



**CITY OF HART**  
**407 S. STATE ST.**  
**HART, MI 49420**  
**COUNCIL PROCEEDINGS**  
**FEBRUARY 13, 2018, 7:30 P.M.**

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

**ABSENT:** None

**OTHERS PRESENT:** City Manager – Stan Rickard, City Attorney – Julie Springstead, Hydro Superintendent - Mike Schiller, BioPure Superintendent – Paul Cutter, DPW Superintendent – Brad Whitney, 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 roll call, he then opened with the Pledge of Allegiance.

A motion was made by Mr. Wittman to approve the first amended agenda and supported by Mr. La Fever.

The minutes from January 23, 2018, 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:**

- ▶ 1/24/18 letter from Utility Workers Union of America (UWUA) requesting contract negotiations: The Utility Workers have asked for negotiations to start, a previous message was received from the POLC.
- ▶ Planning Commission's 2017 Annual Report 2018 Goals to City Council: First time that this has been seen, it is part of the RRC. Similar reports will be presented in the future along with further involvement at the Planning Commission level.

#### **DEPARTMENT REPORTS:**

- BioPure Superintendent, Paul Cutter: Michigan Freeze Pack produces 4 million gallons of discharge water and 37,000 BOD. This is 99% more than last year. He assured the Council that the plant can handle the additional load.
- Police Chief, Juan Salazar: Chief Salazar took part in a Police Chief Conference recently. Councilor Wittman asked him about ordinances regarding parking on your own front lawn. Chief Salazar advised him that he did not believe that there was one but would look into the matter.
- DPW Superintendent, Brad Whitney:
  - The department has been busy moving snow.
  - They also repaired a broken water main near Wood Street.
  - The dump truck needed new hydraulic lines.
  - They also attended CPR/First Aid training that was conducted by Sgt. Skipski. (All departments participated in this training)
- Hydro Superintendent - Mike Schiller:
  - Changed five post lights on West Main fill, they were switched to white LED style lights.
  - Tested 58 transformers, wants to send in for oil contaminates.
  - Removed the temp power at Woodland Place.
  - Underground boring is past the first ravine – has been delayed due to weather.
  - Removed 20 yards of scrap aluminum and steel from the yard.
  - Repaired a downed wire at Southern Drive.
  - Looking forward to moving into the Van Zoeren building.

- UIS training at the Dam on the SCADA system.
- Power issue at a lift station – someone had hit the guy wires and dislodged a fuse – it was repaired.
- Main Street Manager, Julie Kreilick: Absent

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

None

**BILLS, CLAIMS, PAYROLL:**

Mr. Rickard discussed the following invoices in detail:

- \$200.00 – Charlie Gunnoe
- \$50,387.50 – Gustafson HDD, LLC
- \$127,185.00 – Ray Van Zoeren Property

Bills totaled: \$494,980.39

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

Ayes: 7          Nay: 0          Absent: 0

**ACTION ITEMS:**

City Manager, Stan Rickard presented the following:

**RESOLUTION 18-14A**  
**Hart City Council**  
*City of Hart, Michigan*

**IRRIGATION SYSTEM IMPROVEMENTS, CONTRACT 1 -**  
**FORCE MAIN TO IRRIGATION FIELDS**  
***REJECTING ALL BIDS***

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 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 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 the estimated construction cost is \$664,125.00; and easements for the new irrigation force main have been secured; and

WHEREAS, and there are sufficient cash reserves in the Water/Sewer Fund to construct the aforementioned force main; and pursuant to Resolution 18-04 adopted on January 9, 2018 City Council authorized the bid & award phase for the project; and

WHEREAS, on February 6, 2018 the City received seven (7) bids for the project; and City Engineer Prein&Newhof has evaluated the bids and has determined that the two low bids contain material irregularities effecting the outcome; and pursuant to the bidding documents the City “reserves the right to accept or reject any or all bids”; and it is in the City’s best interest to reject all bids, waive the bidding process, and award a bid based on the clear intent of a bidder; 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:

*Rejects all seven (7) bids received on February 6, 2018 for the Irrigation System Improvements, Contract 1 – Force Main to Irrigations Fields.*

Moved by \_\_\_\_\_, supported by \_\_\_\_\_, and thereafter adopted by the Hart City Council at a regular council meeting held on February 27, 2018.

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

***THIS RESOLUTION WAS POSTPONED TILL THE NEXT MEETING DUE TO BID ISSUES***

**RESOLUTION 18-15 *Revised***  
**Hart City Council**  
***City of Hart, Michigan***

**DIGGER DERRICK TRUCK REPLACEMENT, TRUCK DISPOSAL & RESERVATION AND RESTRICTION OF FUNDS**

WHEREAS, the City of Hart owns, operates and maintains an electric distribution system that requires the use of specialized aerial equipment to access power poles, conductor wire, transformers and other equipment; and the City owns a 1996 digger derrick truck that is in very poor condition and should be replaced to insure safe and effective operation and maintenance efforts; and a digger derrick truck has dozens of uses in other City departments where heavy lifting, winching, loading and digging is required; and

WHEREAS, Hart Hydro staff have researched the two prominent manufacturers of digger derrick trucks, Terex (Watertown, SD) and Altec (Birmingham, AL), and requested proposals for a new 2019 unit; and both manufacturers submitted a proposal for comparable units in the amount of \$257,256.00 and \$258,919.28, respectively; and staff recommends and the Hart Power Board concurs with the purchase of the Terex unit; and

