



**CITY OF HART  
407 S. STATE ST.  
HART, MI 49420  
COUNCIL PROCEEDINGS  
SEPTEMBER 24, 2019, 7:30 P.M.  
MINUTES - APPROVED**

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

**ABSENT:** None

**OTHERS PRESENT:** City Manager – Lynne Ladner, 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. La Fever to approve the agenda, supported by Mr. Hegedus. The minutes from September 10, 2019, regular meeting, were approved motioned by Mr. La Fever and supported by Mr. Frontiera. All ayes, both motions were carried.

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

- Ms. Ladner advised the Council that on Oct. 8<sup>th</sup> at 7pm, the Hart Twp. planning commission will hold a hearing on a special land use permit for the EDF Renewables solar project. Copies of the plans are available for review in the Twp. offices during regular business hours. Written comments need to be submitted prior to the hearing. The hearing takes place on the same night as the next Council meeting at nearly identical times (7 and 7:30 pm) so if the City would like to comment we will need to submit the comments in writing.
- No public comments

**DEPARTMENT REPORTS:**

- BioPure Superintendent, Paul Cutter: Absent
- Police Chief, Juan Salazar: Absent
- DPW Superintendent, Brad Whitney:
  - There was a water leak on State Street in the downtown area; it has been stopped and repaired.
  - The catch basin in front of Larson’s has been repaired.
  - The Department assisted with three events over the past weekend – Hispanic Festival, Baptist Festival, and the Suicide Awareness Walk.
  - The Lincoln Street project is progressing with laterals and such.
  - Mowing is still taking place around the City.
  - New meter installations are still taking place.
  - The new motor has been installed in the Valley well.
  - The new loader arrives this week; the rental will be returned.
  - Asphalt work at JGP will begin the second week of October.
- Energy Superintendent, Mike Schiller:
  - 700 Meters have been installed to date.
  - DuBois tree service is back in the area.

- New poles are being installed at the Lincoln Street Project.
- The new line running into MFP has been energized.
- A pole on Griswold Street was hit by a semi and will be changed out.
- Power will be run to the Cottages on Griswold project.
- Mainstreet Manager – Report was given by City Manager, Lynne Ladner
 

*As the Council is aware, Julie Kreilick has resigned as the Main Street manager. The board met last week and discussed the need for an interim manager while the board works with Michigan Main Street to fill the full-time position. The board agreed to reach out to a couple of individuals that they believe would be a good fit to fill the position in the interim, and I am happy to announce that Chris Rickard has agreed to assist the program beginning next week. She will be working part-time to ensure that the program continues in the short-term. While we have been without a manager, I have been working to ensure that the program does not lose ground. I, unfortunately, did miss the September Farmer’s Market as I had been scheduled to be out of town that weekend and missed putting it on my calendar, but we are working to make sure that all other events and programs continue.*

*This Thursday is the Main Street programs first Business After Hours. The event is being hosted by Hegg’s Gallery of Fine Furniture and Pleasant Valley Farm and Vineyard and will take place from 5:30-7pm.*

*This week’s Business Roundtable was postponed to Oct. 22<sup>nd</sup> and will feature special guests from Michigan Works Lindsey and Lourdes discussing "How to attract Great Employees" the round table takes place in the Community Center at 7:30 am.*

*As October approaches Main Street will be getting information out and accepting registrations for the annual downtown Scarecrow Contest. More information will be coming on the Main Street website and Facebook page.*

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

- None

**BILLS, CLAIMS, PAYROLL:**

Bills totaled: \$286,503.71 Payroll totaled: \$67,373.83 Grand Total: \$353,877.54

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

Ayes: 7 Nay: 0 Absent: 0

**ACTION ITEMS:**

**CITY MANAGER, LYNNE LADNER PRESENTED THE FOLLOWING:**

Memo  
 To: Mayor and City Council  
 From: Lynne Ladner  
 Date: 9/20/19  
 Re: Utility Extension on Ocean

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The Energy Department has solicited a bid from the only qualified local contractor for directional boring services to complete an extension of service south of Tyler Rd on Oceana Dr for a new business. The extension will also provide a connection/tie line location for future work to connect with the electrical circuit on Polk Rd.

