



**CITY OF HART
407 S. STATE ST.
HART, MI 49420
COUNCIL PROCEEDINGS
MAY 28, 2019, 7:30 P.M.
MINUTES - APPROVED**

PRESENT: Mayor Ron LaPorte, Councilors: Patrice Martin, Rob Splane, Vicki Platt, Jason La Fever, and Steve Hegedus.

ABSENT: Joe Frontiera

OTHERS PRESENT: City Manager – Lynne Ladner, BioPure Superintendent – Paul Cutter, Energy Superintendent – Mike Schiller, DPW Superintendent – Brad Whitney, Police Chief – Juan Salazar, and Deputy City 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. Hegedus. The minutes from May 14, 2019, regular meeting, were approved motioned by Mr. Splane and supported by Ms. Platt. All ayes, both motions were carried.

PUBLIC COMMENTS, CORRESPONDENCE, EVENTS, PRESENTATIONS:

- None

DEPARTMENT REPORTS:

- ▶ BioPure Superintendent, Paul Cutter:
 - There was recently an illegal discharge of raw sewage last week. Mr. Cutter provided a diagram of how this incident occurred. A relief valve failed at the Griswald Lift Station. Mr. Cutter estimated (high) that 300,000 gallons flowed through at the time of the incident. The event must be reported to MiWaters, Health Department, and the local paper, so that affected parties are made aware of the event. A bleach/water mix was used in the area, and pelletized lime was dispersed to neutralize the area. The sewage did not make it to Chippewa Creek. It should not affect the groundwater as the soils will filter it as it drains down.
 - Blowers have been ordered as well as instruments and piping.
- ▶ Police Chief, Juan Salazar:

In the last month, many of the officers attended several training opportunities.

On April 16th and April 17th Officer Anderson, Officer Malotke and I attended a Defensive Driving course in Muskegon County. The training consisted of an On-line portion and a practical; which consisted of four defensive driving exercises. All officers successfully completed the training.

On April 17th, Sgt. Skipski and I attended a Mass Casualty Response Workshop; which consisted of lessons learned from the Orlando and Las Vegas mass casualty incident. We discussed the responses to these two horrific attacks, and what was learned during each critical and stressful event from what was done well, what decision was made, and lessons that were learned from each incident. This was an eye-opening training and was great training to attend.

On April 24th, Lynne, Vicki and I attended a pre-conference of the 4th Annual North American Active Assailant Conference in Troy, MI. The presenters were three distinguished individuals who helped guide their communities through the aftermaths

of some of the most horrific acts of mass violence in recent history. The presenters were the Public Information Officer from Jefferson County (Colorado) Sheriff's Office (Columbine), Former City Manager Aurora, Colorado (Movie Theater), Chief of Police San Bernardino, California. Again, this was an eye-opening training and was great training to attend.

April 22nd to May 3rd, Officer Hintz attended a Fire Investigation School. This program is nationally accredited and is recognized as a leader in fire investigation training. The purpose of the program is to provide investigators with a classroom lecture and hands-on training with topics such as Fire Chemistry and Behavior, Fire Suppression, Electrical Fire Causes, Fatal Fires, Explosions, Arson Motives, and Evidence Collection. Officer Hintz successfully completed the training and will be part of the Oceana County Fire Investigation TEAM.

Monday, May 20th and Tuesday, May 21st, Officer Anderson attended an ARIDE Training (which is Advanced Roadside Impaired Driving Enforcement) at the Norton Shores Police Department. This course is designed to help officers become more proficient at detecting, apprehending, and testing impaired drivers. This is an intermediate level course designed to offer more than a basic understanding of the impairing effects of drugs (Illicit and Licit), alcohol, and/or the combination of both.

Thursday, May 23rd 019, Sgt. Skipski attended and completed a Taser Re-Certification at the Kent County Sheriff's Office. Sgt. Skipski is the department's laser instructor and is required to re-certify every two years.

