



**CITY OF HART  
407 S. STATE ST.  
HART, MI 49420  
COUNCIL PROCEEDINGS  
MARCH 12, 2019, 7:30 P.M.**

**PRESENT:** Mayor Ron LaPorte, Councilors: Joe Frontiera, Jason La Fever, Rob Splane, and Patrice Martin.

**ABSENT:** Steve Hegedus, Vicki Platt

**OTHERS PRESENT:** City Manager – Lynne Ladner, City Attorney – Julie Springstead, Energy Department Superintendent – Mike Schiller, Police Chief – Juan Salazar, Main Street Manager – Julie Kreilick and Deputy Clerk - Cheri Eisenlohr. See attached list for others in attendance.

Mayor LaPorte called the meeting to order at 7:30 p.m., following the roll call, the Mayor lead the Council in the pledge of allegiance.

A motion was made by Mr. La Fever to approve the agenda and supported by Mr. Frontiea. The minutes from January 12, 2019, regular meeting, were approved motioned by Mr. Frontiera and supported by Ms. Martin. All ayes, both motions were carried.

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

- ▶ Public Hearing – Griswold St. PUD
  - The Public Hearing was opened at 7:34 pm and closed at 7:41 pm.
    - No comments were offered.

**DEPARTMENT REPORTS:**

- ▶ BioPure Superintendent, Paul Cutter: Absent
- ▶ Police Chief, Juan Salazar:
  - An annual crossing guard training was held for the Hart Public School crossing guards.
  - February 21, the department along with the health department and the Oceana County Prosecutor's Office, presented a program to students and parents about the risks of vaping.
- ▶ DPW Superintendent, Brad Whitney: Absent
- ▶ Energy Superintendent – Mike Schiller:
  - Mr. Schiller attended the local Career Day at Shelby School.
  - DuBois is back in the area trimming and removing trees.
  - The wind storm created local outages and caused downed limbs.
  - All overhead lines north of the lake have been de-energized.
  - Three transformers were also installed in that area.
  - UIS is at the dam – working on switches and control work.
- ▶ Mainstreet Manager, Julie Kreilick:
  - Winterfest was a success; the event raised \$764.00.
  - The MCACA grant was awarded in the amount of \$4,000.00 and will be used towards the Music on the Commons yearly summer program.
  - This Saturday the board of directors will be having a retreat.  
The Community Foundation Grant was awarded to cover the cost of printing and installing the next mural. The mural will be in place by Memorial Day.

- Healthy Families of Oceana County is seeking a grant to purchase a bike repair station that will be placed at the Hart Commons if awarded.
- The Sister Simone Courtade Grant through Mercy Health will promote the Power of Produce Program.

**REPORTS OF BOARDS, COMMISSIONS, AND COMMITTEES:**

None

**BILLS, CLAIMS, PAYROLL:**

3/12/19 - Bills totaled: \$294,481.26 Payroll totaled: \$57,678.75 Grand Total: \$352,160.01

2/26/19 - Bills totaled: \$212,551.07 Payroll totaled: \$57,483.76 Grand Total: \$270,034.83

A motion was made by Mr. Splane and supported by Mr. La Fever to approve bills, claims and payroll in the amount stated.

Ayes: 5 Nay: 0 Absent: 2

**ACTION ITEMS:**

City Manager, Lynne Ladner presented the following:

Memo

To: Mayor and City Council

From: Lynne Ladner

Date: 3/7/19

Re: Res 19-11 Resolution approving the repairs to Sonde equipment for the required dissolved oxygen testing

As part of the water quality monitoring that is required for the hydroelectric dam, two city-owned pieces of equipment were sent out for evaluation and tune-up by Lawson-Fisher. One of the devices needs a new conductivity module, and both units are in need of having their optical DO membranes replaced. The cost for repairs on the unit needing both repairs is \$3,048.59. The cost for the unit just needing the membrane replaced is \$374.00. Total cost for the two repairs and tune-ups is \$3,422.59 plus \$19.86 for shipping equaling \$3,442.45  
Lynne

**RESOLUTION 19-11  
City Council  
City of Hart, Michigan  
Oceana County**

***RESOLUTION APPROVING THE REPAIRS TO SONDE EQUIPMENT FOR WATER  
QUALITY***

WHEREAS, the City of Hart owns, operates and maintains the hydroelectric dam; and

