

CITY COUNCIL PROCEEDINGS
TUESDAY, SEPTEMBER 25, 2018

Present: Mayor Ron LaPorte, Councilors: Rob Splane, Steve Hegedus, Jason La Fever and Joe Frontiera
(Councilors absent: Karen Thomson and Jack Wittman)

Also Present: City Manager Lynne Ladner, City Attorney Julie Springstead, BioPure Superintendent Paul Cutter, DPW Superintendent Brad Whitney, Energy Dept. Superintendent Mike Schiller, Clancy Aerts (Power Board), Bill Volpp (Power Board), Jim Evans, Patrice Martin and Gale Goldberg (Dep. Clerk)

Mayor R. LaPorte called the meeting to order at 7:30 p.m. Following the roll call he then opened with the Pledge of Allegiance. At this time J. La Fever asked to withdraw item 10 c, Special Event Permit request. J. La Fever made a motion to accept the 1st amended agenda with the deletion of 10 c and motion was supported by J. Frontiera. Motion was approved as follows:

Ayes: 5 Nays: 0 Absent: 2

The minutes of the September 11, 2018 meeting were approved as submitted upon motion by R. Splane and supported by J. La Fever. Motion was approved as follows:

Ayes: 5 Nays: 0 Absent: 2

Department Reports

BioPure/Supt. P. Cutter – reported that the channel monster came in Friday, September 28th.

DPW/Supt. B. Whitney – reported there was an electric fire in the Rossiter Well with a minimum of damage; There are new controls at the Booster Pump on Polk Road; There is a sewer main break on E. Main; Lead and copper results show them at acceptable levels; Repaired catch basin in alley behind the fitness center; Sealing cracks on Griswold between Polk and Wood; Smoke testing is finished and waiting for final report; In November will pick up brush the 1st and 3rd Monday's and that will be the final pick up for the year.

Energy/Supt. M. Schiller – reported there will be a hookup for a new residential home being built by the dam; replaced brass ware bars at the #2 waste gate; met with Great Lakes Energy to discuss rate procedures; will be installing 26 new LED street light fixtures; Entering a three year agreement in a Vendor Alliance with a 13% guarantee on materials and a 5% on big ticket items costing \$3,000 or more; the city fared well after the storm.

Reports of Boards, Commissions and Committees

There was a report from Police Chief Salazar and minutes from the Hart Area Fire Board of their August 30th meeting.

Bills, Claims, Payroll

City Manager L. Ladner noted the overtime for officer Anderson was for an arrest, booking and filing a report; Adams Heating and Cooling for \$2,862 was to do roof repair of the police dept. air conditioning unit; and K & S Garage Door for \$6,000 was for a new overhead door at the Energy Dept. building on Oceana Drive which was a planned expense. A motion was made by R. Splane and supported by J. Frontiera to approve bills, claims and payroll in the amount of \$198,330.57 and approved as follows:

Ayes: 5 Nays: 0 Absent: 2

Action items

City Manager L. Ladner presented the following Resolution:

RESOLUTION 18-78
Hart City Council
City of Hart, Michigan

***SUPPORT FOR PETITIONERS' REQUEST FOR DECLARATORY RULING
REGARDING MDEQ'S LEAD AND COPPER RULES***

Whereas, the Michigan Department of Environmental Quality (MDEQ) filed new Lead and Copper Rules on June 14, 2018, after one year of public meetings, draft rules and changes, and public comment including strong opposition from water supply providers and municipalities; and

Whereas, the new rules add responsibility to the City to replace both Public (City owned) and Private (customer owned) lead services lines; and

Whereas, the new rules also include replacement of galvanized service lines not previously included in the lead and copper rules, increasing the number of required lead samples, and requiring a service pipe material inventory including private services and increased public notifications and education; and

Whereas, MDEQ is requiring the establishment of a five percent annual replacement plan be instituted by Municipalities; and

Whereas, prior to this new rule, municipalities were only responsible for the water service line from the water main to the curb stop box and property owners were responsible for the water service line from the curb stop box into the house or building; and

