



CITY OF HART
407 S. STATE ST.
HART, MI 49420
COUNCIL PROCEEDINGS
JAN. 9, 2018, 7:30 P.M.

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

ABSENT: Karen Thomson

OTHERS PRESENT: City Manager – Stan Rickard, City Attorney – Julie Springstead, Hydro Superintendent - Mike Schiller, BioPure Superintendent – Paul Cutter, Main Street Manager - Julie Kreilick and Deputy Clerk - Cheri Eisenlohr

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 second amended agenda and supported by Mr. Splane. The minutes from December 19, 2017, regular meeting were approved as printed, motioned by Mr. La Fever and supported by Mr. Hegedus. The Mayor asked that the minutes from that meeting to be amended to show further detail of the conversation that had taken place. All ayes, both motions were carried.

PUBLIC COMMENTS, CORRESPONDENCE, EVENTS, PRESENTATIONS:

- Stacie Hegg: She received a letter from the City stating that she has to remove her ECM sign by March 5 or face penalties. She stated the history of her installing her sign and says that her sign is critical to her business and will not remove it at this time. She has been posting City events on her sign. She is requesting a dialog with the Council.
 - Mayor LaPorte: Explained that the Council did not direct the City Manager to send those letters out to the three business owners. The intent was not to tell people to tear down their signs.
- Jedediah Kostal: A community that has structure, something like this, a letter going out of this nature should have been something that the Council would be aware of.
 - Mayor LaPorte: Agreed it was sent out but did not direct the City Manager to do this.
- Jedediah Kostal: How many months has this been going on?
 - Mayor LaPorte: Confirmed that there is zoning in place.
- Jedediah Kostal: Seems that it is inefficient.
- Eva Kostal: Discussed her letter that she had sent to the Council. She would like the non-conforming signs to remain or grandfathered in. Wants the Council to work more with the businesses.
- Garth Larson: Sign has been in place for two years, thought they had permission as they had discussed it with Stan Rickard. They were not told no. It cost \$17,000.00 to buy and install their sign. Did not like the letter.
- George Sadler: He showed a photo of downtown Hart from the '40's that showed the signage of the times. He stated that no one complained and the businesses thrived. He stated that the Mayor said that if you are a good business that you do not need a sign. He states that you do need a sign. He feels that the Council does not talk to the people. He feels that Main Street is entertainment and only puts on a fireworks show. Wants more open dialogue. He brings up approving minutes that have to be amended. Mayor LaPorte states that the changes will be made and can be approved.
- Jason La Fever: He voiced his support for local business.
- Joe Frontiera: Wants the businesses and Main Street to work together more to clear this up. He feels that the businesses may have overdone it when an agreement was close, then a bomb went off and had to start all over. He pointed out that these ordinances have been in place for a long time.

- Mayor LaPorte: He affirmed that the Council is pro-business. He stated that the letters are not going to be enforced.
- Joe Frontiera and Staci Hegg had a further discussion about the previous decisions regarding the signs.

DEPARTMENT REPORTS:

- BioPure Superintendent, Paul Cutter:
 - Discussed his end of year report, hit their highest loading ever at the plant.
 - Michigan Freeze Pack – expansion
 - Silver Lake
 - New irrigation site
 - Blowers
 - MFP finishing up carrots and will run potatoes until asparagus starts
 - Operating at 50% capacity for 12 months out of the year now
 - Joe Frontiera told Paul that he does a super job.
- Police Chief, Juan Salazar: Absent
- DPW Superintendent, Brad Whitney: Absent
- Hydro Superintendent - Mike Schiller:
 - They have been helping the DPW
 - Wadel Stabilization project/Gale Roofing bldg.
 - 88th Sub Station – relay went bad
 - Working on street lights
 - Gustafson is delayed on undergrounding due to weather
 - Getting used to his new position
- Main Street Manager, Julie Kreilick:
 - No Report
 - Takes exception to previous comments made about the Main Street Program
 - The program has benefited the City and should not be criticized
 - Many volunteers have given numerous hours to assist with the program
 - It is a respected program

REPORTS OF BOARDS, COMMISSIONS, AND COMMITTEES:

None

BILLS, CLAIMS, PAYROLL:

Mr. Rickard discussed the following invoices in detail:

- \$5,618.63 City of Hart
- \$280,614.87 Kent Power
- \$5,887.84 State of Michigan
- \$5,516.25 LARA

Bills totaled: \$555,859.12

A motion was made by Mr. Splane 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:

RESOLUTION 18-01
Hart City Council
City of Hart, Michigan

MICHIGAN PUBLIC POWER AGENCY COMMISSIONER APPOINTMENT

WHEREAS, the City of Hart (dba Hart Hydroelectric) is a Charter member of the Michigan Public Power Agency (MPPA, the 'Agency') in Lansing, Michigan that is governed by a Board of Commissioners consisting of one appointee from each member pursuant to MPPA by-laws as follows:

**ARTICLE II
BOARD OF COMMISSIONERS**

Section 2.1. Board of Commissioners and Alternate Commissioners. The Agency shall be governed by a Board of Commissioners appointed by the respective governing bodies of the municipalities which are members of the Agency. The governing body of each member municipality shall by resolution appoint one commissioner. The governing body of each member municipality may by resolution appoint an Alternate Commissioner who shall be entitled to vote only in the absence of the Commissioner. If a 2nd Alternate Commissioner is appointed in the resolution of the governing body of the member municipality, the resolution shall designate who shall be the 1st Alternate Commissioner and the 2nd Alternate Commissioner. In the event more than one Alternate Commissioner attends a meeting of the Agency, including any of its committees, the Alternate Commissioner with the highest designation shall be recognized and entitled to vote in the absence of the Commissioner.

WHEREAS, the City's current appointees are as follows: Commissioner – Stan Rickard; 1st Alternate Commissioner – Mike Powers; and 2nd Alternate Commissioner – Bob Dodds; and

WHEREAS, due Mr. Bob Dodds retirement the City may appoint a 2nd Alternate Commissioner; 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:

Appoints Mike Schiller to the Michigan Public Power Agency Board of Commissioners as 2nd Alternate Commissioner effective date of this resolution adoption.

Moved by Mr. Hegedus, supported by Mr. Wittman, and thereafter adopted by the Hart City Council at a regular council meeting held on January 9, 2018.

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.

Cheri Eisenlohr, Deputy-City Clerk

Disussion:

**RESOLUTION 18-02
Hart City Council
City of Hart, Michigan**

IRRIGATION FORCE MAIN EASEMENT

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 RICKI R. DEAN for the sum of \$2,000.00 described as follows:

FEE DESCRIPTION:

W 38.5 RODS (635.25 FT) OF NE ¼ SECTION 15, T15N, R17W, HART TOWNSHIP, OCEANA COUNTY, MICHIGAN EXC W 300 FT OF NE ¼ LYING N OF TYLER ROAD.

EASEMENT DESCRIPTION:

THE SOUTH 30 FEET OF THE WEST 70 FEET OF THE SUBJECT PARCEL.

Moved by Mr. Frontiera, supported by Mr. Wittman, and thereafter adopted by the Hart City Council at a regular council meeting held on January 9, 2018.

Ayes: 6 Nays: 0 Absent: 1

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Cheryl Rabe, City Clerk

Discussion:

Resolution 18-03
City of Hart - City Council - Hart, Michigan
BUDGET AMENDMENT

WHEREAS, the City Council may amend the annual budget to reflect changes in purchasing patterns or revised objectives; and
 WHEREAS, City Council has authorized the bid and award phase for BioPure Irrigation Improvements; and
 WHEREAS, the City Council desires to secure the benefits of efficient self-government and to promote and protect our common interests and welfare;
 NOW THEREFORE BE IT RESOLVED THAT THE HART CITY COUNCIL amends the FY2018 Annual Budget as follows:

REVENUE

	<u>FUND</u>		<u>LINE ITEM</u>	<u>ADOPTED</u> <u>BUDGET</u>	<u>AMENDED</u> <u>BUDGET</u>	<u>JUSTIFICATION</u>
1	BioPure	Capital Improvements	Use of cash reserves	\$207,000	\$1,007,000	Appropriate funds for Irrigation Improvements

EXPENDITURE

	<u>FUND</u>	<u>DEPARTMENT</u>	<u>LINE ITEM</u>	<u>ADOPTED</u> <u>BUDGET</u>	<u>AMENDED</u> <u>BUDGET</u>	<u>JUSTIFICATION</u>
1	BioPure	Capital Improvements	Professional Services	\$60,000	\$190,000	Engineering services: design, bidding, construction
2	BioPure	Capital Improvements	System Improvements	\$130,000	\$865,000	Construction: irrigation system Improvements
				<u>\$190,000</u>	<u>\$855,000</u>	

Moved by Mr. La Fever and supported by Mr. Spilane and thereafter approved by Hart City Council at a regular meeting on January 9, 2018.

