



32325 Franklin Road, Franklin, Michigan 48025

F: (248) 626-0538

(248) 626-9666

www.franklin.mi.us

**VILLAGE OF FRANKLIN
SPECIAL COUNCIL MEETING
MONDAY, JUNE 7, 2021, at 6:00 P.M.
32325 Franklin Road, Franklin, Michigan 48025**

A G E N D A

The Village Council will not be assembling to meet at a physical place; the meeting will be held electronically via “Zoom.us©”, in accordance with the Michigan Open Meetings Act, as amended by 2020 PA 228

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/81722939896?pwd=eUpTRW9WMkozajRKVHFkdHJXVmJuQT09>

PASSCODE: 461300

PHONE: 1-646-558-8656

WEBINAR ID: 817 2293 9896

I. CALL TO ORDER

II. ROLL CALL

III. ADOPTION OF AGENDA

IV. PUBLIC REQUESTS AND COMMENTS

Resolution to Adopt Rules for Electronic Meetings Rule 34, PUBLIC COMMENTS, During Village Council meetings conducted electronically, members of the public attending the meeting, once recognized by the chair, shall identify themselves for the record and indicate the municipality where they reside. Comments by the public will be limited to 2 minutes for each speaker unless the time is extended by the chair or by vote of the Council. Comments by the public during electronic meetings will be restricted to the public requests and comments portion of the meeting.

V. NEW BUSINESS

A. Consider Resolution to Approve Change Orders and Funding for Sidewalk Construction along Franklin Road-Summer, 2021

VI. ADJOURNMENT

Posted: June 3, 2021

Heather Mydloski / Village Clerk

POSTED IN ACCORDANCE WITH PUBLIC ACT 267 (OPEN MEETINGS ACT)

The Village of Franklin will provide necessary, reasonable auxiliary aids and services to individuals with disabilities requiring such services. All requests must be made to the Village Clerk at least five (5) business days before a meeting. Individuals with disabilities requiring auxiliary aids or services should contact the Village in writing at 32325 Franklin Road, Franklin, MI 48025 or by calling the Clerk's Office, at 248-626-9666.

Village of Franklin, Michigan
Public Notice for Virtual Meeting of the **Village Council** via “Zoom.us©”
Scheduled for **6:00 p.m. on MONDAY, JUNE 7, 2021**

The Village of Franklin’s priority is always the health, safety, and welfare of residents, businesses, visitors and its staff. The Village of Franklin has proactively taken steps to prevent the further spread of the coronavirus (COVID-19) throughout the village, including hosting of virtual meetings. All Village Council, Commission and Board meetings will be conducted as virtual meetings until further notice.

The **Village of Franklin Special Council Meeting** will be held via “Zoom.us©” online meeting platform. Village Hall is closed to the public. The meeting is open remotely to the public to follow along and participate during the public portion of the meeting.

Access the electronic meeting in one of the following three ways:

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/81722939896?pwd=eUpTRW9WMkozajRKVHFkdHJXVmJuQT09>

PASSCODE: 461300

PHONE: 1-646-558-8656

WEBINAR ID: 817 2293 9896

ELECTRONIC MEETING PARTICIPATION

- To help meeting flow and organization, all public comment otherwise known as citizens to be heard, will be taken at the beginning of the meeting and as outlined on the agenda.
 - Video conferencing audience: To make a comment, use the “raise your hand” feature. When recognized by the Chairman, please wait to be un-muted, then state your name and express your interest when called upon to do so.
 - Phone-in audience: To digitally raise your hand to be put into queue for public comment dial *9. When recognized by the Chairman, make a public comment, state your name and express your interest when called upon to do so. To toggle the mute/unmute function dial *6

As required by the Americans with Disabilities Act of 1990, access to all programs, services and activities provided by the Village of Franklin are available to individuals with disabilities with 48 hours’ notice. Individuals who believe they are in need of an accommodation should contact the Village of Franklin Clerk’s Office by emailing Heather Mydloski at clerk@franklin.mi.us.

