



**CITY OF HART
407 S. STATE ST.
HART, MI 49420
COUNCIL PROCEEDINGS
JUNE 8th 2021
MINUTES – Amended**

PRESENT: Mayor Vicki Platt, Councilors: Jim Evans, Dean Hodges, Mike Powers, Fred Rybarz, and Kris Trygstad.

ABSENT: : Catalina Burillo

OTHERS PRESENT: City Manager – Rob Splane, City Clerk – Karla Swihart, Energy Superintendent – Michael Schiller, Nichole Steel (HEART), Ginny Huntington, Dick Huntington, Mary Lou Splane, Sharon Hallack, George Sadler, Boy Scouts – Cynthia Fout, Bronx Jones, Pamella Hosking, Jennifer Jones, Austin Hosking, Julie Frasier, Sebastion Baraihe-Oren, Brendon Hiddema, Brandon Fraiser and Ginny Rena

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 M. Powers.

- Ayes: 6 Nays: 0 Absent: 1

PUBLIC COMMENTS: Mr. Huntington wanted to address the Social District is worried about the open containers in a family orientated area, also who would benefit from passing this order; seems from what little I have read in the paper, also a conflict of interest with Mr. Rybarz voting when his establishment is one of the locations,” Also who is going to police the social district.” Mr. Huntington would also like to know who he needs to talk to about purchasing a lot in the Creeks.

CORRESPONDENCE, EVENTS, PRESENTATIONS: None

CONSENT AGENDA:

- Approval of minutes from May 25th, 2021
- Bills, Claims, Payroll
- Reports of Boards, Commissions, and Committees
- Department Reports – Police/BioPure/Public Works/Energy/C&E Dvlp
 - F. Rybarz motioned to approve Consent Agenda with the correction of minutes and supported by K. Trygstad
 - Ayes: 6 Nays: 0 Absent: 1

ACTION ITEMS:

- Resolution 2021-42 Authorize the temporary placement of good, wares, and merchandise on the public sidewalk
The City of Hart currently prohibits the placement of goods wares and merchandise on the public sidewalk. The City has been asked to consider amending the ordinance to permit this practice and with the Covid pandemic actively presents a public health threat, the City believes that short term action while comprehensively reviewing possible changes is in the best interest of the City’s business community and now, therefore, be it resolved that the Hart City Council temporarily through December 31st, 2021 waives the prohibition of the placement of goods, wares, and merchandise on the public sidewalk I nan area no greater than thirty-six (36) inches from the front of the building face of the business while retaining a minimum of five (5) feet of a clear walkway between the items placed upon the sidewalk and the back of the street curb; and requires businesses to receive a permit to be posted in their front window before any goods, wares or merchandise is placed upon the sidewalk.
 - J. Evans motioned to approve Resolution 2021-42 and supported by M. Powers.
 - Ayes: 6 Nays: 0 Absent: 1
- Resolution 2021-43 Authorize purchase of deck construction materials of Historic District Depot.
The City of Hart budgeted funding in 2012 for the construction of a ramp and deck around the Train Depot building located in the Hart Historic District, and two competitive quotes were sought for the necessary materials for deck and auxiliary ramp construction and the City of Hart Historic District has available staff and volunteer support to construct the structure to the attached engineering specifications and now, therefore, be it resolved that the Hart City Council authorizes the purchase of decking materials at the lowest quoted price of \$6293.91 as provided by Lowe’s home center.

