



CITY OF HART
407 S. STATE ST.
HART, MI 49420
COUNCIL PROCEEDINGS
FEBRUARY 27, 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, DPW Superintendent – Brad Whitney, Mainstreet Manager – Julie Kreilick, Police Chief – Juan Salazar 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 agenda and supported by Mr. Splane. The minutes from February 13, 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:

- ▶ Traci Lipps stated that she was attending in support of the Hart Mainstreet Program.
- ▶ Steve Ervay spoke about the poor condition of Hanson Street (dirt road) near his business. This road has been worked on numerous times but to no avail per DPW Superintendent, Brad Whitney. The Mayor would like the City to conduct a DPW Committee (Joe Frontiera and Rob Splane) meeting in the next two weeks to discuss what can be done to improve the condition of the road. Michigan Freeze Pack should be involved in this as well as it affects the entrance to their business.
- ▶ George Sadler asked if there would be public comment allowed on two issues he is interested in, Mainstreet and the sign ordinance. The Mayor said he would extend an allotment of time for him to speak.

DEPARTMENT REPORTS:

- BioPure Superintendent, Paul Cutter: Absent
- Police Chief, Juan Salazar: On February 13 there was an active shooter class held at the Hart Area Public Library, the Wesleyan Church also attended a class on February 22. On February 23 there was a threat alert at the Hart Public School Campus, it was felt that this was a carryover from the threat at the Shelby Public School system from the day before. The Police Department has meetings set up to discuss this in depth with the school.
- DPW Superintendent, Brad Whitney:
 - UIS SCADA conducted maintenance on the wells; two radio units had to be replaced.
 - First frozen water service of the year on N. Courtland, City used the pipe thawing machine – it was very effective.
 - Graded roads and put out cold patch material where needed.
 - Bought a vehicle hoist, all departments can make use of it.
 - Conducting a sign survey to replace the last of the old style street signs.
 - The Street sweeper and tub grinder are being serviced.
- Hydro Superintendent - Mike Schiller:
 - UIS SCADA troubleshooting: adjusted a sensor for lube oil at the dam – unit is working fine now.
 - Met with Power Line Supply regarding radio read meters. More to come on this.
 - Adopting an Exposure Control Plan in place for the department.
 - Will be installing more lighting on Polk Road in the dimly lit areas.

- Finished the electrical at the new garage at the BioPure facility.
- Removing trees throughout the City.
- Met with Emerald Transformers to take the nine PCBs that are contaminated. City Manager expects the cost to be minimal.
- The Hydro barn received a drain field permit from the District Health Department for the new Hydro location.
- 60 transformers valued at \$7500.00, will receive a credit for them.
- Mainstreet Manager, Julie Kreilick:
 - Julie asked the council to support Resolution 18-18 for the re-certification of the Master Level agreement.
 - Distributed a brochure of the highlights of the year of the Mainstreet program.
 - The new Mainstreet Board has approved strategies for making the City more recreation and family friendly.
 - The Hart Mainstreet website has been launched. www.hartmainstreet.org. It features all the downtown businesses with links to their Facebook pages or websites. It does the same for the program's sponsors.
 - Farmer's market was accepted to offer SNAP benefits.
 - Working on grant opportunities for moveable playground equipment in the pocket park.
 - The National conference is at the end of this March.
 - MEDC met with Julie; they have four interested owners looking at funding that the MEDC has to offer.
 - Façade grant – Lakeside Family Fitness, work should be starting soon.
 - A person is interested in purchasing downtown property to rehab it, a grant would work well with this project.

REPORTS OF BOARDS, COMMISSIONS, AND COMMITTEES:

None

BILLS, CLAIMS, PAYROLL:

Mr. Rickard discussed the following invoices in detail:

\$89,611.96 Prein&Newhof

\$6,050.00 Lakeshore Environmental, Inc.

