



CITY OF HART
407 S. STATE ST.
HART, MI 49420
COUNCIL PROCEEDINGS
APRIL 25, 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, Main Street Manager – Julie Kreilick, BioPure Superintendent – Paul Cutter 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 opened with the Pledge of Allegiance.

A motion was made by Mr. Wittman to approve the first amended agenda and supported by Mr. Splane. The minutes from the April 11, 2017, regular meeting were approved as printed, motioned by Mr. Splane, supported by Mr. Frontiera. All ayes, motions carried.

PUBLIC COMMENTS, CORRESPONDENCE, EVENTS, PRESENTATIONS:

Mr. Rickard spoke on the following:

- William Field Memorial Hart-Montague Trail – River Restoration – advertising that showcases the rail trail.

DEPARTMENT REPORTS:

- Main Street Manager – Julie Kreilick advised the Council that the Main Street Program was approved by the Vista Program, this will give Main Street another employee that will be paid by this program. The additional employee will help with the Economic Development outreach program. Main Street is still looking for sponsors for various downtown events, they were also approved for a grant from the District Health Department #10 for \$1,500.00 for signage for the Downtown Farmers Market. They will also be sponsoring a “Pop-Up Market” in May. It will be an incubator for businesses with local businesses participating to start the program off. This will be located in the building right next to the Main Street Office. It should be open by the time of the Asparagus Festival and will run till Labor Day. Julie will be in Pittsburgh next week at the National Main Street Program convention. Also, the Main Street Program is looking for two new board members to replace the two that resigned.
- BioPure Superintendent – Paul Cutter updated the Council on the turn-out at the open house that was held at the facility on April 22, there were 28 visitors. He would like to host one again in the future with a more structured timeframe for the actual tours. They have started irrigating as well as de-watering the bio-solid lagoon for the bio-solid removal in mid-May. He and Stan Rickard toured Gray and Co., and were impressed with the facility, he learned that they only work with sweet cherries – no sour. Michigan Freeze Pack has been running potatoes, carrots and now asparagus and their impact at the facility has been substantial, the plant is capable of handling the load, but will need to be restructured to handle it over the winter. He showed the Council the facility’s new logo – he is having it placed on hats, t-shirts and letterhead.
- Police Chief – Juan Salazar reported on training that took place at the Community Center. It dealt with mental health issues and was very well attended and various departments commented favorably on having the training at the Community Center.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES:

Mayor LaPorte gave a report regarding the Hart Cemetery Board: The board approved hiring another employee and had mowers repaired and purchased an additional one. They also purchased a hauling trailer and put out new gravel on the roads throughout the cemetery.

BILLS, CLAIMS, PAYROLL:

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

County of Muskegon – Scada System: \$7,978.18

Peerless Midwest – Well Rehab: \$41,313.02

Bills totaled: **\$154,458.05**

A motion was made by Mr. Rybarz 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 17-30
City Council
City of Hart, Michigan**

**PROPERTY ACQUISITION
BioPure Treatment Facility Irrigation Capacity Expansion**

WHEREAS, the City of Hart owns, operates and maintains the BioPure Treatment Facility that irrigates treated water to City-owned farm fields; and

WHEREAS, due to system growth and weather influences the Facility experiences periodic hydraulic capacity stress resulting in extended irrigation activity that extends beyond MDEQ license parameters; and

WHEREAS, the City expects continued system growth from existing and new customers that will require expansion to irrigation capacity; and

WHEREAS, Longcore Farms LLC (Hart) has signed a purchase agreement offering 72 acres to the City for the aforementioned irrigation expansion; and

WHEREAS, consulting City Engineers Prein&Newhof (Muskegon) have performed hydro-geological studies that confirm long term viability and MDEQ permit readiness for the 72 acre parcel; 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 a purchase agreement with Longcore Farms LLC (Hart) in the amount of \$240,000 for 72 acres of farm land in close proximity to BioPure and existing irrigation property legally described herein:

The West ¼ of the Southeast ¼ of Section 15, Township 15 North, Range 17 West, EXCEPT that part thereof described as follows: Commencing at the South ¼ corner of Section 15; Thence South 86°05'05" East along the South Section line 973.70 feet to the point of beginning; Thence North 00°42'35" East parallel with the East 1/16 line 400.00 feet; Thence South 86°05'05" East parallel with the South Section line 326.00 feet; Thence South 00°42'35" West along the East 1/16 line 400.00 feet; Thence North 86°05'05" West along the South Section line 326.00 feet to the point of beginning; and ALSO EXCEPT the South 400 feet of the West 500 feet thereof.
Ridulis 72 Tax Parcel #84-007-015-400-07

Authorizes and directs the City Manager and City Attorney to sign the purchase agreement and closing documents on behalf of the City of Hart.