DPW Superintendent, Brad Whitney:

- Prein & Newhof has been working on designs for the Lincoln Street project.
- There are two new loaders in the shop for demo purposes for replacement of the current loader whose lease is expiring.
- Lines are being painted in the street and curbs for the upcoming Asparagus Festival.
- JGP bathrooms have been renovated and updated with a new drinking fountain installed on the outside of the facility.
- Warm weather is needed to repair the cracks in the pickleball courts.
- Ms. Martin asked about the holes that are in State Street. Mr. Whitney advised that the County Road Commission is responsible for those repairs.
- Mr. Splane asked if natural gas lines could be run to the Historic District when Lincoln Street is being worked on. Mr. Whitney said that had already been discussed with P&N.
- ▶ Energy Superintendent, Mike Schiller:
 - Service hookups were done
 - Miss Dig's
 - Overhead line removal at the Dam – poles are next.
 - New Tyler circuit/88th substation is coming into town, 7200 volts on the line, 2400 coming into town. There will be a shutdown tomorrow, consisting of 10 houses and JGP that will be affected.
 - June 6th, the Medical Care Facility will be shut down to the East Main fill area for a couple of hours to do the upgrade. All areas have been notified of the upcoming shutdown.
 - Ms. Platt asked Mr. Whitney if the street could be cleaned up in front of La Fiesta before the festival? He replied that it would be. She also asked about the hole in front of Hegg's; he stated that it would be worked on as well. The barrels on Plum Street will soon be removed.

- Ms. Martin asked that the TIFA minutes not be included in the packets until the minutes have been approved or to have them clearly marked as DRAFT.

- ▶ Mainstreet Manager, Julie Kreilick: Absent

REPORTS OF BOARDS, COMMISSIONS, AND COMMITTEES:

- None

BILLS, CLAIMS, PAYROLL:

Bills totaled: \$145,032.20 Payroll totaled: \$59,069.28 Grand Total: \$204,101.48

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

Ayes: 6 Nay: 0 Absent: 1

ACTION ITEMS:

City Manager, Lynne Ladner presented the following:

Memo

To: Mayor and City Council
 From: Lynne Ladner
 Date: 5/28/19
 Re: Tax Lien Delinquent Utility Accounts

In recent years the City has certified to the County delinquent utility accounts to the County to be placed as a tax lien on the property. This process allows the City to collect on accounts that are otherwise uncollectable through traditional means. Collection of even a portion of these utility account revenues enables the city to maintain utility rates that are equitable for all users.
 Lynne

**RESOLUTION 19-31
 City Council
 City of Hart, Michigan
 Oceana County**

TAX LIEN DELINQUENT UTILITY ACCOUNTS

WHEREAS, the City of Hart owns, operates and maintains municipal electric, water and sewer utilities; and

WHEREAS, the City administers customer billing and collection systems to fund the costs associated with operating and maintaining the aforementioned utilities; and

WHEREAS, delinquent customer accounts are sometimes uncollectable using traditional methods; and

WHEREAS, State of Michigan statutes pursuant to Public Act No. 94 of 1933 (MCL 141.101 et seq.) allow municipal utilities to lien properties to collect delinquent accounts through the taxing authority of municipalities; and in accordance with City of Hart Ordinance No. 2016-02 adopted

March 22, 2016 the City of Hart has the authority to lien properties for delinquent utility accounts; and

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

NOW THEREFORE BE IT RESOLVED THAT HART CITY COUNCIL:

Declares electric, water and sewer accounts delinquent in accordance with the aforementioned statute and ordinance for the following customer, account number, property number and owner as follows:

CUSTOMER	ACCOUNT NO.	PROPERTY NO.	ADDRESS	ELEC.	WATER	SEWER	TOTAL
COMMERCIAL ACCOUNTS							
East Main Rentals - Owner							
James Wallor	MA10-000215-0000-04	64-020-209-003-00	215 E Main	\$60.79	\$16.60	\$59.56	\$136.95
Jacquelynn Rogers	MA10-000215-0000-05			\$28.74	\$8.30	\$42.23	\$79.27
				\$89.53	\$24.90	\$101.79	\$216.22
Stevens, Lawrence/Linda- Owner							
Kids @ Hart	ST10-000055-0000-06	64-020-208-010-00	55 State St	\$403.76	\$13.70	\$87.55	\$505.01
	TOTAL OF COMMERCIAL ACCTS:			\$493.29	\$38.60	\$189.34	\$721.23
RESIDENTIAL ACCOUNTS							
Gary Phillips - Owner							
A. Martin	CH20-000106-0001-05	64-020-716-007-00	106 Church	\$205.09	\$21.44	\$94.02	\$ 320.55
Karl Walls - Owner							
L. Tenney Jr.	CH20-000111-0000-18	64-020-721-003-00	111 Church	\$149.09	\$41.59	\$148.13	\$ 338.81
D. Langford	CH20-000111-0000-19			\$12.19	\$5.20	\$22.59	\$ 39.98
J. Wemple	CH20-000111-0000-20			\$172.96	\$20.88	\$84.04	\$ 277.88
				\$334.24	\$67.67	\$254.76	\$ 656.67
Channel Housing- Owner							

Y. Marie Salazar	CH20-000409-0000-15	64-020-724-003-00	409 Church St	\$113.17	\$28.87	\$86.76	\$228.80
J. Sleight	CH20-000409-0000-16			\$154.18	\$30.80	\$120.71	\$305.69
R. Carrazco	CH20-000409-0000-17			\$9.75	\$3.50	\$16.19	\$29.44
				\$277.10	\$63.17	\$223.66	\$563.93
Stevens Apartments							
J. Hill	CH20-000509-0001-16	64-020-318-002-00	509 Church	\$90.88	\$-	\$-	\$90.88
Hegg Real Estate-Owner							
M. Dykman	CO10-000009-0000-24	64-020-201-002-00	9 Courtland	\$130.35	\$20.55	\$101.85	\$252.75
S. Hegg	CO10-000009-0000-25			\$27.29	\$6.85	\$29.78	\$63.92
				\$157.64	\$27.40	\$131.63	\$316.67
Jesus Salinas -Owner							
M. McClintic	CO10-000714-0000-11	64-020-737-002-00	714 Courtland	\$77.48	\$12.70	\$48.84	\$139.02
Russ Robbins- Owner							
S. Wilson	DR10-000209-0000-02	64-020-717-004-50	209 Dryden	\$95.46	\$14.86	\$90.63	\$200.95
J. Sawdy	DR10-000211-0000-04		211 Dryden	\$43.21	\$12.24	\$52.75	\$108.20
Lynda Robbins- Owner							
M. Buck	DR10-000607-0000-04	64-020-735-008-00	607 Dryden	\$132.29	\$21.78	\$84.38	\$238.45
S. Samuels	DR10-000607-0000-06			\$453.86	\$26.85	\$124.11	\$604.82
				\$586.15	\$48.63	\$208.49	\$843.27
Gale Real Estate							
M. Collins	DR10-000720-0000-08	64-020-740-002-90	720 Dryden	\$91.45	\$16.57	\$84.61	\$192.63
Patricia Renna	GR10-000606-0000-02	64-020-333-002-00	604 Griswold	\$208.20			\$208.20
Sharon Degraff	GR10-000711-0000-04	64-020-740-012-00	711 Griswold	\$106.36	\$20.55	\$89.34	\$216.25
Jason Pragner - Owner							