WHEREAS, the City is required to do water quality monitoring as part of our administrative consent order; and

WHEREAS, the Sonde equipment must be tested and repaired regularly to maintain accuracy; and

NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL:

*Authorize the tune-up and repairs of the two City-owned Sonde water quality monitors for a total authorized cost of \$3,442.45*

Moved by Mr. Frontiera, supported by Mr. La Fever and thereafter adopted at the regular City of Hart City Council meeting on March 12, 2019

Ayes: 5 Nays: 0 Absent: 2

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

Memo

To: Mayor and City Council  
From: Lynne Ladner  
Date: 3/12/19  
Re: Resolution 19-12 Authorizing application for Category B TDEF Funding for Lincoln St and Hanson St

Preliminary engineering estimates have been proposed for the reconstruction of Lincoln St from Dryden to Griswold which include water and sewer main replacement and reconstruction of Hanson Street. The City received notification of additional grant funding available for otherwise ineligible street projects with an April 5<sup>th</sup> deadline. Priority is being given to projects that can be constructed in the calendar year 2019 and include additional infrastructure improvements such as water, sewer, and sidewalks. I believe that this project would score highly on those factors and with preliminary engineering already completed it can be completed this year. The grant requires a 50/50 match for the road portion of the project and has the potential to save the City an estimated \$244,500. Prein Newhof agrees that this project will score competitively and has the bonus that it can be constructed in the 2019 year which they do not believe there will be a lot of competition as most projects will not be ready.

I would recommend authorization from the Council to proceed with the grant application and the necessary engineering for the project to meet the grant application needs for the April 5<sup>th</sup> application deadline  
Lynne

**RESOLUTION 19-12**  
**City Council**  
**City of Hart, Michigan**  
**Oceana County**

**RESOLUTION AUTHORIZING APPLICATION AND ENGINEERING FOR CATEGORY B TDEF FUNDING FOR LINCOLN STREET AND HANSON ST**

WHEREAS, the City of Hart owns, operates and maintains the local street system for the safety and welfare of the public; and

WHEREAS, the City has funds available through the local streets and the street millage funds to complete repairs and construction of streets; and

WHEREAS, the State of Michigan has recently created a new grant program to fund street projects that are not otherwise eligible for state or federal funding assistance; and

WHEREAS, the city budgeted funds in FY19 for engineering and construction work on Lincoln St and Hanson St and the preliminary cost estimates have already been completed along with survey work and soil samples;

NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL:

*Authorize the necessary engineering costs and submission of the application to the State of Michigan for Category B TEDF funding for the project on Lincoln St from Dryden to Griswold to include water and sewer main replacement and road reconstruction and Hanson Street*

Moved by Mr. Splane, supported by Mr. Frontiera and thereafter adopted at the regular City of Hart City Council meeting on March 12, 2019

Ayes: 5 Nays: 0 Absent: 2

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

Memo

To: Mayor and City Council  
From: Lynne Ladner  
Date: 3/7/19  
Re: Resolutions 19-13 and 19-14 Authorizing City Manager to sign documents related to CDBG Pocket Park Grant and Accepting Bid proposals for CDBG Grant Administrator

As has been previously discussed the City has been awarded CDBG grant funding for the completion of the Downtown Pocket Park project. In conjunction with this grant award, there are several documents that need to be signed by the Certifying Official related to exempt activities (those that will be reimbursed before the project starts such as engineering and environmental review) as well as the Administrator Contract and proposals for engineering design for the project.

The MEDC is excited to see this project move forward quickly and as such we have already posted and closed the proposal bid process for a certified Grant Administrator which is required by the MEDC. The bid deadline was Wednesday, March 6<sup>th</sup>, and we received one proposal. The proposal met all the requirements of the proposal bid documents and scored an 85 out of 100 possible points.

