



**CITY OF HART  
407 S. STATE ST.  
HART, MI 49420  
COUNCIL PROCEEDINGS  
OCTOBER 13, 2020, 7:30 pm  
MINUTES - APPROVED**

**PRESENT IN PERSON OR VIA ZOOM:** Mayor Ron LaPorte, Councilors: Vicki Platt, Rob Splane, Joe Frontiera, and Steve Hegedus

**ABSENT:** Jason La Fever and Catalina Burillo

**OTHERS PRESENT** City Manager – Lynne Ladner, Deputy City Clerk – Cheri Eisenlohr

Mayor LaPorte called the meeting to order at 7:30 pm; following the roll call; the Mayor lead the Council in the pledge of allegiance.

**AGENDA:**

- Mr. Frontiera motioned to approve the agenda, supported by Ms. Platt, all ayes, the motion carried.
  - Ayes: 5            Nays: 0            Absent: 2

**MINUTES:**

- Mr. Hegedus motioned to approve the minutes of the September 22, 2020 meeting, supported by Ms. Platt, all ayes, the motion carried.
  - Ayes: 5            Nays: 0            Absent: 2

**PUBLIC COMMENTS, CORRESPONDENCE, EVENTS, PRESENTATIONS:**

- Mr. Steve Freed, current JGP manager, took issue with the RFP for new Park management.
  - He feels that Freed Management was terminated without cause.
  - He inquired as to why no Park Committee meetings had taken place if there were concerns regarding the management of the Park.
    - Mayor LaPorte advised him that there wasn't a quorum the last time a Park meeting was to take place.
    - Ms. Ladner explained that it was not termination and that they could submit a new proposal to continue as managers of the Park.
    - At this time, Mr. Sadler made a point of order comment to remind the Council that no questions were to be asked during Public Comment.
- Mr. Sadler pointed out that the work on the Pocket Park was progressing slowly and that out of 72 days, the contractors had only been there for 44 days and that the construction crews were blocking 14 parking spots.
  - Ms. Ladner advised that the project is being properly supervised and that issues with the project are being addressed as they occur, such as unknown footings. The City is anticipating a completion date at the end of November.
  - Ms. Marczak of Prein and Newhof did state that the progress was moving slower than anticipated.
- Ms. Platt took an opportunity to report the retirement of Kay Williams as the Hart Area Public Library Director and that Kathleen Rash will take over the position.

**DEPARTMENT REPORTS:**

- *Police Chief, Juan Salazar:*
  - A written report was provided.
- *Energy Dept. Superintendent, Mike Schiller:*
  - A written report was provided.
- *BioPure Superintendent, Paul Cutter:*
  - A written report was provided.
- *DPW Superintendent, Brad Whitney:*
  - A written report was provided.
- *HEART Director, Nichole Steel:*
  - A written report was provided.

**BILLS, CLAIMS, & PAYROLL:**

- Bills: \$414,064.99                      Payroll: \$57,883.12                      Grand Total: \$471,948.11
- Mr. Hegedus motioned to approve, supported by Mr. Frontiera, the motion carried.
  - Ayes: 5                                      Nays: 0                                      Absent: 2

**ACTION ITEMS:**

Ms. Ladner addressed the following Action Items:

Memo

To: Mayor and Council  
 From: Lynne Ladner  
 Date: 10/9/20  
 Re: Selection of an engineering firm

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Ladies and Gentlemen,

At the Sept. 22<sup>nd</sup> Council meeting, you were given the opportunity to hear presentations from three engineering firms that are interested in providing the City of Hart with engineering services for projects that the City is seeking federal funding through the USDA-RD and US EDA loan/grant programs.

In order to move forward with submitting applications for these projects, a selection based upon qualifications needs to be made. It is also important to note that it is not necessary to only select a single firm for all of the projects if the Council believes that based upon the qualifications of the different firms, that a selection based upon project scope (Parks, Utilities, Streets, etc.) or the totality of the number of projects it is in the best interest of the City more than one firm may be selected. Also, of note is a past history of the City to work with more than one firm on projects while retaining our current engineer of record, Prein Newhof.

I have had conversations with team members from all three of the engineering firms that have submitted their Statement of Qualifications and believe that they are all very capable of completing the work that the City needs on these projects.

