

# WORK STUDY

## CHARTER TOWNSHIP OF VAN BUREN BOARD OF TRUSTEES NOVEMBER 18, 2013 WORK STUDY MEETING, TENTATIVE AGENDA

### PLEDGE OF ALLEGIANCE:

#### ROLL CALL:

Supervisor Combs	_____	Trustee McClanahan	_____
Clerk Wright	_____	Trustee Miller	_____
Treasurer Budd	_____	Engineer Nummer	_____
Trustee Hart	_____	Attorney McCauley	_____
Trustee Jahr	_____	Secretary Cline	_____

#### UNFINISHED BUSINESS:

1. To discuss Victory Park Proposed Consent Judgment.

#### NEW BUSINESS:

1. To discuss Resolution 2013-20 to be submitted with the SAW (Stormwater, Asset Management and Wastewater) Grant application to the State of Michigan Department of Environmental Quality.
2. To discuss lease agreement between Van Buren Charter Township and Wayne Disposal, Inc. Beck Road property.
3. To discuss awarding 2013 Beck Ball Fields Community Development Block Grant (CDBG) Improvements Phase 1 contract(s).

#### CLOSED SESSION:

#### ADJOURNMENT:

# Charter Township of Van Buren

2013-11-12  
**Agenda Item:** WS - WF # 1

## REQUEST FOR BOARD ACTION

WORK STUDY MEETING

DATE: NOVEMBER 18, 2013

BOARD MEETING DATE:

NOVEMBER 19, 2013

Consent Agenda \_\_\_\_\_ New Business X Unfinished Business X Public Hearing \_\_\_\_\_

<b>ITEM (SUBJECT)</b>	Victoria Park Consent Judgment
<b>DEPARTMENT</b>	Planning and Economic Development
<b>PRESENTER</b>	Arthur Mullen & Patrick McCauley
<b>PHONE NUMBER</b>	699.8913
<b>INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)</b>	Jeff Gibbs & Bradley Scobel

### Agenda topic

<b>ACTION REQUESTED</b>	Authorization of the Supervisor and Clerk to Execute the Proposed Consent Judgment with Victoria Park LLC for Completion of Victoria Park Subdivision
<b>BACKGROUND - (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)</b>	<p>In 2006, Van Buren Township entered into a Planned Residential Development (PRD) Agreement with a LLC of Galaxy Builders and Managing Partner Marshall Kallen for the property at the northeast corner of Morton Taylor and Tyler Roads. Due to the Great Recession, the development failed and only five homes out of 160 single family homes were completed. In 2012, the properties were sold at Wayne County tax foreclosure auction as a bulk sale, and they have been subsequently purchased by a development arm of SR Jacobson.</p> <p>Discussions with Township officials and the developer began in early 2013 as to how to complete the development, and it was determined that a "friendly" Consent Judgment between the parties would be the best option.</p> <p>Negotiations have concluded and the draft Consent Judgment is being presented to the Board of Trustees for review, input, and approval. One remaining issue to be addressed is the Township's policy to retain 100% maintenance and guaranty bond for water/sewer infrastructure improvements whereas the developer is proposing to provide 10% cash guaranty for all improvements. Discussions continue from November 4, 2013 Work Study.</p>

<b>BUDGET IMPLICATION</b>	None
<b>IMPLEMENTATION NEXT STEP</b>	Township Attorney Represents Township at Circuit Court
<b>DEPARTMENT RECOMMENDATION</b>	Approval
<b>COMMITTEE/COMMISSION RECOMMENDATION</b>	None
<b>ATTORNEY RECOMMENDATION</b>	Approval
(May be subject to Attorney/Client Privilege and not available under FOIA)	
<b>ADDITIONAL REMARKS</b>	
<b>APPROVAL OF SUPERVISOR</b>	_____

# Charter Township of Van Buren

## REQUEST FOR BOARD ACTION

Agenda Item \_\_\_\_\_

WORK STUDY MEETING DATE: NB #1  
NOVEMBER 18, 2013

BOARD MEETING DATE: NB #3  
NOVEMBER 19, 2013

Consent Agenda \_\_\_\_\_ New Business  X  Unfinished Business \_\_\_\_\_ Public Hearing \_\_\_\_\_