It is my recommendation that the Council adopt Resolution 19-13 Authorizing the City Manager as the Certifying Official for the CDBG Pocket Park Grant and adopt Resolution 19-14 Accepting the Bid Proposals for CDBG Grant Administrator and awarding the grand administration to Hagar Consulting of Fremont in the amount of \$27,000.  
Lynne

**RESOLUTION 19-13**  
**City Council**  
**City of Hart, Michigan**  
**Oceana County**

**RESOLUTION DESIGNATING THE CITY MANAGER AS THE CERTIFYING OFFICIAL AND AUTHORIZE CITY MANAGER TO SIGN ALL DOCUMENTS RELATED TOE MEDC CDBG POCKET PARK**

WHEREAS, the City of Hart owns the property located at 33 State St and have plans to turn the space into a Pocket Park; and

WHEREAS, in working with the MEDC submitted the project information for consideration for grant funding through the CDBG (Community Development Block Grant) program; and

WHEREAS, the project has been selected by the state for funding during the State’s FY 2019,

NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL:

*Designate the City Manager as the Certifying Official and authorize the City Manager to sign all documents related to the MEDC CDBG Pocket Park Grant*

Moved by Splane, supported by Martin and thereafter adopted at the regular City of Hart City Council meeting on March 12, 2019

Ayes: 5    Nays:                  Absent: 2

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

**RESOLUTION 19-14  
City Council  
City of Hart, Michigan  
Oceana County**

**RESOLUTION ACCEPTING BIDS FOR CDBG GRANT ADMINISTRATION**

WHEREAS, the City of Hart has been selected to receive CDBG Grant funding for the Downtown Pocket Park; and

WHEREAS the MEDC requires that communities request proposals through their bidding portal for Certified CDBG Grant Administrators; and

WHEREAS, the Grant Administrator proposals have been advertised and the submittal period has closed, and

WHEREAS, the City received one proposal for Grant Administration from Hager Consulting,

NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL:

*Accept the Grant Administration proposal submitted by Hager Consulting for the Grant Administration Costs for the Pocket Park project in the amount of \$27,000 and authorize the City Manager to sign the contract for Administration services.*

Moved by Martin, supported by LaFever and thereafter adopted at the regular City of Hart City Council meeting on March 12, 2019

Ayes: 5 Nays: Absent: 2

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Cheri Eisenlohr, Deputy City Clerk

Memo

To: Mayor and City Council  
From: Lynne Ladner  
Date: 3/7/19  
Re: Resolutions 19-15 Accepting bids for the Farm/Hay Contract for the City Irrigation Sites

The City Crop Management contracts expired with the end of the 2018 farming season and have been bid out for the next three-year term. The deadline for bids was Thursday, March 7<sup>th</sup>, and the City received two bids for irrigation site 1 and no bids for irrigation site 2.

With this in mind following discussions with Paul Cutter related to Site 2 the new irrigation land it is our recommendation that the City work with the MDEQ to use the 2019 Farming Season to irrigate the existing rye on the land and monitor the project for low places and existing wheel tracks that need to be built up before working the land in the fall and preparing it to be re-bid for a two year term beginning with the 2020 farming season.

It is my recommendation that the City accept the bids for the Farm/Hay Contract for Site 1 of the City irrigation land and award the three-year contract to Forner Farms LLC in the amount of \$6,300 per year for a total of \$18,900.

Lynne

**RESOLUTION 19-15**  
**City Council**  
**City of Hart, Michigan**  
**Oceana County**

**RESOLUTION ACCEPTING BIDS FOR THE FARM/HAY CONTRACT FOR 2019-2021**

WHEREAS, the City of Hart has permits from the DEQ for irrigation application of the byproducts from the Wastewater Treatment plant; and

WHEREAS the Farm/Hay Contract expired at the end of the 2018 farming season the city has advertised and accepted bids for the two permitted sites; and

WHEREAS, no bids were received for Site 2 and two bids were received for site 1 from Ken Adams for \$4,000/year and Forner Farms for \$6,300 per year

NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL:

*Accept the bid from Forner Farms of \$6,300 per year for a total of \$18,900 for the Farm/Hay contract running from 2019-2021.*

Moved by Mr. La Fever, supported by Mr. Frontiera and thereafter adopted at the regular City of Hart City Council meeting on March 12, 2019

Ayes: 5 Nays: 0 Absent: 2

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

Memo

To: Mayor and City Council  
From: Lynne Ladner  
Date: 3/7/19  
Re: Res 19-16 Information regarding utility rate studies