Heather Mydloski

From: Roger Fraser <rfraser@franklin.mi.us>
Sent: Wednesday, June 2, 2021 5:27 PM
To: Bill Lamott; Brian Gordon; Ed Saenz; Kathy Erlich; Mark Hanke ; Michael Seltzer; Pam Hansen
Cc: 'Doreen Martin'; Heather Mydloski; lvainik@gmail.com; 'Chief Roberts'
Subject: FW: SPECIAL MEETING

Council Members Gordon and Hansen have requested a special meeting of the Franklin Village Council. It will be held at 6:00 p.m. on Monday, June 7, 2021 via Zoom. The single business item on the agenda is consideration of a resolution to authorize award of bids for sidewalk construction and engineering and appropriate funds therefore.

Roger Fraser

Village Administrator
Village of Franklin
Franklin, Michigan 48025
248-626-9666
rfraser@franklin.mi.us

From: Brian Gordon <bgordon@franklin.mi.us>
Sent: Wednesday, June 2, 2021 4:42 PM
To: Roger Fraser <rfraser@franklin.mi.us>
Subject: Fwd: SPECIAL MEETING

I concur

thx

Brian Gordon
248-229-1300 cell

Begin forwarded message:

From: Pam Hansen <phansen@franklin.mi.us>
Date: June 2, 2021 at 1:19:59 PM PDT
To: Brian Gordon <bgordon@franklin.mi.us>
Subject: SPECIAL MEETING

Trustee Brian Gordon and I are requesting you to schedule a special Village Council meeting on Monday June 7 or as soon as possible. The sole agenda item will be to approve the budget for the Streetscape completion.

Thank you.

Best Regards,

Pam Hansen, Trustee
Village of Franklin
phansen@franklin.mi.us
mobile: +1 248-613-3312



