

*City of Hart, Michigan*  
CITY COUNCIL AGENDA  
August 24, 2021, 7:30 PM  
*407 State St. – Council Chamber*  
NOTICE OF PUBLIC MEETING  
REGULAR COUNCIL MEETING

**THIS NOTICE IS GIVEN AND PUBLISHED PURSUANT TO  
MICHIGAN DEPARTMENT OF HEALTH AND HUMAN SERVICES  
EMERGENCY ORDER UNDER MCL 333.2253 – GATHERING LIMITATIONS AND MASK  
ORDER OF June 1, 2021 AND PA 228 OF 2020 AMENDMENT TO SECTION 3 OF PA 267 OF 1976  
OPEN MEETINGS ACT**

1. Call to Order
2. Roll Call – Burillo, Evans, Hodges, Powers, Rybarz Jr., Trygstad, Platt
3. Pledge of Allegiance
4. Approval of Agenda
5. Public Comments – **Public comment on any matter that is not included on the agenda for a public hearing by the Council. We ask that you please limit your comments to 3 minutes**
  - a. Correspondence, Events, Presentations
6. Consent Agenda:
  - a. Approval of Minutes from August 10, 2021 Council meeting.
  - b. Bills, Claims, Payroll
  - c. Reports of Boards, Commissions, and Committees
  - d. Department Reports – Police/BioPure/Public Works/Energy/♥C&E Dvlp.
7. Action Items
  - a) Resolution 2021 – 65 Accept engineering services proposal for DWAM grant
  - b) Resolution 2021 – 66 Approve purchase of Dielectric Recloser
  - c) Ordinance 2021 – 01 FEMA Flood Plan (Second Reading)
8. Discussion Items
9. City Manager Report
10. Communications from the Mayor and Council
11. Adjournment –

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**CITY OF HART**  
**407 S. STATE ST.**  
**HART, MI 49420**  
**COUNCIL PROCEEDINGS**  
**August 10<sup>th</sup>, 2021**  
**MINUTES – Draft**

**PRESENT:** Mayor Vicki Platt, Councilors: Catalina Burillo, Jim Evans, Dean Hodges, Mike Powers, Fred Rybarz, and Kris Trygstad.

**ABSENT:**

**OTHERS PRESENT:** City Manager – Rob Splane, City Clerk – Karla Swihart, Bio-Pure – Paul Cutter, Energy Superintendent – Michael Schiller, Police Chief – Juan Salazar, HEART – Nichole Kleiner, Sharon Hallack, Richard Huntington, Bill Volpp, Greg Malburg and Himari Nishio

Mayor Platt called the meeting to order; following the roll call, the mayor led the Council in the pledge of allegiance.

**APPROVAL OF AGENDA:** F. Rybarz motioned to approve the agenda and was supported by C. Burillo

- Ayes: 7 Nays: 0 Absent: 0

**PUBLIC COMMENTS:** Richard Huntington, kudos for all the summer activities the City of Hart is offering. Its been excellent seeing council members and the City Manager present. Also nice to see the south end of state street looking so nice. Lots of improvements are being made. Mr. Huntington is still interested in purchasing a lot in the Creeks. 425 zone on Polk rd there used to be owned by the township and the City, and there was a DDA board but has been dissolved for several years now. I know at that time there was an account with around \$250,000, which was to be spent only in that corridor, and I am wondering what happened to that money? Mr. Huntington also suggested the City look into grants that focus more on street grants, not park grants. Improving streets would benefit the City more than adding another park.

**CORRESPONDENCE, EVENTS, PRESENTATIONS:**

- i. Audit Engagement letter from City auditor Maner Costerisan

To the City Council, City of Hart

We are engaged to audit the financial statements of the governmental activities, the business-type activities, the discretely presented component unit, each major fund, and the aggregate remaining fund information of the City of Hart for the year ended June 30, 2021. Professional standards require that we provide you with the following information related to our audit. We would also appreciate the opportunity to meet with you to discuss this information further since a two-way dialogue can provide valuable information for the audit process.

Planned Scope, Timing of the Audit, and Other

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested.

Our audit will include obtaining an understanding of the City and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and design the nature, timing, and extent of further audit procedures. Material misstatements may result from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the City or to acts by management or employees acting on behalf of the City. We will generally communicate our significant findings at the conclusion of the audit. However, some matters could be communicated sooner, particularly if significant difficulties are encountered during the audit where assistance is needed to overcome the difficulties or if the difficulties may lead to a modified opinion. We will also communicate any internal control-related matters that are required to be communicated under professional standards.

We expect to begin our audit procedures in September 2021 and issue our report on or before December 31, 2021. Steven R. Kirinovic, CPA, is the engagement partner and is responsible for supervising the engagement and signing the report or authorizing another individual to sign it.