Bills totaled: \$198,809.26

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 Mr. Splane, supported by Mr. Frontiera, and thereafter adopted by the Hart City Council at a regular council meeting held on February 27, 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 18-14B
Hart City Council
City of Hart, Michigan

IRRIGATION SYSTEM IMPROVEMENTS, CONTRACT 1 -
FORCE MAIN TO IRRIGATION FIELDS
AWARDING A BID

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 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 evaluated the bids and determined that the two low bids contain material irregularities affecting the outcome; and pursuant to the bidding documents the City "reserves the right to accept or reject any or all bids"; and pursuant to Council Resolution 18-14A adopted on February 27, 2018 the City determined that it was 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:

Accepts and awards a bid to Matt's LLC, dba Matt's Underground Utility Construction in the amount of \$312,115.00 for the Irrigation System Improvements, Contract 1 – Force Main to Irrigations Fields.

Authorizes and directs the City Manager to sign all contract documents on behalf of the City of Hart.

Moved by Mr. Splane, supported by Mr. Frontiera, and thereafter adopted by the Hart City Council at a regular council meeting held on February 27, 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 18-18
City Council
City of Hart, Michigan
Oceana County

MICHIGAN MAIN STREET PROGRAM
MASTER LEVEL AGREEMENT

WHEREAS, the Michigan Economic Development Corporation (MEDC) sponsors the Michigan Main Street (MMS) program which is designed to assist local governments to revitalize their downtowns; and the City participated in the Michigan Main Street Associate Level in 2009-2010 and submitted an application on May 7, 2010 for the Selected Level and presented their proposed program to MEDC on June 9, 2010; and on June 23, 2010 MEDC invited the City of Hart to join the Selected Level along with Wayland and Blissfield, MI; and on July 13, 2010 the City adopted Resolution 10-53 authorizing the City to approve an 5-year Selected Level agreement with the MEDC stipulating to community requirements and expectations for the Michigan Main Street Program; and

WHEREAS, on June 30, 2015 the City completed its 5-year commitment to the Selected Level; and on July 1, 2015 the MEDC designated the City a Master Michigan Main Street Community; and the City approved a MEDC Master Level Agreement on September 23, 2016 stipulating to community requirements and expectations; and

WHEREAS, the City has met the requirements of the Master Level Agreement and the MEDC has offered a 3-year Master Level extension commencing January 1, 2018 through December 31, 2020; and

WHEREAS, it is in the best interest of the City of Hart to support downtown revitalization through the MMS program and enter into the aforementioned agreement; and

NOW THEREFORE BE IT RESOLVED THAT THE HART CITY COUNCIL:

1. *Approves the Michigan Main Street Program Community Requirements and Expectations Agreement for Master Level for the term of January 1, 2018 – December 31, 2020.*
2. *Authorizes and directs the City Manager to sign the agreement on behalf of the City of Hart.*

Moved by Ms. Thomson, supported by Mr. Splane, and thereafter adopted at a regular City of Hart City Council meeting on February 27, 2018.

Ayes: 6
Nays: 1, La Fever
Absent: 0

I, the undersigned, the Clerk of the City of Hart, Oceana County, Michigan, do hereby certify that the foregoing is a true and complete copy of certain proceedings taken by the Hart City Council of said municipality at a regular meeting held on February 27, 2018.

Cheryl Rabe, City Clerk

Discussion:

Mr. Sadler: I ask the board to evaluate the cost of this program vs. the rewards of this program. I would like you to realize that six more businesses have moved out of downtown Hart in the last fourteen months. That's six more empty buildings that we gotten down there. I understand that it is a great program but how much are we spending and what are we getting out of it. I would hope that we could have an open discussion of what is it costing us to run this program. The budget numbers there is a dollar number somewhere on what we are spending on this program and what are we getting from it.

Mayor LaPorte: The small amount of time that you were on the board you should have gotten something of that of what the program was about.

George Sadler: The smallest time that I was on the board six other business people that came to you and suggested changes, but you had an interview with us, and now those six members are no longer on the board Mr. Mayor. Please get your story straight.

Mayor LaPorte: George there were 17 vacant stores fronts downtown before also – rollcall.

Jason La Fever – I too am interested in the numbers here, we state everything is a success but who deems what a success is. I would like to know that numbers as well.

