



CITY OF HART
407 S. STATE ST.
HART, MI 49420
COUNCIL PROCEEDINGS
DEC. 19, 2017, 7:30 P.M.

AMENDED

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

ABSENT: Joe Frontiera

OTHERS PRESENT: City Manager – Stan Rickard, City Attorney – Julie Springstead, Hydro Superintendent-Designee – Mike Schiller, Hydro Superintendent, 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. Hegedus to approve the second amended agenda and supported by Mr. La Fever. The minutes from December 12, 2017, regular meeting were approved as printed, motioned by Mr. Hegedus and supported by Ms. Thomson. All ayes, both motions were carried.

PUBLIC COMMENTS, CORRESPONDENCE, EVENTS, PRESENTATIONS:

- Hart Main Street Board Applications: Applications are available for the vacancies.
- Starting Block Kitchen Incubator Newsletter – December 2017: Update on what is currently taking place at the facility.
- Winterfest Itinerary – February 3, 2018: Timeframe of events was presented.
- Tour Woodland Place Apartments – December 28th @ 3:00 pm, already postponed twice.
- George Sadler asked if his comments could occur during the Mayor/Council comment time as he is expecting others to join him, Mayor LaPorte agreed.

DEPARTMENT REPORTS:

- BioPure Superintendent, Paul Cutter: Absent
- Police Chief, Juan Salazar: Absent
- DPW Superintendent, Brad Whitney: Absent
- Hydro Superintendent - Designee, Mike Schiller:
 - A maple tree was removed on Water Street.
 - Directional boring is continuing.
 - The transformer was removed from the school campus.
- Main Street Manager, Julie Kreilick:
 - They are working with City Web Central on their new website.
 - 2018 Farmer's market registrations have been mailed out.
 - Winter Marketplace ended on 12/17/17, with sales totaling \$5,174.32, 528 people visiting and 184 transactions.
 - New MEDC small business crowdfunding program. The program is aimed at established businesses.
 - Winterfest Plans – coming together nicely. A hat will be offered to entrants that features the City of Hart logo. Soup R' Bowl, antique snowmobile show will also be featured.
 - Board applications at the next meeting. They will present them to the Council at the next meeting.

REPORTS OF BOARDS, COMMISSIONS, AND COMMITTEES:

None

BILLS, CLAIMS, PAYROLL:

Mr. Rickard discussed the following invoices in detail:

\$1,368.00 Adams Heating & Cooling

\$67,127.02 Prein & Newhof

\$44,290.00 Hallack Contracting

Bills totaled: \$150,382.50

A motion was made by Mr. Splane and supported by Ms. Thomson 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:

**RESOLUTION 17-82
Hart City Council
City of Hart, Michigan**

ENERGY PURCHASE AUTHORIZATION

WHEREAS, the City of Hart owns and operates a hydroelectric generation and electric distribution system; and

WHEREAS, Hart Hydroelectric through City of Hart purchases electric ENERGY and CAPACITY from the Michigan Public Power Agency (MPPA); and

WHEREAS, Hart Hydroelectric requires ENERGY for the July 1, 2018 – November 30 term; 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:

Accepts the December 8, 2017 MPPA proposal for ENERGY volume and pricing as follows:

Month	7 x 24		5 x 16	
	Volume	Max Price	Volume	Max Price
July 2018	1.2	\$ 40.00	0.1	\$ 48.00
August 2018	0.8	\$ 38.00	1.6	\$ 46.00
September 2018	0.6	\$ 34.00	1.0	\$ 40.00
October 2018	0.5	\$ 35.00	0.9	\$ 40.00
November 2018	0.7	\$ 35.00	0.6	\$ 40.00

Authorizes and directs the City Manager to sign the Letter of Authorization on behalf of the City of Hart.

Moved by Ms. Thomson, supported by Mr. Wittman, and thereafter adopted by the Hart City Council at a regular council meeting held on December 19, 2017.

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.

Cheryl Rabe, City Clerk

Discussion:

RESOLUTION 17-83
Hart City Council
City of Hart, Michigan

MASTER PLAN UPDATE OF 2017

WHEREAS, the City of Hart Planning Commission has prepared the City of Hart 2017 Master Plan, being an update to the Master Plan of 2013; and

WHEREAS, on October 5, 2017, the Planning Commission approved the tentative text of Master Plan and requested that the Hart City Council authorize distribution of the draft Master Plan to the contiguous municipalities and the governmental and other agencies entitled to receive the draft for review and comment; and

WHEREAS, on October 10, 2017, the Hart City Council approved distribution of the draft Master Plan and asserted its right to give final approval or rejection of the Plan; and

WHEREAS, the required period of public comment on the draft Master Plan has expired; and

WHEREAS, the Planning Commission held a public hearing on December 7, 2017, with the required notice, on the proposed Master Plan with no public comment presented; and thereafter recommended Master Plan adoption to the Hart City Council; 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:

Accepts the December 7, 2017 Planning Commission recommendation and approves the City of Hart 2017 Master Plan, in the form and content presented at this meeting.

