



**CITY OF HART**  
**407 S. STATE ST.**  
**HART, MI 49420**  
**COUNCIL PROCEEDINGS - Amended**  
**MARCH 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, 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.

Mayor LaPorte dedicated the meeting to Jerry Spencer, who has entered into Hospice care and to thank him for all that he has done for the City.

A motion was made by Mr. Splane to approve the third amended agenda and supported by Mr. Hegedus. The minutes from February 27, 2018, regular meeting were approved as printed, motioned by Mr. Wittman and supported by Ms. Thomson. All ayes, both motions were carried.

**PUBLIC COMMENTS, CORRESPONDENCE, EVENTS, PRESENTATIONS:**

- Pre-Construction Conference, Irrigation Force Main, March 15, 10 AM: Discuss the irrigation system improvements – awarded to Matt’s Undergrounding. Logistics will be discussed by all that are involved.
- Applications to Boards, Committees & Commissions: Mr. Steve Bruch and Mr. Aaron Corey are interested in serving on various boards/committees and commissions.
- Public Hearing:
  - Mr. Rickard gave an overview of the proposed project. The estimated cost of the project is \$808,000.00; the Trust Fund grant would provide \$300,000.00. Therefore, the City would be responsible for the other remaining cost of \$508,000.00.
  - The Public Hearing was opened at 7:45 pm by Mayor LaPorte for the Veteran’s Memorial Park Improvements:
    - Lloyd Jones stated that he was the Chairman of the Committee that started the Veteran’s Park and he built the current wall and would like the wall to stay. He is concerned that someone will drive through the park without it. He does not want the plane moved closer to State Street as it could pose a distraction for drivers. He likes the rest of the new plans.
    - Jim Cunningham would like to know why the plane needs to be moved. Mr. Rickard stated that it is a matter of the visuals of the lake. He believes that the plane has a “hey let’s stop and look” quality to it. He reminded everyone that this is still a proposed concept.
    - Patrice Martin encouraged the Council to enhance as much as possible in the City as the water feature in the City is underutilized. She has worked with a lot of small communities before, and they would kill for a water feature as we have. She offered her assistance if needed.
    - Lloyd Jones reminded the Council that the park was built for Veteran’s to come and sit and contemplate and asked that they not lose sight of that mission.
    - John Urick (spokesman for the VFW) was concerned about the pavers and the mowing over them as it damages them. He stated that the concerns that the Veterans had with the original design have been addressed by the architect – keep the Living Garden – move

the Plane and keep the semi-circular layout of the bricks, they now find favor with the new design.

- Steve Bruch stated that it was a beautiful concept and agreed with keeping the focus on the Veterans but also feels that it is of great value to the community but that it is a much-underused area of Hart. He hopes that it comes to be someday.
- The Public Hearing was closed by the Mayor at 7:57 pm.

#### **DEPARTMENT REPORTS:**

- BioPure Superintendent, Paul Cutter: Absent
- Police Chief, Juan Salazar: Chief Salazar went over the highlights of his 2017 year-end report.
- DPW Superintendent, Brad Whitney: Absent
- Hydro Superintendent - Mike Schiller:
  - 88th Sub-Station – the issue with the relay has been fixed.
  - Old Transformers = 64, will receive a \$7500.00 credit.
  - Trees are being taken down in the Courtland/Jefferson Street areas. Replacements will be offered to homeowners. More trees are still being removed throughout the City.
  - PCB's will cost \$2500.00 to remove them. Ten more are waiting to be tested.
  - Six new LED street lights will be installed on the Polk Road commercial corridor.
  - Undergrounding work is being done on Jefferson Street.
  - City Hall will receive a new pad mount transformer.
  - Gave Councilwoman Thomson a tour of the City from a Hydro department perspective.
- Mainstreet Manager, Julie Kreilick:
  - She advised that she is going to the National program in two weeks and will have a full report upon her return.
  - She is waiting on the outcome of two Hart Mainstreet special event permits on tonight's agenda.
  - She advised the Council that there is concern from business owners in the downtown area over a garage that has been demolished but not cleaned up, she feels that it poses a safety hazard.
    - The Mayor stated that he did not have any answers but thought that George might be able to address the issue.
    - George Sadler said in 7 to 10 days they will start the cleanup and it will take 4 – 6 hours to finish. He has spoken to DPW today a three days' notice for the contractor and DPW to put signs up is required.
    - Stan Rickard, there is an item later in the agenda in regards to this issue.

