



CITY OF HART
407 S. STATE ST.
HART, MI 49420
COUNCIL PROCEEDINGS
MAY 8, 2018, 7:30 P.M.

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

ABSENT: Jack Wittman

OTHERS PRESENT: City Manager – Stan Rickard, City Attorney – Julie Springstead, DPW Superintendent – Brad Whitney, BioPure Superintendent – Paul Cutter, Police Chief – Juan Salazar, Mainstreet Manager – Julie Kreilick, Hydro Superintendent – Mike Schiller, 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. Hegedus to approve the second amended agenda and supported by Ms. Thomson. The minutes from April 24, 2018, regular meeting were approved as printed, motioned by Mr. Splane and supported by Ms. Thomson. All ayes, both motions were carried.

PUBLIC COMMENTS, CORRESPONDENCE, EVENTS, PRESENTATIONS:

- Hydro Disc Golf Grand Opening – Saturday, May 12, 2018 – all day event
- Special City Council meeting – Tuesday, May 15, 2018, @ 7:00 pm
- May 3, 2018, Notice of Maintenance – AgRen Drainage
- May 2, 2018, Golden Township Intent to Update Master Plan
- Steve Ervay came to discuss the condition of the road near his wife’s daycare. He presented a picture to the Council. Mr. Whitney stated that the road needs to be raised. The Mayor would like this road to be addressed with available street improvement levy funding. Mr. Rickard will be in contact with MFP in regards to the traffic in and out of their plant; he also stated that there are funds in the CIP that could be available as of July 1.

DEPARTMENT REPORTS:

- BioPure Superintendent, Paul Cutter:
 - There was a spike of high voltage in an irrigation pump – it was sent out for repairs.
 - Matts Undergrounding should be done by late next week.
 - Mr. Frontiera asked about the potato starch problem, Mr. Cutter advised that they could add polymer to the clarifier, but it is expensive to go this route.
- Police Chief, Juan Salazar:
 - May 10 will be the Spring Shooting Qualifications for duty weapon and rifle. All officers must be proficient.
 - May 16 is the date of the TEAM graduation.
- DPW Superintendent, Brad Whitney:
 - Reading meters, monitoring wells, lawn maintenance all other normal duties.
 - Busy patching and sweeping streets.
 - New signage downtown, working in conjunction with Hart Main Street on this project.
 - All underground work is done on the Jefferson/Courtland Street project.
 - Sidewalks, curbs, and gravel are next.
 - Water main break on Comfort Drive has been repaired, needed to insert a 10” valve to stop the leak. No customers were directly affected by the repair.
- Hydro Superintendent – Mike Schiller:

- A new battery bank was installed at the Dam.
- Conduit is finished at the Courtland/Jefferson Street project. He also explained how the City Hall will be affected by all the changes in regards to our electricity.
- DuBois Tree Service will be in next week to remove trees. Notices were distributed to residents - red marked trees will be taken down; white marked trees will be trimmed.
- There are 35 stumps that need to be ground down; they will then have dirt added and reseeded.
- All but one DOT inspection is done on the Hydro Trucks.
- Zebra mussels were found and removed at the dam.
- Short stubble was removed at the disc golf course.
- The transformer at the Courthouse is due to be installed on May 19.
- Mainstreet Manager, Julie Kreilick:
 - New signage downtown.
 - Rack cards were printed with summer events.
 - There are 12 dedicated vendors for the Farmers Market.
 - Banner competition is in the works, working with Hart Public Schools and the Historic District.
 - Hart Sparks and the annual fund campaign are on track.
 - Charrette sign is in place.
 - Downtown clean-up is scheduled for the 19th.

REPORTS OF BOARDS, COMMISSIONS, AND COMMITTEES:

None

BILLS, CLAIMS, PAYROLL:

Mr. Rickard discussed the following invoices in detail:

\$11,450.00 City Service

\$149,766.96 Matts Undergrounding

\$2,000.00 Ricki Dean

Bills totaled: \$430,989.66

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

Ayes: 6 Nay: 0 Absent: 1

Discussion:

Mr. Splane asked about the change order invoice from McCormick Sand. Mr. Rickard stated that the City was the one to add items to the scope of work.

