

# DOWNTOWN DEVELOPMENT AUTHORITY

Regular Meeting  
Wednesday, March 17, 2021  
7:00pm



**DDA Members Present:** Ted Stroud-Chair, Fred Northrup, Todd Luks, John Fischer, Byron Russell, Rob Benstein, Greg Mauldon, Gary Howe (alternate), and John Lazet.  
**Members Absent:** none

**Others Present:** David Revore, legal counsel, and Mary Ruttan, Treasurer.

**I. Meeting was called to order** by Chair Stroud at 7:04 pm.

**II. Set/Amend Agenda:** A new item of business was added after V., “VI. Closed session to consider legal advice recently provided by legal counsel”, and the remaining orders of business re-numbered.

**III. Public Comment:** None

**IV. Approval of January 20, 2021, minutes:**

No amendments were offered.

**MOTION Benstein, seconded by Russell, to approve the January 20, 2021 minutes as submitted.  
CARRIED 8-0.**

**V. Treasurer’s Reports**

Treasurer Ruttan had provided copies of information on account balances, investments, the check register for the current fiscal year, and current tax capture values compared to prior years. Discussion followed on the ongoing reduction of captured taxes, and, especially on the roughly 20% drop in the past year. Treasurer Ruttan was asked to provide definitive answers to two questions: (1) Does the DDA capture taxes on the value of personal property? And (2) As businesses replace personal property, does the DDA also capture the taxes on the new value of the personal property? She will see that answers are provided for the next meeting.

**VI. Closed Session to consider legal advice recently provided by legal counsel**

Chair Stroud explained that legal counsel had provided two letters containing privileged content addressing matters of business before the Board tonight, which needed to be discussed prior to upcoming actions being taken.

**MOTION Stroud, seconded by Benstein, that the DDA Board convene in closed session under section 8(h) of the Open Meetings Act, to consider material exempt from disclosure by state statute, section 13(1)(g) of the Freedom of Information Act, which exempts from public disclosure “[i]nformation or records subject to the attorney-client privilege, being correspondence from its attorney dated February 29, 2021, and March 17, 2021, for the reason that the correspondence is exempt from disclosure under State law due to the attorney-client privilege.**

**CARRIED BY ROLL CALL VOTE, ALL MEMBERS VOTING IN THE AFFIRMATIVE 8-0.**

At 7:22 the Board proceeded to convene in closed session.

At 7:53 the Board ended the closed session and re-convened in open meeting.

## **VII. Pending Business:**

### **A. Consideration of Bids on Ball Field Improvements**

Wolverine Engineers & Surveyors had received, opened, and evaluated all of the bids. The three lowest bidders are all local firms, known to Wolverine as experienced and capable contractors. Based on cost, Wolverine recommended awarding the project contract to Mauldon Bros Construction. DDA member Greg Mauldon, disclosed that he is the sole owner of Mauldon Bros. Construction. Pursuant to law (MCL 15.323), as a DDA Board member Mr. Mauldon is considered a public servant and is required to disclose "...any pecuniary interest in the contract to the official body that has power to approve the contract, which disclosure shall be made a matter of record in its official proceedings." Law further requires this disclosure be made at a public meeting, and in writing. Having informed the DDA Board of his pecuniary interest and having a letter being submitted shortly, the Board noted that by law Mr. Mauldon must recuse himself from any deliberation of the bids, and that also by law a vote on awarding the project must wait at least seven days after the disclosure of pecuniary interest is made. As such, the decision to award the project cannot be made tonight.

The Board discussed the high level of interest in the project as evidenced by 12 bids being submitted, and the low bid being under the engineer's estimate by 10%. It was noted that tying in the catch basin on the SW corner of the parking lot will need to be added to the scope of work to be performed. A board member had talked with Wolverine about being the project manager, and Wolverine thought they could do so for under \$5,000. Members expressed support for contracting with Wolverine. There was discussion of adding a contingency amount of 5 to 10 percent. It was noted that obtaining the soil erosion permit can take up to a month, and the Township should submit the application as soon as possible.

It was noted that this type of groundwork and seeding is best if performed in the spring, and that waiting until the June meeting to award the project would not be best for the project or the users of the fields. After discussion, it was decided to schedule a special meeting that met the seven-day waiting period.

### **B. Adoption of Fiscal Year 2021-22 Budget**

Mr. Lazet presented the proposed budget for the DDA, which is identical to the budget being adopted by the Township Board of Trustees. Systemic costs to the DDA are proposed to be the same or include known increases: legal fees, LEAP economic development contract, fire truck costs, website, and auditing costs. As the budget for the current year was expected to pay the cost of the athletic fields improvement but will not happen in FY 2020-21, that funding is proposed for the FY 2021-22 budget. In essence, the proposal is for a continuation budget. There was discussion on the various items.

**MOTION Fischer, seconded by Northrup, to approve the FY 2021-22 budget as presented.  
CARRIED 8-0.**

### **C. Discussion of Upcoming Projects**

Mr. Lazet stated that pursuant to new law, 2018 PA 57, the DDA is required to post on the Township website various reports about the revenues, expenditures, and projects of the DDA. There was discussion on the role of the DDA in economic development within the DDA district, various projects pursued in the past but not performed, such as linking the public trail in Mason to the Township hall complex with its recreational fields and playscape; extending public utilities to the parcels on the west side of US 127; and extending public utilities within the DDA district on the east side of US 127. Mr. Lazet further noted that in talking with the City of Mason

and key developers, he was at this time not aware of any efforts to attract a specific business to the district, though people know about the DDA district and keep it in mind. There was discussion of possible uses of several parcels, especially the areas of the airport not within the hazard zone; the possibility of working to improve broadband access and quality (such service deemed to be adequate at this time); and whether district boundaries could be modified. It was agreed to continue this discussion at the regularly scheduled meeting in June.

### **VIII. Any Other Business**

Mr. Dillon Rush of LEAP could not attend tonight as his firm has a policy of not meeting in person during the COVID-19 pandemic, and so had submitted an email with an update of LEAP activities. The email was distributed to Board members.

The low bidder on the ball fields improvement project (Greg Mauldon of Mauldon Bros. Construction, LLC) disclosed tonight, pursuant to law, his pecuniary interest in the project if awarded the bid. State law requires the Board to wait at least seven days before voting on the project once any disclosure is made. Seven days from today is Wednesday, March 24, 2021.

**MOTION Stroud, seconded by Benstein, to schedule a special meeting on Wednesday, March 31, 2021, starting at 7:00 p.m., to consider the bids on the Vevay Township athletic fields improvement and pavilion floor replacement.**

**CARRIED 8-0.**

### **IX. Adjournment**

**MOTION Russell, Seconded by Benstein, to adjourn at 8:43 pm.**

**CARRIED 8-0.**

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John Lazet, Secretary

*Next meeting scheduled for June 23, 2021.*