



**CITY OF HART**  
**407 S. STATE ST.**  
**HART, MI 49420**  
**COUNCIL PROCEEDINGS**  
**NOV. 14, 2017, 7:30 P.M.**

**PRESENT:** Mayor Ron LaPorte, Councilors: Karen Thomson, Joe Frontiera, Jason La Fever, Steve Hegedus, Jack Wittman and Rob Splane (arrived at 8:00 pm)

**ABSENT:**

**OTHERS PRESENT:** City Manager – Stan Rickard, City Attorney – Julie Springstead, Police Chief – Juan Salazar, BioPure Superintendent – Paul Cutter, DPW Superintendent – Brad Whitney and Deputy Clerk - Cheri Eisenlohr. See attached attendance list for others present.

Mayor LaPorte called the meeting to order at 7:30 p.m., following roll call, he then opened with the Pledge of Allegiance.

A motion was made by Mr. Wittman to approve the agenda and supported by Mr. Frontiera. The minutes from October 24, 2017, regular meeting were approved as printed, motioned by Mr. Hegedus and supported by Mr. Wittman. All ayes, both motions were carried.

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

- Presentation – Proposed Oceana Housing Commission Project: Dave Spitler and Al Martin addressed the Council about a new senior housing project that the OHC is supporting. The location is on Griswold Street and will feature five units of duplex apartments. Five will be a single bedroom, and five will have two bedrooms, all will have a garage and be ADA compliant.
  - Woodland Place will be having an open house event on December 7 from 4:00 pm to 6:00 pm., all are welcome to attend.

Mayor LaPorte formally dedicated this meeting in memory of Mark Lee, Prein&Newhof, City of Hart Engineer. He passed away four years ago on November 25.

**DEPARTMENT REPORTS:**

- BioPure Superintendent, Paul Cutter:
  - Thanked the Mayor for dedicating this meeting in the memory of Mark Lee and the work that he did for the City.
  - Prein&Newhof is finishing up on the force main project and will soon be entering the bidding phase of the project.
  - Carrots are still running at Michigan Freeze pack and will continue through Christmas. They will run 8 million pounds of potatoes after the holidays. This will keep the facility running all twelve months of the year; the plant is capable of handling the load.
  - Paul is in negotiations with Tim Longcore on easement prices regarding the new irrigation field.
- Police Chief, Juan Salazar:
  - Part-time officer Hinojosa is finishing up his field training.
  - The Police department assisted with a local "Trunk or Treat" Halloween event and had a good turnout.
- DPW Superintendent, Brad Whitney:
  - Water leak on W. Main Street and Apple Street – has been resolved.
  - The leaf vac is running all day to catch up on the leaves.
  - Final brush pickup will be next Monday, November 20<sup>th</sup>.
  - JGP and Historic District have been winterized.

- o All equipment has been serviced in preparation of snow.
- Hydro Superintendent, Bob Dodds: Absent
- Main Street Manager, Julie Kreilick: Absent

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

None

**BILLS, CLAIMS, PAYROLL:**

Mr. Rickard discussed the following invoices in detail:

\$16,487.90 City Glass & Mirror

(\$257.53) Frontier

\$69,708.44 McCormick Sand

\$30,810.32 Republic Services

\$7,651.00 Michigan Municipal League

\$2,604.30 Munetrix

Bills totaled: \$524,389.27

A motion was made by Ms. Thomson and supported by Mr. Wittman to approve the payables and payroll in the amount stated.

Ayes: 6          Nay: 0          Absent: 1

Discussion: None

**ACTION ITEMS:**

City Manager, Stan Rickard presented the following:

No action items at this time

**RESOLUTION 17-76**  
**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:*

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**RESIDENTIAL ACCOUNTS**

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**Terry & Velda  
Coulter -  
Owner**

	AP10- 000104- 0000-03	64- 020- 519- 002-00	104 N. Apple	\$ 958.56	\$ 58.50	\$ 235.27	\$ 1252.33
V. Coulter				\$ 958.56	\$ 58.50	\$ 235.27	\$ 1252.33

**Jennifer Smith  
- Owner**

	JO10- 000508- 0000-04	64- 020- 320- 001-00	508 Johnson	\$ 52.62	\$ 13.29	\$ 59.56	\$ 125.47
J. Staples				\$ 52.62	\$ 13.29	\$ 59.56	\$ 125.47

**James Kumzi -  
Owner**

	JO10- 000415- 0000-07	64- 020- 729- 007-00	415 Johnson	\$ 94.14	\$ 16.02	\$ 59.56	\$ 169.72
V. Gregory				\$ 94.14	\$ 16.02	\$ 59.56	\$ 169.72
	JO10- 000415- 0000-05			\$ 342.18	\$ 24.05	\$ 88.24	\$ 454.47
D. Sheppard				\$ 342.18	\$ 24.05	\$ 88.24	\$ 454.47
				\$ 436.32	\$ 40.07	\$ 147.80	\$ 624.19