Virus-free. www.avg.com

Bid Form

South of Scenic						North of Scenic				
Item	Description	Unit	Qty	Unit Price	Value	Qty	Unit Price	Value	Total Qty	Total Value
1.	Mobilization, Supervision	LSUM	1	\$130,000.00	\$130,000			\$0	1	\$130,000
2.	RCOC Permit Allowance	DLR	1	\$7,000	\$7,000			\$0	1	\$7,000
5.	Construction Signing/Traffic Control	LSUM	1	\$40,000.00	\$40,000			\$0	1	\$40,000
6.	Trailway Clearing and Grubbing	LSUM	1	\$22,000.00	\$22,000			\$0	1	\$22,000
7.	Split Rail Fence – Relocate	LSUM	1	\$7,500.00	\$7,500			\$0	1	\$7,500
8.	Pavt, Rem, Mod	SYD	390	\$12.00	\$4,681			\$0	390	\$4,681
10.	Sewer, Rem, Less than 24 inch	LFT	13	\$25.00	\$325			\$0	13	\$325
11.	Curb, Rem	LFT	98	\$7.00	\$686			\$0	98	\$686
12.	Tree, Rem, Mod	EA	12	\$900.00	\$10,800			\$0	12	\$10,800
13.	Sidewalk, Rem	SYD	12	\$3.00	\$36			\$0	12	\$36
14.	Shared Use Path, Grading, Mod	LFT	2,597	\$5.00	\$12,983	729.00	\$5.00	\$3,645	3,326	\$16,628
15.	Temporary Mailbox Relocation	LSUM	1	\$2,000.00	\$2,000			\$0	1	\$2,000
16.	Shared Use Path, Aggregate	SYD	1,352	\$8.00	\$10,817	402.11	\$8.00	\$3,217	1,754	\$14,034
23.	Hand Patching	TON	161	\$220.00	\$35,393			\$0	161	\$35,393
26.	Shared Use Path, Conc, Mod	SFT	12,169	\$7.00	\$85,183	3,619.00	\$7.00	\$25,333	15,788	\$110,516
27.	Sidewalk Ramp, Conc, 6 inch, Mod	SFT	660	\$17.00	\$11,220			\$0	660	\$11,220
29.	Curb and Gutter, Conc, Det B2, Mod	LFT	995	\$40.00	\$39,800			\$0	995	\$39,800
31.	Erosion Control, Slit Fence	LFT	3,110	\$2.50	\$7,775			\$0	3,110	\$7,775
32.	Erosion Control, Filter Bag	EA	35	\$150.00	\$5,250	13.00	\$150.00	\$1,950	48	\$7,200
35.	Underdrain, Subgrade, 6 inch, Mod	LFT	745	\$16.00	\$11,920			\$0	745	\$11,920
40.	Dr Structure, 24 inch Dia, Mod	EA	5	\$3,000.00	\$15,000			\$0	5	\$15,000
41.	Dr Structure, 48 inch Dia, Mod	EA	2	\$4,500.00	\$9,000			\$0	2	\$9,000
42.	Sewer, CL IV, 12 inch, Mod	LFT	124	\$130.00	\$16,120			\$0	124	\$16,120
43.	Sewer, CL IV, 18 inch, Mod	LFT	15	\$140.00	\$2,100			\$0	15	\$2,100
44.	Masonry Wall Concrete Footing	LFT	654	\$98.00	\$64,092			\$0	654	\$64,092
45.	Masonry Wall Type A – Complete	LSUM	1	\$45,000.00	\$45,000			\$0	1	\$45,000
46.	Masonry Wall Type B – Complete	LSUM	1	\$75,000.00	\$75,000			\$0	1	\$75,000
47.	Wall Stone Veneer – Split	SFT	1,240	\$60.00	\$74,400			\$0	1,240	\$74,400
48.	Wall Stone Veneer – Unsplit	SFT	600	\$50.00	\$30,000			\$0	600	\$30,000
49.	Wall Washing	SFT	2,281	\$2.00	\$4,562			\$0	2,281	\$4,562
50.	Boulder Wall – Complete	LFT	105	\$250.00	\$26,250	50.00	\$250.00	\$12,500	155	\$38,750
51.	Project Restoration	LSUM	1	\$25,000.00	\$25,000			\$0	1	\$25,000
62.	8" HDPE Storm Drain	LFT	15	\$40.00	\$600			\$0	15	\$600
xx	Addition of Ped. Signal at 13 Mile Rd.	LSUM	1	\$30,000	\$30,000			\$0	1	\$30,000
xx	Pavement Markings at 13 Mile Crossing	LSUM	1	\$5,000	\$5,000			\$0	1	\$5,000
				Total	\$867,493		Total	\$46,645	Total	\$914,138



CIVIL ENGINEERS
LAND SURVEYORS
LAND PLANNERS

May 14, 2021

Mr. Roger Fraser, Village Manager
Village of Franklin
32325 Franklin Road
Franklin, MI 48025

**RE: Village of Franklin – Franklin Road Sidewalk Enhancement Project
Surveying Layout, Construction Inspection and Engineering Assistance
NFE Proposal #9-D486 – Additional Service Request No: 04**

Dear Mr. Fraser:

In response to your request, we have reviewed the project requirements relative to performing additional construction administration services for the Franklin Road Sidewalk Enhancement Project. As discussed, and as a result of the recently passed Charter Amendment, the project has been extended to include sidewalks within residential areas of the project. Recall, this work was eliminated from the contract due to court action. With the Charter Amendment, these sidewalks can now be installed. Based on the contractor's stated schedule, it is expected this work will begin right after the 4th of July and will be completed 90 days thereafter. This schedule serves as the basis for this Additional Services Request.