Mayor LaPorte: You do not think that the Façade and the whole myriad of what has happened wasn't a success for the City of Hart?

Jason La Fever: I am asking to see the numbers. The Façade thing is good I suppose, but George brings up a point we have lost businesses.

Mayor LaPorte: But I told you that there were 17 empty storefronts when Stan came to town too.

Jason LaFever: Ok

Mayor LaPorte: Let's put it into perspective, every place is going to see comings and goings – go to Pentwater they have the same problem, they have businesses going out every winter.

Jason La Fever: Do they have a Mainstreet program?

Mayor LaPorte: No they don't, but they wish they did. Talk to the people of Pentwater. I did they are envious of what we have going on here, and so is Shelby.

Jason La Fever: Ok. I still have one more question. We have our ECM's downtown and if we did Mainstreet would not want to be here, is that true now.

Mayor LaPorte: Technically that's not true.

Jason La Fever: All right.

Mayor LaPorte: Rollcall.

RESOLUTION 18-19
Hart City Council
City of Hart, Michigan

TEST/PRODUCTION WELL
BID AWARD

WHEREAS, the City of Hart owns, operates and maintains the Hart Hydro Electric Facility including the Hart Lake Dam and Impoundment that is regulated by Federal Energy Regulatory Commission (FERC) and Michigan Department of Environmental Quality (MDEQ); and the aforementioned agencies regulate South Branch Pentwater River water temperatures below Hart Dam through permitting and an Administrative Consent Order (ACO) approved and adopted by City Council in January, 2015 pursuant to Resolution 15-01; and Hart Hydro Electric frequently violates the water temperature standards in July, August and September on an annual basis; and

WHEREAS, the ACO stipulates that the City shall investigate methods and implement projects to lower water temperatures below Hart Dam; and City Engineer Prein&Newhof has prepared contract documents to develop a test/production well to determine the viability of cooling river temperatures with direct ground water injection into the Pentwater River below the Hart Dam; and the cost estimate to construct a test/production well is \$133,000; and the Hydro Electric Fund has sufficient cash reserves to implement the aforementioned workscope; and on January 23, 2018 City Council approved the bid & award phase of the test/production well project; and on February 20, 2018 the City received one bid for the project; 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 bid for the Test/Production Well project from Raymer (Marne, MI) in the amount of \$139,000.

Authorizes and directs the City Manager to sign all contract documents on behalf of the City of Hart.

Moved by Mr. Frontiera, supported by Ms. Thomson, and thereafter adopted by the Hart City Council at a regular council meeting held on February 27, 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 18-20
City Council
City of Hart, Michigan
Oceana County

CITY ELECTIONS
Establish 4-Year Terms for City Council and Board of Review Members

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, on February 13, 2018 City Council adopted Resolution 18-17 establishing 2-year terms for all elected City officials; and

WHEREAS, pursuant to Michigan Election Law Sec. 168.644g(2) Terms of office; extension: "Notwithstanding a law or charter provision to the contrary, an officer required to be elected at the odd year general election, who by law or charter is elected for a term of an odd number of years shall, after September 1, 2004, be elected for a term of 1 year longer than provided by law or charter"; and

WHEREAS, City Council and Board of Review members currently serve a 3-year term; and

WHEREAS, in order to comply with the statute, 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 4-year terms for City Council members and Board of Review members commencing November, 2018.

Retains a 2-year term for Mayor.

Repeals all other City Council actions in conflict with this resolution.