It is my recommendation that the Council adopt Resolution 2020-53 and designate one or more firms that they believe can successfully assist the City with their engineering and funding application needs for projects seeking federal funding assistance.  
 Lynne

**RESOLUTION 2020-53**  
**Hart City Council**  
*City of Hart, Michigan*

***Select Engineering firm to assist City with project design engineering and applications for USDA-RD Community Facilities, US EDA, and SRF/DWRF funding assistance.***

WHEREAS, the City has projects that need to be completed in order to maintain the reliability and safety of our utilities, streets, parks, and other City Operations; and

WHEREAS, the completion of these projects will require that the City seek funding assistance for the many projects, including through the US Economic Development Administration (EDA) and the USDA-Rural Development (RD); and

WHEREAS, the applications for these funding programs require that the engineer selected to provide engineering design and construction assistance be selected through a qualifications-based process, even if the applicant has an established relationship with an Engineer of Record. and

WHEREAS, the City has projects that need to be completed in order to maintain the reliability and safety of our utilities, streets, parks, and other City Operations; and

WHEREAS, the City published the RFQ and solicited direct proposals for which three Statements of Qualifications were received, reviewed by the Personnel and Finance Committee and recommended for presentation to the full Council; and

WHEREAS, the firms have had the opportunity to present to the Council and answer questions;

NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL:

*Designates all three firms as the engineer(s) which they will negotiate with per requirements for the funding partners to complete engineering services and assist with the application processes for US EDA, USDA-RD, SRF and DWRF funding assistance applications*

Moved by Mr. Frontiera, supported by Mr. Splane and thereafter adopted by the Hart City Council at a regular council meeting held on September 22, 2020.

Ayes: 4 Nays: 1 (LaPorte) Absent: 2

I hereby certify this to be a true and correct copy of the document on file with the office of the City of Hart Clerk.



Cheri Eisenlohr, Dep. City Clerk

Memo

To: Mayor and Council  
From: Lynne Ladner  
Date: 10/9/20  
Re: Field Tiling drainage system at Irrigation Site #2

Ladies and Gentlemen,

In a report from BioPure Superintendent Paul Cutter from May of this year, a request was submitted to the Council to authorize the installation of a drain tile system on the City’s Irrigation Site #2. At that time, as only one bid had been received for the project, Mr. Cutter was directed to solicit additional bids from other potential contractors.

Multiple attempts have been made to solicit a bid from Tyler Young (Ravena) and Beldyga (Chesaning) without response or refusal to bid due to scheduling constraints. In the nearly 5 months since this was initially presented to the Council, the need for these improvements has not changed. Continued delay may result in an increase in cost due to changes in labor and material costs.

It is my recommendation that the Council adopts Resolution 2020-57 Authorizing the placement of field drainage tiling system at Irrigation Site #2.

Lynne

**RESOLUTION 2020-57  
Hart City Council  
City of Hart, Michigan**

***Authorize the placement of drain tiles in the City of Hart  
Irrigation Site #2***

WHEREAS; the City of Hart maintains and operates two sites for the dispersal of clean water from the BioPure Plant through irrigation; and,

WHEREAS; the due to drainage issues in a large area of Site #2, which causes ponding we are limited in the amount of water that can be dispersed to this location; and

WHEREAS; the BioPure Superintendent brought the project to the Council in May with a cost estimate from Near Farm Tiling and it was directed to attempt to gain bids from other interested parties; and,

WHEREAS; over the course of several months attempts have been made to solicit bids from other businesses that do this type of work with Beldyga from Saginaw County declining to bid on the project as he does not have the time to complete the project and T. Young from Ravenna failing to show up for his site inspection appointment and has declined to respond to additional attempts to procure his bid; and

WHEREAS; the permitting the work to be completed would enable the City to dispose of the full amount of water necessary as well as improve the usable portion of the property allowing the City to entertain proposals for farming the site as previously no bids/proposals were submitted when it was published; and,

*NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL*

*Acknowledges the inability to obtain multiple bidders for the project and waives the requirement for more than one bid and awards the project to Near Farm Tiling for a not to exceed amount of \$10,000*

Moved by Mr. Frontiera, supported by Mr. Splane and thereafter adopted by the Hart City Council at a regular council meeting held on September 22, 2020.

Ayes: 5    Nays: 0    Absent: 2

I hereby certify this to be a true and correct copy of the document on file with the office of the City of Hart Clerk.



Cheri Eisenlohr, Dep. City Clerk

Memo

To: Mayor and Council  
From: Lynne Ladner  
Date: 10/9/20  
Re: Roof Replacement – Sackrider Church

Greetings,

The Historic District has solicited three bids for the replacement of the roof on the Sackrider Church. Funds have been budgeted for this expense in FY 2021 and maintaining the historic structures in our district provide a benefit to the community.

