



**CITY OF HART
407 S. STATE ST.
HART, MI 49420
SPECIAL MEETING OF CITY COUNCIL - COUNCIL PROCEEDINGS
July 25th, 2023
MINUTES – APPROVED**

PRESENT: Councilors: Mayor Vicki Platt, Justin Adams, Catalina Burillo, Jim Evans, Dean Hodges, Amanda Klotz, and Kris Trygstad

ABSENT: NONE

OTHERS PRESENT: City Manager – Rob Splane, City Clerk – Karla Swihart, and BioPure Superintendent – Paul Cutter, Sharon Hallack, and Dick Huntington

Mayor Platt called the meeting to order; following the roll call, then led the Council in the pledge of allegiance.

APPROVAL OF AGENDA:

- C. Burillo motioned to approve the agenda and was supported by K. Trygstad
 - Ayes: 6 Nays: 1 Absent: 0

PUBLIC COMMENTS:

- Dick Huntington, 115 Creeks Drive, running into some problems in the subdivision have an upset property owner who is trying to blame the HOA for the problems she is running into trying to build, she bought a lot without realizing how much preparation the lot was going to take to build a building on. The Drain Commissioner has been there looking at it and, she would need to get a \$25,000 bond, also a 5ft retaining wall that would have to be put in on the back of the lot just so they can fill that lot to bring it up to the level it needs to be in order to build. A lot of people do buyer beware its your problem if you buy something you're stuck with it, but that isn't how the City should do business nor their realtor, They should let people know that all those lots slop back into a flood plain which will require fill, at \$25,000 bond that will go away once the retaining wall is put in and the Drian Commission says its acceptable. They have also talked with EGLE, and they have problems with those lots backing up to Russell's Creek as once you raise those lots where is the water going to go? That is not the HOA issues as we are not selling the lots, we only approve the plans.
Several months ago, I asked to have a meeting with the Council, HOA, City manager and Relator to talk about these lots. That has not happened.

CORRESPONDENCE, EVENTS, PRESENTATIONS:

- None

CONSENT AGENDA:

- Approval of minutes from July 11th, 2023.
- Bills, Claims, Payroll
- Reports of Boards, Commissions, and Committees
- Department Reports – Police/BioPure/Public Works/Energy/C&E Dvlp
 - A. Klotz motioned to approve Consent Agenda and supported by J. Adams
 - Ayes: 7 Nays: 0 Absent: 0

ACTION ITEMS:

- Resolution 2023-33 Resolution to Support Redevelopment Liquor License Application
WHEREAS, the City of Hart is supportive of economic development and redevelopment; and
WHEREAS, the City believes that making Redevelopment Liquor Licenses available as authorized by MCL 436.521a(1)(b) will lead to desirable development, job creation, reinvestment, redevelopment and an increased tax base; and
WHEREAS, the City of Hart has demonstrated that the total amount of private and public investment in real and personal property in the TIFA District was at least \$200,000 in the past five years; and

WHEREAS, the City of Hart recognizes the properties in question are currently owned and operated by Pink Elephant Diner Inc. at physical addresses of 201 S. State Street and 207 S. State Street Hart MI, 49420; and WHEREAS, in order to secure the benefits of efficient self-government and to promote and protect our common interests and welfare , the City Council hereby declares;

NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL:

It is the consensus of City Council to recommend this application be considered for approval by the Michigan Liquor Control Commission.

Authorizes and directs the City Clerk to sign the Local Government Approval Form on behalf of the City of Hart and attest to the approval as written in the attached MLCC approval form.

- C. Burillo motioned to approve Resolution 2023-33 and supported by J. Adams
 - Ayes: 7 Nays: 0 Absent: 0

■ Resolution 2023-34 Designate 2012 Chevrolet Silverado as Surplus Equipment

WHEREAS, the City of Hart owns, and operates a 2012 Chevrolet Silverado used by the Energy Department; and WHEREAS, per the fiscal year 2023 budget, the Department has recently updated the vehicle fleet with planned new units that replace the operational need for older vehicles; and WHEREAS, retention of the vehicle incurs annual costs of insurance, maintenance and certification with limited return/use; and

WHEREAS, the City Council desires to secure the benefits of efficient self-governance and to promote and protect our common interests and welfare; and

NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL:

Designates the 2012 Chevrolet Silverado as surplus equipment and authorizes the City Manager to take the necessary steps to offer the truck for sale to the highest bidder.

