



**CITY OF HART
407 S. STATE ST.
HART, MI 49420
COUNCIL PROCEEDINGS
APRIL 11, 2017, 7:30 P.M.**

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

ABSENT: none

OTHERS PRESENT: City Manager – Stan Rickard, City Attorney - Julie Springstead-Waltz, Chief of Police – Juan Salazar, Superintendent of DPW – Brad Whitney and Deputy Clerk - Cheri Eisenlohr. See attached attendance list for others present.

Mayor LaPorte called the meeting to order at 7:30 p.m. and following roll call, he then opened with the Pledge of Allegiance.

A motion was made by Mr. Rybarz to approve the first amended agenda and supported by Mr. La Fever. The minutes from the March 28, 2017, regular meeting were approved as printed, motioned by Mr. Frontiera, supported by Ms. Thomson. All ayes, motions carried.

PUBLIC COMMENTS, CORRESPONDENCE, EVENTS, PRESENTATIONS:

Mr. Rickard spoke on the following:

- Award presentation – Chief Salazar presented a plaque/award to Officer Aaron Cavner for his response to the fire at the Parkview Apartments and the evacuation of the residents of the structure.
- Hart Police Department – Year-End Report – Chief Salazar gave a brief overview of his year-end report.
- Anonymous letter re. Feral cats – a letter was received in regards to the feral cat population of the City. No action being taken at this time.
- Backyard chickens 4/9/17 – Resident Dave Martinez would like permission to have chickens in his backyard. It was suggested that this go before the Planning Commission at their next meeting on May 4th. The City's current ordinance is not real clear on the handling of this issue.

DEPARTMENT REPORTS:

- Brad Whitney, DPW Superintendent, spoke regarding the spring cleanup, roads need to be swept again. Brush and lawn waste bag pick-up has started and will run into November. Water at JGP was turned on yesterday and a sample was taken to be tested. If clear – the water will be good to go at the park.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES:

None

BILLS, CLAIMS, PAYROLL:

Mr. Rickard brought the following bills to the attention of the Council:

Family Dollar: \$1,258.65, Incentive (EO) payment

Hart Township: \$6,844.80, Act 425 Millage payment – revenue sharing

MPPA: \$178,610.82, purchased power – bulk of the bills.

Bills totaled: **\$266,399.18**

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

Discussion: None

ACTION ITEMS:

City Manager, Stan Rickard presented the following:

**RESOLUTION 17-23
City Council
City of Hart, Michigan
Oceana County**

JOHN GURNEY PARK PLAYGROUND

WHEREAS, in 2003 the Federal Energy Regulatory Commission (FERC) issued an Order granting the City of Hart a 40-year license to operate the Hart hydroelectric dam; and the Order contained numerous stipulations including a mandate to develop and maintain recreational opportunities in the dam project area; and

WHEREAS, in 2016 the Park Committee recommended and City Council agreed to develop a playground in John Gurney Park to enhance recreational venues for the Hart community and campground; and

WHEREAS, the City requested and received three (3) proposals from qualified vendors that manufacture and distribute playground equipment in Michigan; and

WHEREAS, the Park Committee reviewed the proposals on March 13 and March 27, 2017; and interviewed two companies to ascertain detailed information about their operations, equipment and proposals; and

WHEREAS, the City Council adopted Resolution 17-22 on March 28, 2017 authorizing the purchase of playground equipment for John Gurney Park at a cost of \$80,000; and City Council also requested equipment upgrades and authorized City staff to negotiate those upgrades with the equipment supplier; and the equipment supplier established an additional cost of \$1300 for the aforementioned upgrades; 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:

Authorizes and accepts a \$1300 increase to the March 7, 2017 proposal from Playworld Midstates (New Albany, OH) to purchase upgraded equipment increasing the total cost to \$81,300.

Authorizes and directs the City Manager to implement the John Gurney Park playground project on behalf of the City of Hart.

Moved by Ms. Thomson, supported by Mr. Rybarz, and thereafter adopted by the City of Hart, Michigan City Council at a regularly scheduled meeting held on Tuesday, April 11, 2017.

