



**CITY OF HART
407 S. STATE ST.
HART, MI 49420
COUNCIL PROCEEDINGS
October 11th, 2022
MINUTES – Approved**

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

ABSENT: NONE

OTHERS PRESENT: City Manager – Rob Splane, City Clerk – Karla Swihart, BioPure Superintendent – Paul Cutter, DPW – Brad Whitney, Police Chief – Juan Salazar, Clair Dennison, Sharon Hallack, Christopher Hasenbank, Dick Huntington, Paul Loher, Ron Maynard, and Dirk Williams

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

APPROVAL OF AGENDA:

- F. Rybarz motioned to approve the agenda and was supported by A. Klotz
 - Ayes: 7 Nays: 0 Absent: 0

PUBLIC COMMENTS:

- Dick Huntington 115 Creeks Dr, Building going up in the creeks is now fully enclosed and moving right along. Also, resolution on study for rates? Just wondering why would you spend \$12,000 on a study for rates? Is the City not making enough already on utilities. Also tried to get ahold of Rob the last two days, what is the point of having a schedule when you can't schedule in the office? Just doesn't make sense the ladies in the office don't know his schedule. It should be a little easier to make contact and schedule when needed during office hours.
- Claire Dennison 509 East Main, I have lived there since 1972, my house is the 4th house when you come over the bridge going east on the south side of the road. I have a concern about the street where I live. I tried to see the City Manager and the DPW Superintendent but tried my best to see them and could not make contact. I went to the DPW building to see Brad and was told he was at a meeting with the City Manager at City Hall, so I went to City Hall and was told they just left, so I went back to the DPW, and Brad was not there. So, I decided to come to the City Council meeting. I didn't have time to get real good pictures, but this is the best I could do. When you are coming out of town on East Main Street and cross the bridge just after the guard rails on the Southside of the road and in front of the 1st houses driveway; It is a bumpy mess and has been for 10 years or longer. Why can't they cut out that section and make it smooth like they did a few feet east of the bumpy area and in front of the second house coming across the bridge? A lot of traffic on that road go over and drive on the north side of the road and then back on the south side after the bumpy area. Some day you are going to have a head on collision there. Guess what will happen next? They are going to sue the City for all they can get and they will. If you don't think this is bad, go drive on it and imagine you are driving on it every time to go shopping, school things, church, and other things just to get home. And to top it off it has been like this for years.
I would like a logical reason why this part of the road has not been fixed in so many years.

CORRESPONDENCE, EVENTS, PRESENTATIONS:

- Public Hearing – Industrial Facilities Tax Exemption Request (Gray & Co / Seneca Foods)
 - C. Burillo motioned to open the Public Hearing at 7:36pm and supported by A. Klotz
 - Ayes: 7 Nays: 0 Absent: 0
- Representatives from Gray & Company / Seneca Foods, Dirk Williams, Christopher Hasenbank and Ron Maynard. Dirk Williams director of operations, thank you to the City for considering Tax Exemption request and for continuing support for us growing our business in Hart.
Councilman F. Rybarz –City's \$9million dollar wastewater system expansion, most of the expansion due to the facilities growing so I feel that the City's doing a lot for these facilities already.

Mayor Platt – it does state that if the project requires improvements to the City’s water system that Seneca will cover the cost of that per the agreement if for some reason Seneca foods where to not operate in its capacity for the term of the abatement, they will have to repay all or portion of the tax money that was abated. With no other comments the public hearing was closed at 7:45pm

- C. Burillo motioned to close the Public Hearing at 7:42pm and supported by J. Evans
 - Ayes: 7 Nays: 0 Absent: 0

CONSENT AGENDA:

- Approval of minutes from September 27th, 2022.
- 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 K. Trygstad
 - Ayes: 7 Nays: 0 Absent: 0

ACTION ITEMS:

- Resolution 2022-43 Resolution approving application of Gray & Company for Industrial Facilities Exemption Certificate for a new facility.
 WHEREAS, pursuant to Act 198 of the Public Acts of Michigan of 1974, as amended, and after a duly noticed public hearing held on December 23, 2008, the City Council of the City of Hart (the “City”) adopted a resolution, Resolution No 08-82, and established the “Gray & Company Industrial Development District No. 1, “(the “District”); and
 WHEREAS, Gray and Company (the “Company”) has filed an application, dated August 25, 2022 (the “Application”) for an Industrial Facilities Exemption Certificate with respect to a new facility (the “Facility”) to be acquired and constructed within the District on the real property described in Exhibit A; and
 WHEREAS, before acting on the Application, the City Council held a public hearing on October 11th, 2022, at City Hall, 407 S. State Street, Hart Michigan at 7:30pm or shortly thereafter, at which written notice and where afforded an opportunity to be heard on the Application; and
 WHEREAS, construction of the Facility and installation of new machinery and equipment had not begun earlier than six (6) months before August 25, 2022, the date of acceptance of the Company’s Application for the Industrial Facilities Exemption Certificate; and
 WHEREAS, completion of the Facility is calculated to and will at the time of issuance of the certificate have the reasonable likelihood to retain, create or prevent the loss of employment in the City; and
 WHEREAS, the aggregate SEV of real and personal property exempt from ad valorem taxes within the City, after granting this certificate, will not exceed 5% of an amount equal to the sum of the SEV of the unit, plus the SEV of personal and real property thus exempted; and
 WHEREAS, the Company has submitted a PA 198 Agreement to the City, in the form on file with the City Clerk/Treasurer (the “Agreement”), which sets forth certain terms and conditions for the grant of the tax abatement by the City; and
 WHEREAS, the City Council desires to approve the application for the Industrial Facilities Tax Exemption Certificate and approve the Agreement upon certain terms and conditions.
 NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL:
 1. *The City Council hereby approves ratifies and confirms the scheduling of the public hearing on the Company’s Application and the providing of notice of the public hearing as required by Act 198.*
 2. *The City Council hereby approves the Company’s Application for an Industrial Facilities Tax Exemption Certificate for the real property and facility described on the Company’s Application, all to be constructed, furnished and used on the real property located in the District and described on Exhibit A. The Company’s Application dated August 25th, 2022, is included in this resolution by reference, to the extent of the Facility that are lawfully subject to an Industrial Facilities Tax Exemption Certificate under the terms of Act 198.*
 3. *The Industrial Facilities Tax Exemption Certificate is approved for the Real Property, subject to the provisions of Act 198, for a period of 12 years, commencing December 31, 2022 (or such date as determined by the State Tax Commission), based upon applicable value as determined by the State Tax Commission.*

4. *The city council funds and determines that:*
 - A. *The granting of the Industrial Facilities Tax Exemption Certificate, considered together with the aggregate amount of industrial facilities exemption certificates previously granted and currently in force, if any will not have the effect of substantially impeding the operation of the City of Hart or of impairing the financial soundness of the City.*
 - B. *The state equalized valuation of the property proposed to be exempt pursuant to the application, considered together with the aggregate state equalized value of property exempt under certificates previously granted and currently in force, if any, does not exceed 5% of the state equalized valuation of the City.*
 - C. *The real property and the proposed Facility will be located in an Industrial Development District that was duly established in the city by resolution and that the District was established before the commencement of the construction of the Facility.*
 - D. *The commencement of the construction of the Facility occurred not earlier than six months before the filing of the Application for the Industrial Facilities Exemption Certificate.*
 - E. *The Company's Application relates to construction which, when completed, will constitute a new facility within the meaning of Act 198.*
 - F. *The completion of the Company's industrial Facility is calculated to, and will at the time of issuance of the certificate, be reasonably likely to create employment, retain employment or prevent a loss of employment in the City.*
 - G. *The proposed Facility, more fully described in the Company's Application would not be a speculative building within the meaning of Act 198*
5. *The City Council hereby approves the Agreement in the form on file with the City Clerk/Treasurer and the Mayor and City Clerk/Treasurer are hereby authorized and directed to execute and deliver the Agreement on behalf of the City.*
6. *The City Clerk/Treasurer is directed to forward the Company's Application to the State Tax Commission within 60 days after the adoption of this resolution. The Clerk/Treasurer is further directed to provide the additional information concerning local government action as it called for in the Local Government and Certification portion of the Act 198 application for Industrial Facilities Tax Exemption Certificate, and to sign the certificate and provide other City information as required in Act 198.*
7. *All resolutions or parts of resolutions in the conflict herewith shall be and the same are hereby rescinded.*

Exhibit A

**Legal Description(s) of Company's Real Property for New Facility
Gray & Company Industrial Development District No. 1**

