



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

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

**ABSENT:** None

**OTHERS PRESENT:** City Manager – Stan Rickard, City Attorney - Julie Springstead-Waltz, Chief of Police – Juan Salazar, 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., following roll call, he then opened with the Pledge of Allegiance.

A motion was made by Mr. La Fever to approve the 2nd amended agenda and supported by Mr. Splane. The minutes from the June 27, 2017, regular meeting were approved as printed, motioned by Mr. Wittman and supported by Ms. Thomson. All ayes, motions carried.

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

State Representative, Scott Van Singl attended the meeting to say hello and to thank everyone for their votes during the election. He spoke regarding the State budget being completed two months early with only an approximate 1% increase from last year's budget.

**DEPARTMENT REPORTS:**

- BioPure Superintendent, Paul Cutter reported that cherry harvesting has started and that Indian Summer is still making use of the City sewer as their line was never repaired.
- Police Chief Salazar reported that the Hart Sparks program went well with many compliments on the show. There were suggestions to dim or turn off the street lights downtown during the show so that the fireworks could be seen well. This request will be taken into consideration for next year's program.
- **REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES:**

None

**BILLS, CLAIMS, PAYROLL:**

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

\$1,382.85 – Hart Township – Property Taxes

\$202,583.53 – NutriGro – BioSolids hauling

\$4,547.53 – City of Hart Treasurer – Property Tax on the Creeks Dev.

\$61,491.99 – Oceana County Treasure – Past Due Taxes on the Creeks Dev.

Bills totaled: **\$585,105.78**

A motion was made by Ms. Thomson and supported by Mr. Wittman to approve the payables and payroll in the amount stated.

Ayes: 7      Nay: 0      Absent: 0

Discussion: Mayor LaPorte stated that he would like to see legible signatures on receipts and invoices and he also wanted an explanation as to why purchases were made at Rothbury Hardware rather than locally.

**ACTION ITEMS:**

City Manager, Stan Rickard presented the following:

**RESOLUTION 17-57  
City Council**

**City of Hart, Michigan  
Oceana County**

**DISC GOLF TEE PROJECT**

WHEREAS, the City of Hart adopted a community recreation plan in 2015 that included a proposed disc golf course at the Hart Dam property; and the Hart Park Committee and City Council authorized the project to move forward in 2016; and staff, volunteers, and City Engineer Prein&Newhof with assistance from wetlands specialists designed a course layout approved by City Council; and in 2017 the City purchased 18 disc golf baskets and installed concrete footings; and

WHEREAS, in 2016 the City secured two proposals from Oceana County contractors Kirk Seabolt Concrete (Hart) and Blackmer Construction (Hart) to construct eighteen 12ft X 5ft concrete tee pads; and pursuant to Resolution 16-54 City Council awarded a construction contract to low bidder Kirk Seabolt Concrete (Hart) in the amount of \$4820 for this work; and

WHEREAS, in May, 2017 Kirk Seabolt Concrete withdrew its bid due to passage of time and inability to complete the work with the equipment and work methods originally anticipated in 2016; and

WHEREAS, City requested and received new bids from the aforementioned contractors as follows: Blackmer Construction, \$10,180; and Kirk Seabolt Concrete, \$8960; 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:

*Repeals Resolution 16-54, approves and accepts the Kirk Seabolt Concrete bid in the amount of \$8960 for the disc golf tee project; authorizes and directs the City Manager to implement the project on the behalf of the City of Hart.*

Moved by Ms. Thomson, supported by Mr. Splane, and thereafter adopted by the Hart City Council at the regular council meeting held on Tuesday, July 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 Rabe, City Clerk

Discussion: None

**RESOLUTION 17-58  
City Council  
City of Hart, Michigan  
Oceana County**

**DISCHARGING 2004 GARCON AGREEMENT**

WHEREAS, in 2004 the City of Hart (CITY) and Garcon Development LLC (GARCON) signed an agreement (Agreement) to jointly construct the Creeks Condominiums and related public infrastructure; and the CITY borrowed funds to construct the public infrastructure completed later in 2004; and GARCON borrowed

commercial funds to develop the property; and GARCON agreed to repay the CITY \$10,000 per lot/unit as they sold; and

