



**CITY OF HART  
407 S. STATE ST.  
HART, MI 49420  
COUNCIL PROCEEDINGS  
JULY 23, 2019, 7:30 P.M.  
MINUTES - APPROVED**

**PRESENT:** Mayor Ron LaPorte, Councilors: Patrice Martin, Vicki Platt, Rob Splane, Joe Frontiera, and Steve Hegedus.

**ABSENT:** Jason La Fever

**OTHERS PRESENT:** City Manager – Lynne Ladner, Main Street Manager – Julie Kreilick, DPW Superintendent – Brad Whitney, Energy Department Superintendent – Mike Schiller, 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. Hegedus to approve the amended agenda and supported by Ms. Martin. The minutes from July 9, 2019, regular meeting, were approved motioned by Mr. Hegedus and supported by Ms. Martin. All ayes, both motions were carried.

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

- Gayle Forner asked that the City either move their mulch pile or buy the property that it sets on. Ms. Platt asked for the cost, and Mr. Forner advised \$20,000.00. The Mayor stated that he would like to get together with Mr. Forner to discuss this more in-depth.

**DEPARTMENT REPORTS:**

- BioPure Superintendent, Paul Cutter: Absent
- Police Chief, Juan Salazar: Absent
- DPW Superintendent, Brad Whitney:
  - Gravel streets have been brined and graded.
  - Part-time employee, Justin Kramer gave his notice – the work is being distributed among the full-time employees for the rest of the season.
  - Water meters are being replaced/repared as needed.
  - The maintenance hole at Johnson and Dryden has been replaced.
  - Landscaping is taking place around the City.
  - SAW items are being worked on.
  - Potholes are being repaired with asphalt patches.
  - Water leaks at the Fairgrounds and Oceana Drive have been repaired.
- Energy Superintendent, Mike Schiller:
  - Work was completed at the BioPure Facility.
    - Repairs were made to a mixer at the pond.
  - Power on Lever Road was shut down to allow for line replacement and conductors to be installed.
  - DuBois Tree Service is back in town.
  - Four trees east of Dave’s Party Store on Wood Street need to be removed – cost is estimated at \$10,000.00, the dead limbs falling from the trees post a public safety issue.

- Michigan Freeze Pack has power running to them. They will pay for the cost of the new transformer.
- There were four outages Saturday from the storm, due to limbs landing on lines.
- The new smaller bucket truck should arrive later this month.
- 22 digital meters have been placed and appear to be working correctly. Eaton will be coming in on the 30<sup>th</sup> and 31<sup>st</sup> to conduct training.

- Mainstreet Manager, Julie Kreilick: No formal report

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

- None

**BILLS, CLAIMS, PAYROLL:**

Bills totaled: \$535,390.59 Payroll totaled: \$59,275.06 Grand Total: \$608,474.92

A motion was made by Mr. Splane and supported by Mr. Frontiera 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

Mayor and City Council

To:

From: Lynne Ladner

Date: 6/19/1919

Re:

Accept bid and authorize City Manager to sign documents for the replacement of the roof on DPW building

As part of the FY 2020 budget replacement of the roof on the Public Works building was scheduled for completion. In keeping with the desire to have the work completed sooner rather than later due to leaks which allow water to enter the building during rain events and allowing heat to escape the building during the winter increasing utility costs for maintaining the building during the winter bids have been solicited from local contractors.

Bids were solicited from Blackmer Construction, Empire Contractors and Stovall Construction. The City received bids from Blackmer Construction in the amount of \$30,480 and from Empire Contractors in the amount of \$39,814.

It is my recommendation that the Council adopts Resolution 19-43 accepting the bid from Blackmer Construction in the amount of \$30,480 and authorize the City Manager to sign documents for the replacement of the roof on the DPW building.

Lynne

**RESOLUTION 19-43**  
**City Council**  
***City of Hart, Michigan***  
***Oceana County***

**Accept bid and authorize City Manager to sign documents for the replacement of the roof on DPW building**

WHEREAS, it is in the City’s interest to maintain buildings and infrastructure owned by the City, and

WHEREAS, the Public Works building roof is in need of replacement due to deterioration and leaks; and

WHEREAS, the City has solicited bids for the roof replacement from three local contractors and received the following: Blackmer Construction - \$30,480, Empire Contractors - \$39,814 and no response from Stovall Construction;

NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL:

*Approves, accepts the bid from Blackmer Construction to replace the roof on the Public Works building in the amount of \$30,480 and authorizes the City Manager to sign the necessary paperwork.*

Moved by Ms. Martin, supported by Ms. Platt, and thereafter adopted at the regular City of Hart City Council meeting on July 23, 2019.