- J. Adams motioned to approve Resolution 2023-34 and supported by K. Trygstad
 - Ayes: 7 Nays: 0 Absent: 0

■ Resolution 2023-35, Approve State Revolving Fund agreements and documents in connection with issuance of City Revenue Bonds – BioPure Projects

At a regular meeting of the City Council of the City of Hart, held at the City Hall, 407 S. State Street, Hart Michigan, on the 25th day of July 2023, at 7:30 p.m. Local Time

Present Memebers: J. Adams, C. Burillo, J. Evans, D. Hodges, A. Klotz, K. Trygstad and Mayor V. Platt

Absent Members:

The following resolution was offered by C. Burillo and supported by A. Klotz:

RESOLUTION TO APPROVE STATE CLEAN WATER REVOLVING FUND AGREEMENTS AND DOCUMENTS IN CONNECTION WITH PROPOSED ISSUANCE OF CITY SEWER SYSTEM REVENUE BONDS, SERIES 2023A TO EVIDENCE A STATE CLEAN WATER REVOLVING FUND LOAN

Whereas, the City of Hart (the "City") is proposing to sell Sewer System Revenue Bonds, Series 2023A in accordance with Act 94 of the Public Acts of Michigan of 1933, as amended, (the "Bonds") in the maximum amounts of \$6,175,000, to evidence of State of Michigan Clean Water Revolving Fund loan (the "CWSRF Loan") to fund improvements to the City Sewer System; and

WHEREAS, the proposed Bonds are to be sold to the Michigan Finance Authority (the "Authority") in accordance with the terms of a Purchase Contract by and between the City and the Authority (the "Purchase Contract") in substantially the form set forth in Exhibit A attached hereto and a Supplemental Agreement by and between the City, the Authority and the State of Michigan acting through the Department of Environment, Great Lakes and Energy (the "Supplemental Agreement") in substantially the form set forth in Exhibit B attached hereto; and WHERAS, the City will also be required to execute and deliver an Issuer’s Certificate (the "Issuer’s Certificate") to the Authority in substantially the form set forth in Exhibit C attached hereto; and

WHEREAS, the Authority may require the City to execute and deliver a Revenue Sharing Pledge Agreement (the “Pledge Agreement”) with respect to the Bonds in substantially the form set forth in Exhibit D attached hereto. NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Purchase Contract, The Supplemental Agreement, the Issuer’s Certificate, and the Pledge Agreement are hereby each approved in the forms attached hereto as Exhibits A, B, C, and D, respectively. The Mayor and City Clerk/Treasurer are hereby authorized and directed to execute on behalf of the City, and deliver to the Authority, the Purchase Contract, the Supplemental Agreement, and the Issuer’s Certificate in substantially the forms approved with such additions and deletions as are consistent with the terms of the Bonds and in the best interest of the City.
2. To the extent determined to be necessary by the Authority, the Mayor and City Clerk/Treasurer are hereby authorized and directed to execute on behalf of the City, and deliver to the Authority, the Pledge Agreement.
3. In the absence or disability of the Mayor, the Mayor Pro Tempore shall act in her stead. In the event of the absence or disability of the City Clerk/Treasurer, the Deputy (if any) shall act in her stead.
4. All resolutions or portions thereof inconsistent with the provisions of this resolution are hereby rescinded.

YEAS: 7
NAYS: 0
ABSTAIN: 0

STATE OF MICHIGAN)
) ss.
COUNTY OF OCEANA)

I, Karla Swihart, the duly qualified and acting Clerk/Treasurer of the City of Hart, Oceana County, Michigan (the “City”) do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council at a regular meeting held on the 25th day of July, 2023. The original of which is on file in my office. Public notice of said meeting was given pursuant to and in compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, including in the case of a special or rescheduled meeting, notice by publication or posting at least eighteen (18) hours prior to the time set for the meeting.

IN WITNESS WHEREOF, I have hereto affixed my official signature this 25th day of July 2023.
Karla Swihart, Clerk/Treasurer
City of Hart

- Ordinance NO. 23-03 –
AN ORDINANCE TO AUTHORIZE AND PROVIDE FOR THE CONSTRUCTION OF IMPROVEMENTS TO THE CITY OF HART SEWER SYSTEM, TO PROVIDE FOR THE ISSUANCE OF SEWER SYSTEM REVENUE BONDS OF EQUAL STANDING WITH SEWER SYSTEM REVENUE BONDS NOW OUTSTANDING TO PAY THE COST THEREFORE, TO PROVIDE FOR THE SECURITY OF THE BONDS HEREIN AUTHORIZED, AND TO PROVIDE FOR OTHER MATTERS RELATIVE TO SAID BONDS.