PARCEL # 020-661-001-00 (3359 W POLK RD) WD775909 WD9724144 WD-L2006P1418 1978 ANNEXED FROM 64-07-661-001-00 DESC CHG IN 05/JP DESC CHG IN 08/JP SUPERVISORS PLAT NO 1 LOTS 6&7, OUTLOT C, PT OF LOTS 1,2&3 COM AT NE COR SEC 20, TH S 88 DEG 02'43" W 500.41 FT TO S'LY R/W LN POLK

- o C Burillo motioned to approve Resolution 2022-43 and supported by J. Evans
 - . Ayes: 6 Nays: 1 Absent: 0
 - .

- Resolution 2022-44 Accept Proposal from Mckenna to provide City Zoning and Planning services WHEREAS, the City of Hart is heavily involved in community development activities and has established extensive zoning regulations that require interpretation and implementation in a fair and efficient manner that sometimes exceed the human resource capacity and expertise of City staff to carry out the work effort; and WHEREAS, the City has used several consultants beginning in 2003 with no public request for proposal process, earlier this year, Horizon Planning, the City of Hart's current consultant indicated a lack of staffing has contributed to a reduction in available time to provide the City with planning services; and WHEREAS, the City of Hart has sought proposals from multiple regional entities to provide future professional services to the City; and WHEREAS, Mckenna Community Planners has submitted a proposal that will fill the requirements of the RFP; and

WHEREAS, Multiple references have been checked supporting the professionalism and capabilities of the staff at McKenna Community Planners in the capacity the City requires; and
 NOW THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL:

*Accepts the proposal from Mckenna Community Planners for professional zoning and planning services
 Authorizes and directs the City Manager to acquire professional zoning and planning services from McKenna.*

- F. Rybarz motioned to approve Resolution 2022-44 and supported by C. Burillo
 - Ayes: 7 Nays: 0 Absent: 0

- Resolution 2022-46 Accept Bids for streetscape design and award professional services contract
 WHEREAS, the City of Hart is responsible for facilitating an environment in the historic downtown business district (B-1 Central Business District) that is conducive to courting and retaining perpetual business entities as well as facilitating safe public gathering spaces; and
 WHEREAS, the City of Hart TIFA Plan approval by City Council includes the visioning and redevelopment of design elements in the business district including reviewing walkability, greenspace, traffic patterns, and parking locations / availability; and
 WHEREAS, the City of Hart has released a public request for proposal for professional services to support this effort and received three bids from qualified vendors, Fishbeck Planning \$48,565, Prein and Newhof \$32,200, Fleis and Vandenbrink \$44,000; and
 WHEREAS, The City of Hart TIFA has budgeted to cover the cost of contracting with a professional entity to assist in this effort, reviewed the submitted proposals, has recommended accepting the low bidder, Prein and Newhof; and
 WHEREAS, to secure the benefit 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:

*Accepts the sealed bids as submitted and awards the work to low bidder Prein & Newhof
 in the amount of \$32,200.*

Authorizes the City Manager to sign and execute the contract and begin work in collaboration with the City of Hart TIFA board to proceed with design planning and community engagement.

- A. Klotz motioned to approve Resolution 2022-46 and supported by C. Burillo
 - Ayes: 7 Nays: 0 Absent: 0

- Resolution 2022-47 Resolution to accept Wayfinding signage bids and award work
 WHEREAS, the City of Hart is responsible for providing street signage to allow for safe and effective flows of traffic, auxiliary to effort, the City may provide signage to assist motorized as well as non-motorized traffic in finding City resources; and
 WHEREAS, the City of Hart TIFA has budgeted to provide signage throughout the TIFA district in an effort to help our local community members and visitors to access City of Hart facilities and the City of Hart has budgeted to assist in this effort throughout the City; and
 WHEREAS, the City of Hart released a public request for proposal for the procurement and installation of identified wayfinding signage and received four bids from qualified vendors, United Signs \$298,930, Sign Works \$248,791, Signplicity Sign Systems \$166,021 (+\$375.00 labor per sign in concrete), and Valley Sign \$198,793 and
 WHEREAS, the City of Hart TIFA has reviewed the submitted proposals and has recommended accepting the low bidder, Signplicity Sign Systems; and
 WHEREAS, 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:

Accepts the sealed bids as submitted and awards the work to low bidder Signplicity Sign Systems in the amount of \$166,021 (Plus \$375 for each sign installed in concrete).