As previously discussed with the Council the City is in need of completing utility rate studies to enable the utilities to run at a minimum breakeven operating expense and the water and sewer both ran at a deficit in FY2018. Additionally, the rates for the electric utility have not been reviewed since 2008 and with long term capital improvement plans in place to continue to maintain the reliability of the generation and distribution systems analysis needs to be completed to ensure that adequate revenue is in place to operate and maintain the electric utility. I have requested proposals from three companies that provide Rate/Cost of Service Studies which are due by the end of the day on March 21<sup>st</sup> for inclusion on the March 26<sup>th</sup> Council agenda. The sewer rate study is being completed as part of the SAW grant and is funded through those reimbursements. As a rural community in Michigan, the City is eligible for a free rate study analysis through the Michigan Rural Community Action Partnership. I have contacted MRCAP, and we are collecting the necessary data and are asking the council to approve selecting them to complete the Water Utility rate study. It is the goal to have at least preliminary information from all three studies to include with the City's FY2020 budget.

Lynne

**RESOLUTION 19-16**  
**City Council**  
**City of Hart, Michigan**  
**Oceana County**

**RESOLUTION APPROVE SELECTING MICHIGAN RURAL COMMUNITY ACTION PARTNERSHIP TO CONDUCT WATER UTILITY RATE STUDY**

WHEREAS, the City of Hart owns and operates a water distribution system; and

WHEREAS during FY2018 the water distribution system operated at a loss requiring cash reserve funds for the general operation of the utility; and

WHEREAS, utility funds should be self-supporting, and it has been over a decade since the last rate/cost of service study has been conducted;

NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL:

*Approve selecting Michigan Rural Community Action Partnership to conduct a water utility rate study at no cost to the City.*

Moved by Mr. Splane, supported by Mr. Frontiera and thereafter adopted at the regular City of Hart City Council meeting on March 12, 2019

Ayes: 5 Nays: 0 Absent: 2

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Cheri Eisenlohr, Deputy City Clerk

Memo

To: Mayor and City Council  
From: Lynne Ladner  
Date: 3/7/19  
Re: Resolution 19-17 Approval of Contract with Freed Management for a two-year contract to manage and operate John Gurney Park Campground

The contract for management of the City campground at John Gurney Park expired at the end of November 2018. I have been working with Freed Management to get a handle on the finances for the park in terms of revenue and expenses. The proposed two-year agreement for the 2019 and 2020 camping seasons provides a slight increase in guaranteed payment to Freed Management from \$65,000 to \$70,000 with a continued incentive to Freed Management for revenues in excess of \$100,000. All other components of the contract remain the same with the first payment to be made upon execution of the contract and additional payments on the same schedule as previously laid out in the expiring contract.

It is my recommendation that the Council adopts Resolution 19-17 approving the contract with Freed Management for a two-year contract to manage and operate the John Gurney Park Campground.

Lynne

**RESOLUTION 19-17**  
**City Council**  
**City of Hart, Michigan**  
**Oceana County**

**RESOLUTION APPROVE CONTRACT WITH FREED MANAGEMENT FOR TWO-YEAR TERM MANAGING AND OPERATING JOHN GURNEY PARK CAMPGROUND**

WHEREAS, the City of Hart owns John Gurney Park and the associated recreational options; and



WHEREAS as the City finds it necessary to contract for the day-to-day operation of the campground to manage the needs of the daily and seasonal campers;

NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL:

*Approve contract with Freed Management for two-year term managing and operating John Gurney Park Campground.*

Moved by Mr. La Fever, supported by Ms. Martin and thereafter adopted at the regular City of Hart City Council meeting on March 12, 2019

Ayes: 5 Nays: 0 Absent: 2

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

Memo

To: Mayor and City Council  
From: Lynne Ladner  
Date: 3/7/19  
Re: Resolution 19-18 Resolution to approve campsite rates for the 2019 camping season for the John Gurney Park Campground

In discussions with Freed Management related to the ongoing operation of the Campground, a comparison was provided to the City related to the rental rates for seasonal and daily camping sites at campgrounds in the surrounding area. It is my recommendation that the City adopt Resolution 19-18 approving updated campsite rates for the 2019 camping season for the John Gurney Park Campground.