ITEM (SUBJECT)	SAW Grant Resolution
DEPARTMENT	Public Works
PRESENTER	Director James T. Taylor
PHONE NUMBER	734-699-8947
INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)	Dave Nummer

### Agenda topic

<b>ACTION REQUESTED</b>	
To approve Resolution 2013-20 to be submitted with the SAW Grant application to the State of Michigan Department of Environmental Quality:	
<b>BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)</b>	
The SAW Grant application requires that a resolution from the township authorizing the submittal of the grant application be passed and attached to the application.	

<b>BUDGET IMPLICATION</b>	N/A
<b>IMPLEMENTATION NEXT STEP</b>	Township Board to authorize Resolution 2013-20 for the grant application and submittal.
<b>DEPARTMENT RECOMMENDATION</b>	Director of Public Works recommends Board approval.
<b>COMMITTEE/COMMISSION RECOMMENDATION</b>	N/A
<b>ATTORNEY RECOMMENDATION</b>	N/A
(May be subject to Attorney/Client Privilege and not available under FOIA)	
<b>ADDITIONAL REMARKS</b>	
<b>APPROVAL OF SUPERVISOR</b>	

Resolution 2013-20

Charter Township of Van Buren  
County of Wayne

Resolution Authorizing the SAW Grant Agreement

Minutes of the regular meeting of the Township Board of the Charter Township of Van Buren County of Wayne, State of Michigan, (the "Municipality") held on November 19, 2013.

PRESENT: Members: \_\_\_\_\_  
\_\_\_\_\_

ABSENT: Members: \_\_\_\_\_  
\_\_\_\_\_

Member \_\_\_\_\_ offered and moved the adoption of the following resolution, seconded by Member \_\_\_\_\_.

WHEREAS, Part 52 (strategic water quality initiatives) of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended ("Part 52"), provides at MCL 324.5204e that the Michigan Finance Authority (the "MFA") in consultation with the Michigan Department of Environmental Quality (the "DEQ") shall establish a strategic water quality initiatives grant program; and

WHEREAS, in accordance with the provisions of 2012 PA 511, which provides grants to municipalities for sewage collection and treatment systems or storm water or nonpoint source pollution control; and

WHEREAS, in accordance with the provisions of 1985 PA 227, as amended, Part 52, and other applicable provisions of law, the MFA, the DEQ, and the Municipality that is a grant recipient shall enter into a grant agreement (the "SAW Grant Agreement") that requires the Municipality to repay the grant under certain conditions as set forth in MCL 324.5204e, as amended; and

WHEREAS, the Municipality does hereby determine it necessary to (*select one or more*)  
 establish an asset management plan,  establish a stormwater management plan,  establish a plan for wastewater/stormwater,  establish a design of wastewater/stormwater,  pursue innovative technology, or  initiate construction activities (up to \$500,000 for disadvantaged community).

WHEREAS, it is the determination of the Municipality that at this time, a grant in the aggregate principal amount not to exceed \$700,000.00 ("Grant") be requested from the MFA and the DEQ to pay for the above-mentioned undertaking(s); and

THE FORM WILL NOT BE ACCEPTED IF IT HAS BEEN EDITED, ALTERED, RETYPED, OR CONVERTED TO ANY OTHER FORMAT.

WHEREAS, the Municipality shall obtain this Grant by entering into the SAW Grant Agreement with the MFA and the DEQ.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Public Works Director \_\_\_\_\_ (*title of the designee's position*), a position currently held by James Taylor \_\_\_\_\_ (*name of the designee*), is designated as the Authorized Representative for purposes of the SAW Grant Agreement.

2. The proposed form of the SAW Grant Agreement between the Municipality, the MFA and DEQ (attached Sample Grant Agreement) is hereby approved and the Authorized Representative is authorized and directed to execute the SAW Grant Agreement with such revisions as are permitted by law and agreed to by the Authorized Representative.

3. The Municipality shall repay the Grant, within 90 days of being informed to do so, with interest at a rate not to exceed 8 percent per year, to the Authority if the Municipality is unable to, or decides not to, proceed with constructing the project or implementing the asset management program for which the funding is provided within 3 years of the Grant award.

