



**CITY OF HART
407 S. STATE ST.
HART, MI 49420
COUNCIL PROCEEDINGS
OCTOBER 27, 2020, 7:30
MINUTES - APPROVED**

PRESENT IN PERSON OR VIA ZOOM: Mayor Ron LaPorte, Councilors: Vicki Platt, Jason La Fever, Catalina Burillo, Rob Splane, Joe Frontiera, and Steve Hegedus

ABSENT: None

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. La Fever motioned to approve the agenda, supported by Mr. Splane, all ayes, the motion carried.
 - Ayes: 7 Nays: 0 Absent: 0

MINUTES:

- Mr. Frontiera motioned to approve the minutes of the October 13, 2020 meeting, supported by Mr. Hegedus, all ayes, the motion carried.
 - Ayes: 7 Nays: 0 Absent: 0

PUBLIC COMMENTS:

- Sandy Clark, a Democrat candidate for District 100, spoke to the Council regarding her platform for running for the House.
- Mr. George Sadler declined to speak as he felt that 3 minutes would not be enough time to present his comments.

CORRESPONDENCE, EVENTS, PRESENTATIONS:

- Ms. Ladner reported that there would be a drive-through reception held before the next Council meeting to honor those going off the Council – Mayor LaPorte, Mr. La Fever, Mr. Frontiera, Mr. Hegedus.

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 not provided.
- *DPW Superintendent, Brad Whitney:*
 - A written report was provided.
- *HEART Director, Nichole Steel:*
 - A written report was provided.

BILLS, CLAIMS, & PAYROLL:

- Bills: \$122,328.28 Payroll: \$59,196.33 Grand Total: \$181,524.61
 - Mr. Splane motioned to approve, supported by Mr. Hegedus, the motion carried.
 - Ayes: 7 Nays: 0 Absent: 0

ACTION ITEMS:

Ms. Ladner addressed the following Action Items:

Mayor and
Council _____

Lynne Ladner

10/23/20

JGP
Campground
Management

Greetings,

Bids have been solicited and received for the management of the JGP Campground for the 2021- 2023 period. The City received the proposal with four fee structure options, which have been reviewed by the Park Committee.

The Park Committee is recommending that the Council accept the proposal from Freed Management and requests that the Council authorize the committee to enter into contract negotiations with Freed Management to finalize the agreement for approval by the Council at the November 10, 2020 meeting

It is my recommendation that the Council adopt Resolution 2020-60 Accepting the bids for JGP Management and authorize Park Committee to negotiate contract agreement for Council approval

Lynne

RESOLUTION 2020-60
Hart City Council
City of Hart, Michigan

Accept Accept bids for JGP Management and authorize Park Committee to negotiate contract agreement for Council approval

WHEREAS; the contract for management of the JGP Campground expires on November 14, 2020; and,

WHEREAS; the City has requested bid proposals for 2021-2023 and published the RFP both locally and on the MML website ; and

WHEREAS; the City received one response from Freed Management to the request that provides four fee structure options which have been reviewed by the Park Committee; and

WHEREAS: the Park Committee is making the recommendation to accept the proposals and for the Park Committee to negotiate with Freed Management the terms of the contract for presentation and approval by the Council at the November 10, 2020 meeting,

NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL

Accepts the bid response from Freed Management for the management of the JGP Campground for 2021 – 2023 and authorizes the Park Committee to negotiate the terms of the agreement for final approval by the Council at the regularly scheduled meeting on November 10, 2020

Moved by Mr. Frontiera, supported by Ms. Platt and thereafter adopted by the Hart City Council at a regular council meeting held on Oct. 27, 2020.

Ayes: 7 Nays: 0 Absent: 0

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

Mayor and
Council

Lynne Ladner

10/23/20

Underwater
Bridge
Inspection

Greetings,

At the end of September, I received notification from MDOT that the City was required to have an underwater bridge inspection on the State St. Bridge completed by December 31, 2020. Proposals were solicited from all four MDOT pre-qualified bidders for the project, of which two declined to bid, and one proposal from Great Lakes Engineering LLC was received in the amount of \$6,049.