Moved by Ms. Thomson, supported by Mr. Splane, and thereafter adopted by the Hart City Council at a regular council meeting held on December 19, 2017.

Ayes: 6 Nays: 0 Absent: 1

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Cheri Eisenlohr, Deputy-City Clerk

Discussion:

**RESOLUTION 17-84
Hart City Council
City of Hart, Michigan**

***EXECUTIVE SEARCH SERVICES
City Manager***

WHEREAS, pursuant to the City Charter the City of Hart operates under a Council-Manager form of government; and

WHEREAS, on August 2, 2018 the City Manager position will be vacant due to a retirement; and the City must hire a new City Manager; and

WHEREAS, due to the complexities of recruiting, evaluating, screening, interviewing and selecting a City Manager an executive search organization should be retained to assist the City during the process; and

WHEREAS, the Michigan Municipal League (Lansing) is highly qualified and offers an executive search service utilized by the City in prior searches; 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:

Approves and accepts the November 28, 2017, Michigan Municipal League proposal for the Standard Executive Search Services at a fixed cost of \$17,000.00.

Authorizes and directs the Mayor to sign the aforementioned proposal on behalf of the City of Hart.

Moved by Ms. Thomson, supported by Mr. Hegedus, and thereafter adopted by the Hart City Council at a regular council meeting held on December 19, 2017.

Ayes: 6 Nays: 0 Absent: 1

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Cheryl Rabe, City Clerk

Discussion: Mr. Splane would like to see this process started as soon as possible.

**RESOLUTION 17-85
Hart City Council
City of Hart, Michigan**

**MICHIGAN NATURAL RESOURCES TRUST FUND and OTHER MDNR GRANT SOURCES
Grant Application**

WHEREAS, the City of Hart owns, operates and maintains parks and recreation facilities that provide outdoor opportunities to City residents and visitors; and

WHEREAS, in 2015 the City prepared and adopted a 5-Year Park & Recreation Master Plan 2016-2020 ('Plan'); and the Michigan Department of Natural Resources (MDNR) approved the Plan in early 2017; and

WHEREAS, in 2016 the City acquired lakefront property adjacent to Veteran's Park; and the Plan identified Veteran's Park as a high-priority for improvements and expansion; and

WHEREAS, City Engineer Prein&Newhof engineers/architects prepared a conceptual plan and preliminary cost estimate for Veteran's Park; and

WHEREAS, Michigan Natural Resources Trust Fund (MNRTF) and other MDNR sources offer park and recreation grants to assist local communities with project financing; 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:

Accepts and approves a preliminary concept plan for Veteran's Park.

Authorizes and directs the City Manager with assistance from City staff and City Engineer to prepare a MNRTF and other MDNR grant applications for the Veteran's Park project on behalf of the City of Hart.

Directs the City Manager to submit all final concept plans, cost estimates and grant applications to City Council on or before March 27, 2018 to secure additional authority to submit the grant applications on April 1, 2018.

Moved by Ms. Thomson, supported by Mr. Splane, and thereafter adopted by the Hart City Council at a regular council meeting held on December 19, 2017.

Ayes: 6 Nays: 0 Absent: 1

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Cheryl Rabe, City Clerk

Discussion: None

RESOLUTION 17-86
Hart City Council
City of Hart, Michigan

MEDICAL MARIHUANA FACILITIES
AUTHORIZED BY PA 281 OF 2016

WHEREAS, Public Act 281 of 2016 (MCL 333.27101 et. seq.) authorizes the State of Michigan to license five different types of facilities related to medical marihuana (grower, processor, secure transporter, provisioning center, and safety compliance facility); and

WHEREAS, Section 205 of PA 281 of 2016 (MCL 333.27205) provides that “[a] marihuana facility shall not operate in a municipality unless the municipality has adopted an ordinance that authorizes that type of facility”; and

WHEREAS, Section 205 of PA 281 of 2016 further provides that “[a] municipality may adopt other ordinances relating to marihuana facilities within its jurisdiction, including zoning regulations...”; and

WHEREAS, Section 205 of PA 281 of 2016 requires a municipality to respond to the State of Michigan, Medical Marihuana Licensing Board, within 90 days after the municipality receives notification from the applicant that a license for one of the five types of medical marihuana facilities authorized by PA 281 of 2016 has been applied for; and

WHEREAS, the City of Hart is cognizant of its authority to adopt an ordinance or ordinances to authorize the operation of one or more of the five types of medical marihuana facilities authorized by PA 281 of 2016 but desires to not do so.

NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL:

1. The City of Hart (‘City’) declines to adopt an ordinance authorizing any of the five types of medical marihuana facilities within the City authorized by PA 281 of 2016; and
2. As a result of the City’s declination to adopt an ordinance authorizing any of the five types of medical marihuana facilities authorized by PA 281 of 2016, a **“marihuana facility shall not operate in the City”**; and
3. The City Clerk or Zoning Administrator is authorized to provide a copy of this resolution to the State of Michigan, Medical Marihuana Licensing Board in response to a request to locate a medical marijuana facility authorized by PA 281 of 2016 within the City or for any other reason authorized by or in response to a request from State of Michigan, Department of Licensing and Regulatory Affairs or its successor agency or the Medical Marihuana Licensing Board; and
4. The City Clerk or Zoning Administrator is authorized to provide a copy of this Resolution to any applicant requesting the ability to locate a medical marihuana grower, processor, secure transporter, provisioning center or safety compliance facility in the City as evidence that the same shall not be allowed in the City; and
5. All resolutions in conflict herewith are repealed; and

6. This resolution is effective immediately upon adoption and shall remain in full force and effect until repealed by the City Council.

Moved by Ms. Thomson, supported by Mr. Wittman, and thereafter adopted by the Hart City Council at a regular council meeting held on December 19, 2017.

Ayes: 6 Nays: 1 Absent: 0

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Cheri Eisenlohr, Dep. City Clerk

Discussion: Mr. La Fever would have liked the city residents to have an opportunity to vote on this subject. Mr. Rickard stated that a referendum could go before the residents at any time.

RESOLUTION 17-87
Hart City Council
City of Hart, Michigan

WATER ASSET MANAGEMENT & CAPITAL IMPROVEMENT PLANS

WHEREAS, the Michigan Department of Environmental Quality (MDEQ) promulgated new rules under Act 399 for community water systems serving more than 1,000 people that require a Water Asset Management Program (AMP) be implemented by January 1, 2018; and

WHEREAS, AMP requirements include the following:

1. A summary detailing the system used to maintain an inventory of assets.
2. A summary describing the method used to assess the criticality of assets considering the likelihood and consequence of failure.
3. A statement of the level of service goals.
4. A Capital Improvement Plan (CIP) that identifies waterworks system needs for the next 5-year and 20-year planning periods.
5. A summary detailing the funding structure and rate methodology that provides sufficient resources to implement the AMP; and

WHEREAS, City Engineer Prein&Newhof has assisted the City with its AMP; 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:

Accepts the December, 2017 Water Asset Management & Capital Improvement Plans in the form and content presented at this meeting subject to final editing by City Engineer and City staff.

Authorizes and directs the City Manager to submit the Water Asset Management & Capital Improvement Plans to the MDEQ on behalf of the City of Hart.

Moved by Mr. Splane, supported by Ms. Thomson, and thereafter adopted by the Hart City Council at a regular council meeting held on December 19, 2017.

Ayes: 6 Nays: 0 Absent: 1

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Cheryl Rabe, City Clerk

Discussion: None

Resolutions 17-88 and 17-89 were presented and adopted in DRAFT format.

Resolution 17-88; Mr. Rickard stated that the easements were not ready at the time of this meeting, but that both parties (Longcore and Dean) will be executing their easements. Longcores made some changes to the language of the original document; the City does not have any issues with the changes that they are requesting. The fee is \$10,000.00 for the Longcore property. Approval of this resolution is only for the Longcore easement.

**RESOLUTION 17-88
Hart City Council
City of Hart, Michigan**

IRRIGATION FORCE MAIN EASEMENTS

WHEREAS, the City of Hart owns, operates and maintains a BioPure Water Treatment Facility that requires upgrades and expansion periodically to meet system demands; and

WHEREAS, after extensive study with the assistance from City Engineer Prein&Newhof the City acquired a 72-acre agricultural property suitable for BioPure effluent application by irrigation; and

WHEREAS, Prein&Newhof has engineered an irrigation system that requires the construction of an underground force main from the BioPure facility to the irrigation property; and

WHEREAS, the proposed force main crosses private property requiring the acquisition of easements; 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:

Approves and authorizes easement acquisition from _____ and _____ at the cost of \$_____ and \$_____, respectively, and generally described as follows:

Moved by Ms. Thomson, supported by Mr. Wittman, and thereafter adopted by the Hart City Council at a regular council meeting held on December 19, 2017.