Mayor LaPorte asked if the shared cost was being implemented with the residents. Mr. Rickard said only if they approach the City for a new sidewalk. On a construction project, no, the cost is not shared.

ACTION ITEMS:

City Manager, Stan Rickard presented the following:

**ORDINANCE 2018-02
COST RECOVERY ORDINANCE**

An ordinance to establish cost-recovery charges and exemptions for fire department and other emergency services under Public Act 33 of 1951, as amended (MCL 41.801, et seq.) (the "Act") and to provide methods for collecting those charges.

THE CITY OF HART, OCEANA COUNTY, MICHIGAN ORDAINS:

Section 1: Purpose

This ordinance is adopted by the City of Hart, pursuant to the Act, to enable the Hart Area Fire Administrative Board, the "Board", to bill for and collect cost recovery charges from those who are not assessed property tax levies but receive direct benefits, including but not limited to, fire protection and/or public safety services

provided by the Board. It is the further purpose of the ordinance to provide full funding of the fire protection and other emergency services which remain, in part, an at-large expense based upon the general benefits derived by all property owners within the City's jurisdiction.

Section 2: Definition

1. Jurisdiction means the City of Hart.
2. Charges means and/or refers to costs for services incurred by the Board in connection with a response to a fire emergency, or a public safety incident, including but not limited to, labor and material costs of the Board, whether or not services are provided by the Board or a third party on behalf of the Board; service charges and interest; attorney fees, litigation costs, and any costs, charges, fines or penalties imposed on the Board by any court or state or federal governmental entity.
3. Emergency Services means and/or refers to emergency medical assistance, hazardous materials incident, public safety services, police, fire, and civil defense services.
4. Hazardous Materials means and/or refers to those elements, substances, wastes including but not limited to combustible liquid, flammable gas, explosives, flammables, ammonia, poisons which are or potentially are harmful to the environment, human or animal life, or which pose an unreasonable or imminent risk to life, health, or safety of persons or property or the ecological balance of the environment as determined by the Fire Chief or senior fire official in charge of the scene.
5. Hazardous Material Incident or Emergency means and/or refers to any occurrence, activity, accident, incident or emergency means and/or refers to situations where the release of hazardous materials occurs or is reasonably imminent and where the Fire Chief or designee has so declared such activity, accident, or emergency a hazardous material incident or emergency.
6. Motor Vehicle means and/or refers to any self-propelled or towed vehicle designed for or used on the public streets, roads, and highways which is required to be registered to use public streets, roads, and highways, to transport passengers or property, or non -registered off road vehicles and all trailers or appurtenances attached to any motor vehicle.
7. Public Safety Incident means and/or refers to requests for emergency response or assistance including but not limited to downed electric power, cable or telephone lines, gas leaks, and any situation when the public is in danger of injury and/or death.
8. Release means and/or refers to any actual or threatened spilling, leaking, pumping pouring, emitting, emptying, discharging, injecting, leaching, dumping, or disposing into the environment, including but not limited to air, soil, groundwater, and surface water.
9. Responsible Party means and/or refers to any individual, firm, corporation association, partnership, commercial entity, consortium, joint venture, government entity, or any other legal entity responsible for a public safety or fire emergency incident, or any owner, tenant, occupant, or party in control of real or personal property from which onto which or related to which there is a public safety or fire emergency incident, and their heirs, estates, successors and assigns.

Section 3: Cost-Recovery Charges

The Board will, from time to time, set a schedule of charges due and payable by parties not assessed property taxes for fire protection and other emergency services.

Section 4: Time Limit Payment

All charges are due and payable within 30 days from the date the service is rendered, and in default of payment, are collectable through proceedings in 78th District Court or any court of competent jurisdiction as a matured debt. Unpaid charges shall accrue a late fee of 1% per month or fraction thereof that the amount due and any previously imposed late payment fee remains unpaid.