J. Pranger	GR10-000808-0000-05	64-020-335-001-10	808 Griswold	\$ 45.89	\$ 8.01	\$ 33.09	\$ 86.99
D. McCann	GR10-000808-0000-11			\$ 240.77	\$ 13.37	\$ 54.84	\$ 308.98
M. Johnson	GR10-000808-0000-12			\$ 687.31	\$ 18.88	\$ 82.08	\$ 788.27
				\$ 973.97	\$ 40.26	\$ 170.01	\$ 1,184.24
Bernard Preston-Owner							
R. Carroll	HA30-000411-0000-20	64-020-728-009-00	411 Hart St	\$ 290.86	\$ 38.02	\$ 156.09	\$ 484.97
Wendy Smith Forsyth-Owner							
W. Smith	JO10-000007-0000-04	64-020-725-001-50	7 W Johnson	\$ 35.86	\$ 6.85	\$ 29.78	\$ 72.49
R. Devoe	JO10-000007-0000-09			\$ 272.30	\$ 34.47	\$ 129.06	\$ 435.83
				\$ 308.16	\$ 41.32	\$ 158.84	\$ 508.32
Larry Stevens -Owner							
K. West	MA10-000324-0000-17	64-020-249-002-00	324 E Main	\$ 59.90	\$ 8.01	\$ 33.09	\$ 101.00
J. Berger	MA10-000324-0000-18			\$ 83.76	\$ 14.12	\$ 49.94	\$ 147.82
				\$ 143.66	\$ 22.13	\$ 83.03	\$ 248.82
Marsha Hildreth-Owner							
C. Guertin	MA10-000505-0000-07	64-020-147-003-00	505 E Main	\$ 296.08	\$ 20.47	\$ 79.12	\$ 395.67
Kevin Greiner - Owner							
M. German	MA11-000461-2000-15	64-020-514-003-00	461 W Main	\$ 217.17	\$ 20.55	\$ 89.34	\$ 327.06
Trenton Bruce - Owner							
C. Smith	ME10-000014-0000-05	64-020-203-003-00	14 E Mechanic	\$ 491.61	\$ 20.55	\$ 181.99	\$ 694.15
Christi Huizenga - Owner							
J. Covey	ME10-000020-0002-16	64-020-203-004-00	20 E Mechanic	\$ 117.29	\$ 61.13	\$ 2.99	\$ 181.41
Jim Kumzi- Owner							
M. Gilland	PE10-000007-0000-06	64-020-513-006-00	7 Peach	\$ 149.24	\$ 30.10	\$ 119.17	\$ 298.51
R. Alltop	PE10-000007-0000-07			\$ 38.94	\$ 6.19	\$ 23.80	\$ 68.93

H. Gleason	PE10-00007-0000-08			\$ 156.08	\$ 21.28	\$ 84.65	\$ 262.01
C. Newsted	PE10-00007-0000-09			\$ 139.98	\$ 16.02	\$ 77.59	\$ 233.59
				\$ 484.24	\$ 73.59	\$ 305.21	\$ 863.04
Rural Housing - Owner							
P. Fraizer	PE10-000108-0000-03	64-020-512-007-00	108 Peach	\$ 115.03	\$ 7.56	\$ 72.80	\$ 195.39
Val Pro LLC - Owner							
M. Pierce	PE10-000111-0000-05	64-020-519-010-00	111 Peach	\$ 341.75	\$ 52.82	\$ 304.29	\$ 698.86
Mirad Family LP - Owner							
J. Crane	RI10-000113-0000-05	64-020-611-018-00	113 Riverside	\$ 81.87	\$ 9.17	\$ 52.20	\$ 143.24
Brett Simons - Owner							
J. Escamilla	RI10-000204-0000-04	64-020-611-025-00	204 Riverside	\$ 65.18	\$ 9.40	\$ 38.46	\$ 113.04
Andrew Parsons - Owner							
W. Sheafor	RI10-000209-0000-06	64-020-611-015-00	209 Riverside	\$ 323.26	\$ 21.23	\$ 113.64	\$ 458.13
Heggs Rentals LLC - Owner							
B. Burmeister	WA10-000409-0000-07	64-020-213-002-00	409 Washington	\$ 256.90	\$ 33.59	\$ 135.82	\$ 426.31
Persian, Adam/Jessica - Owner							
J. Guerrero	WA20-000425-0000-08	64-020-726-012-00	425 S Water	\$ 184.29	\$ 20.12	\$ 87.51	\$ 291.92
Justin James Morgan - Owner							
C. Wiegand	WO10-000503-0000-10	64-020-740-009-10	503 Wood St	\$ 992.82	\$ 27.40	\$ 119.21	\$ 1,139.43
	TOTAL OF RESIDENTIAL ACCTS:			\$7,957.40	\$824.54	\$3,429.28	\$ 12,211.22

