



**CITY OF HART**  
**407 S. STATE ST.**  
**HART, MI 49420**  
**COUNCIL PROCEEDINGS**  
**AUGUST 11, 2020, 7:30 pm**  
**MINUTES - APPROVED**

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

**ABSENT:** None

**OTHERS PRESENT** City Manager – Lynne Ladner, Mark Beauchamp of United Financial Solutions, via ZOOM, and 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. Hegedus made a motion to approve the agenda, supported by Mr. La Fever, all ayes, the motion carried.
  - Ayes: 6            Nays: 0            Absent: 1

**MINUTES:**

- Mr. Frontiera made a motion to approve the minutes of the July 28, 2020 meeting, supported by Mr. Hegedus, all ayes, the motion carried.
  - Ayes: 6            Nays: 0            Absent: 1

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

- UFS – Electric Cost of Service Study
  - Mr. Beauchamp gave a presentation of the findings of the rate study that his company made.
    - The Council was in favor of the plan.
    - Mr. Beauchamp will finalize the plan and present it to Council before July of 2021.

**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:* Attended via Zoom
  - Mr. Cutter advised the Council that the odor from the lagoons is barely noticeable.
  - The new blowers have been operational for 14 days and are using less energy.
- *DPW Superintendent, Brad Whitney:*
  - A written report was provided.
- *HEART Director, Nichole Steel:*
  - A written report was provided.

**BILLS, CLAIMS, & PAYROLL:**

- Bills: \$169,813.76            Payroll: \$59,743.99            Grand Total: \$229,557.75
- Mr. Hegedus made a motion to approve, supported by Ms. Platt, the motion carried.
  - Ayes: 6            Nays: 0            Absent: 1
- Mayor LaPorte pointed out that Napa pays the City tax while Klotz does not.

**ACTION ITEMS:**

Ms. Ladner addressed the following Action Items:

Ms. Ladner informed the Council that the code enforcement officer had been terminated for job abandonment and that she has been working with Police Chief Salazar to implement a program where the Part-Time Police officers would cover the duties of the code enforcement officer.

Memo  
To: Mayor and Council  
From: Lynne Ladner  
Date: 08/4/20  
Re: Resolution 2020-47 Designate Vehicle with Trailer parking only at JGP Boat Launch

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Ladies and Gentlemen,  
As you may remember, this resolution was tabled at the last meeting so that Chief Salazar could be available to answer questions. This resolution was placed before the Council at the request of Councilmember Frontiera. I do not have a recommendation for this resolution.  
Lynne

**RESOLUTION 2020-47**  
**City Council**  
***City of Hart, Michigan***

***DESIGNATION OF VEHICLE AND TRAILER ONLY PARKING AT JOHN GURNEY PARK BOAT LAUNCH***

WHEREAS, the City of Hart owns and maintains the public boat launch in John Gurney Park; and

WHEREAS, in the area adjacent to the boat launch the open-air picnic pavilion, sandy beach area and four (4) paved parking spaces have been constructed; and

WHEREAS, additional parking has been designated in the grass area adjacent on the north side of the dirt street Kathryn for overflow vehicles using the public access to Hart Lake;

NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL:

*Designates the four (4) paved parking spaces adjacent to the boat launch and picnic pavilion for vehicles with trailer parking only.*

Moved to deny by Ms. Platt, supported by Ms. Burillo, and thereafter adopted by the Hart City Council at a regularly scheduled council meeting held on Tuesday, July 28, 2020.

Ayes 6      Nays 1 (Frontiera)      Absent 0

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



Cheri Eisenlohr, Deputy City Clerk

Memo  
To: Mayor and Council  
From: Lynne Ladner  
Date: 08/4/20  
Re: Resolution 2020-48 Authorize temporary waiver of the prohibition of goods, wares, and merchandise on City Sidewalks

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Ladies and Gentlemen,  
As requested by the Council, I have sought information from other communities regarding prohibitions of goods, wares, and merchandise on City Sidewalks. Your packet includes email responses and copies of ordinances from several communities around the state and locally, both larger, similarly sized, and smaller.

Some communities prohibit the placement on public sidewalks; others permit it only during designated sidewalk sales; others require a permit, and lastly, some permit it within a specified distance from the building face in which the business is operating.

As this is an issue that can not be resolved without considerably more discussion regarding the direction in which the Council would like to proceed Resolution 2020-48 authorizes a temporary waiver of the prohibition of goods, wares, and merchandise through December 31, 2020, extending up to 36 inches from the building face as long as at least 5 feet of sidewalk remains to the back of the street curb.

I do not have a recommendation for this resolution.

