection was to \$4,000.00 fee.

Seifert: Stated that the money will have to be spent at one point.

Monte: Will do everything possible to convince Township Board to pay for the topographical survey. It is very hard to plan a project piece by piece and then tie it all together. The perfect scenario would be to have a drawing of the whole section to Master Plan identifying buildings, playground equipment, split lots, etc. so everyone could see the impact and to figure out drainage and everything needed.

Little: Questioned whether money spent on aerial would help at all?

Monte: It will help, especially if aerial company had additional photographs. The aerial photography will assist in locating existing structures to help in the planning.

Thompson: Questioned whether Mr. Monte's recommendation would be to do the whole topographical survey and pay the \$4,000.00 fee.

Monte: Absolutely.

Seifert: Advised that there may be some type of grant available from the county.

Thompson: Stated that could take up to 1-1/2 years. And if the survey is completed, it may score higher on the grant application.

Dueweke: Stated that a survey would still be needed.

Monte: Questioned Seifert as to where grant was available from?

Seifert: Stated he believed it was from DEQ.

Dueweke: Believes that you cannot apply for a grant if you do not know the descriptive aspects of the property.

Seifert: Under this program, it wasn't specific, it was very open-ended.

Thompson: Requested that Mr. Seifert do more research on this grant. Would still like to get this moving forward and have topographical survey completed up to \$5,000.00 cost.

**Motion by Dueweke, supported by Seifert, to authorize a topographical survey not exceeding \$5,000.00.**

Little: Questioned whether this fee would come out of the \$500,000.00.

Thompson: Yes, it would be part of it.

Seifert: Supported motion on condition that it is acknowledged that DDA is having topographical survey completed.

**Restated motion by Dueweke, supported by Seifert, to authorize a topographical survey not exceeding \$5,000.00.**

**AYES: All NAYS: None ABSENT: Wagner (excused); Manos (excused); Horeftis (excused)**

**MOTION CARRIED.**

**D. TOWNSHIP SIGN UPDATE.**

Thompson: Police signs have been redone and we're working on the LED sign.

Little: Thought we were going to hold off on it. Questioned whether DDA was purchasing new digital sign?

Thompson: We are purchasing a new digital sign and it will be placed in same location as existing one. Will not be located on the other property because the consensus was if we moved it over to other property, it would be obstructed by trees. Hopefully, by next meeting, sign will be up and running.

**E. COMMUNITY SURVEY.**

Little: Question regarding property next door, after topographical survey, and we know there is water sitting there, what can we do to alleviate the standing water problem?

Monte: That's why we need to do the topographical survey on the entire site. It will show all drainage issues and options.

Thompson: There is a county drain at the end of Lakepointe.

Seifert: And a right-of-way that goes to the river.

Bryson: Can we advertise for volunteers to serve on the committee?

Thompson: The original idea was for a couple of DDA members, a couple of Township Board members, and some members-at-large from the community.

Little: Thought we were going to use 3 DDA members, 2 Township Board members, and 3 or more from the community. Believed we were going to advertise.

Thompson: Will talk with Dorothy DeBoyer as to whether this will be done.

Seifert: Can this be expedited?

Thompson: By our next meeting we will have an answer.

Turner: Unable to get survey program to work on computer.

Dueweke: Volunteered to come in at mutually convenient time and show them how to use program.

Turner: Right now is slow time for my employees, they could also assist.

Bryson: Could be incompatible version of program with computer system.

Thompson: By next meeting we should have some results from the Community Survey.

**8. A. DOWNTOWN PROMOTION REPORTER SUBSCRIPTION RENEWAL.**

Thompson: Questioned whether DDA had paid for subscription last year.

Little: Thought DDA had said no, but Chairman Wagner had personally paid for subscription. Questioned whether subscription was beneficial and suggested waiting for Chairman Wagner before making decision to renew.

Thompson: We will table this issue for our next meeting agenda.

**9. BOARD MEMBER COMMENTS.**

Thompson: Discussion regarding landscaping/lawn service bids. Precision Landscaping was chosen because they were cheapest, fully insured and had required permits to work in MDOT right-of-way, and they were the only bidder. Recommends that this be put out for bid again next month. None of the local companies bid the last two years. And when they did, they were not insured nor did they have the required permits to work in the MDOT right-of-way.

Bryson: Questioned what type of insurance they need to work in the right-of-way?

Little: Stated it was an MDOT requirement.

Thompson: Also stated that Precision's price has remained the same for the past three years.

Dueweke: Stated that she felt they've always done a good job. Also, requested being able to obtain DDA's permission to obtain bids for this year's flower pots from Treasure Gardens and Fire Fox Farms and will bring the bids back for DDA approval.

Thompson/Seifert: Requested that Dueweke obtain the bids for the flower pots.

Dueweke: Requested that replacement of banners be placed on the agenda for the next meeting.

Thompson: Suggested changing to Spring banners and then look at replacing banners.

Dueweke: Will get samples from company for presentation at next meeting.

Thompson: Suggested that he will contact Banner Signs and have them submit recommendations for banners with better visual images for DDA's review.

Dueweke: Felt that with all the projects we have going on, the banners might be a good for public relations.

Thompson: Reminded members that DDA own the banners. Banner Signs stores them for us and they come out and change them and do any maintenance.

Dueweke: Stated that if new banners were purchased, we would still own the old ones and could make use of them elsewhere in the district.

Turner: Presented a suggestion for a sidewalk in proposed park.

Thompson: Stated he had also received suggestions for a gazebo in the park.

Seifert: Questioned why Township has not done anything to enhance existing Storm Warning System?

Dueweke: Stated that it currently does not cover the entire Township.

Seifert: Stated system has three different signals depending on the emergency.

Little: We already installed them in DDA district with the hope that the Township would complete the system..

Seifert: Stated the Township would have to add about 4 towers.

Thompson: Requested that Seifert attend a Township Board meeting and make inquiry into this matter.

Seifert: Requested clarification of DDA's support in matter..

Thompson: DDA is in support, but we cannot pay for the entire Township. DDA put up three towers in district and a control panel in the Fire Department offices. The Township would need to put up four towers. Again requested that Seifert attend Township Board meeting on this issue.

Little: Questioned Thompson about sign that was to be put up?

Thompson: Sign should be up by next meeting.

Discussion among members regarding the possible bridge to Harsens Island.

**10. PUBLIC COMMENTS.**

None.

**11. ADJOURNMENT.**

**Motion by Seifert, supported by Bryson to adjourn meeting at 8:45 p.m.**

**AYES: All NAYS: None ABSENT: Wagner (excused); Manos (excused); Horeftis (excused)**

**MOTION CARRIED.**

Respectfully Submitted,

Christine Holcomb  
Recording Secretary