



**CITY OF HART
407 S. STATE ST.
HART, MI 49420
COUNCIL PROCEEDINGS
August 10th, 2021
MINUTES – Approved**

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

ABSENT:

OTHERS PRESENT: City Manager – Rob Splane, City Clerk – Karla Swihart, Bio-Pure – Paul Cutter, Energy Superintendent – Michael Schiller, Police Chief – Juan Salazar, HEART – Nichole Kleiner, Sharon Hallack, Richard Huntington, Bill Volpp, Greg Malburg and Himari Nishio

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 C. Burillo

- Ayes: 7 Nays: 0 Absent: 0

PUBLIC COMMENTS: Richard Huntington, kudos for all the summer activities the City of Hart is offering. Its been excellent seeing council members and the City Manager present. Also nice to see the south end of state street looking so nice. Lots of improvements are being made. Mr. Huntington is still interested in purchasing a lot in the Creeks. 425 zone on Polk rd there used to be owned by the township and the City, and there was a DDA board but has been dissolved for several years now. I know at that time there was an account with around \$250,000, which was to be spent only in that corridor, and I am wondering what happened to that money? Mr. Huntington also suggested the City look into grants that focus more on street grants, not park grants. Improving streets would benefit the City more than adding another park.

CORRESPONDENCE, EVENTS, PRESENTATIONS:

- i. Audit Engagement letter from City auditor Maner Costerisan

To the City Council, City of Hart

We are engaged to audit the financial statements of the governmental activities, the business-type activities, the discretely presented component unit, each major fund, and the aggregate remaining fund information of the City of Hart for the year ended June 30, 2021. Professional standards require that we provide you with the following information related to our audit. We would also appreciate the opportunity to meet with you to discuss this information further since a two-way dialogue can provide valuable information for the audit process.

Planned Scope, Timing of the Audit, and Other

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested.

Our audit will include obtaining an understanding of the City and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and design the nature, timing, and extent of further audit procedures. Material misstatements may result from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the City or to acts by management or employees acting on behalf of the City. We will generally communicate our significant findings at the conclusion of the audit. However, some matters could be communicated sooner, particularly if significant difficulties are encountered during the audit where assistance is needed to overcome the difficulties or if the difficulties may lead to a modified opinion. We will also communicate any internal control-related matters that are required to be communicated under professional standards.

We expect to begin our audit procedures in September 2021 and issue our report on or before December 31, 2021. Steven R. Kirinovic, CPA, is the engagement partner and is responsible for supervising the engagement and signing the report or authorizing another individual to sign it.

This information is intended solely for the use of the City Council and management of the City of Hart and is not intended to be, and should not be, used by anyone other than these specified parties.

ii. Paul Cutter – Biopure water quality presentation (PowerPoint)

The City of Hart has come a long way in treating Wastewater and has spent millions of dollars towards making it happen. The plant expansion in 2001 (roughly \$6,000,000) has, for the most part, eliminated the smell. I would have to say other than 2020, from May to October 1, and this year for a month or so, the odors have been very minimal. When we had those times of odors, I've fielded the calls and understood the complaints. I explained in detail what was causing the odors. I tried to give the callers a general idea of when I thought we may see the odors disappear. That is tough to answer due to the fact weather is so crucial to the recovery. Our noses don't lie; odor complaints are legit.

I want to talk about Water Quality. I have three samples of water taken in 3 different bodies of water around the area. All of these samples have what Wastewater calls BOD. (Biological Oxygen Demand, Or Biochemical Oxygen Demand). The definition for BOD is: Biochemical oxygen demand or biological oxygen demand (BOD) is a measure of the amount of Dissolved Oxygen (DO) required by aerobic microorganisms to decompose organic matter present in a sample of water at a certain temperature over a studied period. BOD value is usually expressed in milligrams of oxygen per liter of water (mg/L). They all look like clear, clean water, with a bit of variation. We ran a B.O.D. test on each of these samples, looking for the amount of BOD (or how clean the water is). Not to confuse yourself with the results' technical terms, concentrate on the values for each sample. 0 mg/l is the cleanest, and 5 mg/l being the dirtiest. The results for the 3 samples:

Sample 1 2.6 mg/l

Sample 2 3.8 mg/l

Sample 3 1.9 mg/l

Are these good numbers?