As we have communicated, all efforts will be made to keep costs in check. You have requested that full time inspection be provided on this project. Based on our review of what is expected for inspection and construction administration, we have identified the following scope of work and fees for continued services on this project:

SCOPE OF WORK – CONSTRUCTION ADMINISTRATION

1. Additional Construction Engineering & Inspection

Continue to provide limited part time inspections in the duration and frequency (averaging approximately 50 hours per week) to document and resolve public complaints; Assist with stakeholder coordination throughout construction, such as with the schools, US Postal Service, garbage collectors, police and fire personnel, etc.; Resolve contractor disputes as may arise during the project; Assist in resolving contractor claims for additional compensation; Correspond and coordinate with Village staff and officials; Respond to Contractor's requests for information, review submittals; Provide all construction oversight supervision to assure project is constructed in conformance with the plans and specifications; Provide limited construction inspection services to document daily operations and quantities of work in an Inspector's Daily Report (IDR); Deliver required Notices of Construction to residences & businesses and coordinate with Village staff/operations; Document and resolve changed field conditions; Obtain project photos that document the progress of the work; and Prepare project closeout punch list. Also, perform required construction staking for horizontal and vertical control.

Estimated Fee: \$87,058.00

NOWAK & FRAUS ENGINEERS

46777 WOODWARD AVENUE
PONTIAC, MI 48342-5032

WWW.NOWAKFRAUS.COM

VOICE: 248.332.7931
FAX: 248.332.8257

Mr. Roger Fraser, Village Manager
Franklin Road Sidewalk Enhancements
Proposal #9-D486
May 14, 2021
Page 2

We submit the following cost breakdown as evidence of our expected costs associated with performing construction administration services for this project:

ADDITIONAL CONSTRUCTION ENGINEERING AND INSPECTION

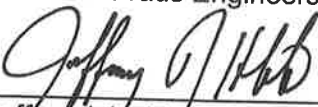
<u>Classification</u>	<u>Description of Work</u>	<u>Estimate Hours</u>	<u>Hourly Rate</u>	<u>Amount</u>
Engineer III	Construction Inspection	650	88.00	57,200.00
Associate	Field Review and Oversight	120	120.00	14,400.00
Principal	Review & Coordination	20	130.00	2,600.00
2 Person Survey Crew	Construction Staking	32	169.00	5,408.00
Survey Technician	Coordinates	10	85.00	850.00
Material Testing	Laboratory Analysis			3,000.00
Project As-Builts				<u>\$3,600.00</u>

Total Inspection & Construction Management: \$87,058.00

Please be advised that invoices will be based on actual hours and work required as approved by your office and the not-to-exceed amount will not be exceeded unless authorized by your office. We look forward to working with you on this important project for the Village.

If you have any questions or require further information, please feel free to contact me.

Sincerely,
Nowak & Fraus Engineers



Jeffrey J. Huhta, P.E., P.S., Managing Partner

Date: May 14, 2021

Recommended By:
VILLAGE OF FRANKLIN

Roger Fraser

Date: _____

Approved By:
VILLAGE OF FRANKLIN

Bill Lamott, Village President

Date: _____

Roger Fraser

From: Steven Sutton <swsutton@nfe-engr.com>
Sent: Thursday, June 3, 2021 10:05 AM
To: rfraser@franklin.mi.us
Subject: VOF Streetscape - Costs

Roger

The table below may help tell the story of the budget for presentation to the Council:

Description	Value (\$)	Explanation
Original Contract for Entire Project	\$2,294,539.50	Award to ASI for all phases of work
Contract Change Order #1	\$22,700	Irving Street Drainage Improvement
Contract Change Order #2	-\$427,498.50	Remove work south of Scenic and the 2 segments in the core area (Village Green and along residence)
Contract Change Order #3	\$189,578.75	Added Storm Drain work; retaining wall near 14-Mile and Added Concrete Sealer for salt protection
Contract Change Order #4	\$35,608.35	Upsized trees and project restoration work
Proposed Change Order #5	\$914,138	Restore work excluded in Contract Change Order #2
Summary	\$3,029,066.10	

This summary does not include NFE costs, which have increased with the project. The correlation that seems to make the most sense is to subtract \$427,498.50 from the proposed \$914,138. That is the easy way to relate what the delay in completing this work in 2020 is (plus NFE fees).

Steve Sutton, PE, LSIT

Senior Associate

Nowak & Fraus Engineers

46777 Woodward Avenue
Pontiac, Michigan 48342

T: 248.332.7931



In response to the recent community health challenge facing us all, we will be working remotely and limiting the time we are physically in the office for the time being.