This information is intended solely for the use of the City Council and management of the City of Hart and is not intended to be, and should not be, used by anyone other than these specified parties.

ii. Paul Cutter – Biopure water quality presentation (PowerPoint)

The City of Hart has come a long way in treating Wastewater and has spent millions of dollars towards making it happen. The plant expansion in 2001 (roughly \$6,000,000) has, for the most part, eliminated the smell. I would have to say other than 2020, from May to October 1, and this year for a month or so, the odors have been very minimal. When we had those times of odors, I've fielded the calls and understood the complaints. I explained in detail what was causing the odors. I tried to give the callers a general idea of when I thought we may see the odors disappear. That is tough to answer due to the fact weather is so crucial to the recovery. Our noses don't lie; odor complaints are legit.

I want to talk about Water Quality. I have three samples of water taken in 3 different bodies of water around the area. All of these samples have what Wastewater calls BOD. (Biological Oxygen Demand, Or Biochemical Oxygen Demand). The definition for BOD is: Biochemical oxygen demand or biological oxygen demand (BOD) is a measure of the amount of Dissolved Oxygen (DO) required by aerobic microorganisms to decompose organic matter present in a sample of water at a certain temperature over a studied period. BOD value is usually expressed in milligrams of oxygen per liter of water (mg/L). They all look like clear, clean water, with a bit of variation. We ran a B.O.D. test on each of these samples, looking for the amount of BOD (or how clean the water is). Not to confuse yourself with the results' technical terms, concentrate on the values for each sample. 0 mg/l is the cleanest, and 5 mg/l being the dirtiest. The results for the 3 samples:

**Sample 1** 2.6 mg/l

**Sample 2** 3.8 mg/l

**Sample 3** 1.9 mg/l

Are these good numbers?

The City of Hart's Environment Great Lakes & Energy (E.G.L.E) Groundwater Discharge Permit allows 30 mg/l monthly average (Spray Irrigation). Our Surface Water Discharge Permit allows 4 mg/l into Donaldson Creek.

As I mentioned with regards to the odors. The City can not deny odors in the air, but we can educate people on the quality of the water we produce at the Biopure Facility. Now to the focal point of this information.

A couple of months ago, I received this message from a resident that lives around the irrigation site. It's obvious this person misunderstands the process of a Wastewater treatment facility. This person thinks we irrigate with "dirty" water. Let's go back to the results from the 3 samples. Let's start with the best water quality:

That would be the sample that was 1.9 mg/l—collected at the turnaround in Pentwater on the beach.

The 2.6 mg/l was collected from our irrigation site. (The same water that the resident was calling "Feces Water.")

The 3.8 mg/l sample was collected from Hart Lake below the bridge on North State.

As we encounter conversations regarding the City of Hart and its Wastewater treatment. Let's work together to set the record straight on how amazing our natural process is and why we feel comfortable calling it: BIOPURE!

**CONSENT AGENDA:**

- Approval of Amended minutes from July 27, 2021
- Bills, Claims, Payroll
- Reports of Boards, Commissions, and Committees
- Department Reports – Police/BioPure/Public Works/Energy/C&E Dvlp
  - C. Burillo motioned to approve Consent Agenda supported by J. Evans
    - Ayes: 7 Nays: 0 Absent: 0

**ACTION ITEMS:**

- Resolution 2021-64 BS&A Fixed Asset Software
 

The City of Hart oversees short term and long term financial planning and budget forecasting for the City residents, business partners, community stakeholders, and the City's current software program developed by BS&A has successfully been utilized by scores of local government entities in Michigan, and the City requires a new all-encompassing solution to help track its fixed assets, their maintenance, usable life cycle, planned replacement, and staff has reviewed the BS&A product that will integrate seamlessly with the City's current software solution allowing for budget integration and long-term capital improvement forecasting and in order to secure the benefits of efficient self-government and to promote and protect our common interest and welfare, Now, therefore, be it resolved that The Hart City Council accepts the February 23, 2021 proposal in the amount

of \$5,110 for financial management software, implementation, and training, and authorizes City Manager R. Splane to accept and sign the proposal on behalf of the City of Hart.

- o F. Rybarz motioned to approve Resolution 2021-64 and supported by M. Powers.
  - Ayes: 7 Nays: 0 Absent: 0

- Ordinance 2021-01 Ordinance Addressing Floodplain Management Provisions of the State Construction Code An ordinance amendment to designate an enforcing agency to discharge the responsibility of the City of Hart located in Oceana County and to designate regulated flood hazard areas under the provisions of the State Construction Code Act, Act No 230 of the Public Acts of 1972 as amended.