The City of Hart's Environment Great Lakes & Energy (E.G.L.E) Groundwater Discharge Permit allows 30 mg/l monthly average (Spray Irrigation). Our Surface Water Discharge Permit allows 4 mg/l into Donaldson Creek.

As I mentioned with regards to the odors. The City can not deny odors in the air, but we can educate people on the quality of the water we produce at the Biopure Facility. Now to the focal point of this information.

A couple of months ago, I received this message from a resident that lives around the irrigation site. It's obvious this person misunderstands the process of a Wastewater treatment facility. This person thinks we irrigate with "dirty" water. Let's go back to the results from the 3 samples. Let's start with the best water quality:

That would be the sample that was 1.9 mg/l—collected at the turnaround in Pentwater on the beach.

The 2.6 mg/l was collected from our irrigation site. (The same water that the resident was calling "Feces Water.")

The 3.8 mg/l sample was collected from Hart Lake below the bridge on North State.

As we encounter conversations regarding the City of Hart and its Wastewater treatment. Let's work together to set the record straight on how amazing our natural process is and why we feel comfortable calling it: BIOPURE!

CONSENT AGENDA:

- Approval of Amended minutes from July 27, 2021
- Bills, Claims, Payroll
- Reports of Boards, Commissions, and Committees
- Department Reports – Police/BioPure/Public Works/Energy/C&E Dvlp
 - C. Burillo motioned to approve Consent Agenda supported by J. Evans
 - Ayes: 7 Nays: 0 Absent: 0

ACTION ITEMS:

- Resolution 2021-64 BS&A Fixed Asset Software

The City of Hart oversees short term and long term financial planning and budget forecasting for the City residents, business partners, community stakeholders, and the City's current software program developed by BS&A has successfully been utilized by scores of local government entities in Michigan, and the City requires a new all-encompassing solution to help track its fixed assets, their maintenance, usable life cycle, planned replacement, and staff has reviewed the BS&A product that will integrate seamlessly with the City's current software solution allowing for budget integration and long-term capital improvement forecasting and in order to secure the benefits of efficient self-government and to promote and protect our common interest and welfare, Now, therefore, be it resolved that The Hart City Council accepts the February 23, 2021 proposal in the amount

of \$5,110 for financial management software, implementation, and training, and authorizes City Manager R. Splane to accept and sign the proposal on behalf of the City of Hart.

- F. Rybarz motioned to approve Resolution 2021-64 and supported by M. Powers.
 - Ayes: 7 Nays: 0 Absent: 0

- Ordinance 2021-01 Ordinance Addressing Floodplain Management Provisions of the State Construction Code An ordinance amendment to designate an enforcing agency to discharge the responsibility of the City of Hart located in Oceana County and to designate regulated flood hazard areas under the provisions of the State Construction Code Act, Act No 230 of the Public Acts of 1972 as amended.

The City of Hart ordains:

Section 1. AGENCY DESIGNATED. Pursuant to the provisions of the state construction code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, the Building Inspector of the County of Oceana is hereby designated as the enforcing agency to discharge the responsibility of the City of Hart under act 230, of the Public Acts of 1972, as amended, State of Michigan. The County of Oceana assumes responsibility for the administration and enforcement of said Act throughout the corporate limits of the community adopting this ordinance.

Section 2. CODE APPENDIX ENFORCED. Pursuant to the provisions of the state construction code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972 as amended, Appendix G of the Michigan Building Code shall be enforced by the enforcing agency within the jurisdiction of the community adopting this ordinance.