It is my recommendation that the Council adopt Resolution 2020-58 Accepting the bids for the replacement of the roof on the Sackrider Church and award the contract to the lowest bidder for a shingle roofing system to Sam Near Roofing LLC (Shelby, MI) in the amount of \$17,235 and authorizes the City Manager to sign all necessary documents

Lynne

**RESOLUTION 2020-58  
Hart City Council  
City of Hart, Michigan**

***Accept the bids for replacement of the roof on the Sackrider Church in the Historic District.***

WHEREAS; the City of Hart owns and maintains the Hart Historic District for the benefit of current and future generations; and,

WHEREAS; the Sackrider Church is a popular historic building in the district that is in need of ongoing maintenance which includes at this time replacement of the roof and the City has budgeted in FY 21 adequate funding for this project; and

WHEREAS; the bids have been solicited and received for the roof replacement project from Sam Near Roofing LLC (Shelby, MI) in the amount of \$17,235 for a shingle roof and 16,735 for a metal roof, from XYZ Roofing (Ludington, MI) in the amount of \$18,400 for a shingle roof and Janet’s Roofing (Shelby, MI) in the amount of \$19,800 and,

WHEREAS; due to the historic nature and design of the Sackrider Church a shingle roof replacement would be in keeping with the historic construction of the building; and

*NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL*

*Accepts the bids for the replacement of the roof on the Sackrider Church, accepts the recommendation to use shingle roofing materials for the replacement and awards the project to Sam Near Roofing LLC (Shelby, MI) in the amount of \$17,235 and authorizes the City Manager to sign all necessary documents*

Moved by Mayor LaPorte, supported by Ms. Platt and thereafter adopted by the Hart City Council at a regular council meeting held on Oct. 13, 2020.

Ayes: 5    Nays: 0    Absent: 2

I hereby certify this to be a true and correct copy of the document on file with the office of the City of Hart Clerk.



Cheri Eisenlohr, Dep. City Clerk

Memo  
 To: Mayor and Council  
 From: Lynne Ladner  
 Date: 10/9/20  
 Re: City Clerk/Treasurer Retirement and appointment

Greetings,

I have received notice from City Clerk/Treasurer Cheryl Rabe of her intent to retire from the City of Hart after over 21 years of service, effective December 31, 2020, at 11:59 pm. The Council's role is to fill appointive positions, which include the Clerk/Treasurer position.

As my role in providing information and recommendations to the Council as stated in an email regarding succession planning in September, I have provided input to the full Council and the Personnel and Finance Committee as it relates to my recommendation to fill this position and ensure the smooth transition on January 1, 2021.

Current Deputy City Clerk/Treasurer Karla Swihart has been employed with the City for nearly two years, and during that time, she has performed at a high level in her role while also taking the initiative to cross-train with Ms. Rabe on the job duties of the Clerk/Treasurer. She is very interested in the opportunity to grow and continue her service with the City of Hart. I recommend that the Council fills the Clerk/Treasurer appointed position with Ms. Swihart effective January 1, 2021.

If the Council chooses to act upon my recommendation and make this appointment at this time, it will also allow for posting internally and externally the Deputy Clerk/Treasurer – Utility Billing and expedite the hiring process to allow for Ms. Swihart to work with the individual that would be filling her current position to permit a smooth transition for that role as well.

Lynne

**RESOLUTION 2020-59**  
**Hart City Council**  
**City of Hart, Michigan**

***Accept retirement notice of City Clerk/Treasurer and appoint new city clerk effective January 1, 2021***

WHEREAS; the City Clerk/Treasurer Cheryl Rabe has submitted notice that she will be retiring from the City of Hart effective December 31, 2020, at 11:59 pm; and,

WHEREAS; in the interest of providing for a smooth transition for the newly appointed clerk and under the jurisdiction of the City Charter Chapter VIII it is the role of the City Council to appoint an individual to the City Clerk/Treasurer position ; and

WHEREAS; the interest in the position from a current City employee has been expressed to the City as well as said employee having received several months of ongoing cross-training in the duties and roles of the Clerk Treasurer,

***NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL***

***Accepts the retirement notice of City Clerk/Treasurer Cheryl Rabe effective December 31, 2020 at 11:59 pm and thanks her for over twenty-one (21) years service to the City; and***

***Appoints Karla Swihart as **Interim** City Clerk/Treasurer effective January 1, 2021 with pay and benefits commensurate to the position and her current years of service to the City of Hart.***

Moved by Ms. Platt, supported by Mr. Hegedus and thereafter adopted by the Hart City Council at a regular council meeting held on Oct. 13, 2020.

Ayes: 5    Nays: 0    Absent: 2

I hereby certify this to be a true and correct copy of the document on file with the office of the City of Hart Clerk.



Cheri Eisenlohr, Dep. City Clerk

**SPECIAL EVENTS PERMIT:**

- Home for the Holidays Lighted Parade and Christmas Tree Lighting:
  - Mr. Splane moved to approve the permit application, supported by Ms. Platt, all ayes, the motion carried.