The City of Hart ordains:

Section 1. AGENCY DESIGNATED. Pursuant to the provisions of the state construction code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, the Building Inspector of the County of Oceana is hereby designated as the enforcing agency to discharge the responsibility of the City of Hart under act 230, of the Public Acts of 1972, as amended, State of Michigan. The County of Oceana assumes responsibility for the administration and enforcement of said Act throughout the corporate limits of the community adopting this ordinance.

Section 2. CODE APPENDIX ENFORCED. Pursuant to the provisions of the state construction code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972 as amended, Appendix G of the Michigan Building Code shall be enforced by the enforcing agency within the jurisdiction of the community adopting this ordinance.

Section 3. DESIGNATION OF REGULATED FLOOD-PRONE HAZARD AREAS.

The Federal Emergency Management Agency (FEMA)Flood Insurance Study (FIS) Entitled "Oceana County, Michigan (All Jurisdictions)" and dated 8/24/2021, and the Flood Insurance Rate Map(s) (FIRMS) panel number(s) 26127CIND0B, and 26127C0150D, effective August 24, 2021, and 26127C0175C, effective August 4, 2014, are adopted by reference for the purposes of administration of the Michigan Construction Code and declared to be a part of Section 1612.3 of the Michigan Building Code, and to provide the content of the "Flood Hazards" section of Table R301:2(1) of the Michigan Residential Code.

Section 4. REPEALS. All ordinances inconsistent with the provisions of this ordinance are hereby repealed.

Section 5. PUBLICATION. This ordinance shall be effective after legal publication and in accordance with the provisions of the Act governing the same.

Adopted this 24<sup>th</sup> day of August 2021.

This ordinance was duly adopted on August 24<sup>th</sup>, 2021, at a regular meeting of the Hart City Council and will become effective on September 13, 2021

- o C. Burillo motioned to approve the first reading for Ordinance 2021-01 and supported by F. Rybarz
  - Ayes: 7 Nays: 0 Absent: 0

**DISCUSSION ITEMS:**

- Special Events Permit – Hispanic Heritage Celebration. Hispanic Heritage Celebration to be held September 18<sup>th</sup>, 2021. The event will be held rain or shine at Hart Commons and the downtown area. This is a family-friendly community event with children's activities, music on the commons, and fireworks over Hart lake. We will have food vendors in the parking lot on the corner of State and Main from 5:30 to 10:00 pm.
  - o C. Burillo motioned to approve Special Events Permit and supported by J. Evans
    - Ayes: 7 Nays: 0 Absent: 0

**CITY MANAGER'S REPORT:**

- City Manager R. Splane gave a copy of the Manager's report to all Council members to review.
- Brickley DeLong (The City's contracted CPA firm) was on-site last week and is wrapping up our pre-audit in anticipation of Maner Costerisan (The City's contracted audit firm) coming the week of September 13<sup>th</sup>.
- City of Hart Community Page
  - ♦ Pushing public interaction
  - ♦ The last post reached 300 people
- I will be attending the Michigan Public Power Agency Commissioners meeting in Lansing on August 11<sup>th</sup>.
- I will be attending the Michigan Municipal Risk Management Authority Annual Meeting on August 19<sup>th</sup> and 20<sup>th</sup>.
- Working with city staff, support staff, and engineers on a variety of projects, including:

- ♦ Waste-water force main replacement
  - ♦ Safe Routes To School project to extend multi-use path from the Hart Montague Rail trail to 72<sup>nd</sup> and Tyler (Main St)
  - ♦ Update Parks and Recreation Master Plan
  - ♦ Administration of DNR Trust Fund grant for Veterans Memorial Park/Pointe Park
  - ♦ Creeks Subdivision visioning and redevelopment
  - ♦ Redevelopment Ready Communities annual updating
  - ♦ City Charter revision
- City Council visioning and workshop session.
  - A big Thank you to our DPW. I have been getting several compliments from residents around town on how good the City looks with new paint on our crosswalks and corner sidewalks.
  - A big Thank you to Sharon Hallack for volunteering her time to clean up some of the City's gardens around town. The City is grateful.

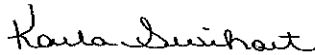
**COMMUNICATIONS FROM THE MAYOR AND COUNCIL:**

- C. Burillo introduced her exchange student from Japan, who is staying in their home and will be attending Hart High School for her senior year.
- C. Burillo asked if golf carts are allowed in John Gurney Park? As it is the City of Hart property, golf carts are permitted in John Gurney Park. Driver must have a valid driver's license and or a safety certificate to operate one.

**ADJOURN:**

- There being no further business to come before the Council, the meeting adjourned at 8:20 pm upon a motion by C. Burillo and supported by J. Evans. The next regularly scheduled meeting will be on August 24<sup>th</sup>, 2021, at 7:30 pm.