Lynne

**RESOLUTION 19-18  
City Council  
City of Hart, Michigan  
Oceana County**

**RESOLUTION ADOPTING RATE STRUCTURE FOR JGP CAMPGROUND SITES**

WHEREAS, the City of Hart owns John Gurney Park and the associated recreational options; and

WHEREAS as the City desires to remain competitive in the daily and seasonal rates charged for camping sites by comparing our sites and amenities with other campgrounds; and

WHEREAS as the City desires to for the campground to breakeven or generate excess revenue;

NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL:

Approve adopting the proposed rate structure of:

Proposed Rates JGP 2019	Site Type	Sunday-Thursday	Fri & Sat & Holiday	7 Days 10% Off Daily Rate
April 15th - May 22nd &				
All of October	Rustic	\$ 20.00	\$ 20.00	\$ 126.00
	Deluxe	\$ 25.00	\$ 25.00	\$ 157.50
	Premium	\$ 30.00	\$ 30.00	\$ 189.00
May 28th - June 20th & Sept 3rd - Sept 30th				
	Rustic	\$ 22.50	\$ 25.00	\$ 146.25
	Deluxe	\$ 27.50	\$ 30.00	\$ 177.75
	Premium	\$ 32.50	\$ 35.00	\$ 209.25
May 23rd - May 27th & June 21st - Sept 2nd				
	Rustic	\$ 22.50	\$ 30.00	\$ 155.25
	Deluxe	\$ 27.50	\$ 35.00	\$ 186.75
	Premium	\$ 32.50	\$ 40.00	\$ 242.50

Monthly Rate  
Stay 30 Days  
Get 25% Off

Moved by Ms. Martin, supported by Mr. Splane and thereafter adopted at the regular City of Hart City Council meeting on March 12, 2019

Ayes: 5 Nays: 0 Absent: 2

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Cheri Eisenlohr, Deputy City Clerk

Memo

To: Mayor and City Council  
From: Lynne Ladner  
Re: Resolution 19-19 Approving expenditures for Merit Connection to City electronic meter reading project

As part of the electronic meter reading project a connection from the meter reading gateway to the internet to transmit the reading data to our system. The system requires to gateway connections with the equipment and installation and annual connection fee having not been included in the initial project costs.

By placing the connections at two existing Merit drop locations, the city is reducing the cost of this connection by not having to run any fiber line for the connections.

Lynne

**RESOLUTION 19-19**  
**City Council**  
**City of Hart, Michigan**  
**Oceana County**

**RESOLUTION APPROVING EXPENDITURES FOR MERIT CONNECTION TO CITY ELECTRONIC METER READING PROJECT**

WHEREAS, the City of Hart is moving forward with the installation of electronic meter reading technology for the water and electric utility customers; and

WHEREAS, the gateway connections for the system require an internet connection to transmit the meter reading data to the city and there needs to be two separate gateway connections in order to enable to system to receive all meter data and have a failsafe; and

WHEREAS as the City has connections with the Merit Broadband and the gateway locations have been selected to be at existing Merit system drops to reduce the cost of the project while maintaining full coverage for the system; and

WHEREAS as the these costs where not included in the initially approved project costs;

NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL:

*Approve expenditures for Merit connection to city electronic meter reading project with the cost for site one being \$5,208 with an annual cost going forward of \$3,150 and site two cost being \$5,208 with an annual cost going forward of \$3,150 with the total cost for the project in FY2019 of \$10,416 and an on-going annual cost of \$6,300:*

Moved by Mr. Splane, supported by Ms. Martin and thereafter adopted at the regular City of Hart City Council meeting on March 12, 2019

Ayes: 5 Nays: 0 Absent: 2

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Cheri Eisenlohr, Deputy City Clerk

Memo

To: Mayor and City Council

From: Lynne Ladner

Date: 3/7/19

Re: Resolution 19-20 Approving Design-Build contract with LdDocsa for replacement of two blowers at the wastewater treatment plant to be split over two years

One of the major projects scheduled for the Wastewater Treatment Plant is the replacement of two of the blowers. The City received preliminary cost estimates for the project from Prein Newhof that placed the cost of the project with engineering and project costs at \$1,040,000. When speaking with the two manufacturers for the blowers, one was willing to provide a cost for a design-build project for the blower replacement. That was LdDocsa, and their project cost estimate is \$796,645.