Ayes: 5 Nays: 0 Absent: 1 Abstain: 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: 6/19/1919

Re:

Waive bidding requirements and authorize initiating emergency repairs to the sewer system

As part of the SAW grant, the City’s sewer system infrastructure was videotaped to assist in identifying areas that need attention. During a routine review of the tapes by Prein & Newhoff, the City’s Engineering firm an area of sewer pipe 440 ft in length was identified as having failed and is structurally compromised. The failed pipe has created a void above the pipe that due to the extent of the damage and the location of the

sewer being under State Street, could result in sewer back-ups and eventual roadway collapse.

It is the recommendation of the engineers that the City waive the bidding requirements and negotiate for emergency repairs using the cured in place pipe lining process to repair the failed section with Insituform to expedite the repairs.

It is my recommendation that the Council adopt Resolution 19-44 Waiving the bidding requirements and authorized initiating emergency repairs to the sewer system.  
Lynne

**RESOLUTION 19-44**  
**City Council**  
***City of Hart, Michigan***  
***Oceana County***

***Waive bidding requirements and authorized initiating emergency repairs***

WHEREAS, during the course of reviewing the videos of the City of Hart sewer system a significant defect was discovered in the State Street sanitary sewer at the northeast side of the Polk Road intersection., and

WHEREAS, The failed section of the sewer is 440 ft. long and is constructed of concrete pipe. The most significant damage to the pipe is a four-foot-long section of pipe just north of the manhole in Polk Road where the top of the pipe is completely gone and where a void has formed above the pipe in this area. and

WHEREAS, Pipelining is a trenchless technology which is done without digging up the roadway and the process typically be completed in less than a day reducing traffic disruption and preventing possible additional damage; and

WHEREAS, this type of work is very specialized and there are a limited number of contractor's in the Midwest that can do this work well and the typical bidding process will require approximately 6 to 9 weeks to develop bid documents, advertise, review bids and award the contract. Once the contract is awarded, it could be up to another 3 weeks before the work is completed.

NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL:

*Agrees to waive the normal bidding process for the emergency repairs to the sewer collection system underneath State St. at the northeast side of the Polk Rd. intersection and authorize the City Manager to work with Prein & Newhoff, the City Engineers to begin the process of obtaining a formal quote and agreement from Insituform for the emergency repairs and sign the necessary documents to initiate the repairs.*

It is moved by Ms. Martin, supported by Mr. Splane, and thereafter adopted at the regular City of Hart City Council meeting on July 23, 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: 6/19/1919

Re:

Reschedule the December Board of Review

Each year the Board of Review meets in July and December for the purposes of correcting a clerical error or a mutual mistake of fact relative to the correct assessment figures, the rate of taxation, or the mathematical computation relating to the assessing of taxes on Tuesday following the second Monday in December and, for summer property taxes, on Tuesday following the third Monday in July.

Due to scheduling conflicts, the City Assessor has requested that the City reschedule the December Board of Review meeting from December 10, 2019, to December 12, 2019.

It is my recommendation that the Council adopts Resolution 19-45 to reschedule the December Board of Review meeting.

Lynne

**RESOLUTION 19-45**  
**City Council**  
***City of Hart, Michigan***  
***Oceana County***

***To reschedule December Board of Review meeting***

WHEREAS, the board of review is charged with holding a meeting for the purposes of correcting a clerical error or a mutual mistake of fact relative to the correct assessment figures, the rate of taxation, or the mathematical computation relating to the assessing of taxes on Tuesday following the second Monday in December and, for summer property taxes, on Tuesday following the third Monday in July, and

WHEREAS, the date may be changed during those weeks with a resolution by the City. and

WHEREAS, due to scheduling conflicts the City Assessor has requested that the Council reschedule the December Board of Review date from December 10m 2019 to December 12, 2019;

NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL:

*Authorizes changing the date of the December 2019 Board of Review meeting from Tuesday, December 10, 2019, to Thursday, December 12, 2019.*

It is moved by Mr. Splane, supported by Mr. Hegedus, and thereafter adopted at the regular City of Hart City Council meeting on July 23, 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

**SPECIAL EVENTS PERMIT:**

- Hart Hills Gravel Bike Race
  - Mr. Splane made a motion to approve this permit with the condition that the parking lot number is to be confirmed, supported by Ms. Martin, all ayes, the motion carried.
- State Farm Ribbon Cutting and Open House
  - Ms. Martin made a motion to approve the permit, supported by Mr. Hegedus, all ayes, the motion carried.

**DISCUSSION ITEMS:**

- Discussion regarding the necessity of adopting a Fair Housing Ordinance
  - As part of the City's application and receipt of the CDBG grant for the construction of the Downtown Pocket Park, the City is required to have adopted an ordinance addressing Fair Housing which prohibits discrimination in housing under the federal housing guidelines.
  - The proposed draft ordinance language comes from the MEDC and this or something similar needs to be adopted by the City in order for the City to receive the grant funding for the Downtown Pocket Park. I would like the Council to review and discuss the proposed language from the MEDC and provide feedback regarding any requested changes so that an ordinance can be drafted and presented to the Council for adoption.
- Discussion regarding proposed amendments to Section 670.04 of the Code of Ordinances – Noxious Weeds
  - As the Code Enforcement has been working with property owners to gain compliance David and I have been reviewing the City's existing ordinances to ensure that there is clarity in the requirements, the steps that the City has at its disposal to remediate violations and potential consequences.
  - The proposed language that I am asking the Council to discuss and provide feedback is language provided by the City Attorney which has been adopted and put in place in another community in Michigan which he works with as City Attorney.