As the inspection is a requirement of MDOT and failure to do the inspection will jeopardize our Act 51 road funding, and all pre-qualified bidders were provided the opportunity to bid, it is my recommendation the Council adopt Resolution 2020-61 Waiving the bidding requirements for Underwater Bridge Inspection and Accept Bid from Great Lakes Engineering Group

Lynne

RESOLUTION 2020-61
Hart City Council
City of Hart, Michigan

Waive bidding requirements for Underwater Bridge Inspection and Accept Bid from Great Lakes Engineering Group

WHEREAS; the City was notified the end of September that an underwater bridge inspection was required to be completed prior to December 31, 2020 per MDOT standards and requirements; and

WHEREAS; the State of Michigan provided a list of four pre-qualified companies to complete the inspection who were all provided a copy of the request for bids ; and

WHEREAS; the City received two responses declining to bid and one response to complete the project in the allotted time frame from Great Lakes Engineering Group LLC in the amount of \$6,049;

NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL

Waives the bidding requirement and accepts the bid response from Great Lakes Engineering Group LLC in the amount of \$6,049 to complete the required underwater bridge inspection of the State St. Bridge.

Moved by Ms. Burillo, supported by Ms. Platt and thereafter adopted by the Hart City Council at a regular council meeting held on Oct. 27, 2020.

Ayes: 7 Nays: 0 Absent: 0

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

Mayor and
Council

Lynne Ladner

10/23/20

Second
Amendment and
Estoppel
agreement –
Hart Solar
Greetings,

As the City continues to work with Hart Solar on a clean energy project which will have collector lines and other equipment placed in easements along with City property, a second amendment to the agreement has been requested and drafted with the intent of mitigating disturbance to wetland areas.

The intent of the project is to provide energy resources that have minimal impact on the environment; moving forward with this amendment, it is in keeping with that goal of minimal impact on the environment.

It is my recommendation that the Council adopt Resolution 2020-62 Adopting the second amendment and estoppel agreement with Hart Solar

Lynne

RESOLUTION 2020-62
Hart City Council
City of Hart, Michigan

Adopt second amendment and estoppel agreement with Hart Solar

WHEREAS; the City has been working with Hart Solar on a large scale clean energy project for construction in Oceana County; and

WHEREAS; the previous agreements have been drafted and approved regarding the size, placement and details related to necessary easements for the collector system and equipment ; and

WHEREAS; due to efforts to mitigate wetlands disturbances during the construction and ongoing operation of the solar project a second amendment and estoppel agreement has been drafted;

NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL

Adops the second amendment and estoppel agreement with Hart Solar and authorizes the City Manager to sign the necessary documents.

Moved by Mr. Splane, supported by Mr. LaFever and thereafter adopted by the Hart City Council at a regular council meeting held on Oct. 27, 2020.

Ayes: 7 Nays: 0 Absent: 0

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

Mayor and
Council _____

Lynne Ladner _____

10/23/20 _____

Industrial Park
Development _____

Greetings,

The City has been approached by an electronics manufacturing company interested in purchasing the remaining two lots in the Hart Industrial Park. The project has been reviewed by the Finance and Personnel committee, and the committee is recommending proceeding with drafting a development agreement for the project with proposed incentives which include waiving water and sewer tap fees, waiving site development costs incurred by the City and the purchase and installation of the necessary Energy department infrastructure to service the project in return for compensation similar as has been provided before by parties purchasing in the park of \$2,500 per lot for a total of \$5,000. A final development agreement will be drafted and presented to the Council for approval

It is my recommendation that the Council adopt Resolution 2020-63 Accepting the recommendation from the Finance Committee and Authorize the City Manager to complete negotiations for the sale of Hart Industrial Park parcel number 020-390-012-00 and present the final agreement for approval of the City Council
Lynne

RESOLUTION 2020-63
Hart City Council
City of Hart, Michigan

Accept recommendation from Finance Committee and Authorize City Manager to complete negotiations for sale of Hart Industrial Park parcel number 020-390-012-00

WHEREAS; the City has been approached by an electronics manufacturing company interested in purchasing the remaining two lots in the Hart Industrial Park; and

WHEREAS; the project has been reviewed by the Finance and Personnel committee and the committee is recommending proceeding with drafting a development agreement for the project with proposed incentives which include waiving water and sewer tap fees, waiving site development costs incurred by the City and the purchase and installation of the necessary Energy department infrastructure to service the project in return for compensation similar as has been provided before by parties purchasing in the park of \$2,500 per lot for a total of \$5,000; and

WHEREAS; a final development agreement will be drafted and presented to the Council for approval;

NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL

Accept recommendation from Finance Committee and Authorize City Manager to complete negotiations for sale of Hart Industrial Park parcel number 020-390-012-00 and present the final agreement for approval of the City Council

Moved by Mr. Splane, supported by Mr. Hegedus and thereafter adopted by the Hart City Council at a regular council meeting held on Oct. 27, 2020.