Approves a FY2017 budget amendment increasing Sewer Fund Capital Improvements Property Acquisition from \$200,000 to \$240,000.

Moved by Mr. Splane, supported by Mr. Wittman, and thereafter adopted by the City of Hart, Michigan City Council at a regularly scheduled meeting held on Tuesday, April 25, 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.

Cheri Eisenlohr, Dep. City Clerk

Discussion: None

**RESOLUTION 17-31
City Council
City of Hart, Michigan**

***PLANNED ENGINE MAINTENANCE
Cummins Sales and Service***

WHEREAS, the City of Hart owns, operates and maintains wastewater lift stations and water pumping systems both equipped with engine driven power generators for emergency conditions; and

WHEREAS, water pumping is a mission critical activity during electric power interruptions; and

WHEREAS, regular expert maintenance services are essential to insure equipment readiness; 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 two (2) 5-year planned maintenance agreements with Cummins Sales and Service (Grand Rapids) for engine driven 100 kW power generators at (1) East Main Lift Station, Griswold Lift Station at cost of \$12,549.86; and (2) Polk Road Booster Station and Portable Unit at cost of \$12,563.15.

Authorizes and directs the City Manager to sign the planned maintenance agreements on behalf of the City of Hart.

Moved by Ms. Thomson, 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 25, 2017.

Ayes: 7 Nays: 0 Absent: 0

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Cheryl Abson, City Clerk

Discussion: None

**RESOLUTION 17-32
City Council
City of Hart, Michigan**

GPS FLEET MONITORING

WHEREAS, the City of Hart owns, operates and maintains a fleet of cars and trucks; and

WHEREAS, GPS fleet tracking is a simple and affordable method to monitor fleet use; 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:

Authorizes and approves the Verizon Expressfleet vehicle tracking solution to monitor fleet activities.

Authorizes and directs the City Manager to sign a Verizon Expressfleet tracking agreement on behalf of the City of Hart.

Moved by Mr. Rybarz, supported by Ms. Thomson, and thereafter adopted by the City of Hart, Michigan City Council at a regularly scheduled meeting held on Tuesday, April 25, 2017.

Ayes: 5 Nays: 2 Absent: 0

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Cheryl Abson, City Clerk

Discussion: Mr. Frontiera had the understanding that the Council in a previous discussion felt that this was not necessary and does not feel that it is something that the City needs to do and the effects that it may have on the employees. Mayor LaPorte feels that it is a useful management tool to have. Mr. Rybarz stated that it could work in conjunction with the new accounting software work order module. This will be in an unlimited "Trial" status, it can be ended at any time. (This discussion took place prior to the motion being made.)
Mr. Splane feels that this is a good way to keep an eye on the City's assets.

Resolution 17-33 was postponed...

RESOLUTION 17-34
City Council
City of Hart, Michigan

LONG-TERM TEMPERATURE REDUCTION PLAN
Water Quality Improvements and Feasibility Study – Revision 1

WHEREAS, the City of Hart entered into an Administrative Consent Order (ACO) in January, 2015 with the Michigan Department of Environmental Quality (MDEQ) with the goal of reducing temperatures and increasing dissolved oxygen in the South Branch Pentwater River below the Hart Dam to meet cold water fishery standards; and the ACO required the City of Hart to prepare and implement an Interim Plan that included a project to remove a weir structure in the Russell Creek flowage which is subject to a MDEQ Wetlands permitting process; and the ACO required the City of Hart to prepare a Long-Term Temperature Reduction Plan and Feasibility Study that included the protection of riparian zones through best management practices (BMP) and acquisition and/or conservation easements; and

WHEREAS, City Engineers Prein&Newhof have completed the aforementioned studies and the City of Hart Power Board and City Council have reviewed the documents; and pursuant to Resolution 17-06 the City submitted the aforementioned study by the January 31, 2017 deadline; and

WHEREAS, in a March 27, 2017 letter MDEQ to City, they required revisions to select projects, that when implemented, would move toward compliance with the ACO; 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:

Authorizes and directs the City Manager to deliver the April 24, 2017 "Revision 1" to the Water Quality Improvements and Feasibility Study to the MDEQ by April 28, 2017 in accordance with their March 27, 2017 directive.