The City has budgeted \$600,000 for this project in FY 2019 which is not enough to cover the full cost of the project. I have spoken to the Auditors, and if we proceed with this project, we can spread the cost over two fiscal years as outlined below.

It is my recommendation that the Council adopt Resolution 19-20 approving a design-build contract with LdDocsa for the replacement of two blowers at the Wastewater Treatment plant over the span of FY19 and FY20 for a total fixed cost of \$796,645.

Lynne

**RESOLUTION 19-20**  
**City Council**  
***City of Hart, Michigan***  
***Oceana County***

***RESOLUTION APPROVING DESIGN-BUILD CONTRACT WITH LdDOCSA FOR  
REPLACEMENT OF TWO BLOWERS AT THE WASTEWATER TREATMENT PLANT TO BE  
SPLIT OVER TWO FISCAL***

WHEREAS, the City of Hart owns and operates the BioPure wastewater treatment plant; and

WHEREAS, in an effort to reduce operational costs and improve efficiency two of the blowers used to operate the plant are in need of replacement; and

WHEREAS after consulting and getting preliminary cost estimates from the City Engineers and meeting with the companies that could provide replacement blowers for the plant and obtaining a fixed cost design-build option from one of the manufacturers; and

WHEREAS the current FY19 budget does not currently have adequate funds allocated to cover the full cost of this project and by moving forward with a design-build project for the blowers allows the city to spread the cost of the project over two fiscal years providing for financial stability and efficiency;

NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL:

*Approve a Design-Build fixed cost project with LdDocsa for the replacement of two blowers at the wastewater treatment plant in the amount of \$796,645:*

Moved by Mr. La Fever, supported by Mr. Frontiera and thereafter adopted at the regular City of Hart City Council meeting on March 12, 2019

Ayes: 5      Nays: 0      Absent: 2

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

**CITY OF HART  
ORDINANCE NO. 19-01  
AN ORDINANCE TO AMEND THE CITY OF HART ZONING MAP  
AND PUD APPROVAL  
COTTAGES AT GRISWOLD PUD**

Section 1. Planned Unit Development. The City of Hart Zoning Map is hereby amended to rezone the following described lands from the A-2 Apartment District to the Planned Unit Development "PUD" District in accordance with the PUD Development Plan (the "Plan") of Cottages at Griswold, subject to all of the terms and conditions of this Ordinance. The property is legally described as follows:

Block 116 of Plat "A" EXCEPT the West 250 feet of the North 230 feet thereof. Standard Map of the Village (now city) of Hart, according to the recorded plat thereof, City of Hart, Oceana County, Michigan. TOGETHER WITH the following: Beginning at the Southeast corner of Block 116, Plat "A" Standard Map of the Village (now city) of Hart, said corner being 24 rods East of the center of Griswold Street and 10 rods South of the center of Johnson Street; thence running North along the East line of said Block 116 for 20 rods; thence East along the North line of Block 115 of the same plat 8 rods; thence South 20 rods parallel with the West side; thence West parallel with the North side 8 rods to the point of beginning.

Section 2. Terms and Conditions of the PUD. The rezoning of the above-described lands to the PUD District, in accordance with the Plan for the Cottages at Griswold, is expressly subject to all of the following terms and conditions:

- a. Plan. The development shall comply in all respects with the Plan, with the last revision date of January 7, 2019, except where the Plan has been changed based on subsequent review by the City Engineer and City Departments, in which case such modification or subsequent review shall control.
- b. Land Uses. The development shall consist of five (5) duplex residential buildings for seniors. One (1) building shall also include a community room and office.
- c. Ownership and Occupancy. The development, land, and buildings shall be under the control of one (1) owner.