**Z.O.E.  
Properties**

	JO10- 000511- 0000-07	64- 020- 326- 001-00	511 E. Johnson	\$ 2554.72	\$ 48.06	\$ 271.34	\$ 2874.12
N. Isley-Oomen				\$ 2554.72	\$ 48.06	\$ 271.34	\$ 2874.12

A. Sims	JO10-000511-0000-06			\$ 90.76	\$ 9.70	\$ 40.04	\$ 140.50
				<hr/>	<hr/>	<hr/>	<hr/>
				\$ 2645.48	\$ 57.76	\$ 311.38	\$ 3014.62

**Cirilo Aguilar – Owner**

C. Aguilar	WO-10-100210-0000-09	64-020-732-012-50	210 Wood	\$ 361.78	\$ -	\$ -	\$ 361.78
E. Thompson	WO10-100210-0000-08			\$ 45.84	\$ -	\$ -	\$ 45.84
M. Vinson	WO10-100210-0000-11			\$ 30.52	\$ -	\$ -	\$ 30.52
M. Luytjes	WO10-100210-0000-12			\$ 26.80	\$ -	\$ -	\$ 26.80
B. Collins	WO10-100210-0000-13			\$ 42.30	\$ -	\$ -	\$ 42.30
D. Beard	WO10-100210-0000-15			\$ 182.70	\$ -	\$ -	\$ 182.70
J. Mannor	WO10-100210-0000-16			\$ 132.70	\$ -	\$ -	\$ 132.70
				<hr/>	<hr/>	<hr/>	<hr/>
				\$ 822.64	\$ -	\$ -	\$ 822.64
<b>TOTAL OF RESIDENTIAL ACCTS:</b>				\$ 4915.62	\$ 169.62	\$ 754.01	\$ 5839.25

*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 Ms. Thomson, supported by Mr. Wittman, and thereafter adopted by the City of Hart, Michigan City Council at a regularly scheduled meeting held on Tuesday, November 14, 2017.

Ayes: 6 Nays: 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.

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

Discussion:  
None

Mayor LaPorte opened up a public comment section at this point in regards to the two following resolutions:

**RESOLUTION 17-77**  
**City Council**  
***City of Hart, Michigan***  
***Oceana County***

**CITY ELECTIONS**  
**Move Annual 'May' Elections to Bi-Annual 'Odd' Year November Elections**  
**& Establish 2-Year Council Member Terms**

WHEREAS, the City of Hart currently conducts annual elections in May; and

WHEREAS, State of Michigan statutes now require local units of government to adopt uniform bi-annual November elections in 'odd' or 'even' numbered years; 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:

*Authorizes and approves a reduction in Council member term length from 3-years to 2-years limited to three (3) consecutive terms.*

*Authorizes and approves bi-annual 'odd' year November elections for Mayor and City Council effective date of this resolution approval.*

Moved by \_\_\_\_\_, supported by \_\_\_\_\_, and thereafter adopted by the Hart City Council at a regularly scheduled council meeting held on Tuesday, November 14, 2017.

Ayes Nays Absent

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.

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

**RESOLUTION 17-78**  
**City Council**  
**City of Hart, Michigan**  
**Oceana County**

**CITY ELECTIONS**  
**Move Bi-Annual 'Odd' Year November Elections to**  
**Bi-Annual 'Even' Year November Elections**

WHEREAS, State of Michigan statutes now require local units of government to adopt uniform bi-annual elections in November in 'odd' or 'even' numbered years; and

WHEREAS, pursuant to Resolution 17-77 adopted on November 14, 2017 that establishes 2-year Council member terms and establishes bi-annual 'odd' year elections in November; and

WHEREAS, the City Council desires to maintain a 6-year maximum term (three 2-year terms) for City Council members; and a maximum 4-year term (two 2-year terms) for Mayor; 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:

*Authorizes and approves bi-annual 'even' numbered year November elections for City Council members commencing November, 2018 effective date of this resolution approval.*

*Authorizes and approves a maximum of three (3) two-year terms for City Council members; and maintains a maximum of two (2) two-year terms for Mayor.*

Moved by \_\_\_\_\_, supported by \_\_\_\_\_, and thereafter adopted by the Hart City Council at a regularly scheduled council meeting held on Tuesday, November 14, 2017.

Ayes            Nays            Absent

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

Jack Wittman made a motion to table the two Resolutions, 17-77 and 17-78, supported by Jason La Fever, all ayes, motion carried.

Discussion: The resolutions mentioned above were tabled until councilor's terms could be identified and whether or not they would want to consider just a four-year term vs. the above recommendation.