Upon roll call vote, the vote upon the motion adopting said Ordinance was as follows:

YEAS: J. Adams, C. Burillo, J. Evans, D. Hodges, A. Klotz, K. Trygstad and Mayor V. Platt
NAYS: NONE
ABSTAIN: NONE

The City Clerk/Treasurer declared the Ordinance Adopted
The following Ordinance No. 23-03 as adopted.
“ORDINANCE NO. 23-03 CAN BE OBTAINED AT CITY HALL”

- Resolution 2023-36 Approve State Revolving fund agreements and documents in connection with issuance of City Revenue Bonds – Dryden Street projects.

At a regular meeting of the City Council of the City of Hart, held at the City Hall 407 S. State Street, Hart Michigan, on the 25th day of July 2023, at 7:30pm. Local time.

PRESENT: Justin Adams, Catalina Burillo, Jim Evans, Dean Hodges, Amanda Klotz, Kris Trygstad, and Mayor Vicki Platt

ABSENT: NONE

The following Resolution was offered by C. Burillo and supported by K. Trygstad:

RESOLUTION TO APPROVE STATE CLEAN WATER REVOLVING FUND AGREEMENTS AND DOCUMENTS IN CONNECTION WITH PROPOSED ISSUANCE OF CITY SEWER SYSTEM JUNIOR LIEN REVENUE BONDS, SERIES 2023B TO EVIDENCE A STATE CLEAN WATER REVOLVING FUND LOAN.

WHEREAS, the City of Hart (the “City”) is proposing to sell Sewer System Junior Lien Revenue Bonds, Series 2023B in accordance with Act94 of the Public Acts of Michigan of 1933, as amended, (the “Bonds”) in the maximum amounts of \$1,432,500, to evidence a State of Michigan Clean Water Revolving Fund loan (the “CWSRF Loan”) to fund improvements to the City Sewer System: and

WHEREAS, the proposed Bonds are to be sold to the Michigan Finance Authority (the “Authority”) in accordance with the terms of a Purchase Contract by and between the City and the Authority (the “Authority”) in accordance with the terms of a Purchase Contract by and between the City and the Authority (the “Purchase Contract”) in substantially the form set forth in Exhibit A attached hereto and a Supplemental Agreement by and between the City, the Authority and the State of Michigan acting through the Department of Environment, Great Lakes and Energy (the “Supplemental Agreement”) in substantially the form set forth in Exhibit B attached hereto: and

WHEREAS, the City will also be required to execute and deliver as Issuer’s Certificate (the “Issuer’s Certificate”) to the Authority in substantially the form set forth in Exhibit C attached hereto: and

WHEREAS, the Authority may require the City to execute and deliver a Revenue Sharing Pledge Agreement (the “Pledge Agreement”) with respect to the Bonds in substantially the form set forth in Exhibit D attached hereto.

NOW, THEREFORE, BE IT HEREBY RESOLVED AS FOLLOWS:

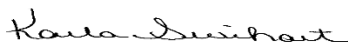
1. The Purchase Contract, The Supplemental Agreement, the Issuer’s Certificate, and the Pledge Agreement are hereby each approved I the forms attached hereto as Exhibits A, B, C, and D, respectively. The Mayor and City Clerk/Treasurer are hereby authorized and directed to execute on behalf of the City, and deliver to the Authority, the Purchase Contract, and the Supplemental Agreement and the Issuer’s Certificate in substantially the forms approved with such additions and deletions as are consistent with the terms of the Bonds and in the best interest of the City.
2. To the extent determined to be necessary by the Authority, the Mayor and City Clerk/Treasurer are hereby authorized and directed to execute on behalf of the City, and deliver to the Authority, the Pledge Agreement.
3. In the absence or disability of the Mayor, the Mayor Pro tempore shall act in her stead. In the event of the absence or disability of the City Clerk/Treasurer, the Deputy (if any) shall act in her stead.
4. All resolutions or portions in thereof inconsistent with the provisions of this resolution are hereby rescinded.

AYES: C. Burillo, K. Trygstad, J. Adams, J. Evans, D. Hodges, A/ Klotz and Mayor V. Platt.