Electronic Data Notice – The information contained in this electronic communication is considered part of Nowak & Fraus Engineers' (NFE) instrument of service and shall not be used on other projects. Since data stored on electronic media can be altered, translated or modified; NFE will not be liable for the accuracy, completeness, or readability of the electronic data. The electronic data should be checked against the hard copy. Hard copies of all NFE data are on file and available upon request if needed for comparison.

MEMORANDUM

TO: Franklin Village Board of Trustees
FROM: Roger Fraser, Village Administrator
SUBJECT: Narrative on Roads and Streetscape – 2017-2021
DATE: May 18, 2021

At the general election in November, 2016 Franklin voters approved the sale of bonds in an amount not to exceed \$15,000,000 for *constructing improvements to Village streets, including but not limited to . . . improving major and local road streets and rights of way and appurtenances and attachments thereto, and making related drainage and safety improvements. . .* After expenses of issuing the bonds were paid, bond proceeds available for the reconstruction project were \$13,847,587.07.

In plain terms, the plan was to resurface every street in the Village, including Franklin Road. In early 2017 Hubbell, Roth, and Clark (HRC) were asked to do engineering for the street improvements and in spring 2017 Cadillac Asphalt was contracted to do the road work planned for every street in the Village during the remainder of 2017, 2018 and part of 2019. HRC Engineering costs for the street reconstruction were \$1,642,268.87 and Cadillac Asphalt was paid \$10,534,963.62. Total road construction cost, excluding Franklin Road from Scenic north to 14 Mile Road was \$12,177,231.

By 2019, finances related to the road project looked like this:

Bond Proceeds -	\$13,847,587
Project Costs	<u>(12,177,231)</u>
Remaining Bond Proceeds -	\$ 1,670,356

About this time discussion was underway regarding an improved streetscape in the Village downtown using uncommitted funds from the sale of road improvement bonds. Land Design Studio was engaged to assist with planning and design concepts for pedestrian improvements including sidewalks, cross walks, and lighting as well as planting areas and additional trees. Beginning in March 2019, residents were invited to discussion sessions to explore various possibilities for the downtown. Later in 2019, Nowak and Fraus was engaged for engineering work in the downtown, focusing on roadway, curbs, sidewalks, drainage, electric systems, etc.

In early spring, 2020 Village Council approved the attached resolution approving the Franklin Road Streetscape plan and construction of related improvements. The resolution includes a funding statement: *. . .to fund the streetscape and remaining Franklin Road improvements, approximately \$1,500,000 of bonds approved for road rehabilitation remains uncommitted and approximately \$1,100,000 is available in Act 51 Local and Major road funds.*

In May 2020, bids were let for downtown construction. Asphalt Specialists, Inc. was selected. (See the second attached resolution.) By June 2020 construction was underway and Peter Basso, Associates was

selected to provide advice and design for downtown lighting. Not long after construction started, the Village was sued over sidewalks in front of residential properties in the downtown.

With the pending litigation over sidewalks, it was agreed among the engineers, contractors and Village officials that work on sidewalks contiguous to residential properties would be postponed pending a finding in the litigation. In addition to sidewalks on both sides of Franklin in the downtown, plans also called for new sidewalks south of Scenic drive, on the east side of Franklin Road from about Hawthorne to 13 Mile. At the intersection of Franklin and 13 Mile, a crosswalk was planned across Franklin on the north side of 13 Mile and across 13 Mile on the west side of the intersection. Pedestrian access to the signals was also included. When the court ruled against the Village use of the right of way in front of the residences in the downtown, those sidewalks and all the sidewalks south of Hawthorne were removed from the project and the contracts adjusted accordingly.

With curbs installed along both sides of the road in the downtown, catch basins for storm water were required. Portions of a storm drainage collection system were in place in the downtown, but not identified in existing drawings. Additional time and effort were expended to locate, repair, extend and clean the existing storm drainage system. An added cost of approximately \$166,000 was needed.