Whereas, the estimated cost to replace one water service line on the city side is **\$3,000**, which includes labor, equipment and material cost (does not include pavement restoration), equating to over **\$2,775,000**; and

Whereas, with the new rules, the estimated cost to replace the entire water service line to the meter on the interior of the building is **\$4,625,000**, which includes labor, equipment, material, permits, and contractors working on private property; and

Whereas, the City believes that we should support legal efforts to amend such rules; and

Whereas, a Request for Declaratory Ruling on behalf of the Great Lakes Water Authority, Detroit Water and Sewerage Department, and Oakland County Water Resources was filed on August 13, 2018, by Miller Canfield, Paddock and Stone, PLC., with the Michigan Department of Environmental Quality alleging that

the actions of the MDEQ exceeded the scope of the MDEQ's authority under state law and that the actions were arbitrary and capricious; and

Whereas, petitioners are requesting the filing of Concurrence by similarly situated municipalities in support of their position;

Now Therefore Be It Resolved *that the City of Hart Councilmembers on behalf of the City of Hart approve the submission of a Concurrence with Petitioners' Request for Declaratory Ruling regarding MDEQ's Lead and Copper Rules and direct City Attorney Julie Springstead to submit the paperwork needed.*

Moved by _____ supported by _____ and thereafter adopted by the Hart City Council at a regular council meeting held on September 25, 2018.

Ayes: Nays: Absent:

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.

Gale Goldberg, Dep. City Clerk

R. Splane made a motion to approve Resolution 18-78 and motion was supported by J. Frontiera and approved as follows:

Ayes: 5 Nays: 0 Absent: 2

City Manager L. Ladner presented the following Resolution:

RESOLUTION 18-79
City Council
City of Hart, Michigan
County of Oceana

***AWARD CONTRACT FOR MATERIAL AND INSTALLATION OF
NEW ROOF FOR ENERGY DEPT. BUILDING***

WHEREAS, the City of Hart seeks to improve the energy efficiency of the building purchased and being used to house the Hydro Energy Department, and

WHEREAS, the Council has previously approved the installation of new insulation for the ceiling area of the building at 3907 N Oceana Dr., and

WHEREAS, the City has requested bids from three companies of which after four weeks only one has provided a bid and that company is Empire Contractors LLC with a cost of \$19,945; and

WHEREAS, continuing to wait for bids creates a hardship for the previously contracted work to

begin and continuing to wait for additional bids creates a potentially unfair bidding situation as the responsive bidders estimate has been made public and continued delays can create an even greater potential delay based upon weather and temperatures if the project begins to late in the season which can also impact the ability to install the contracted insulation when it can provide the greatest benefit the soonest.

NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL:

Acknowledges that following the solicitation of bids from three contractors experienced in completing projects of this nature and having received a single bid within the original and extended time for submissions,

Approves and accepts the bid from Empire Contractors LLC for the material and installation of a steel roof system on the Hydro Energy Building in the amount of \$19,945, and

Authorizes and directs the City Manager to sign all contract documents on behalf of the City of Hart.

Moved by _____, supported by _____, and thereafter adopted by the Hart City Council at a regular council meeting held on September 25, 2018.

Ayes: Nays: Absent:

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.

Gale Goldberg, Dep. City Clerk

There was a motion by J. Frontiera, supported by J. La Fever, to approve Resolution 18-79. Motion was approved as follows:

Ayes: 5 Nays: 0 Absent: 2

City Manager Report

L. Ladner reported on the MML Conference – recurring theme was on training for elected officials – after the election she would like all elected officials to consider this very beneficial training. Also an important topic was Proposition 1 on the November ballot regarding the legalizing of marijuana for personal use – Several Human Resource policies to be considered – lots of consequences for the police department to be considered. Also, auditors will be here next week; the county will provide assessing and will be here on Tuesdays and by appointment other days; Power board meeting is Monday at 8 a.m. and BioPure meeting is Monday at 7 p.m. and T IFA meeting is Thursday at 4 p.m. All council members are welcome to attend.

There being no further business to come before the council the meeting adjourned at 8:03 p.m. upon motion by S. Hegedus and supported by R. Splane and approved 5-0