- F. Rybarz motioned to approve Resolution 2021-43 and supported by J. Evans
 - Ayes: 6 Nays: 0 Absent: 1
- Resolution 2021-44 Designate City Approve City Manager employment agreement.
In May 2021, the Hart City Council conducted a City Manager search process to replace City Manager Elizabeth Lynne, Ladner. The Hart City Council, along with qualified candidate, have agreed to terms of employment and in order to secure the benefits of efficient self-government and to promote and protect our common interest and welfare of the City Council hereby declares, "Now, therefore, be it resolved that the Hart City Council" authorizes and approves a City Managers employment agreement with Robert Lawrence Splane, and authorizes and directs the Mayor to sign the agreement on behalf of the City of Hart.
 - J. Evans motioned to approve Resolution 2021-44 and supported by M. Powers
 - Ayes: 6 Nays: 0 Absent: 1
- Resolution 2021-45 Authorize Energy Department purchase of Reel Trailer
The Energy Department has in the FY 2021 budget the purchase of a Reel Trailer, and the trailer is necessary for the transportation and deployment f electric and auxiliary utility line materials and competitive bids were sought from three qualified vendors, and pricing submitted from vendors includes; A-Aerial Service Company \$9857.00, Brooks Brothers Trailers \$10,300 and AIS Construction Equipment \$8372.00. Now, therefore, be it resolved that the Hart City Council accepts the competitively bid pricing offered from the above vendors and agrees to purchase the Felling FT-6 R from AIS Construction Equipment at the lowest quoted price of \$8,372.00
 - F. Rybarz motioned to approve Resolution 2021-45 and supported by J. Evans
 - Ayes: 6 Nays:0 Absent: 1
- Resolution 2021-46 Michigan Public Power Agency Commissioner Appointment.
The City of Hart (dba Hart Hydroelectric) is a Charter member of the Michigan Public Power Agency (MPPA, the ' Agency') in Lansing, Michigan that is governed by a Board of Commissioners consisting of one appointee from each member pursuant to MPPA by-laws as follows

Article II

Board of Commissioners

Section 2.1 Board of Commissioners and Alternate Commissioners

The Agency shall be governed by a Board of commissioners appointed by the respective governing bodies of the municipalities which are members of the Agency. The Governing body of each member municipality shall be resolution appoint one Commissioner. The governing body of each member municipality may be solution appoint an Alternate Commissioner who shall be entitled to vote only in the absence of the Commissioner. If a 2nd Alternate Commissioner is appointed in the resolution of the governing body of the member municipality, the resolution shall designate who shall be the 1st Alternate Commissioner and the 2nd Alternate Commissioner. In the event, more than one Alternate Commissioner attends a meeting of the Agency, including any of its committees, the Alternate Commissioner with the highest designation shall be recognized and entitled to vote in the absence of the Commissioner.

The City's current appointees are as follows: Commissioner – Lynne Ladner 1st Alternate Commissioner – Mike Powers and 2nd Alternate Commissioner – Mike Schiller, and due to City Manager L. Ladner no longer employed by the City of Hart, The city must appoint a Commissioner, and in order to secure the benefits of efficient self-government and to promote and protect our common interest and welfare, the Hart City Council hereby declares: "Now, therefore, be it resolved that the Hart City Council" appoints City Manager designee Robert Splane to the Michigan Public Power Agency Board of Commissioners as Commissioner effective date of June 8th, 2021

- F. Rybarz motioned to approve Resolution 2021-46 and supported by K. Trygstad
 - Ayes: 5 Nays: 0 Absent: 1 (M. Powers Abstained as he is an Alternate Commissioner)
- Resolution 2021-47 Designate City Manager R. Splane as Member Representative to Energy Service Project
On March 11th, 2009, the Michigan Public Power Agency (MPPA) Board of Commissioners by action in open meeting created the Energy Services Project ("Project"), and a Member joining the Project must execute an Energy Services Agreement ("ESA") and Section 2 of ESA requires the Member's Governing Body to designate a Member Authorized Representative ("MAR") and the MAR is delegated the responsibility of binding the Member into Power Purchase Commitments with MPPA "Now, therefore, be it resolved that the Hart City Council" appoints the City Manager as the Member Authorized Representative to the MPPA Energy Services Project.