Ayes: 0 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 18-04
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 design, bid, construct and perform construction-related engineering for the new irrigation force main from the BioPure Facility to the new irrigation site is \$797,000 ; 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 Mr. La Fever, supported by Mr. Wittman, and thereafter adopted by the Hart City Council at a regular council meeting held on January 9, 2018.

Ayes: 6 Nays: 0 Absent: 1

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Cheryl Rabe, City Clerk

Discussion:

**RESOLUTION 18-05
Hart City Council
City of Hart, Michigan**

HART MAIN STREET BOARD APPOINTMENTS

WHEREAS, in 2010 the City of Hart joined the Michigan Main Street Program, established the Hart Main Street Program, and appointed a Board of Directors; and

WHEREAS, Board member appointments are necessary from time-to-time to replace retiring members; and

WHEREAS, Hart Main Street recently interviewed and selected four (4) prospective Board appointees to fill current vacancies; and recommends Mayoral appointment and City Council confirmation; 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 confirms Mayoral appointments to the Hart Main Street Board of Director for Scott Beal, Tracey Lipps, Al Martin and Brad Youngstrom effective date of resolution adoption.

Moved by Mr. Splane, supported by Mr. Wittman, and thereafter adopted by the Hart City Council at a regular council meeting held on January 9, 2018.

Ayes: 5 Nays: 1 Absent: 1

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Cheryl Rabe, City Clerk

Discussion:

RESOLUTION 18-06
City Council
City of Hart, Michigan

HART AREA JOINT FIRE ADMINISTRATIVE BOARD
AGREEMENT

WHEREAS, the City of Hart is a charter member of the Hart Area Joint Fire Administrative Board ("Fire Board") which formed in 1966 as amended along with Golden Township, Hart Township and Weare Township ("Parties"); and

WHEREAS, the Parties adopted a revised Hart Area Fire Administrative Board Agreement ('Agreement') in May, 2014 to reflect desired changes to the joint venture; and amended the Agreement in July, 2017 to acknowledge additional changes; and

WHEREAS, the Fire Board recommends additional amendments to the Agreement; 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, approves and adopts the December, 2017 amended Hart Area Joint Fire Administrative Board Agreement.

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

Moved by Mr. Splane, supported by Mr. La Fever, and thereafter adopted at the regular City of Hart City Council meeting on January 9, 2018.

Ayes: 6 Nays: 0 Absent: 1

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Cheryl Rabe, City Clerk

Discussion:

SPECIAL EVENTS PERMIT:

Oceana County Right-To-Life Silent March, January 20th. Mr. Frontiera made a motion to approve the special event permit, Mr. La Fever supported the motion. All ayes, motion carried.

DISCUSSION ITEMS:

- City Manager Search Benchmarks: A document was provided to show a timeframe of events. The staff and community will take part in discussions; this will take place on Tuesday, February 27th, 2018 in the Community Center. A motion was made by Mr. Wittman to approve this date, supported by Mr. Splane, all ayes, motion carried.

CITY MANAGER REPORT:

None

CITY ATTORNEY REPORT:

None

COMMUNICATIONS FROM THE MAYOR AND COUNCIL:

- The Mayor read off a thank you card received by the Cross Country Girls team for the championship sign.
- Mr. Splane made a motion to "Grandfather all existing permanent, nonconforming signs in the City of Hart" supported by Mr. La Fever. The ordinance is to be strictly enforced after this. Ayes: 5 Nays: 1 Absent: 1

ADJOURNMENT:

There being no further business to come before the Council, the meeting adjourned at 8:37 p.m., upon motion by Mr. Wittman and supported by Mr. Splane. The next meeting is Jan. 23, 2018, at 7:30 p.m.