Ayes: 7 Nays: 0 Absent: 0

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

Mayor and
Council

Lynne Ladner

10/23/20

PN EDA funding
app proposal
Greetings,

The City has approved three engineering companies as qualified to assist the City with funding applications for projects where a request for federal funding assistance is to be completed, and specific projects are more time-sensitive than others due to the availability of funding associated with the CARES Act. Prein Newhof has assisted the City with the completion of preliminary information for nearly \$9,000,000 in Wastewater improvements tied to economic development and business expansion projects in the community and due to the limited time to apply for these funds, which are being offered at up to 80% grant which would be approximately \$7,200,000 in federal grant funding and the historical knowledge of the issues, City infrastructure it is judged to be prudent to contract with Prein Newhof for these Wastewater projects

It is my recommendation that the Council adopts Resolution 2020-64 Accepting the proposal from Prein Newhoff to assist the City with the submission of the application for funding to the US Economic Development Administration (EDA)

at the cost of \$7,300 to include a preliminary engineering report, environmental report and assistance with the application form.
Lynne

**RESOLUTION 2020-64
Hart City Council
City of Hart, Michigan**

Resolution 2020 – 64 Accept Prein Newhof proposal for EDA project funding applications

WHEREAS; the City has approved three engineering companies as qualified to assist the City with funding applications for projects where a request for federal funding assistance is to be completed; and

WHEREAS; specific projects are more time sensitive than others due to the availability of funding associated with the CARES Act; and

WHEREAS; Prein Newhof has assisted the City with the completion of preliminary information for nearly \$9,000,000 in Wastewater improvements tied to economic development and business expansion projects in the community; and

WHEREAS; due to the limited time to apply for these funds which are being offered at up to 80% grant which would be approximately \$7,200,000 in federal grant funding and the historical knowledge of the issues, City infrastructure it is judged to be prudent to contract with Prein Newhof for these Wastewater projects;

NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL

Accept the proposal from Prein Newhoff to assist the City with the submission of the application for funding to the US Economic Development Administration (EDA) at a cost of \$7,300 to include preliminary engineering report, environmental report and assistance with the application form.

Moved by Frontiera, supported by Ms. Platt and thereafter adopted by the Hart City Council at a regular council meeting held on Oct. 27, 2020.

Ayes: 7 Nays: 0 Absent: 0

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

Mayor and
Council _____

Lynne Ladner

10/23/20

Policies and
Procedures for
Remote and
Hybrid Meeting

Greetings, The State of Michigan has enacted PA 228 of 2020 to amend the Open Meetings Act to permit Remote and Hybrid Public Meetings in response to the COVID pandemic, and with the adoption of the act, it is in the best interest of the City to adopt policies and procedures that align with the act and clearly spell out how public meetings, interactions and attendance will be conducted under the requirements of PA 228 of 2020;

It is my recommendation that the Council adopt Resolution 2020-65 Adopting Policies and Procedures for Remote and Hybrid Public Meetings per PA 228 of 2020

Lynne

**RESOLUTION 2020-65
Hart City Council
City of Hart, Michigan**

Adopt Policies and Procedures for Remote and Hybrid Public Meetings per PA 228 of 2020

WHEREAS; PA 228 of 2020 has been enacted by the State of Michigan to amend the Open Meetings Act to permit Remote and Hybrid Public Meetings in response to the COVID pandemic; and

WHEREAS; with the adoption of the act it is in the best interest of the City to adopt policies and procedures that align with the act and clearly spell out how public meetings, interactions and attendance will be conducted under the requirements of PA 228 of 2020;

NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL

Adopt Resolution 2020-65 Policies and Procedures for Remote and Hybrid Public Meetings per PA 228 of 2020

Moved by Ms. Burillo, supported by Ms. Platt and thereafter adopted by the Hart City Council at a regular council meeting held on Oct. 27, 2020.

Ayes: 7 Nays: 0 Absent: 0

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

Discussion: It was decided to remove item 2C from the final policy.