Moved by Ms. Thomson, supported by Mr. Rybarz, and thereafter adopted by the Hart City Council at a regular meeting held on Tuesday, April 25, 2017.

Commented [CE1]: Frontiera and La Fever voted no.

Ayes: 6 Nays: 1 Absent: 0

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Cheryl Abson, City Clerk

Discussion: Mr. Wittman asked if the DEQ would require a permit to do the listed projects, Mr. Rickard advised him that a permit would be required, but he does not know if the DEQ would actually approve the permit request.

RESOLUTION 17-35
City Council
City of Hart, Michigan

AMENDING POWER SUPPLY TRANSACTION
MICHIGAN PUBLIC POWER AGENCY
NEXTERA NUCLEAR POWER

WHEREAS, the City of Hart Hydroelectric is a member of the Michigan Public Power Agency (MPPA) in Lansing, MI; and

WHEREAS, in 2011 the MPPA purchased 15 MW Physical, Firm (LD) Energy capacity from Clinton Power Station, a nuclear generation facility in central Illinois, through NextEra Power Marketing (NextEra, the Seller), an affiliate of the Clinton Power Station; and pursuant to Resolution 11-35 the City of Hart Hydro-Electric purchased 0.3 MW of this nuclear energy from MPPA (the Buyer); and

WHEREAS, the Seller (NextEra) is requesting an amendment to the 2011 MPPA agreement by allowing the Seller to convert the generation source specific energy to regional market energy due to regulatory or operational constraints that may impact Seller's ability to produce and deliver their energy product; and

WHEREAS, the Seller is offering immediate price reductions and possible future reductions if the 2011 agreement is amended; and

WHEREAS, it is in the best interest of the City of Hart Hydroelectric to approve the aforementioned amendment; 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 CITY COUNCIL:

Approves the April 13, 2017 MPPA Letter of Authorization amending the 2011 nuclear energy purchase agreement with NextEra Power Marketing.

Authorizes and directs the City Manager to sign the Letter of Authorization.

Moved by Mr. La Fever, supported by Mr. Splane, and thereafter adopted at the City of Hart City Council meeting on April 25, 2017

Ayes: 7 Nays: 0 Absent: 0

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Cheryl Abson, City Clerk

Discussion: None

SPECIAL EVENTS PERMIT:

None

DISCUSSION ITEMS:

Mr. Rickard reported on:

- Six-Year Capital Improvement Plan (FY2018-FY2023) – 'Draft': Updated version with a few changes (highlighted in yellow) Revised due to the grant application not being completed, projects are now broken out further. There will be more changes to come as time progresses.
- Dryden Street Vacation: Suburban Propane is asking for the City to vacate the ROW on the parcels that they own. Mr. Rickard has been working with the City Attorney to iron out some of the issues that have come up as they have discovered that there are other private utilities on the land as well. Mr. Wittman asked why Suburban wants it vacated – Mr. Rickard advised that they want unfettered access to their property on State Street. Suburban would offer the City a nominal amount to vacate the ROW. Extending Dryden Street through this area had been discussed at one time, but no follow thru was ever done. Mr. Frontiera stated that residents had approached him about extending the street – Mr. Volpp voiced his opinion at this time about the value of extending Dryden Street.
- Wetlands Permit Application Denial – April 17, 2017: The DEQ has denied the application for the Russell Creek Project to remove the weir boards. There will be no further action on this project.
- Hart Main Street Board Vacancies: There are currently two positions open on the board. Applications are being accepted for the openings.

CITY MANAGER REPORT:

None

ATTORNEY REPORT:

None

COMMUNICATIONS FROM THE MAYOR AND COUNCIL:

Mr. Splane asked how things were going with Attorney Zimmerman, Mr. Rickard stated that he is working on it, but there is no update this week. There will be an update for the next Council meeting.

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 Mr. Rybarz. The next meeting will be held on May 9th, 2017, 7:30 p.m.