



**CITY OF HART**  
**407 S. STATE ST.**  
**HART, MI 49420**  
**COUNCIL PROCEEDINGS**  
**NOV. 28, 2017, 7:30 P.M.**

**PRESENT:** Mayor Ron LaPorte, Councilors: Karen Thomson, Joe Frontiera, Jason La Fever, Steve Hegedus, Jack Wittman and Rob Splane

**ABSENT:**

**OTHERS PRESENT:** City Manager – Stan Rickard, City Attorney – Julie Springstead, Police Chief – Juan Salazar, BioPure Superintendent – Paul Cutter, DPW Superintendent – Brad Whitney, Hart Main Street Manager – Julie Kreilick, Hydro Superintendent-Designee – Mike Schiller 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 Ms. Thomson. The minutes from November 14, 2017, regular meeting were approved as printed, motioned by Mr. Wittman and supported by Mr. Hegedus. All ayes, both motions were carried.

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

- November 14, 2017, letter from Bryan Barten, 1992 Graduate of Hart High School:
  - Bryan Barten offered to pay for the new cross country champions sign that will be posted in the City of Hart. His sign will be retired and given to him.
- 2017 Hart Girls Cross Country State Champions:
  - The cross country team was presented with their championship street sign and congratulated for winning. The Mayor would like an additional sign to be made for other entrances to the City. Pictures were taken of the girls and their coach along with the Mayor and Council members.
- FY2017 Annual Audit of Financial Statements – SK&T CPA: Josh Laramie presented an overview of the audit findings and highlights.

**DEPARTMENT REPORTS:**

- BioPure Superintendent, Paul Cutter:
  - Carrots are still running and causing the ponds to turn orange at the plant. Irrigation will finish at the end of the week.
- Police Chief, Juan Salazar:
  - A grant was approved that will pay for half the cost of a new bulletproof vest. Vests are good for 5 to 6 years before they expire. The cost of a new vest is approximately \$800.00.
  - Officers participated in the Christmas Parade – all went well, and many compliments were received regarding the parade.
- DPW Superintendent, Brad Whitney:
  - Leaves are still being picked up. Last bagged waste pickup was yesterday.
  - Grading, cold patching, water sampling is all taking place.
  - Resubmit the consumer confidence report on the Water Quality Study.
  - Bill from Tri-Berry for re-building the snow basket.
  - Cylinders need to be replaced on the blue dump truck.
- Hydro Superintendent - Designee, Mike Schiller:
  - Courthouse transformers are energized. Waiting on concrete at this time
  - Pole moved at the BioPure Facility.

- Tyler Road project is done.
- 88<sup>th</sup> Sub Station transformers are energized.
- Directional boring under the lake has been started.
- Main Street Manager, Julie Kreilick:
  - Gratitude to the DPW department and the City for the Christmas decorating that has been done.
  - Special thank you to Pete Lundborg and Tracey Lipps for their assistance with the decorating as well.
  - Marketplace had a good turnout the night of the parade and had good sales over the weekend.
  - Main Street will be updating their website.
  - A regional meeting is coming up with other Mainstreet Communities.
  - Winterfest is the next scheduled downtown event – February 2 & 3.

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

None

**BILLS, CLAIMS, PAYROLL:**

Mr. Rickard discussed the following invoices in detail:

\$495.00 American Legal Publishing Co.

\$8,211.66 GRP Engineering

\$225.00 Pranger Property Management

Bills totaled: \$118,711.19

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

Ayes: 7          Nay: 0          Absent: 0

Discussion: Mr. Splane asked if the City was reimbursed for Energy Efficiency Incentive payments – Mr. Rickard advised that the City does not receive repayment.

**ACTION ITEMS:**

City Manager, Stan Rickard presented the following:

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

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

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 bi-annual 'odd' year November elections for Mayor, City Council members, and all other elected City officials effective date of this resolution approval.*

Moved by Ms. Thomson, supported by Mr. Wittman, and thereafter adopted by the Hart City Council at a regularly scheduled council meeting held on Tuesday, November 28, 2017.

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.

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

Discussion: None

**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 28, 2017, that establishes bi-annual 'odd' year elections in November; 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 Mayor, City Council members, and all other elected City officials commencing November 2018 effective date of this resolution approval.*

Moved by Ms. Thomson, supported by Wittman, and thereafter adopted by the Hart City Council at a regularly scheduled council meeting held on Tuesday, November 28, 2017.

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.

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

Discussion: Stan discussed the spreadsheet that he created showing the Council member's terms and how this new ruling will affect the current three-year terms that the members follow.