- d. Zoning Requirements. The building placements, setbacks, and separations shall be as shown on the Plan. The following zoning modifications are authorized per Section 1254.02 (a):
1. Section 1243.07. More than one (1) dwelling on a lot.
  2. Section 1243.12. Less than a 20-foot setback from the top of the stream bank.
  3. Section 1243.19 (f). No private street easement.
  4. Section 1247.04. (a)(1). Comparable lot widths less than 100 feet.
  5. Section 1247.04. (b)(1). Front yard setbacks:
    - i. Building A- 12 feet from curb.
    - ii. Building B- 12 feet from curb.
    - iii. Building C- 15 feet from curb.
    - iv. Building D- 5.6 feet from curb.
    - v. Building E- 12 feet from curb.
  6. Section 1247.04. (b)(2). A total of 14 feet between buildings with comparable side setbacks of seven (7) feet.
  7. Section 1247.04. (b)(4). Rear yard setback of 10 feet with a two (2) foot roofline projection.
- e. Private Streets and Access to the Development. Access to the development shall be by a privately maintained street from Griswold Street, as shown on the Plan. The final location and configuration of the intersection of the private street with Griswold Street shall be approved by the City of Hart.
- f. Sidewalks. The dwellings shall be served by a sidewalk along the south side of the private street and around the cul-de-sac, as shown on the Plan.
- g. On-Street and Off-Street Parking. On-street parking is restricted to one (1) side of the street and shall be restricted by signage and curb paint, subject to the approval of the Fire Department. The street shall be installed as shown on the Plan. Off-street parking shall be accommodated by driveway and garage spaces. Vehicle parking shall not encroach onto sidewalks and shall not impede pedestrian use in any manner.
- h. Utilities. Electricity, water, and sewer service will be provided to each dwelling unit in accordance with City of Hart requirements.
- i. Stormwater, Soil Erosion, and Sediment Control. Three (3) stormwater retention areas will retain and treat the increase of stormwater runoff due to land development. In the construction and use of the development, the applicant shall comply in all respects with any required soil erosion and sedimentation control permit.
- j. Landscaping. Landscaping and plantings shown on the Plan shall be installed within six (6) months of PUD approval and shall be continuously maintained. Dead or dying plants and trees shall be replaced within one (1) season.

- k. Open Space. The open space areas shown on the Plan shall remain open, undeveloped, and maintained. No constructed or outside amenity areas, such as decks or patios, shall be established in open space areas.
- l. Lighting. Outdoor lighting shall comply with the Plan, and any replacement fixtures shall be consistent with the originally approved lighting specifications.
- m. Signage. The monument sign shall be approved administratively before establishment.
- n. Fire Protection and Public Safety. The Fire Department shall review the design, layout, and construction of the development as to all matters of public safety, emergency access, and sufficiency of the fire protection water supply. The recommendations, if any, of the Fire Department on these matters shall be satisfied by the applicant.
- o. City Department and Outside Agency Approvals. Site work shall not commence until all applicable City Department and outside agency approvals are secured, as applicable.

Section 3. Findings. The Planning Commission and City Council find that the PUD implements the City of Hart Master Plan and satisfies the PUD Development Standards of Section 1254.07:

- a. Utilities. All buildings shall be served by public sewers and water and shall comply with Municipal drainage requirements.
- b. Streets. A PUD shall provide either unobstructed frontage on a public street or shall develop a public street to assure public access to the project site. The Planning Commission may require public street dedication within the site and, in any event, streets must be adequate for the provisions of routine and emergency services. Where a PUD includes or abuts an incomplete street, such street shall either be extended or properly terminated in an approved turnaround. When a PUD site is so located as to allow more than one means of ingress and egress, and where additional access has been recommended by the Police and/or Fire Departments to improve the safety of life and property, such additional access shall be provided. Drives and streets within the PUD shall discourage outside traffic to traverse the development and create unnecessary fragmentation of the development into small blocks.
- c. Sidewalks. Sidewalks shall be required when developing a PUD, where appropriate, or when deemed necessary for public safety on any existing street adjacent to a PUD site. The planned unit development shall provide for public safety on any existing street adjacent to a PUD site. The planned unit development shall provide for pedestrian circulation within and adjacent to the site.
- d. Building Restrictions. In an effort to allow the flexibility in a PUD, building restrictions should be kept to a minimum.
  - 1. Building setbacks shall be determined by the Planning Commission according to the use of the buildings and character of the neighborhood.
  - 2. All portions of the land not developed must be landscaped with trees, shrubs and suitable ground cover.