Ayes: 6 Nays: 0 Absent: 1

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Cheryl Rabe, City Clerk

Discussion: None

**RESOLUTION 17-89
Hart City Council
City of Hart, Michigan**

IRRIGATION FORCE MAIN BID & AWARD PHASE

WHEREAS, the City of Hart owns, operates and maintains a BioPure Water Treatment Facility that requires upgrades and expansion periodically to meet system demands; and

WHEREAS, after extensive study with the assistance from City Engineer Prein&Newhof the City acquired a 72-acre agricultural property suitable for BioPure effluent application by irrigation; and

WHEREAS, Prein&Newhof has engineered an irrigation system that requires the construction of an underground force main from the BioPure facility to the irrigation property; and easements for the new irrigation force main have been secured; and

WHEREAS, the estimated cost to construct the new irrigation force main from the BioPure Facility to the new irrigation site is \$_____, and the Water/Sewer Fund has sufficient cash reserves to fund the project in 2018; 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:

Approves and authorizes the bid and award phase for the BioPure Irrigation Force Main.

Authorizes and directs the City Manager to advertise for bids locally, at Prein&Newhof Engineering, and at other prominent construction plan distribution offices in Michigan.

Requires the City Manager to present bid results to the City Council at a future meeting for evaluation and award.

Moved by Ms. Thomson, supported by Mr. Wittman, and thereafter adopted by the Hart City Council at a regular council meeting held on December 19, 2017.

Ayes: 6 Nays: 0 Absent: 1

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Cheryl Rabe, City Clerk

Discussion: None

SPECIAL EVENTS PERMIT:

None

DISCUSSION ITEMS:

- Voluntary Green Pricing for Electric Sales: The state is requiring municipalities to offer this program to its customers. More will be covered in upcoming meetings.

CITY MANAGER REPORT:

Mr. Rickard reported on:

- Annual Water Quality Report – Pentwater River Temperatures: The City was in violation of the water temperature requirements for the summer months, the \$8,000.00 per month fine will need to be paid = \$24,000.00 total. The fines will happen yearly until the issue is resolved one way or another.
- Gustafson: The directional drilling was overestimated, and there may be some funds left over that could be used to COMPLETELY finish the boring project to Harrison Road, near the dam. This would require another change order.

CITY ATTORNEY REPORT:

None

COMMUNICATIONS FROM THE MAYOR AND COUNCIL:

- Public Comment: George Sadler had questions in regards to the Mayor having the authority to remove individuals from the Hart Main Street Board. He was informed by both the Mayor and City Attorney, Springstead, that this had all been discussed at a previous meeting and it was determined that the Mayor did not have the authority to remove members from the board. The Main Street Board later took action on the matter.
 - *George Sadler: I requested October 24 City Council for an explanation of the executive position used to remove main street board member, I was told no answer could be supplied at that time and it will be discussed at the next meeting. As the minutes reflect there has been no explanation or discussion at any meeting following the October 24th meeting.*
 - *Mayor: What are you looking for George*
 - *George Sadler: What is the executive position that was used to remove board members?*
 - *Mayor: Are you talking about what I did or the executive panel?*
 - *George Sadler: Minutes that reflect him removing three members.*
 - *Mayor: This was nullified at the next meeting on advice from the city attorney.*
 - *George Sadler: it does not reflect this in the minutes.*
 - *Mayor: It should have.*
 - *Mayor: Are you referring to action I took, George: yes, Mayor: at the next meeting that was nullified due to information received from the attorney.*
 - *Mayor – It went back to the main street board to the executive portion of the main street board, then to the City Council, So we have a timeline established.*
 - *George Sadler: It does not match what you are saying.*
 - *Julie Springstead – action was taken, Main Street took action and made a recommendation that city council took action.*

- *George Sadler: The Executive power on 10/24 where did it come from?*
 - *Julie Springstead: No executive authority to do so.*
 - *(Note sure who spoke) Everybody on the board knew that there was no executive power.*
 - *Mayor: And we have had this discussion a number of times.*
 - *George Sadler: no we have not, not in the meeting minutes.*
 - *Confidential letter*
 - *Mayor: you read that letter*
 - *George Sadler: I read a letter, not confidential.*
 - *(Julie Springstead addressed the board about the confidential letter.)*
 - *Mayor: All been said and one not sure what you are missing.*
 - *George Sadler: I read the minutes – no reflection about not having executive power to remove board members.*
- City Attorney Springstead reminded the board that any written communication between her and the board was to remain confidential as determined by the attorney-client relationship.

ADJOURNMENT:

There being no further business to come before the Council, the meeting adjourned at 8:43 p.m., upon motion by Mr. Wittman and supported by Mr. Hegedus. The next meeting is Jan. 9, 2018, at 7:30 p.m.