

CHARTER TOWNSHIP OF WHITE LAKE
DRAFT Minutes of the Special Board of Trustees Meeting
October 1, 2024

CALL TO ORDER

Supervisor Kowall called the meeting to order at 5:30 P.M. He led the Pledge of Allegiance.

ROLL CALL

Clerk Noble called the Roll:

Present:

Rik Kowall, Supervisor
Anthony L. Noble, Clerk
Mike Roman, Treasurer
Scott Ruggles, Trustee
Liz Smith, Trustee
Andrea Voorheis, Trustee

Absent:

Michael Powell, Trustee

Also Present:

Sean O'Neil, Community Development Director
Brian Barrick, Beckett & Raeder
Hannah Kennedy-Galley, Recording Secretary

APPROVAL OF AGENDA

It was **MOVED** by Clerk Noble, **seconded** by Trustee Voorheis to approve the agenda as presented.
The motion carried with a voice vote: (6 yes votes).

PUBLIC COMMENT

None.

NEW BUSINESS

A. DISCUSSION FOR A DECISION REGARDING CONTRACTOR FOR THE STANLEY PARK RENOVATION

Director O'Neil explained that the low apparent bidder, STE Construction, was awarded the contract back in February 2024. An AIA contract underwent negotiations in April 2024. The contract was not finished by July 2024, so the Township urged STE to finish the negotiations. A signed contract was received in August 2024, and at that time, an unreviewed surety bond document was discovered. The Township Attorney was not comfortable with the surety bond language, and now there is an impasse between the Township and STE. The construction season has now been lost.

Attorney Hamameh said the bid specs required contract approval from the Township staff, Township Attorney, and the Board. The bond form is not complete, and the contract is not finalized. STE's attorney has gone back and forth regarding the bond document language.

Director O'Neil stated there is an urgency as the project needs to be finished by mid-2026. He added he has seen enough to know a change of contractor is needed.

Brian Barrick of Beckett & Raeder said the bid documents will need the construction schedule adjusted. The construction initially was expected to begin in April of 2024, if the Township moves forward with STE or chooses a new contractor. There are three options: to sign the contract with STE, to issue a post-bid addendum to the previously submitted bidders to update their bids, or to re-bid the project entirely.

Trustee Ruggles added that it became apparent to him that STE has no interest in moving forward with the Township, and the conversations with the Township attorney have been a stall tactic. He has advised Director O'Neil to fire STE.

Supervisor Kowall added, the bond language is the core issue is and not BRI.

Director O'Neil added that the Township has been chasing STE to finalize the contract this past summer, and the surety bond issue is now the last piece. He attributes the lack of communication on STE.

Treasurer Roman asked Mr. Barrick what his role was in the project. Mr. Barrick said BRI is the design consultant, and assisting the Township with a bid award and construction observation is within their scope. Treasurer Roman added that McCarthy & Smith offered their services as construction managers to work with BRI to complete the Stanley Park project. He added he wants to rescind the award to STE and re-bid the project entirely.

Clerk Noble asked Mr. Barrick if he was communicating with STE Construction. Mr. Barrick said he was involved with asking STE for the required documents. Mr. Barrick said there were feelings of negotiations with STE ending up this way, but up until a couple of months ago, things were moving.

Director O'Neil said any changes in the project, including a shift in construction award, will need to be reported to the State because of the grant awarded to Stanley Park.

Trustee Smith stated she was disappointed that this issue wasn't brought to the Board sooner. She thought the Board could have dealt with the issue earlier this year. Director O'Neil said that even if the project was cut off 90 days ago, the Township would still have been in the same place now because of construction regulations.

Trustee Smith said she supported cutting ties with STE Construction and rebidding the project entirely. She also supported the idea of involving McCarthy & Smith with the project.

It was MOVED by Treasurer Roman, seconded by Trustee Smith to rescind the bid award for the Stanley Park construction to STE Construction which occurred at the regular Board meeting on February 20, 2024. The motion carried with a roll call vote: (6 yes votes). Kowall/yes, Noble/yes, Voorheis/yes, Roman/yes, Smith/yes, Ruggles/yes).

B. RESOLUTION #24-055; APPROVING THE BOND TERM LENGTH FOR CIVIC CENTER BUILDINGS

Supervisor Kowall said bond counsel wants the Board to pass this resolution to reaffirm the bond term lengths for the repayment of the Civic Center buildings. The final maturity date of the bonds will be no more than 30 years from the issuance of the bonds. The interest rate will be 6%.

It was MOVED by Supervisor Kowall, seconded by Trustee Voorheis, to approve Resolution #24-055; Approving the Bond Term Length for Civic Center Buildings. The motion carried with a roll call vote: (6 yes votes). (Voorheis/yes, Roman/yes, Kowall/yes, Noble/yes, Smith/yes, Ruggles/yes).

ADJOURNMENT

It was MOVED by Kowall, seconded by Clerk Roman to adjourn at 6:00 P.M. The motion carried with a voice vote: (6 yes votes).

Rik Kowall, Supervisor
Charter Township of White Lake

Anthony L. Noble, Clerk, MiPMC
Charter Township of White Lake