Section 5: Exemptions

1. False Alarms not occurring more than five times in a 365-day period.

- 2. Fire involving municipal buildings, grounds, and/or property.
- 3. Fire or other emergency service performed outside the jurisdiction of the Hart Area Fire Board, unless the other municipalities have adopted an ordinance to impose fees for fire and emergency service runs within their respective territories under MCL 41.806a.

Section 6: Collection of Charges

The Township or, on its behalf, the Board may proceed to 78th District Court by suit to collect any monies remaining unpaid from a responsible party and shall have all other remedies provided by and subject to law for the collection of said charges. All monies collected shall be used to cover any costs of recovery and any remaining funds shall be deposited if the Fire Board general fund.

Section 7: Multiple Property Protection

When a particular fire protection or other emergency service rendered by the Board directly benefits more than one person or property, the owner of each property so benefited, and each person so benefited where property protection is not involved, is liable for the payment of the full charge for such service. The interpretation and application of this section is delegated to the Fire Chief, subject to appeal, within time limits for payment, to the Hart Area Fire Board and shall be administered so that charges shall only be collected from recipients of the service.

Section 8: Procedure for Appeal

Any responsible party who receives an invoice for charges shall have the opportunity to request an appeal of those charges to the Board. Such appeal must be made in writing within seven calendar days of the invoice date. The request shall specifically identify and explain all reasons why the responsible party believes the charges should be modified or voided. Upon receipt of such request the responsible party shall be placed on the agenda of the next regularly scheduled Fire Board meeting. The fire board shall make a determination within thirty days to confirm, modify or void the charges. The decision of the Fire Board will be final.

Section 9: Severability

If any provision or part of this ordinance is declared invalid or unenforceable by a court of competent jurisdiction, the validity or enforcement of the balance of the ordinance is not affected and remains in full force and effect.

Section 9: Effective Date

First Reading:	April 10, 2018
Second Reading & Adoption:	May 8, 2018
Publication:	May 17, 2018
Effective Date:	Ten days after publication

I, the undersigned, the duly qualified and acting City Clerk of the City of Hart, Oceana County, Michigan, do hereby certify that the foregoing Ordinance amendments and additions were adopted by City of Hart at a regular City Council meeting properly held on the 8th day of May, 2018; and that the meeting with held in compliance with notice provisions and all other requirements of Act 267 of the Public Acts of 1976, as amended. I hereby certify that I published the Ordinance amendments and additions in the Oceana Herald Journal on the 17th day of May, 2018.

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

Moved by Mr. Splane supported by Mr. Frontiera and thereafter adopted by the Hart City Council at a regular council meeting held on May 8, 2018.

Ayes: 6 Nays: 0 Absent: 1

Discussion: The Fire Department is no longer pursuing any amendments to the ordinance, Mr. Rickard recommends adopting as written.

Moved by Mayor LaPorte supported by Ms. Thomson and thereafter adopted by the Hart City Council at a regular council meeting held on May 8, 2018.

Ayes: 3

Nays: 3 – Splane, Hegedus, La Fever

Absent: 1

The motion did not carry.

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

Discussion:

- Mr. George Sadler asked the Council to reconsider ECM downtown, as they were told five months ago if ECM were allowed we would lose Hart Main Street, this has not come to fruition. Mayor LaPorte said that he is not agreeing with what was said. Mr. Sadler would like them to consider them on a limited basis. Mr. Sadler also stated that a petition was issued to amend the ordinance. He also wants the Sandwich board height changed to six feet. The Mayor stated that it was duly noted.
- Mr. Al Martin stated that he was in agreement with Mr. Sadler and that the ordinance should go back to the Planning Commission for more tweaking. The Mayor stated that it was a good document and that it can always be worked on in the future and that the Planning Commission has put in a lot of work and effort on the ordinance and that the Council needs to move forward on it.