4. The Grant, if repayable, shall be a first budget obligation of the Municipality, and the Municipality is required, if necessary, to levy ad valorem taxes on all taxable property in the Municipality for the payment thereof, subject to applicable constitutional, statutory and Municipality tax rate limitations.

5. The Municipality shall not invest, reinvest or accumulate any moneys deemed to be Grant funds, nor shall it use Grant funds for the general local government administration activities or activities performed by municipal employees that are unrelated to the project.

6. The Authorized Representative is hereby jointly or severally authorized to take any actions necessary to comply with the requirements of the MFA and the DEQ in connection with the issuance of the Grant. The Authorized Representative is hereby jointly or severally authorized to execute and deliver such other contracts, certificates, documents, instruments, applications and other papers as may be required by the MFA or the DEQ or as may be otherwise necessary to effect the approval and delivery of the Grant.

7. The Municipality acknowledges that the SAW Grant Agreement is a contract between the Municipality, the MFA and the DEQ.

8. All resolutions and parts of resolutions insofar as they conflict with the provisions of this Resolution are rescinded.

YEAS: Members:

NAYS: Members:

THE FORM WILL NOT BE ACCEPTED IF IT HAS BEEN EDITED, ALTERED, RETYPED, OR CONVERTED TO ANY OTHER FORMAT.

RESOLUTION DECLARED ADOPTED

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Township Board of the Charter Township of Van Buren, County of Wayne, said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

\_\_\_\_\_  
Name  
19<sup>th</sup> day of November, 2013, Clerk  
Charter Township of Van Buren County of Wayne

# Charter Township of Van Buren

BRO-NB #4

Agenda Item: WS-NB #2

## REQUEST FOR BOARD ACTION

**WORK STUDY MEETING**

**DATE: NOVEMBER 18, 2013**

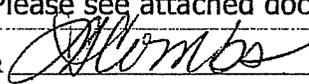
**BOARD MEETING DATE:**

**NOVEMBER 19, 2013**

Consent Agenda \_\_\_\_\_ New Business x Unfinished Business \_\_\_\_\_ Public Hearing \_\_\_\_\_

<b>ITEM (SUBJECT)</b>	Lease of Property: Beck Road Ball Fields
<b>DEPARTMENT</b>	Supervisor's Office
<b>PRESENTER</b>	Supervisor Combs
<b>PHONE NUMBER</b>	734-699-8910
<b>INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)</b>	Attorney McCauley

### Agenda topic

<b>ACTION REQUESTED</b>	
Please consider approval of lease agreement between Van Buren Charter Township and Wayne Disposal, Inc.; and authorize the Supervisor and Clerk to execute the agreement.	
<b>BACKGROUND - (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)</b>	
<p><b>ATTACHMENT 1, Host Community Agreement:</b>                  In 2009, Van Buren Charter Township entered into a Host Community Agreement with Wayne Disposal, Inc. As part of this Agreement (see p. 6, ii) and upon receipt of the [TSCA] permit, WDI shall lease the Beck Road Ball Fields to Van Buren Charter Township at an annual rate of \$1 for 99 years. The Township may record a memorandum of lease. As the TSCA permit has just been awarded to Wayne Disposal, Inc., Van Buren Charter Township is exercising its option to record this memorandum of lease of the ball fields.</p> <p><b>ATTACHMENT 2, Attorney's Opinion re: Land Lease Agreement</b></p> <p><b>ATTACHMENT 3, LAND LEASE AGREEMENT (red-lined):</b>                  This attachment has been modified to address concerns following the closed session on September 16, 2013.</p> <p><b>ATTACHMENT 4, LAND LEASE AGREEMENT (final version):</b>                  Please consider for approval.</p>	
<b>BUDGET IMPLICATION</b>	
<b>IMPLEMENTATION NEXT STEP</b>	Approval and Execute Lease Agreement
<b>DEPARTMENT RECOMMENDATION</b>	Approval
<b>COMMITTEE/COMMISSION RECOMMENDATION</b>	
<b>ATTORNEY RECOMMENDATION</b>	Attached
(May be subject to Attorney/Client Privilege and not available under FOIA)	
<b>ADDITIONAL REMARKS</b>	Please see attached documentation for additional information.
<b>APPROVAL OF SUPERVISOR</b>	

