



**CITY OF HART
407 S. STATE ST.
HART, MI 49420
COUNCIL PROCEEDINGS
MARCH 23rd 2021
MINUTES – APPROVED**

PRESENT: Mayor Vicki Platt, Councilors: Catalina Burillo, Jim Evans, Fred Rybarz, Rob Splane, and Kris Trygstad.

VIA ZOOM: Dean Hodges

ABSENT: None

OTHERS PRESENT: City Manager - Lynne Ladner, City Clerk – Karla Swihart, BioPure Superintendent - Paul Cutter, Nichole Steel (HEART), Sharon Hallack, Barbra Marczak of Prein & Newhof, Scott Dwyer – Mika Meyers, Danica Evans, and Jodi Nichols

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

APPROVAL OF AGENDA: J. Evans motioned to approve the agenda and was supported by F. Rybarz.

- Ayes: 7 Nays: 0 Absent: 0

PUBLIC COMMENTS: None

CORRESPONDENCE, EVENTS, PRESENTATIONS:

Jodi Nichols Update on Oceana County Economic Alliance 2020 Annual Report.

In 2020 the Alliance facilitated 526 business assists in Oceana County throughout the year. In April and August, the Alliance distributed critical grant dollars from the Michigan Economic Development Corporation (MEDC). With the help of a local volunteer committee, the Alliance reviewed applications from area businesses and distributed \$220,633 to 89 small businesses in Oceana County, and two businesses were approved for \$50,000 loans each. In the City of Hart. Gray and Company got 50 new jobs and a \$5.6M investment. Would like to invite us to a Virtual event with a community update on upcoming plans for 2021 on April 13th, 2021, and will be held via Zoom.

CONSENT AGENDA:

- Approval of Minutes from March 9th, 2021
- Bills, Claims, Payroll
- Reports of Boards, Commissions, and Committees
- Department Reports – Police/BioPure/Public Works/Energy/C&E Dvlp
 - R. Splane motioned to approve Consent Agenda and supported by C. Burillo
 - Ayes: 7 Nays: 0 Absent: 0

ACTION ITEMS:

- Resolution 2021-14 Resolution Hansen St. project and Resolution 2021-19 Dryden St. Project
As was brought before the Council at the March 9th, 2021 meeting, the City budgeted for the completion of the Hansen St. project as part of FY 2021. We had hoped to obtain funding assistance from MDOT, but two years of unsuccessful applications leave us at a point where it has become necessary to consider moving forward with current funds.
At the March 9th meeting, the Council asked to table Resolution 2021-14 to allow time to develop a cost estimate for the construction of a similar project on Dryden St. from Hansen to Polk Rd. The Dryden St project is a bit more complex as the properties along that section of Dryden are currently served by septic systems, not sanitary sewers. Completing this project without the extension of a sewer main would necessitate the replacement of water service lines per state mandate for service lines connected to lead service lines or connections. The area's current record plans show that a portion of the pipe may be ductile pipe that would require the service lines to be removed.
The engineering estimate for design, bidding, and construction is \$50,500, with a total estimated project cost of \$256,150 for road construction, \$30,100 for water service line replacement, and \$114,750 for the sewer main extension.
City Manager L. Ladner recommended that the Council adopts Resolution 2021-14, Authorizing the final design, bidding, and construction engineering for Hansen St.

- R. Splane motioned to approve Resolution 2021-14 and supported by F. Rybarz.
 - Ayes: 7 Nays: 0 Absent: 0

It is also my recommendation that the Council adopts Resolution 2021-19, Authorizing the final design, bidding, and construction engineering for Dryden St. to include the water service line replacement and the sewer main extension.