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

None

#### **BILLS, CLAIMS, PAYROLL:**

Mr. Rickard discussed the following invoices in detail:

\$84,810.00 Gustafson HDD LLC

\$12,416.00 Premiere Power Maintenance

\$1,648.23 Lawson-Fisher

Bills totaled: \$381,035.42

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

Ayes: 7      Nay: 0      Absent: 0

#### **ACTION ITEMS:**

City Manager, Stan Rickard presented the following:

**RESOLUTION 18-22  
City Council  
City of Hart, Michigan  
Oceana County**

**REDEVELOPMENT READY COMMUNITIES (RRC) CERTIFICATION**

WHEREAS, the Michigan Economic Development Corporation (MEDC) administers the Redevelopment Ready Communities (RRC) program that encourages communities to adopt best practices and seek RRC certification to attract talent and business investment; and

WHEREAS, RRC is a no-cost technical assistance program, and technical assistance match funding becomes available to communities who have received the baseline report, passed a resolution to move forward with recommendations, and completed the first progress report; and

WHEREAS, on April 11, 2017 City Council adopted Resolution 17-26 approving a Joint Memorandum of Understanding (MOU) with MEDC to officially establish the RRC partnership in Hart; and

WHEREAS, on February 26, 2018 MEDC submitted a comprehensive RRC Baseline Report to the City that scored progress on the six RRC Best Practices; and MEDC concludes that Hart is well-positioned moving forward toward RRC certification; and

WHEREAS, on March 1, 2018 the City Planning Commission recommended that City Council move forward with RRC certification efforts; 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:

*Approves and accepts the February 26, 2018 MEDC Redevelopment Ready Communities (RRC) Baseline Report and its recommendations.*

*Authorizes and directs the Planning Commission and City Manager to implement the RRC recommendations and seek certification on behalf of the City of Hart.*

Moved by Ms. Thomson and supported by Mr. Frontiera and thereafter adopted by the City of Hart, Michigan City Council at a regularly scheduled meeting held on Tuesday, March 13, 2018.

Ayes: 6  
Nays: 1 La Fever  
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 18-23**  
**City Council**  
***City of Hart, Michigan***  
***Oceana County***

**FEDERAL POVERTY GUIDELINES**  
**USED IN THE DETERMINATION OF POVERTY EXEMPTIONS FOR 2018**

WHEREAS, the City of Hart performs property assessments; and

WHEREAS, the Federal Government prepares poverty guidelines for use in setting poverty exemptions for 2018; and pursuant to MCL 211.7u as amended by PA 390 of 1994 and further amended by PA 620 of 2002; and local governing bodies are required to and the City Assessor and Oceana County Equalization Director have requested that the City of Hart adopt the Federal Poverty Guidelines; 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:**

*Adopts the following Federal poverty guidelines used in the determination of poverty exemptions for 2018:*

<b><u>Size of Family Unit</u></b>	<b><u>Poverty Guidelines</u></b>
<i>1</i>	<i>\$12,060</i>
<i>2</i>	<i>\$16,240</i>
<i>3</i>	<i>\$20,420</i>
<i>4</i>	<i>\$24,600</i>
<i>5</i>	<i>\$28,780</i>
<i>6</i>	<i>\$32,960</i>
<i>7</i>	<i>\$37,140</i>
<i>8</i>	<i>\$41,320</i>
<i>For each additional person</i>	<i>\$4,180</i>

Moved by Mr. Frontiera, supported by Ms. Thomson, and thereafter adopted by the Hart City Council at a regularly scheduled meeting held on Tuesday, March 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.

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Cheryl Rabe, City Clerk

**RESOLUTION 18-24  
Hart City Council  
City of Hart, Michigan**

**NOTICE TO ABATE  
DANGEROUS, UNSANITARY OR UNSIGHTLY CONDITIONS**

WHEREAS, the City of Hart regulates dangerous, unsanitary and unsightly conditions on private property pursuant to Ordinance 670.01; and

WHEREAS, the City has determined that property located at 107 E. Main Street (17 N. State Street), and parcel number 64-020-208-002-50 is in violation of Ordinance 670.01; and

WHEREAS, pursuant to Ordinance 670.01 (c) (1) Hart City Council is authorized to serve notice to abate violations; 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:

*Orders abatement of dangerous, unsanitary and unsightly conditions as follows:*

<b>Address &amp; Owner</b>	<b>Condition</b>	<b>Order</b>	<b>Abate No Later Than</b>
107 E. Main St. (17 N. State St.)	Building collapsed, dangerous, unsightly, unsanitary, nuisance property, & detrimental to adjacent properties.	Remove all hazards, building materials, junk & debris from site. Level & restore site.	March 30, 2018 5 PM
<b>Legal Description</b>	WD9616982 QC-L2001P27991LE CERT-L2016/P7061 MLC-L2016/P7067 CITY OF HART S 31 FT OF LOT 2 EX 12 FT ALLEY OFF E SIDE EXTENDING ACROSS SAID LAND BLK 8.		
<b>Parcel Number</b>	64-020-208-002-50		
<b>Owner</b>	BUP LLC 4800 West Monroe, Pentwater, MI 49449		

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

Ayes: 5  
 Nays: 2 La Fever, Frontiera  
 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.

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Cheryl Rabe, City Clerk

**Discussion:**

Mr. Splane stated that he believed this property to be currently under investigation by both the County and State, he then went on to ask if this resolution would be in conflict with said investigations and open the City to liability. The current issues with the demolish project are, no permit was pulled, and no asbestos testing was conducted. Mr. Rickard brought this to the Council as nothing was being done to clean up the site. City Attorney, Julie Springstead is not familiar with these other investigations and therefore, cannot offer an opinion at this time. She does not think that there would be a liability attached to the City, if there was an order from another agency to not remove the demolished building, then the City should not proceed, but that is not the case.