**RESOLUTION 17-80**  
**City Council**  
**City of Hart, Michigan**  
**Oceana County**

**ACCEPT AUDITOR OPINION AND RECOMMENDATIONS**

WHEREAS, the City of Hart engaged certified public accountants SK&T to audit the City’s FY2017 (July 1, 2016 – June 30, 2017) financial statements; and they have completed their audit and have rendered an unqualified opinion that the financial position of the City of Hart is fairly presented therein; and

WHEREAS, the Finance Committee after having reviewed the audit with the SK&T, recommends the City Council accept their opinion and recommendations; and it is in the best interests of the City of Hart to accept the Finance Committee recommendation; 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 HART CITY COUNCIL:

*Accepts the SK&T opinion and recommendations regarding the FY2017 financial statements.*

Moved by Mr. Splane, supported by Mr. Frontiera, and thereafter adopted by the Hart City Council at a regular meeting held on Tuesday, November 28, 2017.

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.

\_\_\_\_\_  
Cheryl Abson, City Clerk

Discussion: None

**SPECIAL EVENTS PERMIT:**

Oceana County Old Newsies Paper Day Sales – Saturday, 12/2, 7 – 2:00

- Ms. Thomson made a motion to approve this event, supported by Mr. Wittman. All ayes, motion carried.

Winterfest 2018 – Friday & Saturday, 2/2 & 2/3

Downtown Farmer’s Market 2018 – 6/7, 6/21, 7/5, 7/19, 8/2, 8/16, 8/30, 9/13/ & 9/27

Music on the Commons 2018 – 6/14, 6/28, 7/12, 7/26, 8/9 & 8/23

- Ms. Thomson made a motion to approve all three of the special event permits, Mr. Splane supported the motion. All ayes – motion carried.

**DISCUSSION ITEMS:**

- Reschedule the December 26, 2017, Council meeting to December 19: Council voice approved the move.

- Hart Hydro Disc Golf Course: The final map is being edited and will be finished soon, the course is being played. The course is listed on [www.dgcoursereview.com](http://www.dgcoursereview.com), no reviews at this time. Grand Opening will be in May of 2018.
- BioPure Force Main to Irrigation Site: Paul Cutter spoke in regards to this project.
  - The project was surveyed by Prein & Newhof.
  - Easement will be sought from Longcores and Dean to do the undergrounding at the cost of \$2.00 per linear foot for Longcores, not sure on price for Dean's yet.
  - Bids should be placed in late December. Pumps and force main will be separate bids.
- Pentwater-Hart Bike Trail November 26, 2017, Update: This project has been in the works for a few years, a progress report was supplied to the Council. It will still be a few years before the rail trails are connected.

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

Mr. Rickard reported on:

- Constellation Energy litigation was settled. The City received a refund in the amount of \$88,000.00. This money was placed in a municipal trust account held at MPPA.

#### **CITY ATTORNEY REPORT:**

Closed session entered into at 8:39 pm by a motion made by Mr. Frontiera and supported by Mr. La Fever. All ayes – motion carried. Open session returned at 9:12 pm.

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

- Mr. Splane made a motion to authorize the City Manager to enter into a purchase agreement for discussed real estate, supported by Joe Frontiera, all ayes – motion carried.
- Mr. Wittman made a motion to enforce the current, on the books, existing ordinance in regards to lighted ECM signs in the downtown area. This would negate the previously made motion by Jason La Fever. Mr. Splane supported the motion. Ayes: 4, Nays: 3, Absent: 0
- Discussion:
  - Mr. Splane felt that the City needed to receive clear direction on the enforcement of this ordinance and the repercussions of violations of the ordinance and whose responsibility it would be to enforce the ordinance. Business owners who are currently in violation would have to provide proof to the City that their existing signs are permitted in order to be grandfathered.
  - Multiple viewpoints were voiced.
  - Enforcement options would have to be discussed with the City Manager, Attorney and City Planner, David Jirousek. Mr. Rickard has thought about privatizing the enforcement of the ordinance codes so that it is done most effectively.
  - Karen Thomson feels that grandfathering the signs in that had prior approval should be considered.
  - Mr. Rickard suggested:
    - Adjust the Commercial Corridor Overlay to cover the B2 section of downtown; this would put Larson's and Dave's into compliance. BP gas station would then be able to use digital gas pricing. The Council seemed to be in favor of this suggestion.
    - Staci Hegg could use her sign to promote City events in conjunction with the City's ECM sign. Mayor La Porte would like to know if Hegg's business has increased since getting the sign, he feels that the sign is too much of a distraction when driving in the area, others agree with this concern.

#### **ADJOURNMENT:**

There being no further business to come before the Council, the meeting adjourned at 9:34 p.m., upon motion by Mr. Frontiera and supported by Mr. Splane. The next meeting is Dec. 19, 2017, at 7:30 p.m.