

APPROVED MINUTES
MANCHESTER VILLAGE COUNCIL
February 6, 2017
7:00 PM Village Room

President Pro-tem Way called the regular meeting of the Manchester Village Council to order at 7:00 P.M. with the Pledge of Allegiance to the Flag. Council members present: Way, Chartrand, Dresch, Woods and Andrews. Council members absent: Vaillencourt and DuRussel. Also present were Manager Wallace, Clerk Schaible, Gary Wiedmayer (Village DPW), and Joanne Roberts (Emanuel Church).

The minutes of the January 16, 2017 regular meeting were approved on a motion by Dresch, seconded by Chartrand.

AGENDA – The agenda was approved as amended: adding New Business 7B) Main Street Bridge and deleting Reports- 10A) Sheriff, 10B) Solid Waste & Recycling, 10C) Parks, 10D) Planning, 10E) Healthy Communities/Wellness Coalition, 10F) Healthy Communities/Wellness Coalition, 10G) Joint Planning, 10H) Building, 10I) Personnel, 10J) Finance on a motion by Dresch, seconded by Woods.

PUBLIC PARTICIPATION- None

OLD BUSINESS- None

NEW BUSINESS

EMANUEL CHURCH DRIVE-THRU REQUEST- Joanne Roberts, representing Emanuel Church, presented the request to continue to block the parallel parking spaces in front of the Church on the third Wednesday of each month from Sept. thru May as a drive thru for the fund raising meals. Wiedmayer reported no problems with the arrangement. A motion was made by Andrews, seconded by Chartrand, that the request be approved. Motion passed.

WESTERN WASHTENAW CONSTRUCTION AUTHORITY- Way reported that the Western Washtenaw Construction Authority has recommended hiring Doug Parr as the new building official to replace Dale Behnke who is retiring. They are recommending a pay rate of \$35 per hour. A motion was made by Chartrand, seconded by Dresch, that the recommendation be approved. Roll call vote: ayes-all. Motion carried. Way also reported that the Authority is hiring a new building inspector, David Richards.

FY 2016/2017 6-MTH BUDGET AMENDMENTS – Schaible presented the requested 6-month budget amendments for the 2016/2017 fiscal year. She noted the adjustment to tax revenue due to an increase in the State's reimbursement of personal property tax loss. A motion was made by Dresch, supported by Chartrand, that the budget amendments be adopted as presented. Roll call vote: ayes-all. Motion carried.

MAIN STREET BRIDGE- Wallace presented information regarding a proposed settlement of the bridge contractor, Anlaan Corporation, and subcontractor's, Spartan Specialties, force account claim in construction of the Main Street Bridge. He reminded Council of the drilling conditions encountered by Spartan and their claim that these conditions had not been included properly in the bidding documents. Spartan and Anlaan claim that a longer drilling period and the costs of labor and equipment entitle them to an additional \$700,000 and \$75,000 respectively. The Village, AECOM, and the Michigan Department of Transportation

offered \$127,000 to settle the claim. After meeting, the Village, AECOM, MDOT offer was increased to \$227,000. Anlaan and Spartan would not lower their claim. The State Regional Office of Review then became involved and held a meeting where the bridge contractors lowered their claim to \$585,000 and \$75,000. At this same meeting, the Village engineer, AECOM, had reviewed the force accounts and raised the determination to \$530,000. After hearing the arguments, the MDOT Regional Office of Review determined that: there were differing conditions; allowable expenses of \$312,000; and the differing conditions negate the contractual liquidated damages for running behind schedule. Anlaan and Spartan decreased their claim to \$584,000 total.

Wallace further explained his belief that MDOT would be satisfied with the \$584,000. For the Village, this means that because MDOT had capped the contract they will contribute \$318,000 leaving \$266,634 as a Village cost. Wallace explained that not taking this settlement will mean a law suit, the costs associated with defense and the risk that a judge may award a higher amount to the contractors.

Andrews asked about the deficiency in the bid document and legal action. Wallace noted that he is still negotiating with AECOM regarding the engineering costs and has taken a hard line with them. It was also noted that the next lowest bid for the bridge construction was \$700,000 higher than the accepted bid and that the settled costs probably closer reflect the true cost of the construction. A motion was made by Dresch, supported by Woods, that the Village Manager be approved to work towards an agreement with Spartan & Anlaan in conjunction with the Main Street Bridge Project in the amount not to exceed \$585,000 to settle the disagreement for the differing condition costs as detailed in the Reconciliation of Costs presented. This is contingent on \$318,000 being provided by the MDOT project capped amount of \$2,974,000 with a net cost to the Village of Manchester not to exceed \$267,000. Roll call vote: ayes all. Motion passed.

CORRESPONDENCE- Council acknowledged the following correspondence:

- Minutes of the Dec. 12 and Jan. 18 meetings of the Downtown Development Authority.
- Minutes from the January 23, 2017 Parks Commission meeting.
- Manchester sesquicentennial planning update.
- Notice of public hearing for the customers of Consumers Energy.
- Minutes of the Nov. 29 and Jan. 18 meetings of the Farmers Market Committee.
- The January 2017 police services monthly report.

ACCOUNTS PAYABLE – Council reviewed the payables list. A motion was made by Dresch, seconded by Chartrand, to approve for payment the list dated 02/06/2017 totaling \$98,007.61. Roll call vote: ayes-all. Motion carried.

REPORTS

DPW- Wiedmayer presented his report. He also noted a serious water leak at 201 Territorial detected by a meter read and turned off in the basement with help from the Sheriff's Department. The homeowner has not been seen since mid-November.

Chartrand congratulated Wiedmayer and his crew on the great work they do to keep the Village streets clear and safe.

MANAGER – Wallace presented his report. He asked that any ideas that Council members have for CTAP funds be forwarded to him.

Chartrand reported that her attempt to assist the Manchester Area Senior Citizen Council to digitally file grant forms may be much too large a task to complete by the

02/06/2017

February 15, 2017 deadline. She was not made aware of the access issues, data requirements and notice deadlines when she agreed to help.

There being no further business, President Pro-tem Way adjourned the meeting at 8:10 P.M.

Respectfully submitted,
Julie Schaible, Clerk