Respectfully Submitted



Karla Swihart , City Clerk

Employee Hours and Gross by GL Number Report  
 For Payroll ID: 129  
 For Selected Pay Code(s): 15X, 225X, 2X

Pay Code ID	Distribution	Sup Hours	Reg Hours	Reg Gross	Ot Hours	OT Gross	Gross	Check Date
32DPW - ADAMS, MATTHEW T	101-441.000-702.900	0.00	0.00	0.00	6.50	251.88	251.88	08/19/2021
15X								
Employee Totals:		0.00	0.00	0.00	6.50	251.88	251.88	
85HPD - ANDERSON, SHAWN T	101-301.000-702.900	0.00	0.00	0.00	3.00	123.99	123.99	08/19/2021
15X								
Employee Totals:		0.00	0.00	0.00	3.00	123.99	123.99	
23HYD - BIRKMAN, TERENCE I	580-537.300-702.900	0.00	0.00	0.00	10.00	710.00	710.00	08/19/2021
15X								
Employee Totals:		0.00	0.00	0.00	10.00	710.00	710.00	
41DPW - EISENLOHR, MICHAEL D	101-441.000-702.900	0.00	0.00	0.00	6.25	242.19	242.19	08/19/2021
15X								
Employee Totals:		0.00	0.00	0.00	6.25	242.19	242.19	
30HYD - GOWELL, NATHAN J	580-537.300-702.900	0.00	0.00	0.00	2.00	142.00	142.00	08/19/2021
15X								
Employee Totals:		0.00	0.00	0.00	2.00	142.00	142.00	
19WWP - KIES, CHRISTOPHER A	590-527.100-702.900	0.00	0.00	0.00	2.00	77.50	77.50	08/19/2021
15X								
Employee Totals:		0.00	0.00	0.00	2.00	77.50	77.50	
46DPW - LLOYD, FRANKLIN J	590-527.100-702.900	0.00	0.00	0.00	2.25	88.54	88.54	08/19/2021
15X								
2X								
Employee Totals:		0.00	0.00	0.00	4.25	193.46	193.46	
115HPD - MOORE, KYLE A	101-301.000-702.900	0.00	0.00	0.00	12.23	311.87	311.87	08/19/2021
15X								
Employee Totals:		0.00	0.00	0.00	12.23	311.87	311.87	
16WWP - RIGGS, JASON J	101-441.000-702.900	0.00	0.00	0.00	5.00	196.75	196.75	08/19/2021
15X								
Employee Totals:		0.00	0.00	0.00	5.00	196.75	196.75	

Employee Hours and Gross by GL Number Report  
 For Payroll ID: 129  
 For Selected Pay Code(s): 15X, 225X, 2X

Pay Code ID	Distribution	Sup Hours	Reg Hours	Reg Gross	Ot Hours	Ot Gross	Gross	Check Date
21HYD	- VAN AGTMAEL, SCOTT A							
15X	580-537.300-702.900	0.00	0.00	0.00	8.00	568.00	568.00	08/19/2021
2X	580-537.300-702.900	0.00	0.00	0.00	8.50	804.61	804.61	08/19/2021
	Employee Totals:	0.00	0.00	0.00	16.50	1,372.61	1,372.61	
25HYD	- VAN ZOEREN, ANDREW							
15X	580-537.100-702.900	0.00	0.00	0.00	2.00	82.78	82.78	08/19/2021
15X	580-537.300-702.900	0.00	0.00	0.00	5.50	227.65	227.65	08/19/2021
15X	590-527.100-702.900	0.00	0.00	0.00	2.50	103.48	103.48	08/19/2021
2X	590-527.200-702.900	0.00	0.00	0.00	2.00	110.36	110.36	08/19/2021
	Employee Totals:	0.00	0.00	0.00	12.00	524.27	524.27	
	Grand Totals:	0.00	0.00	0.00	79.73	4,146.52	4,146.52	

Payroll ID: 129

Pay Period End Date: 08/12/2021 Check Post Date: 08/19/2021 Bank ID: GEN

\* YTD values reflect values AS OF the check date based on all current adjustments, checks, void checks

Grand Totals for Payroll:

Pay Code Id	Hours	OT Hours	Cur. Amnt.	YTD Amnt.*	Ded/Exp Id	Cur. Amnt.	YTD Amnt.*
15X	0.00	67.23	3,126.63	15,782.37	AFLAC	221.88	3,771.96
2X	0.00	12.50	1,019.89	4,180.23	AFLDI	147.97	2,515.49
COMP	9.00	0.00	231.75	784.39	AFLIF	15.72	267.24
ETO	194.00	0.00	5,250.04	51,747.52	ALERUS 401	1,576.50	24,851.09
FUNERAL	8.00	0.00	378.64	868.64	ALERUS 401 AD	8.00	136.00
HOL	16.00	0.00	366.24	2,025.12	ALERUS 457	1,200.00	18,675.00
HOURLY	1,732.00	0.00	53,565.62	759,842.16	ALERUS 457P	2,548.58	37,236.61
					FITW	6,815.39	102,009.54
					LOAN	159.86	2,717.62
					MED	1,507.41	20,953.99
					MEDICARE_EE	902.04	14,537.69
					SITW	2,381.52	38,265.88
					SOCSEC_EE	3,857.00	62,161.09
					UNI46	241.92	1,935.36
					UNIFM	25.75	442.70