I am advising that the Council waive the bidding process for this project as there is only a single qualified bidder in the area and the Energy Department has worked successfully with this contractor in the past.

It is my recommendation that the Council adopts Resolution 19-62 Accept bid for Oceana Dr. Utility Extension.

Lynne

**RESOLUTION 19-62**  
***City of Hart, Michigan***

**ACCEPT BID FOR OCEANA DR UTILITY EXTENSION**

WHEREAS, the City of Hart owns and operates a Municipal Electric Utility servicing customers in and around the City in a designated area; and

WHEREAS, a request has been submitted to the Electric Utility for the extension of service to a new business going on Oceana Drive South Tyler Rd and this extension will allow for a future connection/tie line with the circuit at Polk Rd.

WHEREAS, the City requested bids for boring service for the project to go under Oceana Drive from Gustafson HDD as the only local contractor, a was received from Gustafson HDD LLC for the project in the amount of \$19,500.

NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL

*Waives the requirement for three bids and accepts and awards the bid from Gustafson HDD LLC for directional boring services for the Oceana Dr utility extension project in the amount of \$19,500*

*Authorizes the City Manager to sign any necessary paperwork*

Moved by Ms. Martin, supported by Ms. Platt, and thereafter adopted at the regular City of Hart City Council meeting on September 24, 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

Memo  
To: Mayor and City Council  
From: Lynne Ladner  
Date: 9/20/19  
Re: Marihuana Prohibitions Ordinance

As the Council is aware, the City Attorney has reviewed all the previously adopted ordinances related to Medical and Recreational Marihuana. This is the first reading of an ordinance that will simplify those previous ordinances to make them more easily understood and enforced. Unless there are any questions or concerns, it is my recommendation that the Council acknowledges the first reading of Ordinance 19-03 Marihuana Prohibitions Ordinance.  
Lynne

### **ORDINANCE NO. 19-03**

#### **AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF HART BY DELETING THE PROVISIONS OF ORDINANCE NO. 18-06 AND ORDINANCE NO. 18-07 AND REPLACING THOSE PROVISIONS WITH THE FOLLOWING PROVISIONS WHICH SHALL NOW COMPRISE ALL OF CHAPTER 818 TO PART 8 – THE BUSINESS REGULATION AND TAXATION CODE, TITLE II**

First Reading: September 24, 2019

The ordinance is to be amended to include a "Sunset Clause" for a three-year window of time in which the ordinance will then be reviewed.

#### **SPECIAL EVENTS PERMIT:**

- None

**DISCUSSION ITEMS:** Combined with the City Manager's Report

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

Over the last two days, I have participated in conference calls related to two separate power projects that the City is involved with through the MPPA. Due to the need to discuss the situation with the Power Board and Council sooner rather than later I will be working on scheduling a Power Board meeting to take place next week (a week early) so that everyone is properly informed, and recommendations are prepared as discussion on at least one of the projects may be discussed at the October MPPA meeting during the Annual Conference.

Last week a Mike and I sat in on a conference call regarding the ACO with reps from P&N, Lawson-Fisher, Varnum, and Limnotech. The reason for this call is that following the tour of the Hart Energy Dept. a discussion was had with Rep. VanSingel and a staff member from Sen. Bumstead's office regarding assistance with the ACO based upon our discussions with EGLE. A draft document was reviewed, and additional items added that will be presented to the Rep and Sen who have agreed to assist us with sponsoring legislation that could assist the City in dealing with our temperature and dissolved oxygen compliance issues. Matt Zimmerman from Varnum is tweaking the document which I will provide to the Council once I receive it and I will then be visiting Rep VanSingel and Sen Bumstead to formally make our request for legislative assistance. Katie Abrahams from MMEA has agreed to assist with meeting and discussing the issue with other legislators, and I will be soliciting support from the Council, Power Board and other community members as this hopefully moves forward.