George Sadler stated that he was following the steps. George gave a history of the demo of the building, including giving away the bricks and other materials. He does have the demo permit form October; the rules changed on him in the meantime. The man taking the bricks caused the building to fall. Litigation is now taking place in regards to the building collapsing. He also talked to an asbestos company to inspect the building. Everything has to be run through the DEQ. It tested out to 32% nonferrous asbestos in the roof – nonhazardous; it will be disposed of at a landfill.

Mr. Splane made the motion and Mr. Wittman supported the motion but wants to make sure that everything is being taken care of properly and would like to see a certificate, Mr. Splane amended his motion to have the owner make the City aware if he has any legal reasons that the property cannot be touched. Mr. Wittman is still requesting a certificate. Mr. Rickard has stated that the City will not be involved in the asbestos abatement at this time as the burdens belong to the owner.

**SPECIAL EVENTS PERMIT:**

- Easter Sunrise Church Service – April 1<sup>st</sup>, 7-8am – Hart Commons, Hart First Baptist Church
  - Motion by Ms. Thomson, supported by Mr. Wittman, all ayes, motion carried.
- Hart Sparks - July 2<sup>nd</sup>, Downtown
  - Motion by Ms. Thomson, supported by Mr. Wittman, all ayes, motion carried.
- Farmer’s Market – Amended permit (asking for the right to close the entire street)
  - Motion by Mr. Splane, supported by Mr. Wittman, all ayes, motion carried.

**DISCUSSION ITEMS:**

- Veteran’s Memorial Park Project Timeline:
  - Already discussed previously – a reminder of the timeline. A resolution will be brought to Council on March 27 with another Public Hearing to be held.
  - Joe Frontiera would like to see local people do some of the work on the project when the time comes.
    - Can the funding be revisited next year – Mr. Rickard stated that it could.
    - He is questioning the cost of the Kayak launch. Mr. Rickard stated that it is a barrier-free launch with additional ADA amenities and that this would add to the cost of the launch. Mr. Frontiera would also like to make sure that only kayaks/**canoes** use it and not boats.

- Wireless Meter Reading Technology – RFP process for new equipment:
  - Proceeding with an IT professional at Prein&Newhof who is experienced in this area. He is looking into various vendors and accumulating data for City to peruse. Funds are currently budgeted for this project.
- City-wide cleanup day vs. bulky item stickers:
  - The City has chosen Tuesday, May 8 to be the Citywide clean-up day with an additional estimated cost of \$6,000.00 added to our regular invoice as this is not a weekend day, which would cost twice as much.
    - Bulky item stickers would not allow as much trash to be disposed of as they are for bigger items only. Using this option would limit the amount of items that are disposed of.
    - Mr. Splane would still like to refer to May 5 as the City Wide Cleanup Day with the trash being picked up on May 8.
  - Mr. Frontiera made a motion to approve Tuesday, May 8<sup>th</sup> as the City Wide Cleanup Day, Mr. La Fever supported, all ayes, motion carried.

#### **CITY MANAGER REPORT:**

- Voluntary Green Pricing for Renewable Energy: Mr. Rickard presented an example of how the billing would work for this voluntary energy source. The program has to be in place by April 20. More will be discussed with the Power Board. Carmelitta Tiffany asked if there would be a tax break given to residents who chose to participate in the program, Mr. Rickard did not think that there would be in his own opinion.
- 8-Month Budget Report: Nothing extraordinary to report – sales are back on target; cash position is in good shape. Some funds have been drawn down in Hydro due to undergrounding and 88<sup>th</sup> Sub-Station. Water/Sewer, funds will be used on the Courtland/Jefferson Street Projects and the force main project.
- Griswold Street 10-Unit residential development – PILOT Ordinance: A PILOT Ordinance was presented to the City as it was with Lakeside and Woodland Place. A resolution will be drafted at a later date.
- Cost Recovery for Hart Area Fire Department: They are trying to recover costs from non-residents that our fire department responded to.

#### **CITY ATTORNEY REPORT:**

- 15 – Year Cemetery Millage (0.4998) Renewal – August 7, 2018, election:
  - Expired in Nov. 2017 and if we want to get it on the August ballot, a decision needs to be made soon. A 15 year levy would provide \$26,000.00 in revenue the first year. The millage amount could be increased by .0002 to the full .5 mils. The Mayor fully supports the millage and would like to see it renewed.

#### **Closed Session:**

- A motion was made by Mr. Splane and supported by Mr. Frontiera to enter into closed session at 9:02 pm. All ayes, motion carried. Returned to Open Session at 9:25 pm by motion made by Mr. Hegedus and supported by Mr. Frontiera.

#### **COMMUNICATIONS FROM THE MAYOR AND COUNCIL:**

None

#### **ADJOURNMENT:**

There being no further business to come before the Council, the meeting adjourned at 9:26 p.m., upon motion by Mr. Splane and supported by Mr. La Fever. The next meeting is Mar. 27, 2018, at 7:30 p.m.