Section 3. DESIGNATION OF REGULATED FLOOD-PRONE HAZARD AREAS.

The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) Entitled "Oceana County, Michigan (All Jurisdictions)" and dated 8/24/2021, and the Flood Insurance Rate Map(s) (FIRMS) panel number(s) 26127CIND0B, and 26127C0150D, effective August 24, 2021, and 26127C0175C, effective August 4, 2014, are adopted by reference for the purposes of administration of the Michigan Construction Code and declared to be a part of Section 1612.3 of the Michigan Building Code, and to provide the content of the "Flood Hazards" section of Table R301:2(1) of the Michigan Residential Code.

Section 4. REPEALS. All ordinances inconsistent with the provisions of this ordinance are hereby repealed.

Section 5. PUBLICATION. This ordinance shall be effective after legal publication and in accordance with the provisions of the Act governing the same.

Adopted this 24th day of August 2021.

This ordinance was duly adopted on August 24th, 2021, at a regular meeting of the Hart City Council and will become effective on September 13, 2021

- C. Burillo motioned to approve the first reading for Ordinance 2021-01 and supported by F. Rybarz
 - Ayes: 7 Nays: 0 Absent: 0

DISCUSSION ITEMS:

- Special Events Permit – Hispanic Heritage Celebration.
Hispanic Heritage Celebration to be held September 18th, 2021. The event will be held rain or shine at Hart Commons and the downtown area. This is a family-friendly community event with children's activities, music on the commons, and fireworks over Hart lake. We will have food vendors in the parking lot on the corner of State and Main from 5:30 to 10:00 pm.
 - C. Burillo motioned to approve Special Events Permit and supported by J. Evans
 - Ayes: 7 Nays: 0 Absent: 0

CITY MANAGER'S REPORT:

- City Manager R. Splane gave a copy of the Manager's report to all Council members to review.
- Brickley DeLong (The City's contracted CPA firm) was on-site last week and is wrapping up our pre-audit in anticipation of Maner Costerisan (The City's contracted audit firm) coming the week of September 13th.
- City of Hart Community Page
 - ♦ Pushing public interaction
 - ♦ The last post reached 300 people
- I will be attending the Michigan Public Power Agency Commissioners meeting in Lansing on August 11th.
- I will be attending the Michigan Municipal Risk Management Authority Annual Meeting on August 19th and 20th.
- Working with city staff, support staff, and engineers on a variety of projects, including:

- ♦ Waste-water force main replacement
 - ♦ Safe Routes To School project to extend multi-use path from the Hart Montague Rail trail to 72nd and Tyler (Main St)
 - ♦ Update Parks and Recreation Master Plan
 - ♦ Administration of DNR Trust Fund grant for Veterans Memorial Park/Pointe Park
 - ♦ Creeks Subdivision visioning and redevelopment
 - ♦ Redevelopment Ready Communities annual updating
 - ♦ City Charter revision
- City Council visioning and workshop session.
 - A big Thank you to our DPW. I have been getting several compliments from residents around town on how good the City looks with new paint on our crosswalks and corner sidewalks.
 - A big Thank you to Sharon Hallack for volunteering her time to clean up some of the City's gardens around town. The City is grateful.

COMMUNICATIONS FROM THE MAYOR AND COUNCIL:

- C. Burillo introduced her exchange student from Japan, who is staying in their home and will be attending Hart High School for her senior year.
- C. Burillo asked if golf carts are allowed in John Gurney Park? As it is the City of Hart property, golf carts are permitted in John Gurney Park. Driver must have a valid driver's license and or a safety certificate to operate one.

ADJOURN:

- There being no further business to come before the Council, the meeting adjourned at 8:20 pm upon a motion by C. Burillo and supported by J. Evans. The next regularly scheduled meeting will be on August 24th, 2021, at 7:30 pm.

Respectfully Submitted



Karla Swihart , City Clerk