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 Abson, City Clerk

Discussion: None

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RESOLUTION 17-24
City Council
City of Hart, Michigan
Oceana County

INDUSTRIAL PARK WATER TANK REPAIR & REPAINT PROJECT
BID & AWARD

WHEREAS, the City of Hart owns, operates and maintains a municipal water supply system including two elevated water storage tanks; and

WHEREAS, the City constructed the Industrial Park Water Tank in the mid-1990s; and in 2012 the City retained Dixon Engineering (Lake Odessa) to inspect and report on tank condition; and City requested a 2016 re-inspection and report; and the 2016 report confirms the need to perform repairs and repaint the exterior surface; and Dixon Engineering has completed the specifications and contract documents for the project; and the City has sufficient cash reserves to complete this project in 2017; and

WHEREAS, on March 14, 2017 City Council adopted Resolution 17-17 authorizing the bid and award phase of the aforementioned project; and on March 28, 2017 the City received five competitive bids from qualified contractors ranging from \$97,500 to \$152,525; and Dixon Engineering reviewed the bids on the City's behalf and recommended contract award to L&T Painting Company (Shelby Township, Macomb County); 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, authorizes and accepts the bid from L&T Painting Company (Shelby Township, Macomb County) for the 500,000 Gallon Industrial Park Water Tank Repair & Repaint Project in the low bid amount of \$97,500.

Authorizes and directs the City Manager to implement the Industrial Park Water Tank Repair & Repaint Project and to sign all project documents on behalf of the City of Hart.

Moved by FROTHIERA, supported by WITTMAN, and thereafter adopted by the City of Hart, Michigan City Council at a regularly scheduled meeting held on Tuesday, April 11, 2017.

Ayes: 7 Nays: 0 Absent: 0

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Cheryl Abson, City Clerk

Discussion:
None

RESOLUTION 17-25
City Council
City of Hart, Michigan
Oceana County

INDUSTRIAL PARK WATER TANK REPAIR & REPAINT PROJECT
CONSTRUCTION INSPECTION SERVICES

WHEREAS, the City of Hart owns, operates and maintains a municipal water supply system including two elevated water storage tanks; and

WHEREAS, the City constructed the Industrial Park Water Tank in the mid-1990s; and in 2012 the City retained Dixon Engineering (Lake Odessa) to inspect and report on tank condition; and City requested a 2016 re-inspection and report; and the 2016 report confirms the need to perform repairs and repaint the exterior surface; and Dixon Engineering has completed the specifications and contract documents for the project; and the City has sufficient cash reserves to complete this project in 2017; and on March 14, 2017 City Council adopted Resolution 17-17 authorizing the bid and award phase of the aforementioned project; and on March 28, 2017 the City received five competitive bids from qualified contractors ranging from \$97,500 to \$152,525; and Dixon Engineering reviewed the bids on the City's behalf and recommended contract award to L&T Painting Company (Shelby Township, Macomb County); and pursuant to Resolution 17-25 adopted on April 11, 2017 City Council awarded this contract to L&T Painting Company; and

WHEREAS, this project requires professional construction inspection services to insure adherence to repair and repainting plans and specifications including project administration, pre-construction meeting, and sixteen (16) critical phase inspections; and Dixon Engineering (Lake Odessa) was the project engineer during the tank inspection, design and bid phase of this project and is preeminently and most qualified to perform the construction inspection services; 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, authorizes and accepts the March 29, 2017 engineering proposal from Dixon Engineering to perform construction inspection services for the 500,000 Gallon Industrial Park Water Tank Repair & Repaint Project in the lump sum fee amount of \$11,850.

Authorizes and directs the City Manager to sign the aforementioned proposal and implement construction phase engineering inspection services for the Industrial Park Water Tank Repair & Repaint Project on behalf of the City of Hart.

Moved by Mr. Rybarz, supported by Mr. Frontiera, and thereafter adopted by the City of Hart, Michigan City Council at a regularly scheduled meeting held on Tuesday, April 11, 2017.

Ayes: 7 Nays: 0 Absent: 0

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Cheryl Abson, City Clerk

Discussion:
None

RESOLUTION 17-26
City Council
City of Hart, Michigan

Oceana County

**REDEVELOPMENT READY COMMUNITIES (RRC)
JOINT MEMORANDUM OF UNDERSTANDING**

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

WHEREAS, the City of Hart Planning Commission has engaged planning consultant Williams&Works (Grand Rapids) to assist the City with the certification process; and

WHEREAS, the City of Hart has completed preliminary RRC requirements; and on March 27, 2017 the MEDC accepted the City into the RRC program; and the MEDC requires a Joint Memorandum of Understanding (MOU) to officially establish the RRC partnership; 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, accepts and authorizes the MEDC 'Redevelopment Ready Communities' Joint Memorandum of Understanding (MOU).

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

Moved by Ms. Thomson, and supported by Mr. Splane, and thereafter adopted by the City of Hart, Michigan City Council at a regularly scheduled meeting held on Tuesday, April 11, 2017.