WHEREAS, and there are sufficient cash reserves to purchase the unit in 2018; and delivery time is approximately seven (7) months with anticipated delivery in September, 2018 in the City’s FY2018-2019; and the City should restrict and reserve funds now to insure availability upon delivery; 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 a proposal from Terex in the amount of \$257,256 to purchase a 2019 digger derrick truck in accordance with quote number QU10405 dated January 26, 2018.*

*Declares the 1996 digger derrick truck surplus and beyond its useful life; and authorizes its disposal by any publicly advertised methods available to the City.*

*Reserves and restricts available cash in Hydro Fund 580 in the amount of \$257,256 for the aforementioned truck purchase in September, 2018 or thereabouts.*

Moved by Mr. Splane, supported by Ms. Thomson, and thereafter adopted by the Hart City Council at a regular council meeting held on February 13, 2018.

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

**RESOLUTION 18-16**  
**City Council**  
**City of Hart, Michigan**  
**Oceana County**

***ADOPTING HART CEMETERY 2018 BUDGET***

WHEREAS, the City of Hart (City) and Hart Township (Township) jointly own the Hart Cemetery; and

WHEREAS, the City and Township appoint a Cemetery Commission to oversee the operation and maintenance of the Cemetery; and

WHEREAS, on January 15, 2018 the Cemetery Commission approved their annual budget for 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 the Hart Cemetery budget for 2018 in the following amounts:*

<i>Beginning Fund Balance</i>	<i>\$ 196,627</i>
<i>Total Revenues</i>	<i>\$ <u>121,120</u></i>
<i>Amount Available for Appropriation</i>	<i>\$ 317,747</i>
<i>Total Expenditures</i>	<i>\$ <u>150,305</u></i>
<i>Ending Fund Balance</i>	<i>\$ 167,442</i>
<i>Use of Cash Reserves</i>	<i>\$ <u>29,185</u></i>

Moved by Ms. Thomson, supported by Mr. Splane, and thereafter adopted by the Hart City Council at a regular council meeting held on Tuesday, February 13, 2018.

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

**RESOLUTION 18-17**  
**City Council**  
***City of Hart, Michigan***  
***Oceana County***

**CITY ELECTIONS**  
**Establish 2-Year Terms for All Elected Officials**

WHEREAS, pursuant to Resolution 17-78 adopted on November 28, 2017 City Council established bi-annual 'even' numbered year November elections for Mayor, City Council members, and all other elected City officials commencing November, 2018; and

WHEREAS, the Oceana County Clerk requires additional documentation stating the length of terms; 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 2-year terms for Mayor, City Council members, and all other elected City officials commencing November, 2018.*

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, February 13, 2018.

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

**SPECIAL EVENTS PERMIT:**

None

**DISCUSSION ITEMS:**

- ▶ Proposed Zoning Ordinance Amendment for March 1<sup>st</sup> Public Hearing – Signs, Chapter 1259: The Planning Commission recommended final revisions to the sign ordinance as stated in the presented

notice. This issue will be presented at a public hearing on March 1 and then will be presented to Council once again for determination.

- ▶ City Manager Profile Brainstorming – February 27, 2018: Reminder of the upcoming brainstorming meeting with MML the public/staff and Council.
- ▶ 15-Year Cemetery Millage (0.5) Renewal – August 7, 2018, election: Julie Springstead is working on the language for the renewal.
- ▶ Grant Applications for Veteran’s Memorial Park due April 1<sup>st</sup>: The VFW is agreeable to the proposed changes with the idea of moving the airplane away from the Memorial Walk. Gregg Wallace of Pentwater Outfitters likes the design as well as he will be providing water activities on Hart Lake this summer. The Grants will only have 1/3 of the funds available this year, but all avenues will be explored for securing funds.

**CITY MANAGER REPORT:**

None

**CITY ATTORNEY REPORT:**

- ▶ Confirmed the Van Zoeren property purchase.
- ▶ Working on election language.
- ▶ Jack Wittman asked about the Brick house on State St. – she is trying to narrow down who is responsible for this property and has not been able to obtain a straight answer.

**COMMUNICATIONS FROM THE MAYOR AND COUNCIL:**

- ▶ Application to fill a vacancy on Planning Commission: Jerry Spencer resigned due to health issues. Al Martin was approved to join the Planning Commission Board. Jack Wittman made a motion to approve the placement, Karen Thomson supported. All ayes – motion carried.
- ▶ Jack Wittman brought up the condition of a garage downtown behind the gym that is in the process of being torn down. He wants to know what is being done about it. Mr. Rickard believes that a demolition permit was not obtained, nor was an asbestos inspection conducted. The Council believes the area to be a dangerous area and has requested that it be roped off to deter trespassers from the area. The permit and inspection issues will be looked into although they are not the responsibility of the City, these issues belong to the County and State respectively.
- ▶ Karen Thomson complimented the City/Mainstreet in regards to the Winterfest and the antique snowmobile show. She asked if the City would consider putting in an ice rink. She was informed that it was tough to maintain a rink in the City.
- ▶ Rob Splane would still like to see the City pursue a “City Wide Clean – Up Day.” Joe Frontiera agreed and felt that the service where they come to your house to pick up should be considered again. Mr. Rickard will look into the cost that would be associated with this.

**ADJOURNMENT:**

There being no further business to come before the Council, the meeting adjourned at 8:25 p.m., upon motion by Mr. Hegedus and supported by Mr. La Fever. The next meeting is Feb. 27, 2018, at 7:30 p.m.