- R. Splane motioned to approve Resolution 2021-19 and supported by C. Burillo
 - Ayes: 7 Nays: 0 Absent: 0

- Resolution 2021-20 Resolution Accept Parks and Recreation Master Plan update proposals and award contract. The City, in order to apply and obtain funding for recreational projects, must have on file with the State a current adopted Parks and Recreation Master Plan. The drafted most recent plan in 2014-2015 and adopted it in 2015. The plan expired at the end of 2020 and needs to be updated, adopted, and submitted to the State. We have received proposals from Fleis and Vandenbrink in the amount of \$4,900, Prein Newhoff in the amount of \$9,600, West Michigan Shoreline Regional Development Corporation (WMSRDC) in the amount of \$7,500, and a decline to submit from Fishbeck. City Manager L. Ladner recommended that the Council adopt Resolution 2021-20 Accepting the Parks and Recreation Master Plan update proposals and award the project to Fleis and Vanderbrink in the amount of \$4,900

- C. Burillo motioned to approve Resolution 2021-20 and supported by J Evans
 - Ayes: 7 Nays: 0 Absent: 0

- Resolution 2021-21 Resolution Biosolids Removal Bid
Each year the City is required to contract for the disposal of the biosolids from the wastewater treatment plant. The current contract expired in 2020, and Paul Cutter has solicited bids from organizations in the region that are licensed to handle the disposal of the biosolids, but only one organization, Nutrigo Environmental, bid for the biosolids. This is an area that is becoming a tight market of providers as the State requires that biosolids be disposed of either by land applying to cropland (specific crops only permitted) or landfill disposal. Landfill disposal is much costlier as you must pay the contractor to remove the biosolids and pay the landfill costs. City Manager L. Ladner recommends that the Council adopts Resolution 2021-21, accepting the bid from Nutrigo Environmental in the amount of \$459/dry ton, waives the bidding requirements due to lack of bidders, and authorizes the City Manager to sign the contract.

- F. Rybarz motioned to approve Resolution 2021-21 and supported by J. Evans
 - Ayes: 7 Nays: 0 Absent: 0

- Resolution 2021-22 Resolution Industrial Park Switch Gear
Energy Superintendent has solicited bids for the replacement of the switchgear in the Industrial Park. Two of the bids are from Power Line Supply, one for equipment from Federal Pacific in the amount of \$19,104 and for Hubble Switch equipment in the amount of \$13,591, and the third bid from Eaton in the amount of \$18,957. Mike has requested that we authorize the purchase of the Federal Pacific switchgear, as this is similar to the current equipment that will allow for the reuse of the existing base and terminals, which will allow the Energy Department to work on the equipment being removed for reconditioning for use as back-up equipment. The Federal Pacific bid is not the low bidder for the equipment. Still, Mike estimates the cost to replace the base and terminals to be approximately \$10,000, which would make the Federal Pacific bid the lowest equipment cost and overall project cost. City Manager L. Ladner recommends that the Council adopt Resolution 2021-22, accepting the bids on switchgear for the Industrial Park and awards the contract to Power Line Supply for the purchase of the Federal Pacific switchgear.

- R. Splane motioned to approve Resolution 2021-22 and supported by C. Burillo
 - Ayes: 7 Nays: 0 Absent: 0

- Resolution 2021-23 Aerial Bucket Truck
In the process of collecting bid pricing in preparation for the FY 2022 budget, it has been brought to the City's attention that due to a shortage of computer chips to operate the electrical system in many items, including vehicles manufacturing of large trucks such as an aerial bucket truck are being temporarily discontinued for an indeterminate period of time.

However, in the exploration process, it has been brought to our attention that the D&K Truck which was selected through the State of Michigan MiDeal competitive bidding process, has a limited number of truck chassis available, but due to demand, is requesting a commitment as soon as possible. The build-out of the truck, which has also been competitively bid through the MiDeal program, has selected Versabuilt as the low bidder, and if the City is willing to commit to the purchase of the truck as soon as possible, it will be possible to accept delivery on a new truck in FY 22 as opposed to a potential undetermined amount of time in the future to replace a vehicle that has passed its expected life span and is in need of replacement.

The Energy Department is asking the Council to consider committing to the purchase of a new competitively bid aerial truck through the MiDeal program in the amount of \$230,254 from Versalift and D&K Truck.