Ayes: 6 Nays: 1 Absent: 0

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Cheryl Abson, City Clerk

Discussion:
None

**RESOLUTION 17-27
City Council
City of Hart, Michigan
Oceana County**

**GRANT APPLICATION FOR NEW VOTING SYSTEM
IN COOPERATION WITH OCEANA COUNTY CLERK**

WHEREAS, the Hart City Council desires to apply to the Secretary of State for a grant to purchase a new voting system, which includes precinct tabulators, Absent Voter Counting Board (AVCB) tabulators, accessible voting devices for use by individuals with disabilities, and related Election Management System (EMS) software; and

WHEREAS, partial funding for the new voting system will be provided by the State and will include a combination of Federal Help America Vote Act and State-appropriated funds; and local funding obligations are detailed in the attached _____quote; and

WHEREAS, the deadline for submitting the required State Grant Application is _____; 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:

Authorizes the City Clerk to apply for a Michigan Secretary of State grant of funds for a new voting system in cooperation with the Oceana County Clerk.

Moved by Mr. Rybarz, supported by Ms. Thomson, and thereafter adopted by the Hart City Council at a regular council meeting held on Tuesday, April 11, 2017.

Ayes 7 Nays 0 Absent 0

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Cheryl Abson, City Clerk

Discussion:
City's estimated cost is not available at this time.

RESOLUTION 17-28
City Council
City of Hart, Michigan
Oceana County

FAÇADE GRANT CONSTRUCTION ADMINISTRATION
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)

WHEREAS, on March 8, 2017 the Michigan Economic Development Corporation awarded a Façade Improvement Grant to the City of Hart through the CDBG Program for two buildings in downtown Hart; and

WHEREAS, on March 14, 2017 City Council adopted Resolution 17-20 accepting the CDBG Façade grant in the amount of \$212,750; and

WHEREAS, the construction phase of the Façade projects requires significant oversight by highly qualified persons trained in CDBG grant procedures; and the MEDC maintains a list of Certified Grant Administrators (GGA) that do business in Michigan; 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:

Authorizes and directs the City Manager to issue a Request for Proposals to Certified Grant Administrators (CGA) interested in the City of Hart Façade Grant projects.

Requires the City Manager to present CGA proposals to City Council on March 28, 2017 for their review, acceptance and approval.

Moved by Ms. Thomson, supported by Mr. Splane, and thereafter adopted by the City of Hart, Michigan City Council at a regularly scheduled meeting held on Tuesday, March 14, 2017.

Ayes: 7 Nays: 0 Absent: 0

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City of Hart Clerk.

Cheryl Abson, City Clerk

Discussion:
None

RESOLUTION 17-29
City Council
City of Hart, Michigan
Oceana County

HART HISTORIC DISTRICT
MASTER PLANNING DESIGN SERVICES

WHEREAS, the City of Hart owns, operates and maintains a historic district that features native and non-native buildings; and artifacts that commemorate 19th and early 20th century Hart and Oceana County rural living; and

WHEREAS, the Hart Heritage Preservation Group leases the Historic District and works on the behalf of the City by securing, preserving, and displaying historic collections; marketing the District; conducting tours and hosting special events; and recruiting volunteers to construct and maintain the grounds, buildings and exhibits; and

WHEREAS, the City of Hart adopted a 2016-2020 Park & Recreation Master Plan in November 2015 that proposed a Historic District Master Plan with phasing and cost projections; and

WHEREAS, the City retained Fleis & VandenBrink (Muskegon) to assist the City with the Master Plan preparation; and they desire a Professional Services Agreement (PSA) to formalize their work scope, terms and conditions; 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:

Authorizes and accepts the April 7, 2017 Fleis & VandenBrink proposal in the amount of \$6500.

Authorizes and directs the City Manager to implement the Hart Historic District Master Planning project on behalf of the City of Hart.

Moved by Mr. Splane, supported by Mr. La Fever, and thereafter adopted by the City of Hart, Michigan City Council at a regularly scheduled meeting held on Tuesday, April 11, 2017.

Ayes: 7 Nays: 0 Absent: 0

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Cheryl Abson, City Clerk

Discussion:
None

Resolution 17-30
City Council
City of Hart, Michigan
Oceana County

Dryden Street Vacation
920 S. State Street, PP# 64-020-346-001-00, Block 146

WHEREAS, the City of Hart owns approximately one hundred thirty-eight (138) lineal feet of sixty-six (66) foot public right-of-way (ROW) that dissects PP# 64-020-346-001-00, Block 146 located at 920 S. State Street (Suburban Propane), a retail store; and

WHEREAS, Suburban Propane (Whippany, NJ) desires unfettered access to the eastern approximate one-half (1/2) Block 146 with direct access to Block 142, an approximate four (4) acre site used for bulk propane tank storage; and

WHEREAS, the aforementioned City ROW is occupied by a 14" water transmission main and has potential value for future utility extensions including electric, sewer, gas and communications; and

WHEREAS, due to the proximity of the ROW the City could vacate the ROW to Suburban Propane, the sole adjacent owner, but retain unlimited underground and overhead utility easements; 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:

Authorizes and approves vacating the approximately one hundred thirty-eight (138) lineal feet of sixty-six (66) foot public right-of-way (ROW) that dissects PP# 64-020-346-001-00, Block 146 located at 920 S. State Street to Suburban Propane (Whippany, NJ).

