



**CITY OF HART
407 S. STATE ST.
HART, MI 49420
COUNCIL PROCEEDINGS
DECEMBER 18, 2018, 7:30 P.M.**

AMENDED

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

ABSENT: Jason La Fever and Patrice Martin

OTHERS PRESENT: City Manager – Lynne Ladner, City Attorney – Julie Springstead, Main Street Manager – Julie Kreilick, Police Chief – Juan Salazar, Energy Department Superintendent – Mike Schiller, BioPure Superintendent – Paul Cutter and Deputy 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. Frontiera to approve the agenda (item 10g was added at this time) and supported by Mr. Splane. The minutes from December 11, 2018, regular meeting, were approved motioned by Mr. Frontiera and supported by Mr. Hegedus. All ayes, both motions were carried.

PUBLIC COMMENTS, CORRESPONDENCE, EVENTS, PRESENTATIONS:

- ▶ The annual audit was submitted to the Treasury, they have asked the City to submit a corrective action plan within 30 days.
- ▶ The grant for the Veterans Park was denied as the bulk of the money was awarded to a multi-city project. The City will re-apply in 2019 shortly after the first of the year.

DEPARTMENT REPORTS:

- ▶ BioPure Superintendent, Paul Cutter:
 - Phase II of the irrigation/force main project started Monday with Jackson Murphy.
 - The carrots that were in the picture from the prior Council meeting are now gone.
 - January 3, the sand will be removed from the Griswold lift station, an evaluation will be conducted at the same time, this will be covered with funds from the SAW grant.
- ▶ Police Chief, Juan Salazar:
 - As of December 1st, the new 2019 Ford Interceptor SUV was placed into service. This new unit replaced the 2014 sedan.
 - The Bleeding Control Program was completed on November 29 by all officers. Two officers will go onto to teach this program at the schools. Active Shooter training refresher course will also be taught in conjunction.
 - There will be a new part-time police officer starting in January as the City will possibly be losing two part-time officers to other local communities.
- ▶ DPW Superintendent, Brad Whitney: Absent
- ▶ Energy Superintendent – Mike Schiller:
 - Undergrounding is being wrapped up for the dam.
 - The roof at the new location is done.
 - Insulation is being installed today at the new building.
 - The annual FERC report will be completed as of tomorrow.
 - The new digger-derrick truck has finally arrived. It will be brought to the next meeting.
 - Venison fry is on Friday at noon, and all are invited.
- ▶ Mainstreet Manager, Julie Kreilick:
 - The annual year-end report has been submitted to national.
 - Soup of the Day Café opened.
 - An MEDC produced video has been posted on the Hart Main Street Facebook page.
 - There will be an antique snowmobile show at the Winterfest days, run by Kevin Hallack.

REPORTS OF BOARDS, COMMISSIONS, AND COMMITTEES:

None

BILLS, CLAIMS, PAYROLL:

Ms. Ladner pointed out the following invoices to the attention of the Council:

\$3,853.00 – Adams Heating & Cooling

Bills totaled: \$47,222.93 Payroll totaled: \$64,102.59

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

Ayes: 5 Nay: 0 Absent: 2

Discussion: Ms. Ladner clarified that gross payroll is not, nor has it ever been, part of the "Bills" total.

ACTION ITEMS:

City Manager, Lynne Ladner presented the following:

ORDINANCE NO. 18-06

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF HART BY ADDING A NEW CHAPTER WHICH NEW CHAPTER SHALL BE DESIGNATED AS CHAPTER OF TITLE TWO OF SAID CODE AND BY ADDING A NEW CHAPTER WHICH NEW CHAPTER SHALL BE DESIGNATED AS CHAPTER 818 OF TITLE TWO OF SAID CODE

THE CITY OF HART ORDAINS:

Section 1. Addition of Chapter 818 to Title Two. Chapter 818, "Prohibition of Marihuana Establishments," is added to Title Two, "Business Regulations," of the Code of Ordinances of the City of Hart to read as follows:

CHAPTER 818

PROHIBITION OF MARIHUANA ESTABLISHMENTS

- (A) Pursuant to the provisions of Section 6.1 of the Michigan Regulation and Taxation of Marihuana Act (the "Act"), marihuana establishments, as defined by the Act, are completely prohibited within the boundaries of the City.
- (B) Any applicant for a state or local license to establish a marihuana establishment, as defined by the Act, within the boundaries of the City shall be deemed to be not in compliance with this Ordinance or with the Code of Ordinances amended by this Ordinance.
- (D) This section does not supersede rights and obligations with respect to the transportation of marihuana through the City to the extent provided by the Act, and does not supersede rights and obligations under Michigan law [and Section of Chapter of this Code of Ordinances with respect to the establishment and licensing of medical marihuana facilities under the Michigan Medical Marihuana Act, the Medical Marihuana Licensing Act, 2016 PA 281, or any other law of the State of Michigan] allowing for or regulating marihuana for medical use.

Section 2. Addition of Section to Chapter. Section, "Prohibition on Sale and Consumption of Marihuana in Public Places," is added to Chapter, "[Streets and Public Places]," of the Code of Ordinance of the City.