Authorizes approves and directs a tax lien in the total amount stated herein against the aforementioned customer, account number, owner, and property number; and directs the City Clerk-Treasurer or City Deputy Clerk-Treasurer to file a tax lien thereupon.

Moved by Mr. Splane, supported by Ms. Martin, and thereafter adopted by the City of Hart, Michigan City Council at a regularly scheduled meeting held on Tuesday, May 28, 2019.

Ayes: 6 Nays: 0 Absent: 1

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: 5/28/19
Re: FY 2020 Fire Board Assessment

The City of Hart receives fire protection services from the Hart Area Fire Board, a consortium formed by City of Hart, Hart Township, Weare Township, and Golden Township. The entities in the consortium all assist with financing fire protection services through an allocated contribution. This year the Fire Board is requesting an increase from .65 to .75 mills of property millage assessment in the amount of \$238,080 and assessed to each entity as follows: Golden Township (\$117,302 or 51%), Hart Township (\$54,335 or 24%), Weare Township (\$27,787 or 12%) and Hart City (\$31,106 or 13%).

Lynne

RESOLUTION 19-32
City Council
City of Hart, Michigan
Oceana County

HART AREA FIRE BOARD ASSESSMENT

FOR FIRE PROTECTION SERVICES

WHEREAS, the City of Hart receives fire protection services from the Hart Area Fire Board, a consortium formed by City of Hart, Hart Township, Weare Township and Golden Township; and

WHEREAS, on February 28, 2019 the Hart Area Fire Board adopted a total FY2020 fire protection budget based on 0.75 millage assessment in the amount of \$238,080 and assessed to each entity as follows: Golden Township (\$117,302 or 51%), Hart Township (\$54,335 or 24%), Weare Township (\$27,787 or 12%) and Hart City (\$31,106 or 13%); and

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

NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL:

Approves the FY2020 (July 1, 2019 – June 30, 2020) Hart Area Fire Board annual assessment to the City of Hart in the amount of \$31,106 paid quarterly at \$7,776.50.

Moved by Ms. Martin, supported by Ms. Platt, and thereafter adopted at the regular City of Hart City Council meeting on May 28, 2019.

Ayes: 6 Nays: 0 Absent: 1

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: 5/28/19

Re: Second reading of Ordinance 19-02 related to Recreational Marihuana establishments and facilities zoning

This is the second reading of Ordinance 19-02 amending Part Twelve Title Four by adding a new chapter designated as chapter 1263 Prohibition of Recreational Marihuana Establishments. There are no changes to the ordinance from the first reading conducted at the May 14, 2019 meeting.
Lynne

**ORDINANCE
NO. 19-02**

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF HART PART TWELVE TITLE FOUR BY
ADDING A NEW CHAPTER WHICH NEW CHAPTER SHALL
BE DESIGNATED AS CHAPTER 1263 OF TITLE FOUR OF
SAID CODE**

THE CITY OF ORDAINS:

Section 1. Addition of Chapter 1263 to Part Twelve Title Four. Chapter 1263, "Prohibition of Recreational Marihuana Establishments," is added to Title Four, "Zoning," of the Code of Ordinances of the City of Hart to read as follows:

CHAPTER 1263

PROHIBITION OF RECREATIONAL MARIHUANA ESTABLISHMENTS AND MARIHUANA FACILITIES

- (A) Marihuana establishments and facilities, as authorized by and defined in the Michigan Regulation and Taxation of Marihuana Act and the Medical Marihuana Facilities Licensing Act, are prohibited in all zoning districts, and shall not be permitted as home occupations as defined in Chapter 1241.
- (B) No use that constitutes or purports to be a marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer and provisioning center, marihuana secure transporter or any other type of marihuana related business authorized by the Act, that was engaged in prior to the enactment of this Ordinance, shall be deemed to have been a legally established use under the provisions of the City Code of Ordinances; that use shall not be entitled to claim legal nonconforming status.
- (C) Violations of this section are subject to the violations and penalties pursuant to Section 1249.99 of Chapter 1242 and may be abated as nuisances
- (D) This section does not supersede rights and obligations with respect to the transportation of marihuana by marihuana secure transporters through the City to the extent provided by the Michigan Regulation and Taxation of Marihuana Act.
- (E) Nothing in this Chapter shall limit any privileges, rights, immunities or defenses of a person as provided in the Michigan Medical Marihuana Act, and this Chapter does not supersede the

rights and regulations under Section 1243.27 of Part Twelve, Title Four

Section {2} Conflict and Repeal. All ordinances or parts of ordinances in conflict with this ordinance are repealed.]

Section [3]. 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.

Section [4]. Publication. After its adoption, this ordinance or a summary thereof, as permitted by law, shall be published by the City Clerk in The Oceana Herald, a newspaper of general circulation in the City.

ORDINANCE DECLARED ADOPTED.

Dated: _____, 2019

_____, Mayor

_____, Clerk

CERTIFICATION

I, the undersigned duly appointed City Clerk of the City of Hart, Oceana County, Michigan, do hereby certify that the above ordinance, or a summary thereof, was published in _____, a newspaper of general circulation in the City on _____, 2019, and that such ordinance was entered with the Ordinance Book of the City on _____, 2019.

Dated _____, 2019

_____, Clerk

Ayes: 3, Hegedus, LaPorte, Platt
Nays: 3, La Fever, Martin, Splane
Absent: 1, Frontiera
Tie - Ordinance Failed

SPECIAL EVENTS PERMIT:

- None

DISCUSSION ITEMS:

- The FY19/20 Budget was discussed.
 - Ms. Martin asked how it is presented – Ms. Ladner explained that it goes to finance first, public hearing next and then adoption by Council.
 - Ms. Martin then asked how a “new” council person who has many questions, gets answers. Ms. Ladner stated that she would set down with the member at a time of their convenience and answer the questions.

CITY MANAGER REPORT:

- Ms. Ladner reported on:

- Meeting to be held with Prein & Newhof to get an update of City projects.
- She and Steve Bruch attended the MPPA stakeholder meeting last week.
- She, Gale Goldberg, and Steve Bruch attended the TIFA finance training last week that discussed new reporting and transparency regulations. Ms. Martin will be attending the meeting in Cadillac next week.
- The 4th annual "Walk with a Hero" walkathon will be Thursday at Spitler Elementary School at 5:00 pm.
- The Asparagus Festival is next weekend.

CITY ATTORNEY'S REPORT:

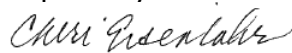
- None
 - Ms. Martin asked for clarification on receiving a report from the new attorney. Mr. VanAllsburg will be providing the report to Ms. Ladner, who will then put the document in the packet.
 - Per Mayor LaPorte, any questions for the new attorney need to be directed to the City Manager for her to have an opportunity to respond or defer to the attorney.
 - Ms. Martin offered to share the information from the recent meetings that she attended with the Council if they have any questions for her.

COMMUNICATIONS FROM THE MAYOR AND COUNCIL:

- Mayor LaPorte stated that anyone that wanted to ride with him in the parade could do so.
- Appointment of Gale Goldberg to the Planning Commission:
 - Ms. Martin made a motion to appoint Ms. Goldberg, supported by Mr. La Fever. All ayes, motion carried.

There being no further business to come before the Council, the meeting adjourned at 8:18 p.m., upon motion by Ms. Martin and supported by Mr. La Fever. The next regular meeting is June 11, 2019, at 7:30 p.m.

Respectfully Submitted



Deputy City Clerk