NAYS: NONE

ASBSENT: NONE

RESOLUTION DECLARED ADOPTED



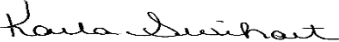
Karla Swihart, Clerk,

City of Hart
STATE OF MICHIGAN }
 } ss.

COUNTY OF OCEANA }

I, Karla Swihart, the dual qualified and acting Clerk/Treasurer of the City of Hart, Oceana County, Michigan (the “City”) do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council at a regular meeting held on the 25th day of July, 2023, the original of which is on file in my office. Public notice of said meeting was given pursuant to and in compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, including in the case of a special or rescheduled meeting, notice by publication or posting at least eighteen (18) hours prior to the time set for the meeting.

IN WITNESS WHEREOF, I have hereto affixed my official signature this 25th day of July 2023.



Karla Swihart, Clerk,
City of Hart

▪ Ordinance NO. 23-04

AN ORDINANCE TO AUTHORIZE AND PROVIDE FOR THE CONSTRUCTION OF IMPROVEMENTS TO THE CITY OF HART SEWER SYSTEM, TO PROVIDE FOR THE ISSUANCE OF SEWER SYSTEM JUNIOR LIEN REVENUE BONDS, TO PROVIDE FOR OTHER MATTERS RELATIVE TO SAID BONDS

Upon roll call vote, the vote upon the motion adopting said Ordinance was as follows:

YEAS: J. Adams, A. Klotz, K. Trygstad, C. Burillo, J. Evans, D. Hodges, and Mayor V. Platt

NAYS: NONE

ABSTAIN: NONE

The City Clerk/Treasurer declared the Ordinance adopted.

“ORDINANCE NO. 23-04 CAN BE OBTAINED AT CITY HALL”

DISCUSSION ITEMS:

- None

CITY MANAGER'S REPORT:

UPDATES:

- Great Lakes Packing would like to invite City Council members to take a tour of their cherry production facility. Time is available this Thursday and Friday.
- Pre-audit in progress with support from Brickley Delong
- Michigan Department of Environment, Great Lakes, and Energy has engaged with the Federal Energy Regulation Commission asking for stronger enforcement of the City of Hart’s Administrative Consent Order due to rising average water temperatures from Hart Lake into the Pentwater River. The City is working with our environmental consultants, engineers, and legal advisors on how to best proceed. Likely a meeting with EGLE is forthcoming.
- To celebrate the work of Toney Bennett, Tony Bennett musical tracks will play on the downtown loudspeaker system, Wednesday July 26th during the afternoon and early evening.
- Wayfinding signage is still being deployed and has received positive comments from community members and businesses. Supplies for the signage and MDOT approvals are pending.
- Property Maintenance Code Enforcement actions have started with rental inspection training planned for this fall.
- Griswold Street and Polk Road Utility Improvements projects are ready to begin July 31st, Griswold Street and Polk Road will see phased closures through the beginning of November. This work will be coordinated with all effected businesses, schools, and public safety entities to ensure no (or minimal) interruption of services.
- Weekly Thursdays on Main – 6pm Makers Markey and Main Street Market opens – Music at 7pm.
- Terry Birkman Retirement. Terry Birkman retired on July 20th from Hart Energy.

Legacy Topics:

- The Charter review committee has requested a meeting with the City attorney to discuss how aggressively to proceed with additional recommended changes to the charter. The amendments will be processed for ballot approval at the next general election.

- Safe Routes to School trail project – pending state approval projected start date June 2024.

Upcoming Topics:

- Adoption of 2022-2026 Park and Rec Master Plan
- Veteran’s Memorial Park final design approval
- Water, Wastewater, and Energy rate studies
- Council adoption of code enforcement policies, procedures, and implementation.
- BioPure biosolids hauling contract RFQ
- City IT support consultant RFQ.
- * Special City Council Meeting to be held in lieu of August 22nd meeting as necessary.
Tentatively Aug 15th will be holding a special meeting at 5:30pm

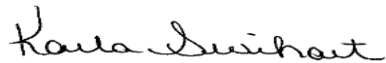
COMMUNICATIONS FROM THE MAYOR AND COUNCIL:

- J. Evans, Cemetery invited me to the for the opening of the columbarium which is where they put the people who are cremated. With 65% of the people being cremated now they are becoming popular.

ADJOURN:

- There being no further business to come before the Council, the meeting adjourned upon a motion by J. Adams and supported by A. Klotz. The next regularly scheduled meeting will be on August 8th, 2023, at 7:30 pm.

Respectfully Submitted



Karla Swihart, City Clerk