Lynne

**RESOLUTION 2020-48**  
**City Council**  
**City of Hart, Michigan**

***AUTHORIZE THE TEMPORARY PLACEMENT OF GOODS, WARES, AND MERCHANDISE ON THE PUBLIC SIDEWALK***

WHEREAS, the City of Hart currently prohibits the placement of goods wares and merchandise on the public sidewalk; and

WHEREAS, the City has been asked to consider amending the ordinance to permit this practice; and

WHEREAS, with the COVID pandemic 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 CITY COUNCIL:*

*Temporarily through December 31, 2020, waives the prohibition of the placement of goods, wares, and merchandise on the public sidewalk in an 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*

*Requiring businesses to receive a permit to be posted in their front window before any goods, wares or merchandise is placed upon the sidewalk.*

Moved by Ms. Burillo, supported by Ms. Platt, and thereafter adopted by the Hart City Council at a regularly scheduled council meeting held on Tuesday, August 11, 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



Cheri Eisenlohr, Deputy City Clerk

Memo

To: Mayor and Council

From: Lynne Ladner

Date: 08/4/20

Re: Resolution 2020-49 Authorize fireworks permit for delayed Hart Sparks Fireworks display

Ladies and Gentlemen,

With the pandemic restrictions on outdoor gatherings, the traditional July 2, 2020, Hart Sparks Fireworks display was delayed with the new date set for August 27<sup>th</sup> and a rain date of Sept. 6<sup>th</sup>. We have received the paperwork from Wolverine Fireworks Display, which includes the permit application for submission to the State with authorization from the Governing Body for the permit.

This event is approximately two weeks away, and under EO 2020-160, we remain at a limitation of 100 persons at an outdoor event. The band scheduled to perform that evening is the Rocket Fuel Haulers

It is my recommendation that the Council adopts Resolution 2020-49 Authorizing fireworks permit for the Hart Sparks Fireworks Display on August 27<sup>th</sup> with a rain date of Sept. 6<sup>th</sup>.

Lynne

**RESOLUTION 2020-49**  
**City Council**  
**City of Hart, Michigan**  
**Oceana County**

***FIREWORKS PERMIT***

WHEREAS, the Hart Economic and Revitalization Team have secured a Special Events Permit for the Music on the Commons series; and

WHEREAS, the annual fireworks display associated with Hart Sparks was unable to take place as scheduled due to COVID restrictions but has been rescheduled to take place on Thursday, August 27<sup>th</sup> following the MOC performance by the Rocket Fuel Haulers; and

WHEREAS, Wolverine Fireworks Display has applied for a fireworks display permit in accordance with MSP Fire Marshall regulations; and

WHEREAS, in order to secure the benefits of efficient self-government and to promote and protect our common interests and welfare:

NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL

*Approves the MSP Fire Marshall permit for the fireworks display on August 27, 2020, at Hart Lake, Hart, MI*

*Authorizes and directs the City Manager to sign the permit on behalf of the City of Hart.*

Moved to deny by Ms. Burillo, supported by Mr. Hegedus, and thereafter adopted at the regular City of Hart City Council meeting on June 11, 2019.

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, Deputy City Clerk

**SPECIAL EVENTS PERMIT:**

- None

**DISCUSSION ITEMS:**

- Pocket Park Status Update:

- There were delays with the contractor starting due to possible liability issues with the two buildings flanking the park area. Pictures were taken of the buildings involved.
- The contractor was sent a letter to provide a work schedule within 5 days.
- The contractor's performance bond may have to be exercised if they don't meet the deadline.
- Downtown Streetlight Heads – Postponed until a future meeting
- Request to consider the sale of the property at 227 E. Main – Postponed until a future meeting.
- Permission to alter work schedule on Mondays from Sept 7<sup>th</sup> through Dec 7<sup>th</sup> for HR Certification Class.
  - I am seeking your permission to alter my work schedule from Sept. 7<sup>th</sup> through Dec. 7<sup>th</sup> to permit me to take at my own cost a certification preparatory class for the Society of Human Resources Management Certified Professional Exam. I would need to leave work on Mondays at 1:30; I would make up the three and a half hours from Mondays by coming in early and staying late as needed to enable me to work my full 40 hours per week or more as needed to complete my work.
    - The Council does not have an issue with this request.

**CITY ATTORNEY'S REPORT:**

- No report was given/provided.

**CITY MANAGER'S REPORT:**

- The paving at John Gurney Park is complete. Additional drainage work may need to be completed by Hallacks.
- Ms. Ladner is working on setting up a discussion with The Starting Block regarding agreements between them and the City.

**COMMUNICATIONS FROM THE MAYOR AND COUNCIL:**

- Resignation from HEART Board – L Ladner
  - The Council accepted Ms. Ladner's resignation from the HEART Board, she will continue to act in an advisory capacity.
- Mayor LaPorte reminded the board of the following paragraph of the City Charter.

***City Charter – Chapter VII*** 📖 ***Sec. 7.1. Eligibility.***

*(a) No person shall hold any elective office of the City, unless he was a resident of the City for at least six (6) months immediately prior to the date of the election at which he is a candidate. He must also have been a registered elector on the last day for filing nominating petitions for such office or prior to his appointment to fill a vacancy.*

*(b) No person shall be eligible for any elective or appointive City office who is in default to the City within thirty (30) days prior to the last day for filing nominating petitions for such office or within thirty (30) days prior to his appointment to fill a vacancy. The holding of office by any person who is in default shall create a vacancy unless such default shall be eliminated within thirty (30) days after written notice thereof has been served at his last known place of residence by the City Clerk.*

- Mr. Frontiera made a motion to abide by the City's Charter, supported by Mr. Hegedus.
  - All ayes, the motion passed.
    - Ayes: 7                      Nays: 0                      Absent:0

There being no further business to come before the Council, the meeting adjourned at 8:56 pm upon a motion by Mr. Frontiera and supported by Mr. Hegedus. The next regularly scheduled meeting will be on August 11, 2020, at 7:30 pm, in the Hart Community Center.

Respectfully Submitted

*Cheri Eisenhardt*

Deputy City Clerk