SECTION
PROHIBITION ON SALE AND CONSUMPTION OF
MARIHUANA IN PUBLIC PLACES

- (A) In conformance with Sections 4.1(e) and 6.2(b) of the Act, [except as otherwise provided in this section,] the sale or consumption of marihuana in any form and the sale or display of marihuana accessories, as defined by the Act, is prohibited in any public places within the boundaries of the City .
- (B) ~~[Notwithstanding the limitations set forth in subsection (A) hereof, marihuana may be consumed where approval is granted for the consumption of marihuana at a City-approved festival or activity in areas designated by the City for such festival or activity and that are not accessible to persons under 21 years of age.]~~ **This paragraph as to be removed – amendment.**
- ((C)) Any person who violates any of the provisions of this section shall be responsible for a municipal civil infraction punishable by a civil fine of \$500, plus court-imposed costs.
- ((D)) This section does not supersede rights and obligations with respect to the transfer and consumption of marihuana on private property to the extent authorized by the person who owns, occupies or operates such property, as provided in and authorized by the Act, and does not supersede rights and obligations with respect to the use of marihuana for medical purposes as provided by any law of the State of Michigan allowing for or regulating marihuana for medical use.

[Section 3. Conflict and Repeal. All ordinances or parts of ordinances in conflict with this ordinance are repealed.]

Section [4]. Effective Date. The adoption of this ordinance is hereby declared an emergency is affecting the public peace, health and

safety and this ordinance shall, therefore, be effective immediately upon its adoption.

Section [5]. Publication. After its adoption, this ordinance or a summary thereof, as permitted by law, shall be published by the City Clerk in, a newspaper of general circulation in the City.

ORDINANCE DECLARED ADOPTED.



Ron La
Porte, Mayor
December
11, 2018



Cheri Eisenlohr, Deputy
City Clerk
December 11, 2018

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 the Oceana Herald-Journal, a newspaper of general circulation in the City on December 20, 2018, and that such ordinance was entered with the Ordinance Book of the City on December 11, 2018.



Cheri Eisenlohr, Deputy
City Clerk
December 11, 2018

City Of Hart, Oceana County, Michigan

Council Member Rob Splane moved for the adoption of the ordinance and supported by Council Member Vicki Platt.

Ayes: 5 Nays: 0 Absent: 2

ORDINANCE NO. 18-07

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF HART BY ADDING A NEW CHAPTER WHICH NEW CHAPTER SHALL BE DESIGNATED AS CHAPTER 1062 OF TITLE SIX, PART 10.

THE CITY OF HART ORDAINS:

Section 1. Addition of Section to Chapter 1068 under Part 10, Title Six "Prohibition on Sale and Consumption of Marihuana in Public Places," is created to and added to Part 10, Title 6, "Other Public Services," of the Code of Ordinance of the City of to read as follows:

CHAPTER 1068

PROHIBITION ON SALE AND CONSUMPTION OF MARIHUANA IN PUBLIC PLACES

(C) In conformance with Sections 4.1(e) and 6.2(b) of the Act, the sale or consumption of marihuana in any form, the smoking of marijuana, and the sale or display of marihuana accessories, as defined by the Act, is prohibited in any public place within the boundaries of the City.

(B) Any person who violates any of the provisions of this section shall be responsible for a municipal civil infraction punishable by a civil fine of \$500, plus court-imposed costs.

(C) This section does not supersede rights and obligations with respect to the transfer and consumption of marihuana on private property to the extent authorized by the person who owns, occupies or operates such property, as provided in and authorized by the Act, and does not supersede rights and obligations with respect to the use of marihuana for medical purposes as provided by any law of the State of Michigan allowing for or regulating marihuana for medical use.

Section 3. Conflict and Repeal. All ordinances or parts of ordinances in conflict with this ordinance are repealed.

Section 4. Effective Date. The adoption of this ordinance is hereby declared an emergency affecting the public peace, health and safety and this ordinance shall, therefore, be effective immediately upon its adoption.

Section 5. Publication. After its adoption, this ordinance or a summary thereof, as permitted by law, shall be published by the City Clerk in Oceana Herald Journal, a newspaper of general circulation in the City of Hart.

ORDINANCE DECLARED ADOPTED.

Dated: December 18, 2018

Ronald W. LaPorte

Ron
LaPorte,
Mayor

Cheri Eisenlohr

Cheri Eisenlohr, Deputy
City 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 the Oceana Herald-Journal, a newspaper of general circulation in the City on December 20, 2018, and that such ordinance was entered with the Ordinance Book of the City on December 18, 2018.

Dated: December 18, 2018

Cheri Eisenlohr

Cheri Eisenlohr, Deputy Clerk

CITY OF HART, OCEANA COUNTY, MICHIGAN

Council Member Joe Frontiera, supported by Councilmember Vicki Platt, moved the adoption of the ordinance.

Ayes: 5 Nays: 0 Absent: 2

Discussion:

Mr. Splane asked Chief Salazar if he was comfortable with the wording of the Ordinance, he stated that he was as the City attorney had approved the wording.

