



**CITY OF HART
407 S. STATE ST.
HART, MI 49420
COUNCIL PROCEEDINGS
August 24th, 2021
MINUTES – Approved**

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

ABSENT: Dean Hodges

OTHERS PRESENT: City Manager – Rob Splane, City Clerk – Karla Swihart, Bio-Pure – Paul Cutter, Energy Superintendent – Michael Schiller, DPW Superintendent - Brad Whitney, and Richard Huntington

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: 6 Nays: 0 Absent: 1

PUBLIC COMMENTS: Richard Huntington, Still interested in buying a lot in the Creeks, along with some others who are also interested. Still not getting an answer on rather or not we can purchase. I've also heard the City is working with a developer on building rentals? Not sure that is what the Creeks subdivision was developed for is having a bunch of rental units, plus why go down that path when you have people interested in buying lots. There used to be a 425 owned by the township and the City, and there was a DDA board, but it 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? Maybe that can be used to help make improvements on State Street or add more street lights in the subdivision. City Manager Splane the problem lies in the ownership of the deed. The property initially owned by the City of Hart was then given to Garcon Development LLC. After the developer went bankrupt, the property went to Shelby State Bank gave the property back to the City for liability purposes. Still, the City could not receive the property due to the Michigan Condominium Act. Since the property was not developed within ten years, the property was to go back to the association and be used as common space. The problem with it becoming common space is no development would occur after that, and the association would then be taxed on all of that property. So the association gave that property back to the City. This was all done thru Mika Meyers within the last three years or so. We have found the quick claim deeds produced by that and found an amendment that allows the City to sell the property or develop it. We found the agreement but have not found the signed agreement. So as of Friday last week, Mika Meyers was searching their records, and we will also be looking at City Hall. Mr. Huntington has a copy and has offered to give the City a copy of his. So as soon as we get the legal issue resolved, we can move forward with selling the lots.

CORRESPONDENCE, EVENTS, PRESENTATIONS:

CONSENT AGENDA:

- Approval of Amended minutes from August 10th, 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: 6 Nays: 0 Absent: 1

ACTION ITEMS:

- Resolution 2021-65 Accept Engineering services proposal for Drinking Water Asset Management Grant and authorize City Manager as a signer on DWAM grant documents
As part of the City of Hart has been awarded a \$406,950 grant by the Michigan Department of Environment, Great Lakes, and Energy to assist the City in Water Asset Management Planning, specifically focusing on Lead Service Investigation, and it is necessary for the City to obtain a qualified engineering entity to properly oversee survey work, documentation, reporting and Prien and Newhof, has helped the City successfully apply for the DWAM grant and all current and anticipated future costs to the City shall be covered by the awarded grant, Now, therefore, be it resolved that the Hart City Council accepts the proposal for engineering services from Prien and Newhof not to exceed \$405,200 to provide professional engineering services in reference to the Drinking

Water Asset Management Grant. Council authorizes the City Manager to sign and execute the said agreement as well as related DWAM grant material.

- J. Evans motioned to approve Resolution 2021-65 and supported by K. Trygstad
 - Ayes: 6 Nays: 0 Absent: 1
- Resolution 2021-66 Authorize purchase of replacement dielectric recloser

A recent power outage at the industrial substation caused a dielectric recloser to catch fire, and the existing condition leaves the substation with redundancy and proper functionality gaps, potentially leading to a long term industrial power outage; and the City has coordinated with GRP engineering to solicit a quote for replacement from the Rural Electric Supply Cooperative (RESCO) a member-owner, not-for-profit, sole vendor of this equipment in the State of Michigan and the City of Hart will perform the installation of replacement equipment with GRP Engineering supporting the programming and deployment as necessary. Now, therefore, it be resolved that the City Council accepts the quote from RESCO for the replacement G&W Electric Viper-S Solid Dielectric Recloser in the amount of \$20,415.00 and authorize the City Manager to execute the purchase agreement.

 - M. Powers motioned to approve Resolution 2021-66 and supported by C. Burillo
 - Ayes: 6 Nays: 0 Absent: 1
- 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

 - F. Rybarz motioned to approve the Second reading for Ordinance 2021-01 and supported by J. Evans
 - Ayes: 6 Nays: 0 Absent: 1

DISCUSSION ITEMS: None

CITY MANAGER'S REPORT:

- City Manager R. Splane gave a copy of the Manager's report to all Council members to review.
- Fire Board meeting with Brian Monton to draft an agreement between the City of Hart and the Hart Fire Board.
- Cyber security – most targeted groups within government
 - ♦ Vendors
 - ♦ It Admin

- ♦ HR
- ♦ Executive level and Elected officials
- Michigan Economic Developers Association annual meeting is currently running. Hart's Economic Development Director is in attendance
- UIS on-site today to repair DPW Supervisory Control and Data Acquisition (SCADA) system. This will require replacement soon (next fiscal year)
- To work proactively with our public/private partnerships, Paul Cutter, Prein & Newhof, Baker tilly, and the City Manager will be meeting with our industry partners this Friday to discuss their current output to BioPure. We will discuss a brief history on the plant, recent expenditures to increase efficiency, historic loading from our industry, and future planning. (A similar effort will be forthcoming following the Hart Energy Study)
- Creeks subdivision has lots of interest. Movement on those properties is pending final legal review.
- Pandemic strategy – Council input; community center? State of Emergency?
- City Council visioning and workshop sessions – possible dates: Sept 28th – Oct 23th – Nov 9th at 6:30 before City Council meeting.

COMMUNICATIONS FROM THE MAYOR AND COUNCIL:

- F. Rybarz – Thank you to all our hardworking departments after the storm for the quick response and ensuring power was restored promptly and our town cleaned up.
- C. Burillo – Thank you to our departments for the storm cleanup and our Police Department for saving a nine-month-old baby's life.

ADJOURN:

- There being no further business to come before the Council, the meeting adjourned at 8:17 pm upon a motion by C. Burillo and supported by J. Evans. The next regularly scheduled meeting will be on September 14th, 2021, at 7:30 pm.

Respectfully Submitted



Karla Swihart , City Clerk