Gross Pay This Period	Deduction Refund	Ded. This Period	Net Pay This Period	Gross Pay YTD	Dir. Dep.
63,938.81	0.00	21,609.54	42,329.27	1,027,985.39	39,401.33



**HART AREA FIRE**  
**ADMINISTRATIVE BOARD**

**Meeting Minutes- July 22 ,2021**

The Hart Area Fire Administrative Board Meeting was called to order by Chairman Gary Beggs at 7:00PM. Others present for the meeting were, Mike Powers, Jerry Schaner, Dale Stevenson, Jake Whelpley, Chief Fuehring and undersigned.

Absent from the meeting was Clancy Aerts and Mike Potter.

Motion was made by Doran and supported by Schaner to approve the agenda as presented. Voice Vote, all Yes. Motion carried.

There were audience comments.

Motion was made by Whelpley and supported by Doran to approve the minutes of the June 24, 2021 meeting as presented. Voice vote. All yes. Motion carried.

Treasurer report indicated a total of \$3,317.30 in bills for approval. Treasurer explained the bills that were listed. Handout was presented to the board listed bills and listed amounts in the Boards accounts. Motion was made by Stevenson to pay the bills which was supported by Doran. Roll Call Vote, All Yes Motion Carried.

Treasurer advised the budget for the 2020/2021 year will need one amendment to move \$1,200.00 from Radio Purchase and Maintenance to Truck Maintenance. Motion was made by Powers and supported by Schaner to move \$1,200.00 from Radio Purchase to Truck Maintenance. Roll call vote, All yes, Motion carried.

Chief advised the board the calls for the month of July have been down in numbers but had three serious accident calls in 11 days.

Under old business Treasurer advised Huntington Bank did not have a credit card that would fit our needs for a commercial account. It was suggested we open a separate checking account and use debit cards for that account. A separate account was opened with Huntington Bank for the debit cards and an initial balance of \$4,000.00.

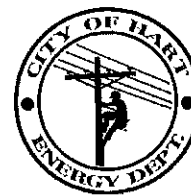
Under new business the status of the fire station being on property owned by the City of Hart.

Discussion on the history of the property and who insured the property as it is now and if this happened would the City of Hart need to still have insurance. Also if the building was no longer used by the Fire Board it would revert back to the City of Hart. Final language would have to be worked out between all parties concerned.



## CITY OF HART – ENERGY DEPARTMENT

POWERBOARD @ CITY HALL  
407 STATE STREET, HART, MICHIGAN  
MONDAY, August 2<sup>nd</sup>, 2021  
8:30 am – MINUTES - DRAFT



**Present:** Chair, Mike Powers, Members: Gayle Forner, Steve Bruch, and Dean Hodges

**Absent:** Nick Wadel

**Others present:** City Manager – Rob Splane, Mayor – Vicki Platt, Energy Superintendent – Mike Schiller, and City Clerk – Karla Swihart

**Call to Order:** Chair Powers called the meeting to order at 8:30 am.

### Agenda/Minutes:

- Mr. Forner motioned to accept the current agenda and supported by Mr. Bruch
  - Ayes: 4 Nays: 0 Absent: 1
- Mr. Forner made a motion to approve the minutes from the April 5th, 2021 meeting, and supported by Mr. Bruch
  - Ayes: 4 Nays: 0 Absent: 1

### Public Comment:

- None

### Superintendents Mike Schiller's Report:

- American Energy is in town doing pole inspections; currently, about 40 rush poles need to be replaced, and crews are already working on getting these poles changed out. In addition, there are some that have been red-tagged, which these ones will be replaced with in the next year. So guessing we will have roughly 100 poles that need to be replaced. I am looking to order a couple of loads ordered here within the next month. This is a budgeted item, but I wanted to run it by the board and get a motion for approval. I want to order southern yellow pine poles vers red pine as the yellow pines seem to hold up better.
  - Mr. Forner motioned to approve M. Schiller to order two loads of yellow pine poles and supported Mr. Burch
    - Ayes: 4 Nays: 0 Absent: 1
- On Saturday, there was an outage over at the industrial park; the breakers there that run the circuit substation, The was a small fire, which they managed to get out and able to get every backup and running within ½ hour. So we are working with our engineering company GRP on getting repairs done.
- We have been trying to run the two generators, getting them online, and get more training for the guys.
- We are looking to get some more trees cut before we start on stump removal.
- Working on getting the old digger truck cleaned up and out for sale
- One other project is to bore some new lines those metal boxes called tranclousers there are actual transformers are removed and off the ground. There are a few up on Circle drive and also one over on Plum St.