RESOLUTION 18-33
City Council
City of Hart, Michigan

METER READING TECHNOLOGY
REQUEST FOR PROPOSALS

WHEREAS, the City of Hart owns, operates and maintains municipal electric and water systems that require meter reading technology to accurately and efficiently measure power and water usage by its customers; and

WHEREAS, current meter readings are collected and recorded manually by City staff using inefficient methods with the potential for human error; and

WHEREAS, wireless meter reading technology has advanced dramatically in recent years with affordable costs; and City staff with assistance from City Engineer Prein&Newhof have investigated three (3) established and qualified meter reading products compatible with the City's system; and

WHEREAS, the City has budgeted funds in the current FY2018 to acquire meter reading technology; 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:

Advances the meter reading technology project to the vendor proposals and selection phase.

Authorizes and approves the preparation and issuance of a 'Request for Proposals' (RFP) to three (3) qualified meter technology vendors.

Authorizes and directs the City Manager to implement the RFP process and to present and recommend City Council action at a future meeting.

Moved by Mr. Frontiera, supported by Mr. Splane, and thereafter adopted at the regular City of Hart City Council meeting on May 8, 2018.

Ayes: 6 Nays: 0 Absent: 1

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 18-34
City Council
City of Hart, Michigan**

**STORMWATER, ASSET MANAGEMENT & WASTEWATER (SAW) GRANT
AMENDMENT to PROFESSIONAL SERVICES AGREEMENT**

WHEREAS, pursuant to Council Resolution 16-66 adopted on November 22, 2016 the City of Hart accepted and approved a SAW Planning Grant through the Michigan Department of Environmental Quality (MDEQ); and the City designated Prein&Newhof as consulting City Engineer and on February 28, 2017 City Council adopted Resolution 17-14 approving a professional services agreement in the amount of \$1,382,711 with the City Engineer for eligible SAW Grant activities as approved by the MDEQ; and the MDEQ subsequently increased the SAW grant amount to \$1,897,131 allowing more intensive study, surveillance and analysis as follows:

Services Phase	Estimated Fee
Inventory/Data Collection	\$246,600
Condition Assessment	\$273,000
Level of Service	\$13,000
Risk/Consequence	\$22,605
Asset Management Plan	\$170,000
Metering/Modeling	\$379,249
Am/GIS Software, Hardware, and Training	\$43,040
Cleaning/Televising*	\$520,000
Level of Service	\$3,682
Rates/User Charge Dev.*	\$102,275
Wastewater Treatment Plant	\$123,680
Total	\$1,897,131

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 approves an amendment to a professional services agreement with Prein&Newhof

Engineering (Muskegon) to perform additional activities associated with the aforementioned MDEQ SAW Grant in the amount not-to-exceed \$1,897,131.

Authorizes and directs the City Manager to implement the amended MDEQ SAW Grant workscope on behalf of the City of Hart; and to sign the amended professional services agreement with City Engineer Prein&Newhof.

Moved by Ms. Thomson, supported by Mr. La Fever, and thereafter adopted at the regular City of Hart City Council meeting on May 8, 2018.

Ayes: 6 Nays: 0 Absent: 1

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:

Mr. Frontiera is questioning where the numbers come from. Mr. Rickard said that the State provides oversight on the project and that every item is 100% reimbursable from the State. Mr. Splane asked if the Council will be able to look at the GPS tablets, Mr. Rickard said absolutely.

RESOLUTION 18-35
City Council
City of Hart, Michigan
Oceana County

COLLECTIVE BARGAINING AGREEMENTS
POLICE OFFICERS LABOR COUNCIL
UTILITY WORKERS UNION OF AMERICA

WHEREAS, the City of Hart and Utility Workers Union of America (UWUA); and the City of Hart and Police Officers Labor Council (POLC) entered into negotiations for new labor agreements to replace agreements expiring on June 30, 2018; and

WHEREAS, the aforementioned parties have reached agreement on the terms and conditions thereof; 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:

Approves the July 1, 2018 – June 30, 2022, negotiated agreements between the City of Hart and the UWUA; and between the City of Hart and the POLC.

Authorizes and directs Mayor LaPorte, Councilor Rob Splane, Councilor Karen Thomson, City Manager Stan Rickard and Deputy Clerk-Treasurer Cheri Eisenlohr to sign the agreements on behalf of the City of Hart.