Mayor LaPorte is concerned that the Feds may become involved with the City if marijuana is allowed in the city and that this in turn could become an issue with the City having a dam and the licensing that goes with that.

RESOLUTION 18-87
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 FY2018 (July 1, 2017 – June 30, 2018) 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 Council 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 Council recommendations; 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 FY2018 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, December 18, 2018.

Ayes: 5 Nays: 0 Absent: 2

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 Clerk

RESOLUTION 18-88
City Council
City of Hart, Michigan
Oceana County

AUTHORIZE ADDITIONAL COSTS FOR METERS IN AMI PROJECT

WHEREAS, the City of Hart contracted with Eaton for the purchase of the infrastructure and implementation of the AMI project; and

WHEREAS, after a final audit of the type and number of the electric meters in our current system compared with the preliminary audit an adjustment needs to be made to the order to match our current inventory of active meters; and

WHEREAS, the adjustment creates a net increase in the approved project costs in the amount of \$18,937.32:

NOW THEREFORE BE IT RESOLVED THAT THE HART CITY COUNCIL:

Approves the revised quantities and sizes of electric meters for the AMI project with Eaton and authorizes a change order in the amount of \$18,937.32

Moved by Mr. Splane, supported by Mr. Hegedus, and thereafter adopted by the Hart City Council at a regular meeting held on Tuesday, December 18, 2018.

Ayes: 5 Nays: 0 Absent: 2

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 Clerk

RESOLUTION 18-89
City Council
City of Hart, Michigan
Oceana County

AUTHORIZE RRC TECHNICAL ASSISTANCE WORK ORDER REQUEST TO COLLABORATE WITH MEDC TEAM FOR CREATION OF ECONOMIC DEVELOPMENT STRATEGY AND MARKETING AND BRANDING STRATEGY

WHEREAS, the City of Hart in conjunction with Hart Main Street are working toward obtaining Redevelopment Ready Community designation; and

WHEREAS, the requirements for the RRC designation include the creation and adoption of an Economic Development Strategy and a Marketing and Branding Strategy; and

WHEREAS, City and Main Street staff do not have the competencies necessary for the creation of these documents and funding assistance is available to the City/Main Street to hire the Technical Assistance Team to complete the documents and a project scope and cost have been submitted to the City as a 50/50 split \$8,000 to be

billed to the MEDC and \$8,000 billed to the City for a total project cost of \$16,000:

NOW THEREFORE BE IT RESOLVED THAT THE HART CITY COUNCIL:

Authorizes submitting the RRC Technical Assistance Work Order for the creation and implementation of the Economic Development and Marketing and Branding Strategies for the City of Hart and agrees to share the cost of the project with the MEDC in equal shares of \$8,000 for a total of \$16,000

Moved by Mr. Splane, supported by Ms. Platt, and thereafter adopted by the Hart City Council at a regular meeting held on Tuesday, December 18, 2018.

Ayes: 5 Nays: 0 Absent: 2

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 Clerk

Discussion:

Mr. Splane asked if a Finance/Personnel meeting could be held before the next Council meeting on January 8 to discuss the above in further depth. His request was approved.

SPECIAL EVENTS PERMIT:

- ▶ Winterfest: (There is a request for a liquor license for part of these festivities)
 - Mayor LaPorte made a motion to approve the permit, supported by Mr. Frontiera.
 - 5 Ayes, 0 Nays, 2 Absent
- ▶ New Year's Eve Ball Drop:
 - Mr. Frontiera made a motion to approve the permit, supported by Ms. Platt.
 - 5 Ayes, 0 Nays, 2 Absent

DISCUSSION ITEMS:

- ▶ Ms. Ladner had a discussion with Superintendent Platt of the Hart School system about future collaborations and working together in the future.
- ▶ Ms. Ladner will be out of town from the 21st to the 28th. Will be available via text or phone.
- ▶ Ms. Platt thanked the DPW department for removing a paddleboat from Hart Lake.

CITY MANAGER REPORT:

- ▶ None

CITY ATTORNEY'S REPORT:

- ▶ None

COMMUNICATIONS FROM THE MAYOR AND COUNCIL:

- Mayor LaPorte discussed the marijuana issues; his brother sent him some information on the situation in Colorado, there have been raids in that state and closed 30 places that were licensed to be open. There also concern in the additional costs that would be involved in allowing marijuana in the City.

- “The state raided 30 dispensaries that were operating that did not have licenses, and they were shut down.” amendment
- ▶
- ▶ OCCOA asked Ms. Platt to discuss the water going to their new facility on Tyler Rd., Ms. Ladner advised that she is aware of the cost \$311,000.00, she stated that this cost includes upsizing the water main which is necessary under fire codes and that they would be responsible for the cost as they are outside the City limits.

There being no further business to come before the Council, the meeting adjourned at 8:01 p.m., upon motion by Mr. Hegedus and supported by Mr. Frontiera. The next regular meeting is January 8, 2019, at 7:30 p.m.

Respectfully Submitted



Deputy City Clerk