By the end of October, the project was shut down for the winter with one lift of asphalt still to be installed, the stone wall to be installed on the curve above 14 Mile and finish work to be completed in plant beds, islands behind the curbs and certain light installations. Following is the financial status of the project after shutting down in October.

Available Revenues – Remaining Bond Funds	\$1,670,356
Bond Fund Interest thru March	50,577
Designated ACT 51 Funds	<u>759,334</u>
	\$2,480,267
2020 Streetscape Expenditures	
Nowak/Fraus Eng.	\$(295,050)
Land Design	(67,636)
Peter Basso	(20,067)
Asphalt Specialist	(1,327,135)
Other Charges	<u>(167,406)</u>
Streetscape Expenses thru 12/2020	(\$1,877,294)
Available Bond Funds as of March 31, 2021	\$ 602,972

RESOLUTION TO APPROVE CONTRACT CHANGES AND FUNDING FOR SIDEWALK CONSTRUCTION ALONG FRANKLIN ROAD – SUMMER, 2021

WHEREAS at the regularly scheduled meeting of May 10, 2021, the Franklin Village Council approved a resolution directing the Village Administrator to work with the streetscape project engineers, Nowak and Fraus and the contractor, Asphalt Specialist Inc. to determine costs and scheduling necessary to complete the planned and designed, but incomplete components of the streetscape plan, and

WHEREAS the incomplete components consist of certain sidewalks planned for the west side of Franklin Road in the downtown, sidewalks on the east side of Franklin Road from Hawthorne south to 13 Mile, and a crosswalk and pedestrian controlled signal at 13 Mile, and

WHEREAS Nowak and Fraus Engineering submitted the attached, additional service request #4 in the amount of \$87,058 for added engineering services for the renewed sidewalk construction, and

WHEREAS ASI submitted the attached construction bid form in the amount of \$914,138 as the estimated cost for the completion of those incomplete streetscape items, and

WHEREAS NSF reviewed the construction bid form for reasonableness and sufficiency, and recommends that ASI be awarded change order #5 in the amount of \$914,138 for construction of the above cited sidewalk related elements of the streetscape plan, and

WHEREAS the three-member, ad-hoc construction review committee of the Village Council met with the Village Administrator, the NFE engineer and the representative of ASI to examine the construction bid, discuss cost drivers and explore options that might reduce the cost of sidewalk construction, and

WHEREAS the construction and engineering costs to complete the sidewalks as initially approved by the Franklin Village Council is \$1,001,196, and

WHEREAS the Road Rehabilitation Program has \$602,972 (plus earned interest) remaining, and the Act 51 Major and Local Street funds can provide \$398,224, for a total of \$1,001,196 to complete sidewalks and related components along Franklin Road.

NOW THEREFORE, the Franklin Village Council resolves to approve Asphalt Specialties, Inc. (ASI) change order #5 in the amount of \$914,138 for construction and installation of:

1. Sidewalks designed for the west side of Franklin Road between Vincennes and Carol,
2. Sidewalks designed for the east side of Franklin from Hawthorne to 13 Mile Road,
3. A pedestrian crosswalk designed for the east side of the intersection of Franklin and 13 Mile Roads, and

4. Traffic signal improvements to accommodate the protected pedestrian crossing at the east side of the intersection at Franklin and 13 Mile roads,

IT IS FURTHER RESOLVED the Village Administrator is authorized to use \$602,972 from the Road Rehabilitation Funds and \$398,224 from Act 51 Major and Local Street funds for the purpose of paying expenses related to the sidewalk construction, and

RESOLVED the Franklin Village Board of Trustees expresses its substantial concern over the dramatic increase in the cost of this project when compared to essentially the same project that was planned and bid approximately one year ago. The Village Administrator and the construction review committee of this Council are directed to work earnestly with NFE and ASI to identify and implement appropriate cost reduction strategies without sacrificing the project quality necessary for an enduring product for which the Village residents can be proud.

Adopted at this specially called meeting of the Franklin Village Council, June 7, 2021.