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, May 8, 2018.

Ayes: 6 Nays: 0 Absent: 1

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

Discussion:

Mr. LaFever thanked those on the Finance-Personnel committee for their work and effort.

SPECIAL EVENTS PERMIT:

- Annual Hart Car Show, Saturday, July 28th
 - Mr. Frontiera made a motion to approve this special event permit, Mr. La Fever supported, all ayes, the motion carried.
- K & G Mgt. – Back Alley Concert, June 1-2, Friday & Saturday
 - Discussion – as this is not on City-owned property, Mr. Splane does not feel that a permit is needed. Mayor LaPorte is in favor of one being approved regardless. The timeframe was verified with Mr. Sadler. Mayor LaPorte asked Mr. Sadler if he canvassed the area, Mr. Sadler stated that no he did not as he was never canvassed for past events that took place in the same local area. Mr. Sadler did speak with Chief Salazar in regards to the event. Mr. Sadler stated that the music would start at 2:00 pm and end at 11:00 pm each day. There will be a fence in place to keep patrons off the alley right of way. Mr. Sadler is trying to bring in patrons from the Silver Lake Jeep event that is going on the same weekend.
 - Mr. La Fever made a motion to approve this special event permit, Mr. Frontiera supported.
 - 5 ayes, 1 nay (Splane), 1 absent

DISCUSSION ITEMS:

- City Manager Search Process & Interviews:
 - May 15th meeting with Kathie Grinzinger. There were 26 applications received. The Council needs to decide on a date for the interviews – all on a Saturday or split it into two sessions on weeknights. Council prefers two weeknights.
- Rezoning A-2, Apartment Zoning to C-2, Limited Commercial - Informational
 - Adams Heating and Cooling would like to move within the City limits on Oceana Drive. Zoning would have to be reconfigured. The Planning Commission approved the rezoning request.
- 1st Draft FY2019 Annual Budget & 6-Year Capital Improvement Program
 - Mr. Rickard went over the highlights of the revenue and expenses.
- Property Sale & Lease:
 - Electric transmission easements – EDF Renewables:
 - GroSolar is still in the area, they have asked the City for easement leases for laying conduit.
 - Vacant City Property:
 - Creeks Development: Mr. Rickard would like to send a notice to several local contractors inviting them to submit a letter of interest to work with the City on this development. Mr. Frontiera made a motion to allow the City Manager to send the RFQ, Mr. Hegedus supported the motion – all ayes, motion carried.
 - Gray & Co., is expanding and is looking to purchase City-owned property near their current facility. Mr. Rickard will be meeting with them to discuss further as there are some issues with the parcels and the AgRen drain.

CITY MANAGER REPORT: Nothing

CITY ATTORNEY REPORT:

- Initiative Petition to Amend Ordinance 1259.05j: The Council can adopt this ordinance, or submit the proposal to the electors at the next election or a special election, within 30 days of receiving the initiative. Mr. Frontiera made a motion to let this go to a vote of the people in November, Mr. Splane supported the motion, all ayes, motion carried.

CLOSED SESSION:

- Mr. La Fever made a motion to enter into closed session at 9:00 pm to discuss property acquisition, pending litigation and confidential attorney-client communications, supported by Mr. Frontiera, all ayes, motion carried. Mayor LaPorte made a motion to return to open session, supported by Mr. Splane, all ayes, motion carried. Upon return to open session, Mr. Frontiera made a motion to go ahead with phase I of the UAA/ACO; the motion was supported by Mr. Hegedus, all ayes, motion carried.

COMMUNICATIONS FROM THE MAYOR AND COUNCIL:

- Mr. Splane suggested that at some time in the near future, the Council should consider changing over to digital packets for their meetings. City documents are not recycled at this time. Recycling options will be looked into.
- Mr. Hegedus thanked Mr. Splane for pushing for the City-Wide Clean-up.

There being no further business to come before the Council, the meeting adjourned at 9:27 p.m., upon motion by Mr. Hegedus and supported by Mr. La Fever. The next meeting is May 22, 2018, at 7:30 p.m.