**DISCUSSION ITEMS:**

Memo

To: Mayor and Council  
 From: Lynne Ladner  
 Date: 10/9/20  
 Re: Special Event permits remainder of 2020

Greetings,

As some restrictions on gathering are reducing, the City needs to determine if they will consider authorizing special event permits for any events for the remainder of 2020. If the decision is to authorize permits on a case by case basis as has been past practice, it is important to identify criteria that will be used to determine the approval due to the current MDHHS Emergency Order and any other pandemic related health and safety concerns.

Events that could be impacted include but are not limited to the Veteran’s Day parade, the Home for the Holidays Lighted parade and tree lighting, and possible New Year’s Eve event applications.

Lynne

- Outcome:
  - The Council agreed not to stop events at this time, but to stress to the sponsors that they are responsible for the adherence to COVID-19 restrictions, and prevention guidelines

Memo

To: Mayor and Council  
 From: Lynne Ladner  
 Date: 10/9/20  
 Re: Solicitation of bids for spring 2021 sidewalk replacement projects

Greetings,

Each year the City, through the local and major streets, funds budget funds for sidewalk replacement. Additionally, the TIFA board budgets funds to pay for the owner’s portion of sidewalk replacement in the district.

I am seeking authorization to solicit bids for a large scale sidewalk replacement plan (areas identified by the DPW as the most critical within the TIFA district) with the intent to seek applications for sidewalk replacement in the TIFA district and the greater community area with a deadline of March 15, 2021, so that using economies of scale to be able to develop a large scale sidewalk replacement project which would be constructed in late March/early April.

Lynne

- Outcome:

- The Council advised Ms. Ladner to seek out bids.

Memo

To: Mayor and Council  
 From: Lynne Ladner  
 Date: 10/9/20  
 Re: Stump removal and tree trimming and removal bidding

Greetings,

The Energy Department has identified several locations through the City with stumps designated for removal. Additional areas have also been identified for ongoing trimming or removal of trees related to the current or future impact on our electric distribution system.

I am seeking authorization to solicit bids for both stump removal and tree trimming and removal using funds allocated within the Energy Department budget.

Lynne

- Outcome:
  - The Council gave Ms. Ladner permission to seek out pricing.

Memo

To: Mayor and Council  
 From: Lynne Ladner  
 Date: 10/9/20  
 Re: Irrigation land improvements and crop contracts

Greetings,

As the Council may be aware, when the contracts for farming the City's irrigation land were most recently out to bid, we only received two bids for Site #1 and no bids for Site #2. The City has been approached by different farms that are interested in the sites, but they are seeking opportunities from the City to make improvements to the property for better production. The improvements that are being suggested each farmer is willing to invest in themselves but are seeking contract concessions to ensure that the operation is at least break even.

For Site #1, the current contracted farm seeks a five-year extension of the current contract (2019-2021) to end in 2026 in return for investing in the land. The City would continue to receive its current contracted price of \$6,300/yr for the extended length of the contract.

For Site #2, in return for making improvements to the site, the interested party would consider an option to farm the land without payment to the City for a specified duration (2-3 years) based upon the costs of improvements.

Lynne

- Outcome:
  - Council approved the option for Site #1; in regards to Site #2, they would like the wording changed to read that the cost would be the same for the first two years and then be allowed to become an escalating fee for the next five years.

Memo

To: Mayor and Council  
 From: Lynne Ladner

Date: 10/9/20  
Re: FEMA CARES ACT grants and utility fees review

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Greetings,

I have been approached by AZAVAR with proposals for two separate assistance projects. The first is a proposal to help identify specific FEMA CARES ACT grants that the City is eligible for, assistance with the application process, and if successful in managing the grant process and closeout.

The second proposal is to complete an audit of our franchise utility fee revenue and if discrepancies are discovered between received and owed fees, assist the City with collection and update of records.

Lynne

- Outcome:
  - Permission to pursue only the FEMA Cares Act grants portion was given to Ms. Ladner.

**CITY MANAGER'S REPORT:**

- Ms. Ladner reported that the rate study findings might need to change due to a large fee that will need to be paid on the Belle Island Plant decommissioning. The fee cost is approximately 4% of the current Energy Fund.
- Ms. Ladner and Energy Department Superintendent Mike Schiller will be traveling to Boyne City to see more of their city-wide broadband service.

**COMMUNICATIONS FROM THE MAYOR AND COUNCIL:**

- Mr. Splane would have liked the City to have more Park Committee meetings so that the Freed's could have been informed of camper's issues.

**ADJOURN:**

There being no further business to come before the Council, the meeting adjourned at 8:52 pm upon a motion by Mr. Hegedus and supported by Mr. Frontiera. The next regularly scheduled meeting will be on October 20, 2020, at 7:30 pm, in the Hart Community Center.

Respectfully Submitted



Cheri Eisenlohr  
Deputy City Clerk