WHEREAS, after limited development and the 2008 housing market crisis, GARCON defaulted on its commercial loan and its agreement to reimburse the CITY; and GARCON and developer Gary Gibson later entered bankruptcy proceedings; and due to delinquent property taxes the development will be auctioned in August, 2017; and

WHEREAS, prior to auction, owner Gary Gibson is willing to deed the undeveloped property to the CITY in exchange for a discharge of the 2004 Agreement; 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:

*Agrees to release and discharge the 2004 GARCON and CITY Agreement to jointly construct the Creeks Condominiums and the CITY will not seek to collect funds from Gary Gibson for monies owed.*

*Authorizes the City Attorney to signs documents to release and discharge the aforementioned Agreement on behalf of the CITY.*

Moved by Mr. Splane, supported by Mr. Wittman, and thereafter adopted by the Hart City Council at the regular council meeting held on Tuesday, July 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 Rabe, City Clerk

Discussion: Mr. Splane requested confirmation that this act would officially make the property belong to the City, Ms. Springstead stated that she would file the documents the next day and it would be completed.

**Resolution 17-59**  
**City of Hart - City Council - Hart, Michigan**  
**BUDGET AMENDMENTS**

WHEREAS, the City Council may amend the annual budget to reflect changes in purchasing patterns or revised objectives; 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 amends the FY2018 Annual Budget as follows:

<b>REVENUE</b>		<u>ADOPTED</u>	<u>AMENDED</u>	<u>JUSTIFICATION</u>
<u>FUND</u>	<u>LINE ITEM</u>	<u>BUDGET</u>	<u>BUDGET</u>	
1	General	\$0	\$10,120	Appropriate funds for property tax due - CREEKS
2	Hydro	\$858,000	\$895,020	Appropriate funds for property tax due - CREEKS
3	Sewer	\$207,000	\$221,930	Appropriate funds for property tax due - CREEKS
4	Water	\$245,000	\$248,990	Appropriate funds for property tax due - CREEKS
<b>Net Increase:</b>			<b>\$66,060</b>	

<b>EXPENDITURE</b>		<u>ADOPTED</u>	<u>AMENDED</u>	<u>JUSTIFICATION</u>
<u>FUND</u>	<u>DEPARTMENT</u>	<u>BUDGET</u>	<u>BUDGET</u>	
1	General	\$0	\$10,120	To take possession of Creeks Development
2	Hydro	\$0	\$37,020	To take possession of Creeks Development
3	Sewer	\$0	\$14,930	To take possession of Creeks Development
4	Water	\$0	\$3,990	To take possession of Creeks Development
<b>Net Increase:</b>			<b>\$66,060</b>	

Moved by Ms. Thomson and supported by Mr. La Fever and thereafter approved by Hart City Council at a regular meeting on July 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:



**SPECIAL EVENTS PERMIT:**

Second Annual Block Party hosted by Mr. Fred Rybarz, to be held on August 11, from 4:00 pm to 11:00 pm. There will be food, games and live music. Ms. Thomson made the motion to approve the event, Mr. La Fever supported the motion – all ayes. Permit approved.

**DISCUSSION ITEMS:**

Mr. Rickard reported on:

- Proposed Solar Project by Sun2O – this company is requesting to lease a small parcel of City owned land to install solar panels. The energy produced would not be offered to the City. More action will be taken at a later date.
- Proposed Amended Agreement – Hart Fire Board – the document was presented without highlighted changes for the City’s approval. A request will be put in for them to document the changes and action will be taken later.

**CITY MANAGER REPORT:**

None

**ATTORNEY REPORT:**

None

**COMMUNICATIONS FROM THE MAYOR AND COUNCIL:**

None

**ADJOURNMENT:**

There being no further business to come before the council, the meeting was adjourned at 8:40 p.m., upon motion by Mr. Frontiera and supported by Mr. La Fever. The next meeting will be held on July 25, 2017, at 7:30 p.m.