### Action Items:

- Discussion and recommendation to Council on how to proceed with emergency 88<sup>th</sup> substation repairs. The 88<sup>th</sup> substation, there has been a tiny leak in the high voltage line – SF6 Circuit Switcher. Upon inspection of the switchgear, recognized components that had lost their vacuum seal, introducing moisture into critical components. The City has solicited bids for the necessary repairs from Utilities Instrumentation Service (UIS) in the amount of \$9341.00 and Shermco Industries in the amount of \$9330.00 and chose to go with UIS. They came on site and took pictures before they quoted the job. Well, now that they have got into the repairs, they have run into some issues, and it will be roughly \$14,000 more as there is a lot more involved than they anticipated. I have a call into the company's

owner regarding the issues as we would like to know exactly and am hoping to get that amount down. UIS has already ordered the parts and has had a tech on site. At the end of the day, these repairs need to be done.

- Mr. Burch motioned to stay with USI for the repairs on the 88<sup>th</sup> substation and supported by Mr. Forner.
  - Ayes: 4 Nays: 0 Absent: 1

**City Manager Report:**

- Last year we were able to upgrade ascada system at the dam as well as the power plant
- Enter into Hart Solor project agreement
- Ordered the bucket truck
- Dam embankment project which was approved to start Spring 2022
- Money in the budget for tree removal will get that out for bid.
- Waiting for a new transformer for GHSP
- Looking to post apprenticeship this Friday, August 6<sup>th</sup>, 2021

**Comments from the Power Board:**

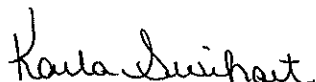
- Mayor Platt asked if there is a regularly scheduled maintenance on our trucks?  
" M. Schiller, there is a company from Reed City that comes up annually to inspect all the trucks, and they go through everything, but for regularly scheduled maintenance, we take them to one of the service stations around in town.

**Adjournment:**

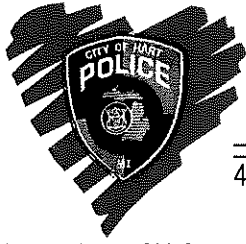
- Mr. Forner motioned to adjourn the meeting at 9:10 am and supported by Mr. Bruch. All Ayes

**Next Meeting:** September 13<sup>th</sup>, 2021, at 8:30 am.

Respectfully Submitted,



Karla Swihart  
City Clerk



# City of Hart Police Department

407 State Street

Ph. (231)873-2488 Fax (231)873-0100

Hart, MI 49420-1259

*Juan Salazar, Chief*

**TO:** City of Hart Mayor, City Council, and City Manager  
**FROM:** Juan Salazar, Chief of Police  
**DATE:** August 24<sup>th</sup>, 2021

## RECENT EVENTS

From Thursday, August 5<sup>th</sup>, 2021, through Wednesday, August 18<sup>th</sup>, 2021, the Hart Police Department received 94 complaints ranging from Domestic Assaults, Larcenies, Medical Assists, Family Troubles, Found Property, Suspicious Situations, Mental Health Complaints, Unwanted Persons, Fraud Complaints, Assault & Batteries, Hit & Run Crashes, Traffic Hazards, Motorist Assists, Assist to Other Agencies, Trespassing's, Breaking & Entering's and Animal Complaints.

On Friday, August 6<sup>th</sup>, 2021, the Hart Police Department was dispatched to the 700 block of Dryden Street, referencing a Mental Health Complaint. The family of a 58-year-old Hart man, diagnosed as being Schizophrenic, was concerned for his current state due to the man believing law enforcement was after him. The family explained the man was progressively getting worse as the days go on. When speaking with the man, he explained a "big ugly police officer" was after him. The man expressed paranoia throughout the interview. The man was transported by LIFE EMS to Mercy Health Mercy Hospital in Muskegon for further evaluation.

On Saturday, August 7<sup>th</sup>, 2021, the Hart Police Department was dispatched to the 400 block of Water Street regarding a 38-year-old Hart woman whose son had received a telephone call from an individual claiming to be an Officer with the Hart Police Department. The individual indicated he was contacting households within the City of Hart about a fundraising event. The individual requested to speak with an adult, and when advised, no adults were present hung up. An investigation is ongoing.