- J. Evans motioned to approve Resolution 2021-47 and supported by F. Rybarz
 - Ayes: 6 Nays: 0 Absent: 1
- Resolution 2021-48 Designate City Manager R. Splane as ACT 51 Street Administrator
Section 13(9) of Act 51, Public Acts of 1951 provided that each incorporated city and village to which funds are returned under the provisions of this section, that "the responsibility for street improvements, maintenance, and traffic operations work, and the development, construction, or repair of off-street parking facilities and construction or repair of street lighting shall be coordinated by a single administrator to be designated by the governing body who shall be responsible for and shall represent the municipality in transactions with the State Transportation Department pursuant to this act." "therefore be it resolved that this Honorable Body designate City Manager Robert Splane as the single Street Administrator for the City or Village of Hart in all transactions with the State Transportation Department as provided in Section 13 of the Act.
 - F. Rybarz motioned to approve Resolution 2021-48 and supported by J. Evans
 - Ayes: 6 Nays: 0 Absent: 1
- Resolution 2021-49 LIEAF OPT-IN Low-income electric Assistance Fund
The City of Hart owns, operates, and maintains an electric utility system; and the State of Michigan enacted Public Act 95 in 2013 that prohibits discontinuance of electric services during the cold weather months unless the utility opts into the Low-Income Energy Assistance Fund program established by the Act: and in order to secure the benefits of efficient self-government and to promote and protect our common interest and welfare, the Hart City Council hereby declares: "Now, therefore, be it resolved that the Hart City Council accepts and approves the provisions of the Low-Income Energy Assistance Fund of Public Act 95 that authorizes the City to shut off electric service during cold weather months: and adopts a funding factor to be established by the State of Michigan no to exceed \$1.00 per month per meter.
Authorizes and directs the City Manager to implement the Public Act 95 LIEAF program on behalf of the City of Hart for the cold weather term from November 1st, 2021 to April 15th, 2022 and therefore until repealed by City Council action/.
 - J. Evans motioned to approve Resolution 2021-49 and supported by F. Rybarz
 - Ayes: 6 Nays: 0 Absent: 1

DISCUSSION ITEMS: Update on Pocket Park, getting material has been our biggest hurdle, but everything seems to be moving along now, and the finish goal is a week from Friday. Rob did ensure the contractor that we will have a celebration at our fireworks on July 2nd for the park's opening, and if the park is not completed the way we want it to be will make sure the contactors name is all over it.

CITY MANAGER'S REPORT:

- R. Splane asked the Council about items already in the budget approved by Council. In the future, does Council want to approve these purchases that are already in the budget, or is Council comfortable with the Superintendents proceeding with the purchases, or would you still like to see them come in front of Council?
"J. Evans said we should *not* have to approve what has already been approved. Maybe the Council can pass a resolution or policy stating if it is over a certain amount, it must come back in front of the Council for final approval. If it is under a certain amount, the superintendents can make that call". Councilmember F. Rybarz agrees with Mr. Evans.
- I have established weekly meetings with all of my department heads.
- Social district application has gone into the state. We are waiting for approval on that.
- I met with MMRMA about our upcoming insurance policy. Also will be taking a class on Cyberbullying. Once I am trained, I will be doing a presentation to the Council.
- Safe Routes to School grant is all set to be submitted tomorrow, and also our CBDG grant has been submitted to the State as well.
- I am working daily on the budget. I have run into a few issues and am working with our accounting firm.

COMMUNICATIONS FROM THE MAYOR AND COUNCIL:

- Mayor Platt thanked the Boy Scouts for joining us tonight. Troop master Brendon Fraiser announced troop #115.
- Appoint Sue Payne to the HEART board, but Sue applied; however after the board approved Superintendent Mark Platt to the board.

- F. Rybarz motioned to approve Mark Platt to the HEART board and supported by M. Powers
 - Ayes: 6 Nays: 0 Absent: 1

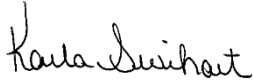
Also, we need to appoint two city council members to the HEART board, F. Rybarz, and D. Hodges, who agreed to sit on the board.

- Also, a reminder of the car show this weekend, June 12th, 2021, at 10 am Hart Historic District.

ADJOURN:

- There being no further business to come before the Council, the meeting adjourned at 8:20 pm upon a motion by V. Platt and supported by J. Evans. The next regularly scheduled meeting will be on June 22nd, at 7:30 pm.

Respectfully Submitted



Karla Swihart
City Clerk