City of Hart Policies and Procedures

Remote and Hybrid meetings

- PA 228 of 2020 amended section 3 (MCL 15.263) of PA 267 of 1976 (amended previously by PA 485 of 2018) and added a section 3a, allowing for the following:
 - An allowance for members of the public body to attend a meeting of the public body electronically under certain terms and conditions as set forth in this plan
 - A requirement that members of the public and media attend a meeting of the public body electronically under certain terms and conditions as set forth in this plan
- Through December 31, 2020, in accordance with PA 228 of 2020, the City of Hart provides that:
 - Any member of an elected or appointed board can choose to attend a meeting of that board electronically for any reason
 - All members of elected or appointed boards may be required to attend meetings of those boards electronically by vote of the City Council
 - **All members of the media and public wishing to attend a meeting of any of the City's elected or appointed boards, must do so electronically**
- Further, between January 1, 2021 and December 31, 2021, the City of Hart provides that:
 - Any member of an elected or appointed board can choose to attend a meeting of that board electronically due to military duty, a medical condition, or a statewide or local state of emergency or state of disaster declared pursuant to law or charter by the governor or a local official or local governing body that would risk the personal health or safety of members of the public or the public body if the meeting were held in person
 - Upon a vote requiring such by the City Council, all members of an elected or appointed board may be required to attend a meeting of that board electronically if a statewide or local state of emergency or state of disaster is declared pursuant to law or charter by the governor or a local official or local governing body that would risk the personal health or safety of members of the public or the public body if the meeting were held in person
 - Upon a vote requiring such by the City Council, all members of the media and public wishing to attend a meeting of any of the City's elected or appointed boards must do so electronically if a statewide or local state of emergency or state of disaster declared pursuant to law or charter by the governor or a local official or local governing body that would risk the personal health or safety of members of the public or the public body if the meeting were held in person
- A meeting of a public body held electronically must be conducted in a manner that permits 2-way communication so that members of the public body can hear and be heard by other members of the public body, and so that public participants can hear members of the public body and can be heard by members of the public body and other participants during a public comment period
- If any component of a meeting of a public body is conducted electronically as described in sections 2 and 3, the following must occur at the meeting and be reflected in the meeting minutes:
 - Prior to roll call, the person chairing the meeting will explain the electronic components of the meeting and the purpose behind them
 - During roll call, a public announcement by a member of the public body attending the meeting electronically that he/she is attending remotely and the county, City, village, or township from which he/she is attending the meeting
- A notice of all meetings that include electronic components as described in sections 2 and 3 of this policy shall be posted on the Public Notices and Public Hearings page of the City's web site not less than 18 hours before the meeting begins. Such notice shall include:
 - The agenda for the meeting prior to any amendments that may be made at the meeting

- The reason for the electronic component to the meeting
- How members of the public may participate in the meeting electronically
- How members of the public can contact members of the public body to provide input or ask questions on any business that will come before the public body at the meeting
- How persons with disabilities may participate in the meeting
- A public body shall not, as a condition of participating in an electronic meeting of the public body, require a person to register or otherwise provide his or her name or other information to attend the meeting, other than mechanisms established and required by the public body necessary to permit the person to participate in a public comment period of the meeting
- Members of the general public otherwise participating in a meeting with electronic components are to be excluded from participation in a closed session of the publicbody

SPECIAL EVENTS PERMIT:

- None

DISCUSSION ITEMS:

FEMA CARES
ACT grants
and utility
fees review
(Taken from
10/13/2020
meeting)

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, assistance with the application process and if successful to manage 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

- AZAVAR has come back with a new offer for conducting the audits; they have reduced their fee down to 39% of collected amounts.
 - The City Council would like the City Manager to counter offer it down to 35% but up to their offered amount of 39%.
 - Mr. La Fever made a motion to authorize the City Manager to counter the offer at 35%, not to exceed their proposed amount of 39%, supported by Mr. Splane, all ayes, the motion carried.

CITY MANAGER'S REPORT:

- Ms. Ladner has been working with Scott Beal, Chamber Director and Nichole Steel, HEART Director, regarding the Christmas Parade.
 - Ms. Ladner has conferred with the City's insurance carrier to determine if the City would be liable in the event of a COVID-19 outbreak coming from the event.
 - The carrier stated an exemption clause regarding viruses is in the policy and that they could not advise whether or not the City should hold the event but reiterated the need to follow existing, established COVID-19 protocols if the event takes place.
 - The City Council determined that the Chamber would be responsible for supplying the necessary signage, and the City would mark out the 6' spacing along the sidewalks.
 - A logistics meeting would be needed with the Police and DPW Departments.

COMMUNICATIONS FROM THE MAYOR AND COUNCIL:

- Mr. La Fever expressed his displeasure at the determination that removed his name from the Mayoral ballot due to being in default to the City (August 11, 2020 meeting). He felt that the City Clerk did not correctly notify him, as stated in the City Charter.
 - Ms. Ladner advised him that the late notices he received constitute notification.
 - Other board members felt that it could have been handled better at the August meeting as well.
 - Ms. Burillo stated that she did not receive a Charter copy when becoming a Councilperson and that she was looking forward to the new Council member training that the City Manager would be providing after the election on November 3, 2020.
 - Ms. Ladner stated that she was working on a handbook for Council members.

ADJOURN:

There being no further business to come before the Council, the meeting adjourned at 8:54 pm upon a motion by Mr. Hegedus and supported by Mr. La Fever. The next regularly scheduled meeting will be on November 10, 2020, at 7:30 pm, in the Hart Community Center.

Respectfully Submitted



Cheri Eisenlohr
Deputy City Clerk