On Saturday, August 7<sup>th</sup>, 2021, the Hart Police Department was dispatched to the 4000 block of Polk Road referencing an Unwanted Person. A 40-year-old Pentwater man was noted to be within a local business for approximately one (1) hour, purchasing items and later returning the items for a refund. Through investigation, when an individual purchasing an item from this local business via a credit/debit card and pressing credit when returning the item, the refund comes in the form of cash. The man is known to law enforcement to be a drug user. He was asked to leave the area. He proceeded to do so without incident.

On Monday, August 9<sup>th</sup>, 2021, the Hart Police Department conducted property inspections in the 200 block of State Street and noted an unsecured door to a local business. The officer searched the interior of the building, noting no suspicious activity or anything missing from the store. A key holder was contacted and responded to the scene.

On Monday, August 9<sup>th</sup>, 2021, D/Sgt. Skipski conducted a drug awareness class for employees of TruNorth. The class covered information on various drug paraphernalia and components of methamphetamine labs. The class was designed to assist TruNorth employees with recognizing these hazards when conducting home visits throughout several counties. As a result, employees can make safer decisions on entering homes or conducting business by recognizing drug use and manufacturing components. The class consisted of displaying various drug paraphernalia and allowed for a question-and-answer session at the end of the class.

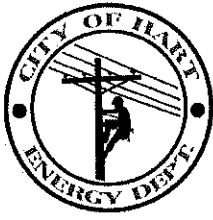
On Tuesday, August 10<sup>th</sup>, 2021, the Hart Police Department was dispatched to the 20 block of North Apple Street about a Medical Assist. A 9-month child was having difficulty breathing. Officers arrived on the scene and noted a 26-year-old Grand Rapids man running towards officers with the child in his arms. The child was noted to be motionless, gray in color, and gasping for air. Officers began evaluating the child on the scene. LIFE EMS arrived on the scene, and the child was turned over to EMS for further evaluation. The child was later transported to Mercy Health Lakeshore Hospital by EMS. Officers were later advised; the child had experienced an Opioid exposure, and Narcan was used to reverse the effects of the child's symptoms. The child was later transported to Helen Devos Hospital in Grand Rapids. A joint investigation with Child Protective Services is ongoing.

On Thursday, August 12<sup>th</sup>, 2021, the Hart Police Department contacted the Ludington Police Department regarding a 36-year-old Hart woman currently on a traffic stop that showed an active/valid warrant for her arrest out of our department. Officers met at the Mason/Oceana County jurisdictional line, where the woman was turned over to our officer without incident. The woman was transported to the Oceana County Jail and lodged regarding the outstanding warrant for her arrest.

On Monday, August 16<sup>th</sup>, 2021, D/Sgt. Skipski instructed an American Heart Association CPR/First Aid/AED class for the Hart Bus Garage personnel. According to American Heart Association guidelines, the class was conducted and allowed for practice and question and answer sessions.

Respectfully,

J. Salazar,  
Chief of Police



## Hart Energy Department

3907 N. Oceana Drive  
Hart, Michigan 49420  
Off: 231-873-5367  
Mike Schiller, Superintendent  
Email - mschiller@cityofhart.org

### Council Report 8/24/2021

Hart Energy is doing well and staying healthy. The crew has been staying very busy with a lot of projects going on.

The Energy Department has had American Energy Services inspecting the power poles throughout our system. AES has completed their job with pole inspections and data will be received shortly and gone over.

The 88<sup>th</sup> substation job is complete. UIS was able to complete fixing the circuit switcher on 8/17/21. We have tested the gear to make sure it is operating correctly. We continue to watch the sf6 gas pressure gauge to make sure it is not leaking.

We have received a price on the equipment for the Industrial substation repair. With council approval it will be ordered but lead time is about 18 weeks. We also got thru the recent storm very well. The crew was able to get power restored in a very timely fashion. We had numerous trees down on lines. We continue to replace power poles that have been marked bad.

Please feel free to call with any questions.

Thanks, Mike Schiller/Hart Energy



**RESOLUTION 2021 - 65**  
**City Council**  
***City of Hart, Michigan***  
***Oceana County***

**Accept engineering services proposal for Drinking Water Asset Management Grant and authorize City Manager as signer on DWAM grant documents**

WHEREAS, as part of the City of Hart has been awarded a \$406,950 grant by the Michigan Department of Environment, Great Lakes, and Energy to assist the city in Water Asset Management Planning specifically focusing on Lead Service Investigation; and

WHEREAS, it is necessary for the City to obtain a qualified engineering entity to properly oversee survey work, documentation, reporting; and

WHEREAS; Prien and Newhof, has helped the city to successfully apply for the DWAM grant and all current and anticipated future costs to the city shall be covered by the awarded grant;

*NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL*

*Accepts the proposal for engineering services from Prien and Newhof not to exceed \$405,200 to provide professional engineering services in reference to the Drinking Water Asset Management Grant. Council authorizes the City Manger to sign and execute said agreement as well as related DWAM grant material.*

Moved by \_\_\_\_\_, supported by \_\_\_\_\_, and thereafter adopted by the Hart City Council at a regularly scheduled meeting held on August 24, 2021.