**RESOLUTION 17-79**  
**Hart City Council**

**City of Hart, Michigan**

**NOTICE TO ABATE  
DANGEROUS, UNSANITARY OR UNSIGHTLY CONDITIONS**

WHEREAS, the City of Hart regulates dangerous, unsanitary and unsightly conditions on private property pursuant to Ordinance 670.01; and the City has determined that properties located at 117 N. Apple Street and 607 S. Courtland Street are in violation of Ordinance 670.01; and pursuant to Ordinance 670.01 (c) (1) Hart City Council is authorized to serve notice to abate violations; and

WHEREAS, pursuant to Resolution 17-17 adopted on September 12, 2017 Hart City Council ordered abatement activities to correct dangerous, unsanitary and unsightly conditions as follows:

<b>Address &amp; Owner</b>	<b>Legal Description</b>	<b>Condition</b>	<b>Order</b>	<b>Abate No Later Than</b>
117 N. Apple St - Marilyn Fiolle	Prop # 64-020-570-007-00; RIVERVIEW ESTATES LOT 7 & N 40' of LOT 6	Unsightly excessive high grass & weeds; and trees encroaching adjacent properties	Cut and remove all excessive high grass, weeds and tree limbs encroaching adjacent properties	September 22, 2017 5 PM
603 S. Courtland – Gary Zarkowski, Zarkowski Properties LLC	Prop # 64-020-738-001-00; WIGTON SECOND ADDITION N 8 RDS OF PART OF LOT 1 LYING E OF C & O RY EX E 4 RDS FOR STREET PURPOSES & EX THE W 8 RDS OF N 8 RDS – BLK 38	Dangerous & unsightly unsupported walls on west side of building; <b>down tree; debris.</b>	Remove and dispose unsupported walls, <b>down tree and debris</b>	September 29, 2017 5 PM

WHEREAS, after the specified notice to the aforementioned owners, the conditions stated were not corrected by the abatement date; and

WHEREAS, pursuant to Ordinance 670.01 (d) if, after service of the notice or notices prescribed in subsection (b) hereof, the abating action required thereby shall not have been fully performed within the time limit therein specified, such failure to abate by the owner or owners shall be reported by the City Manager to the Council, whereupon the Council may, by further resolution, direct that the specified work of abatement be performed at the City's expense by municipal employees or private contractors, and that the cost thereof be, by the City Manager, reported to the City Assessor for placement on the tax rolls, to be and become a special assessment and lien upon the premises described in said notice or notices, and as such to be collected in the manner provided in the City's Charter; 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:

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NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL:

*Authorizes and directs the City Manager to carry out the order to abate the aforementioned conditions in full compliance with Ordinance 670.01 (d).*

Moved by Ms. Thomson, supported by Mr. Splane, and thereafter adopted by the Hart City Council at a regular council meeting held on November 14, 2017.

Ayes: 7      Nays: 0      Absent: 0

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

**SPECIAL EVENTS PERMIT:**

“Home for the Holidays Lighted Christmas Parade,” sponsored by the Chamber of Commerce. November 24, 2017, at 6:30 pm – Annual Parade  
A motion was made by Karen Thomson to approve the permit, supported by Mr. Wittman, all ayes, motion carried.

**DISCUSSION ITEMS:**

- Silver Lake Sewer System: Golden Township has received a report regarding a sewer system for the Silver Lake area. They will also be considering having their waste transported to the BioPure Treatment Facility. The project is still in the developmental stages.
- Voluntary Green Pricing (VGP): There will be more information on this to come in future meetings.

**CITY MANAGER REPORT:**

Mr. Rickard reported on:

- 4-Month Budget Report: The City is still on track both in income and expenses.
- Website: Going live tomorrow.
- 88<sup>th</sup> Sub Station is progressing.
- Disc Golf Signage on hole #1.
- Disc Golf Review website will list the Hydro course.

**CITY ATTORNEY REPORT:**

Closed session entered into at 8:40 pm by a motion made by Mr. Frontiera and supported by Mr. La Fever. All ayes – motion carried. Open session returned at 9:08 pm.

**COMMUNICATIONS FROM THE MAYOR AND COUNCIL:**

- Jack Wittman made a motion for the City Manager to negotiate purchasing property for the Hydro Department use; the motion was supported by Joe Frontiera. All ayes, motion carried.

- Recommendation from Hart Main Street Board Executive Committee: The HMSBEC is recommending the removal of George Sadler from the board for various non-compliance issues in accordance with the goals of the Main Street Program. Ms. Thomson made a motion to follow the recommendation of the HMSBEC to remove George Sadler from the board, Mr. Wittman supported the motion.

Ayes 4 Nays 3 Absent 0

- Mayor LaPorte was recently at a Mayor Conference in Hudsonville and was told that Hart was held in high standing.
- There will be signs posted in town in recognition of the State Championship Girls Cross Country Team. Mr. Brian Barton will pay (he was insistent) for the signs. His sign will be retired and given to him. This project will be done in conjunction with Hart High School.
- Gail Zieger was assured that a new sign was being made for the Rail Trail that states businesses downtown and that her business would be listed on it.

**ADJOURNMENT:**

There being no further business to come before the Council, the meeting adjourned at 9:25 p.m., upon motion by Ms. Thomson and supported by Mr. Hegedus. The next meeting is Nov. 28, 2017, at 7:30 p.m.