City Manager L. Ladner recommends that the Council adopt Resolution 2021-23, accepting the competitively bid pricing offered through the MiDeal process for a Freightliner truck chassis and the accompanying build-out also competitively bid through MiDeal agreements for a total of \$230,254 and agrees to commit to the purchase of the truck in FY 2022 budgeting process.

- C. Burillo motioned to approve Resolution 2021-23 and supported by R. Splane.
 - Ayes: 7 Nays: 0 Absent: 0

DISCUSSION ITEMS:

- The Industrial Park Covenants – definition of Pole Building as a use versus construction method. City Manager L. Ladner requested clarification from the City Attorney on how the industrial park covenants are written. I was trying to find a way around having to amend the covenants or the City Council not have to override or create a committee. As I spoke with the city's planner, the covenants describe that pole barns are not permitted as a use. Well, pole barn, when you define as a use, is generally defined as a post beam structure that is being used as storage capabilities, whereas pole barn as a construction method is technically post beam construction building. I hoped that a post-beam construction would be permitted within the Industrial Park as a manufacturing facility by splitting those two. However, the City's Attorney, who responded from Mika Meyers, stated that it is a bit strange that the restrictive covenants exclude "Pole buildings" from the permitted uses in the industrial park because, as pointed out, pole buildings are not a use of land. The term "pole building" is not defined in the City's zoning ordinance or the restrictive covenants, but the plain meaning of the term has nothing to do with the use of a building and everything to do with a structural technique used in the framing and construction of a building (i.e., post or pole frame construction as opposed to stick-frame construction). Thus, the term "pole building" and "post-frame construction building" are synonymous, and there is no different definition relating to a particular type of use. Generally, these types of buildings are simpler and cheaper to build than traditional stick-frame construction buildings.

The Council needs to determine one of two things. Does the Council appoint an Industrial Park committee as the covenants permit and go through the process to make a recommendation to the Council to allow this, or does the Council not wait for the committee to make a recommendation as to the covenants does state that the Council does not have to accept the recommendation of the commission and decide if they want to go ahead and allow this potential business from doing a post beam pole barn construction. The potential buyer has been very clear with the City that if he can not use the post beam frame construction, the finances do not work out to make this viable project. J. Evans suggested the City Council appoint a committee for the Industrial Park that way down the road, and it does not come back at a later time to haunt the City. The committee would have to be three members from the City and two members from the township.

City Mayor V. Platt appointed J. Evans, R. Splane, and F. Rybarz for the Industrial Park Committee and will also notify the township of when a meeting will be held if they would like to send two members from the township to partake.

- C. Burillo motioned to appoint Jim Evans, Rob Splane, and Fred Rybarz to the Industrial Park Committee and supported by K. Trygstad
 - Ayes: 7 Nays: 0 Absent: 0
- Blight Elimination Grant Opportunity. Last week City Manager L. Ladner received an email from the state that they are opening the 2021 Blight Elimination Grant Opportunity. In 2020 The City applied for this grant to demolish the old walkers building downtown, and due to Covid, the funding was pulled back from the State, and no grants were awarded. All the groundwork has already been done, so unless there is an objection from the City Council, L. Ladner will go ahead and apply for this grant again this year and bring forward a formal

resolution to the City Council at the next scheduled meeting. All members are in support of applying for the grant.

CITY MANAGER'S REPORT:

- Ms. Ladner provided in the Council packet a Hart Cemetery Commission meeting schedule.
- Letter in packet drafted by the City of Ann Arbor asking to join in urging FERC (Federal Energy Regulatory Commission) to exempt municipal governments from any new financial assurance requirements for hydropower facilities owners. The City of Hart was contacted by the MMEA (Michigan Municipal Electric Association) asking us to join as we also own and operate a hydroelectric dam. City Manager L. Ladner did send back, letting them know that the City of Hart will support this letter as well.
- American Rescue Plan (Dryden St Project) is still hammering out how much The City will be receiving. As a pass-thru from the State, the initial estimate was just over \$204,000, which the Council will need to decide when that money comes in on how we are going to allocate it. There are specific things that it can be spent on. There are additional pots of money the EDA (Economic Development Association) of the feds, who we are looking at for assistance for our sewer projects, is receiving funding of which 25% needs to be spent on outdoor recreation programs, so we will be looking to apply for that grant as well as the Community facilities funds to assist with those two park projects (Point Park and Veterans Park) remember the more money we can get from the federal government to help with these projects the better of the City is.
- The City offices will be closed on Good Friday, April 2nd, City Holiday.
- We have received the first review of the Safe Routes to School grant application and are currently making changes to the application suggested by the review committee. The updates are due by April 7th.
- The Planning Commission will be discussing at their meeting on April 1st about zoning, primarily making changes to the sign ordinance prohibiting obscene language. Recently Chief Salazar came across a sign posted in a resident's window towards the downtown district with improper language and improper pictures. It was turned over to the prosecuting attorney's office, which has declined to prosecute due to a lack of specifying a financial transaction to go along with the sign's acts. To prevent a similar issue in the future, the City's Planner thought it would be a good idea to update our sign ordinance to prohibit obscene language and content.
- Tuesday, March 30th, reminder that there are FOIA and Open Meeting Act training. FOIA 2-4:30 pm hour break and OMA is 5:30-8:00 pm.
- Across the street between 53rd and the Church, there is a frosted LED street light he would like the City Council to look at and consider. The Energy Department is currently updating our street lights to dark sky-compliant LEDs. Buying new heads are approx. \$30,000 apiece, but Mike has contacted a company that we can take our existing light heads and sandblast them, repaint them, and retrofit them for LED if we use a frosted globe. That would be a \$10,000 per head savings.

COMMUNICATIONS FROM THE MAYOR AND COUNCIL:

- The Pocket Park, any word on when construction is going to start back up? The contractor has been contacted for an updated schedule and reached out to the State because our contract with them currently expired March 31st, so The City needs to get an extension with them and an extension with our administrator on the contract.
- C. Burillo brought up one of the downtown trees; the guard around the tree is growing into it.
- **Closed Session per Sec. 8 (a)** to consider the dismissal, suspension, or disciplining of, or to hear complaints or charges, or to consider a periodic personnel evaluation of, a public officer, employee, staff member, or individual agent if the named person requests a closed hearing.
 - R. Splane motioned that we amend the agenda, replace 10a Closed session per Sec 8a of the opened meetings act, and move the closed session sec 8a to 10b on the agenda and supported by J.Evans
 - Ayes: 7 Nays: 0 Absent: 0
 - R. Splane motioned and supported by C. Burillo to meet in closed session pursuant Sec 8h of the opens meeting act to consider a written privilege legal opinion from Counsel concerning personal policies and related agreements, which is exempt from disclosure under section 13-1 G of the Michigan Freedom of information act.
 - Ayes: 7 Nays: 0 Absent: 0
- At 9:55 pm, The City Council returned to open session.
 - J. Evans motioned to return to open session and supported by C. Burillo

- Ayes: 7 Nays: 0 Absent: 0
- F. Rybarz motioned to remove 10b from the amended agenda and supported by J. Evans
 - Ayes: 7 Nays: 0 Absent: 0
- J. Evans motioned that pursuant to the current contract with our City Manager, and the City Council opt not to renew the City Managers contract with the City for the additional three years as stipulated in section 4. and supported by F. Rybarz.
 - Ayes: 6 Nays: 1 (Burillo) Absent: 0
- J. Evans motioned that the City Attorney prepare the appropriate documentation to support the motion above and supported by R. Splane.
 - Ayes: 7 Nays: 0 Absent: 0

ADJOURN:

- There being no further business to come before the Council, the meeting adjourned at 10:07 pm upon a motion by J. Evans and supported by F. Rybarz. The next regularly scheduled meeting will be on April 13th, at 7:30 pm.

Respectfully Submitted



Karla Swihart
City Clerk