- 3. Portions of a commercial structure or parking area must be screened from any abutting residential area by a wall or berm measuring not less than four feet in height.
- 4. No portion of the off-street parking area shall be any closer than twenty-five feet to any property line adjoining a street or sidewalk where appropriate. The remaining twenty-five feet between the parking and property line shall be landscaped.
- e. Environmental Quality. Any development within a PUD District shall be so designed as to reasonably protect residents of such development and residents or occupants of neighboring premises with respect to the emission and transmission of noise, smoke, dust, dirt, litter, odor or light glare and with respect to traffic congestion, ease of routine and emergency services, drainage, erosion, light and ventilation, surface and ground water quality, overcrowding of persons, sanitation, property values, general appearance and character and other similar considerations.
- f. Signs. Signs shall be in accordance with the City Sign Ordinance.

Section 4. Effective Date. This Ordinance shall be effective seven (7) days after the publication of a summary of its provisions in a local newspaper of general circulation in the City of Hart.

AYES: \_\_\_\_\_  
 NAYS: \_\_\_\_\_

ORDINANCE DECLARED ADOPTED.

\_\_\_\_\_  
 Cheryl Rabe  
 City Clerk

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Hart City Council at a regular meeting held on the date first stated above, and I further certify that public notice of such meeting was given as provided by law.

\_\_\_\_\_  
 Cheryl Rabe  
 City Clerk

Approved on First Reading.

**SPECIAL EVENTS PERMIT:** None  
**DISCUSSION ITEMS:** None



**CITY MANAGER REPORT:**

- Ms. Ladner reminded the Council that she would be out of the office from March 23 – 27 to attend the National Main Street Conference with Julie Kreilick.
- Ms. Ladner also stated that she would be out of the office Thursday and Friday for personal reasons.
- There is a TIFA meeting on Thursday at 1:00 pm.
- Ms. Ladner has been nominated to the MERIT advisory council. The election takes place soon, and she will be advised if she was elected to a 3-year term, or a 1-year term as an alternate. The first MERIT MAC meeting is May 7<sup>th</sup>.
- RFP's are out for legal services, property and liability insurance, and electric rate study. Deadlines are between now and April 5<sup>th</sup>. Legal services RFP's will need to be reviewed by a three-person committee before Council. This meeting will have to take place during the week of April 1<sup>st</sup>.
  - The Council agreed that the RFP's for legal would go the Finance/Personnel committee.
  - Brent Henry and Matt Burk of MPPA recently spoke to the Power Board in regards to other energy producing methods that the City can pursue. They recommended that the Power Board and Council members tour the Seboweng natural gas plant on the other side of the state. A bus could be chartered to accomplish this goal.
    - The Council was agreeable to the tour. A stop at the Pegasus wind project could also possibly be arranged.
- The new membranes at the BioPure plant should be replaced with polyurethane vs. the current type as they would have a longer life span – the additional cost would be \$1800.00. The Council approved the change and additional cost.
- Republic Waste Service is asking for our contract cost to go up for recycling. There are currently still 18 months to go on the contract. They currently pay \$90.00 per ton, and they want the City to pay \$50.00 of that cost – the City generates 2 – 6 tons biweekly of recycling product. This will be discussed further at a later time.

**CITY ATTORNEY'S REPORT:**

- None

**COMMUNICATIONS FROM THE MAYOR AND COUNCIL:**

- Ms. Martin stated that she had had lunch with the ladies of Senior Housing project, they gave her materials to distribute to the Council about their proposed housing project at the Creeks sub-division. Nothing has been heard from Mike Blackmer.
- City Manager's 6-month evaluation:
  - Ms. Ladner asked for clarification on being a "risk-taker" and how to improve. Ms. Martin stated that this evaluation form was very subjective.
  - Ms. Ladner said that for her one-year evaluation she would like the department heads to complete it and present it to Council.

There being no further business to come before the Council, the meeting adjourned at 9:10 p.m., upon motion by Mr. Frontiera and supported by Ms. Martin. The next regular meeting is March 26, 2019, at 7:30 p.m.

Respectfully Submitted

*Christi Eisenhardt*

Deputy City Clerk