As the council is aware the first reading of ordinance 19-03 is just one of two ordinances recommended and drafted by the City Attorney to clean up the City's position on Recreational and Medical Marihuana. The second ordinance has been noticed and will have a public hearing and discussion at the October Planning Commission meeting next week. That ordinance brings the City's medical marihuana caretaker provisions of the

zoning ordinance into compliance with changes resulting from legal interpretations that came from lawsuits that involved other communities.

The Pocket Park has received a revised SHPO letter, and the final engineering is proceeding. The current project timeline has the project going out to bid Sept. 30<sup>th</sup>, bids being opened Oct. 14<sup>th</sup> and bid tabulation reviewed by the MEDC and Prein Newhof in time to have the bids accepted and awarded at the October 22<sup>nd</sup> Council meeting. If there are any issues or the project bidding gets delayed it will come before the Council at the first meeting in November. We are looking at a Spring 2020 construction for this project.

Brad and I will be holding a meeting at the JGP campground pavilion tomorrow afternoon to meet with as many of the seasonal campers, and Jen and Steve Freed to discuss the impending park/campground improvements this fall. Based upon feedback that I have already received I will also be discussing with Jen and Steve a meeting this coming weekend at the campground to help to reach as many of the seasonal campers as possible before the end of the year, and the improvements begin.

This Thursday is the Historic District's annual meeting with gathering taking place at 5 pm and supper at 5:30 I have been invited to give an update on the Lincoln Street project as it directly affects the district.

Mike Schiller and I attended the Merit Broadband summit in Gaylord today. It was a very good discussion of the efforts statewide for the expansion of broadband access. I had an opportunity to speak to representatives from Merit to discuss what the options were within the city to improve access and had a very informative discussion with two members that have worked with the cities of Coldwater and Marshall to provide Wi-Fi and begin the implementation of broadband fiber networks in conjunction with their electric utilities. I will be meeting with John Winfrey the Merit rep that supports our area and others he believes will be of assistance in the coming weeks to see what can be developed and included in the City's CIP plan.

The auditors will be in town next week completing their work to wrap up FY 19. As usual, they will or already have contacted members of the council to meet with as required to answer standard questions for the audit. Please if they have reached out make time to speak with them as it assists in facilitating the audit completion.

I have had a preliminary webinar with the team that oversees the Priority Based Budgeting initiative, and overall it appears that the City is well on its way to successfully moving our budgeting process to this metric based process. I am meeting with the City Manager from Ludington next week as they are also in the process of considering PBB implementation to discuss ways that the two communities can collaborate on the process to benefit both communities.

Lastly, on October 8<sup>th</sup> from 3-5pm staff members from Rep. Huizenga's office will be holding mobile office hours in Hart. They will be available to the public to assist them, answer questions and hear concerns in the Council Chambers in City Hall

#### **CITY ATTORNEY'S REPORT:**

- None from the Mr. VanAllsburg
  - Ms. Ladner did state that the attorney will have a follow-up meeting the owners in the Creeks Development and will be reporting on the recent property acquisitions.

#### **COMMUNICATIONS FROM THE MAYOR AND COUNCIL:**

- Mayor LaPorte would like to focus on the Main Street project as it has been beneficial for the City of Hart and it's people. Ms. Ladner stated that there would be a phone conversation with the Michigan Main Street on October 1 and the Council is welcome to be a part of the call.

There being no further business to come before the Council, the meeting adjourned at 8:20 p.m., upon motion by Mr. Frontiera and supported by Ms. Martin. The next regular meeting is October 8, 2019, at 7:30 p.m.

Respectfully Submitted

A handwritten signature in cursive script, appearing to read "Cheri Eisenlath".

Deputy City Clerk