Authorizes the City Manager to sign and execute the contract.

- F. Rybarz motioned to approve Resolution 2022-47 and supported by A. Klotz
 - Ayes: 7 Nays: 0 Absent: 0

- Resolution 2022-48 Resolution to accept proposal for Engineering services for fiscal year 2023 Clean Water State Revolving Fund Implement and Award work.
WHEREAS, the City of Hart is responsible for the maintenance and operation of water, wastewater, and storm water sewer systems including roadway above those systems; and
WHEREAS, the City of Hart has been awarded 50% principal loan forgiveness through the State of Michigan Clean Water State Revolving Fund to assist the City in the replacement of the aging wastewater system components as outlined in the Project Plan adopted by City Council in 2021; and
WHEREAS, it is necessary for the City to obtain a qualified engineering entity to properly oversee the design, construction, and financial reporting of this critical infrastructure; and
WHEREAS, Prein & Newhof, has assisted the City in the creation of the Project Plan and coordinated the successful campaign to fund these necessary projects; 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
Accepts the proposal for engineering services from Prein and Newhof not to exceed \$261,000 to provide professional engineering services and fund administration for the following projects:
 - *Dryden Street – Wigton St to Lincoln St, including Jefferson from State to Hart, Church from State to Dryden, and Wood from State to Dryden*
 - *Hart and Wood Street – Hart St from Wood to Jefferson and Wood from Dryden to Griswold*
Council authorizes the City Manager to sign and execute related contractual agreement.
 - C. Burillo motioned to approve Resolution 2022-48 and supported by J. Evans
 - Ayes: 7 Nays: 0 Absent: 0

DISCUSSION ITEMS:

- Civic Leadership and Notable Community Involvement Award (The CLANCI)
Council input on award criteria and review of current recognition policy. The awards have been purchased and are at City Hall.
Councilman J. Evans did pass out City of Hart Recognition, Proclamation & Honor Policy and would like each member to read over and if needed add to or make changes.
Mayor V. Platt suggested that this be a topic for the retreat on determining how and when award should be given out.

CITY MANAGER'S REPORT:

UPDATES:

- Eleven representatives from Oceana County attended the National Emerging Drug Trends Conference this past weekend – Topics covered included current trends in illicit drug use, new challenges in enforcement, and the prevalence of an increasingly problematic influence of social media and marketing of drug normalcy to younger generations.
- Leaf Vacuum has been delivered and is ready for leaf season
- The City is scheduled to close on a Creeks single-family home lot Thursday
- Hart Prize and Art Walk October 1st was a good success – over 200 people in attendance
- Lighting and Sound system to be installed downtown when the equipment is received
- Tree trimming downtown to take place the week of October 24th
- Hart Energy back to 100% staffing – following employee return to work authorization.

Legacy Topics:

- Waiting on legal to draft intergovernmental operational agreement for property code enforcement department – Adoption of that agreement in October looking to post Rental Inspection / Property Maintenance Code Enforcement position shortly after the Village of Shelby and Shelby Township indicate that they are ready to proceed – New Planning Consultant agency to help Planning Commission with the adoption of International Property Maintenance Code standards.
- Grant agency directed the City to re-publish the request for proposal to demolish the 227 East Main property.
- The Charter review committee has a timeline established for the review process and anticipates presenting it to Council in November.

Upcoming Topics:

- Adoption of 2022-2026 Park and Rec Master Plan
- First Impression Assessment – October 26th at 5:30pm West Michigan Research Station

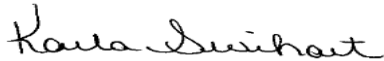
COMMUNICATIONS FROM THE MAYOR AND COUNCIL:

- Mayor V. Platt - Thank DHD #10 for sending several of us from Oceana County to National Emerging Drug Trends Conference it was very resourceful and an eye opener.
- C. Burillo would like to remind everyone of resources right here in Oceana. Oceana LEADS (leading efforts against alcohol and drugs).

ADJOURN:

- There being no further business to come before the Council, the meeting adjourned at upon a motion by C. Burillo and supported by J. Evans. The next regularly scheduled meeting will be on October 25th, 2022, at 7:30 pm.

Respectfully Submitted



Karla Swihart, City Clerk