Requires retention of unlimited utility easements in the vacated ROW.

Authorizes and directs the City Manager and City Attorney to prepare and sign the ROW vacation documents on behalf of the City of Hart.

Moved by _____, supported by _____, and thereafter adopted by the City of Hart, Michigan City Council at a regularly scheduled meeting held on Tuesday, April 11, 2017.

Ayes: Nays: Absent:

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Cheryl Abson, City Clerk

This resolution was introduced but not acted on during this meeting.

SPECIAL EVENTS PERMIT:

- National Asparagus Festival – June 9-11, 2017
- Hart Sparks – July 2, 2017
- Music on the Commons – June 28, July 12 & 26, Aug 9 & 23, 2017

Motion made by Mr. Rybarz to approve all three events, supported by Mr. Frontiera. All ayes.

DISCUSSION ITEMS:

Mr. Rickard reported on:

- Six-Year Capital Improvement Plan (FY2018-FY2023) – 'Draft': Nothing new to add. Mr. Rickard discussed the current street lighting conditions and spoke of updating the lamps throughout the City. It is indicated in the CIP. The price would be \$1,000.00 to \$1,300.00 each. The old units would be re-purposed. Mr. Rickard also touched on the digital meter reading project and would be providing more details as they become available.
- Change date of City Elections: A request was made to align the City's election dates to be in accordance with the County's and State's election dates. This would move our May election date to November, this would extend some of the current terms of the Council members. This is a cost saving endeavor. More information to come.
- 1896 Water Building: The City had some urgent repairs made to the east side of the building, but more extensive work needs to be done. This is the oldest municipal building in the City and it needs to be preserved. The Design Forum, Inc., has looked at the building and given their recommendations as to what needs to be done

at this time to secure the building inside and out. They have not given a cost estimate with their recommendations.

- Annual Letter of Responsibilities: Standard yearly letter from FERC detailing our responsibilities in maintaining a dam. Lawson-Fisher helps the City to stay in compliance with all of these issues and procedures.
- Website Redesign Vendors: The City is looking for a new vendor to update and maintain the City's website. Some of the Redevelopment Ready program need to be incorporated into the website. The City currently has a list of approximately 10 different vendors to seek bids from.

CITY MANAGER REPORT:

Revenues are solid – sales are 3% over sales at this time last year, this is due to Michigan Freeze Pack running potatoes. Cash position is good.

ATTORNEY REPORT:

Entered Closed Session at 8:43 pm by a motion from Mr. Wittman and supported by Mr. Frontiera, to discuss "Property Acquisition and confidential attorney-client communications". All ayes.

Returned to Open Session at 9:02 pm.

Rob Splane made a motion for the City Council to instruct the City Manager to follow the advice of Varnum Law in regards to the feasibility study, supported by Mr. Rybarz, all ayes – motion carried.

COMMUNICATIONS FROM THE MAYOR AND COUNCIL:

Mayor LaPorte advised the Council that on next Wednesday, April 19, there will be a tour of Gray & Co., with Paul Cutter. The Wednesday, April 26th, after that, Mayor LaPorte will be attending a Mayor's meeting in Grand Rapids.

Karen Thomson needs a re-appointment of Penny Burillo for the City Rep. to the Library Board. Mayor LaPorte re-appointed Penny Burillo – council supported. Karen then asked about a City wide clean-up day – the City suspended the practice due to high costs a few years ago.

Rob Splane stated that he had a local business owner approach him to suggest that in the future that special event permits be a two stage process – one meeting to introduce the permit and a second meeting to approve/deny the permit. This would allow the Council more time to look into the event prior to approval/denial. Mayor LaPorte does not feel that there is a reason to do it that way as normally the Council gets advance notice in regards to events that are to take place. There was an issue at the last meeting in regards to an event but Mr. Splane was not in attendance that night and was not aware of the situation. The Council would not take action on it that night as they had questions that needed to be answered. The party chose to withdraw his permit.

Jason LaFever brought it to the attention of the Council that he has heard rumors that the City sold Veterans Park. It was strictly a swap in title only and will continue to belong to the City.

ADJOURNMENT:

There being no further business to come before the council, the meeting was adjourned at 9:13 p.m., upon motion by Mr. La Fever and supported by Ms. Frontiera. The next meeting will be held on April 25th, 2017, 7:30 p.m.