# Charter Township of Van Buren

WS # 3 NB  
 Agenda Item: PRD # 5 NB

## REQUEST FOR BOARD ACTION

**WORK STUDY MEETING**  
**DATE: NOVEMBER 18, 2013**  
**BOARD MEETING DATE:**  
**NOVEMBER 19, 2013**

Consent Agenda \_\_\_\_\_ New Business X Unfinished Business \_\_\_\_\_ Public Hearing \_\_\_\_\_

<b>ITEM (SUBJECT)</b>	2013 Beck Ball Field CDBG Improvements – Phase 1 Bid Award
<b>DEPARTMENT</b>	Planning and Economic Development Department
<b>PRESENTER</b>	Arthur Mullen
<b>PHONE NUMBER</b>	699.8913
<b>INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)</b>	David Nummer, Township Engineer

### Agenda topic

<b>ACTION REQUESTED</b>	
Award 2013 Beck Ball Field CDBG Improvements – Phase 1 Contract	
<b>BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)</b>	
<p>At the August 20, 2013 meeting, the Board of Trustees approved a Design Services contract with Wade-Trim to prepare phased bid documents for the Beck Ball Field CDBG Improvement Project.</p> <p>Wade-Trim developed the first of two bid packages for the project, one let in early September and second to be let in the winter for spring construction. The Winter Phase 2 package will be tailored to utilize the remaining budgeted funds to complete as much of the proposed improvement work as funds allow.</p> <p>The first round of Phase 1 bids was not accepted because they significantly exceeded engineer's estimates for the proposed work. Modifications were made to the bid package to encourage additional bidders, and the deadline for submitting the second letting of Phase 1 bids was October 30, 2013.</p> <p>A report detailing the break-down of the second round of Phase 1 bids and recommended bid award was shared with the Board of Trustees prior to the November 4, 2013 Work Study session.</p> <p>Over \$48,790 of 2009 CDBG funds must be expended by the end of the year or the funds will be recaptured by Wayne County.</p>	
<b>BUDGET IMPLICATION</b>	None as the funds are Wayne County CDBG funds
<b>IMPLEMENTATION NEXT STEP</b>	
<b>DEPARTMENT RECOMMENDATION</b>	Approve
<b>COMMITTEE/COMMISSION RECOMMENDATION</b>	
<b>ATTORNEY RECOMMENDATION</b>	
(May be subject to Attorney/Client Privilege and not available under FOIA)	
<b>ADDITIONAL REMARKS</b>	
<b>APPROVAL OF SUPERVISOR</b>	



# Memo

**TO: Board of Trustees**

**FROM: Arthur Mullen**

**RE: Beck Ball Fields CDBG-Additional Materials – Work Study Item # 6  
November 4, 2013 Board Meeting**

**DATE: November 1, 2013**

Bids were received on Wednesday October 30, 2013 for the second round of Phase 1 bids. With the first round of Phase 1 bids, the bids far exceeded engineer's estimates. The two bids received were rejected.

The project was rebid. The Bid Tabulation Sheet is attached for the second round of bids. At this time, the Township is against a hard deadline to expend its 2009 CDBG funds which have been reprogrammed for this project. CDBG funds are being used to fund this entire project.

Staff is recommending that three parts of the second round bid be let at this time – dugouts, fencing, and playground equipment. These projects will expend the funds that are at risk.

- New dugouts – Sole Building - \$111, 775.00
- New Fencing for Field #7 – Davenport Bros. - \$23,038.00
- Playground – Superior Play - \$52,621.09

Two items from the bid are not recommended to be funded at this time – the paths and the landscaping. Additional rounds of work will be funded as dollars are available. Outstanding items for the entire scope of the Beck Ball Fields project include: installing additional circulation paths, additional landscaping, pavilion construction, and refurbishment of the concession building.

Staff has previously worked with these contractors, and they feel comfortable in awarding these three work items to them.