- This is the first proposed language to the City Code to improve and clarify language for issues which are commonly handled through the code enforcement process.
  - Ms. Ladner will work to re-write this in more understandable terminology.
- FY2019 Audit Preliminary Governance letter
  - Standard letter received from Maner Costersian as to the timeframe of the audit and their expectations.
- Discussion regarding SHPO letter and Pocket Park Design
  - I met with Prein and Newhoff regarding the 75% complete drawings of the Pocket Park. On Friday we received the required letter from SHPO which placed extreme conditions on the proposed design. I have had conversations with Sue Devries, Lindsay Hagar, and Matt Levandoski, and we are preparing an appeal of the SHPO decision. Sue spoke with the author of the letter and received a favorable response to reconsider the issue, and I will be visiting the OC Historical Society in search of historical photos that can be used to support our appeal.
- Discussion clarifying City Manager's position on the HMS Board
  - Ms. Martin advised the Council that Ms. Ladner had sent her information via email that explained her seat on the board. It stated that she was appointed by the Mayor to serve in his stead on the board.

#### **CITY MANAGER REPORT:**

- I apologize for the issues that we encountered setting the Webinar up in the Community Center. I forwarded on to each of you the copy of the presentation and the link to watch the webinar at your leisure. I have also passed out to you this evening the attorney's letter regarding recreational marihuana.
- The Attorney and I have been working with Hart Solar to draft the easement extension and addendums that they have requested; this item will be on the next council agenda.
- I have received revised site plans for the possible redevelopment of the Shopko property. In discussions with the City Planner, any changes have been deemed administrative, and we hope to review the documents and move this project forward. I hope that by the next Council meeting we will be able to announce the project and future tenant, but I am currently still under non-disclosure requirements.
- The first collaborative business roundtable is scheduled for July 30 at 7:30 am as a joint City and Main Street program.
- We have been contacted by a resident that has concerns related to a tree in the right of way in front of their property on Wood St that has several large dead branches that have been dropping on to their property. Thus far, there has not been any damage to their home, but several have landed on their roof and bounced off. After review by Mike Schiller and Mike Dubois, it is their belief that the tree in question, as well as three other adjacently located trees, need to be removed. The estimated cost for removal is \$10,000. As this amount exceeds my authorization authority, I am requesting approval from the Council to authorize this work.
  - Ms. Martin made a motion to approve the removal of the four trees, supported by Mayor LaPorte, all ayes, the motion carried.
- The Lincoln Street project will go out for bids in August.
- I would like permission from the Council to register for and attend the annual MMEA Conference Scheduled for October 8-11, 2019. This will enhance my professional development and understanding of the operations of the electric utility.
- Per the Personnel Handbook of the City, I am asking for permission from the Council to take 120 hours of ETO either the end of September into October or Mid-October to

November. I have been invited to participate in a "Digital Detox Retreat" which would require me to be unplugged from electronic devices for the duration of the retreat and having limited to no access to email or phones.

- Ms. Ladner was advised that prior to final approval, she would need to have a succession plan in place to cover her absence. It will be further discussed at the next meeting.

**CITY ATTORNEY'S REPORT:**

- None

**COMMUNICATIONS FROM THE MAYOR AND COUNCIL:**

- Mr. Frontiera brought it the attention of the Council that the Board of Review members, Bill Wells and Mike Powers, would like to receive a pay raise. Ms. Ladner will research what other Board of Review members across the State receive and make it a discussion item on the next agenda.
- Ms. Platt requested that the Council seek a new Mayor Pro Tem. (this should have taken place right after the Mayoral election, but was not). She suggested that Steve Hegedus hold the position; this was supported by Mr. Frontiera. Mr. Hegedus accepted the nomination.
  - Ayes: 6 Nays: 0 Absent: 1
- Ms. Platt also advised that more speed limit signs are needed near the schools as it is not well marked. A Traffic control order is needed and will be obtained from the Chief of Police.

Closed Session:

Entered into at 8:47 pm by motion made by Mr. Splane and supported by Ms. Martin, all ayes, the motion carried, to discuss MCL 15.268 Sec. 8 (a) To consider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought against, or to consider a periodic personnel evaluation of, a public officer, employee, staff member, or individual agent, if named person requests a closed hearing.

Resumed open session at 9:09 pm.

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 Mr. Hegedus. The next regular meeting is August 13, 2019, at 7:30 p.m.

Respectfully Submitted



Deputy City Clerk