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 27, 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 18-21
City Council
City of Hart, Michigan

EMPLOYEE RETIREMENT ACCOUNTS
CUSTODIAL & RECORDKEEPING SERVICES

WHEREAS, the City of Hart sponsors employee retirement programs that consist of a mandatory 401(a) money-purchase retirement plan; and a voluntary 457 deferred-compensation retirement plan; and the City manages all employer and employee contributions to the funds custodian; and

WHEREAS, First Mercantile Trust (Cordova, TN & member of MassMutual Financial Group), a collective investment trust (CIT), is the current funds custodian and record keeper; and

WHEREAS, Midwest Capital Advisors (Grand Rapids) is the current investment advisor who monitors and manages the investment lineup; and provides personalized participant planning and education; and

WHEREAS, Linck Law (Grand Rapids) is the current Third Party Administrator (TPA) who monitors and assures legal compliance with State & Federal retirement plan regulations; and

WHEREAS, Alerus Retirement and Benefits (Grand Forks, ND) currently provides custodial and recordkeeping services for the City’s Retiree Health Funding Vehicle (RHFV) for retiree health care, referred to as Other Post-Employment Benefits (OPEB); and

WHEREAS, the City desires to reduce costs, discontinue services with First Mercantile Trust and consolidate custodial and recordkeeping services with Alerus Retirement and Benefits; and

WHEREAS, 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: 1) discontinuation of City retirement plans custodial and recordkeeping services with First Mercantile Trust; and 2) conversion of the aforementioned services to Alerus Retirement and Benefits.

Authorizes and directs the City Manager to implement the conversion process and sign all conversion documents on behalf of the City of Hart.

Moved by Ms. Thomson, supported by Mr. Splane, and thereafter adopted by the Hart City Council at a regularly scheduled council meeting held on Tuesday, February 27, 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:

- ∴ Annual Unity March, April 8th, 3pm-5pm – Eva Berumen advised that there was a small correction to the route that the march would take.
- ∴ National Asparagus Festival, June 8-9, 9am-6pm

Both permits were approved by a motion made by Ms. Thomson and supported by Mr. Wittman, all ayes, motion carried.

DISCUSSION ITEMS:

- ▶ March 1st – Public Hearing at Planning Commission for Proposed Zoning Ordinance Amendments – Signs, Chapter 1259
 - George Sadler: How did this come about again, what transpired, I thought that we worked our way through it and now we are back to where we started 18 months ago?
 - Stan Rickard, a lot of progress, give and take, more permissive use of signs proposed, covered everything that the planning commission wanted covered. It is not perfect for everybody, but I believe it is the best we could do.
- ▶ Veteran’s Memorial Park Project timeline: Mr. Rickard went over the changes that were made since the last presentation. The cost estimate has increased, if approved this will be a spectacular amenity on the lake. \$900,000.00+. The engineer is leaning toward the trust fund grant option. On March 13th there will be a public hearing held. A resolution will be presented on March 27 for the grant that will be applied for to fund this project. Grants are announced in December 2018.
- ▶ March 13th – Resolution approving Redevelopment Ready Communities (RRC) Program: Planning Commission will be going over their status report. A baseline report from the MEDC was presented to the Council – shows where the City is at in putting this program together. Still more work to be done. This program also assists with winning potential grants for the City.
- ▶ Wireless Meter Reading Technology – RFP process for new equipment: The City has been looking into radio reads. We now have an engineer assisting with the options that can be pursued. Proposals to follow soon. Funds have been budgeted for this technology.
- ▶ City-Wide Clean-Up Day: Mr. Rickard asked Republic for prices, they have not been received as of this meeting. More at the next meeting.

CITY MANAGER REPORT:

- ▶ Voluntary Green Pricing for Renewable Energy: Must be offered to our residents – required.
- ▶ 7-Month Budget Report: Sales are going well. Nothing alarming.

CITY ATTORNEY REPORT:

- ▶ 15-Year Cemetery Millage (0.5) Renewal – August 7, 2018, Election: Working on this renewal, nothing new, just renewing the existing amount. Julie is waiting on one more item of information.
- ▶ Closed Session entered into at 8:47 pm, motion by Mr. Splane and approved by Mr. Wittman, all ayes, motion carried. Returned to Open Session at 9:10 pm

COMMUNICATIONS FROM THE MAYOR AND COUNCIL:

None

ADJOURNMENT:

There being no further business to come before the Council, the meeting adjourned at 9:11 p.m., upon motion by Mr. Wittman and supported by Mr. La Fever. The next meeting is Mar. 13, 2018, at 7:30 p.m.