Ayes: \_\_\_ Nays: \_\_\_ Absent: \_\_\_

August 5, 2021

Mr. Robert Splane, City Manager  
City of Hart  
407 S. State Street  
Hart, MI 49420

RE: Professional Engineering Services, Drinking Water Asset Management Grant

Dear Mr. Splane:

Congratulations to the City on being awarded a Drinking Water Asset Management Grant (DWAM). As you know this grant program is focused on Lead Service Investigations and Water Asset Management Planning. Based on the application P&N prepared on behalf of the City of Hart, we propose to assist the City with the DWAM grant as follows:

- Assist City with completion of GIS based service line inventory according to EGLE guidance and requirements.
- Field GPS existing hydrants, valves, curb boxes and service lines, with the assistance of the DPW, as needed.
- Update the GIS with field data that was collected.
- Link available record plans to GIS system.
- Verify if existing easements were recorded and/or exist.
- Assist city with preparation of contract to receive competitive bids from contractors that perform potholing for field verification of service line materials.
- Assist city with preparation of contract to receive competitive bids from contractors that can locate serve service lines.
- Prepare a comprehensive Drinking Water Asset Management Plan including water asset inventory, condition assessment, identification of projects, cost estimates, generation of a 10-year Capital Improvement Plan, and Rate Study to evaluate funding options.
- Perform hydrant testing for updating the water hydraulic model for calibration purposes.
- Update water hydraulic model and perform water loss evaluation, water quality evaluation, and update demand distribution.
- Assist with grant administration.



Mr. Robert Splane, City Manager  
August 5, 2021  
Page 2

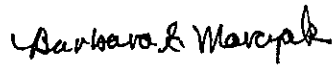
**Fee**

Based on the scope of work described above, we propose to complete the work for a not to exceed cost of \$405,200. This is the amount of the city's grant minus the cost of the equipment to be purchased under the grant. We assume that the City will purchase this directly. All Prein&Newhof expenses are anticipated to be 100% covered by the grant. The grant application scope of work and fee are attached.

If this proposal meets with your approval, please sign and return the Professional Services Agreement as authorization to proceed. If you have any questions, or need additional information, please contact our office.

Sincerely,

**Prein&Newhof**



Barbara E. Marczak, P.E.

BEM/bem

Enclosure: Professional Services Agreement, Grant Application Scope of Work and Fee

## **Scope of Work for Drinking Water Asset Management Grant City of Hart**

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### **I. Distribution System Materials Inventory (DSMI)**

The activities under this category are intended to assist the community with the complete Distribution System Material Inventory required to be submitted by January 1, 2025 under Rule 11604 of Michigan's Safe Drinking Water Act, 1976 PA 399, as amended. An individual record will be prepared for service line addresses within the distribution system inventory including material type on both the public and private side of the line. Rule 11604 also requires the distribution system inventory to include materials in piping, storage structures, pumps, and controls used to deliver water to the public. Therefore, an inventory of these components will also be made. It is intended that the inventory will be GIS based so that materials of concern are easily located and that updates can be more easily made in the future.

#### **A. Service Lines - Field Verification**

The activities proposed under this category include record review and field verification of service line materials in areas where there is little information available and/or to verify the information in the Preliminary Service Line Inventory. The City of Hart has 882 service lines of which 157 have been identified as containing lead or previously connected to lead, 150 of which are unknown but are likely to contain lead, and 453 of which are unknown with no material info. Approximately 20 % of the service lines will be verified with a focus on those services which are unknown.

A hole on each side of the curbstop will be excavated using hydrovactor equipment. The material on each side will be observed and the material recorded. The material inside the house at the meter will be noted as well.

In addition to material verification, many of the service locations and alignments are unknown. The City of Hart intends to trace approximately 50% of the existing services and provide GPS locations of the alignment. This will aid in determining how to replace them and to field verify the material.

Water service material will be inputted in the City of Hart's GIS and linked to each individual property.

## B. Other Distribution Components

In order to update and make the City of Hart's water system material inventory more complete, the following is planned:

- 1. Data Collection:** Collecting the accurate locations of water valves and hydrants is key to creating a high-quality GIS database. Unlike storm structures and sanitary manholes, water valves are often not easily identifiable from aerial imagery, so collecting their location with GPS is planned along with hydrants.
- 2. Water Main Mapping:** Once high-quality locations for valves and hydrants are established, water mains can be accurately mapped using GIS. In addition to using GPS-located valves and hydrants, this step will employ record plans to identify and map pipe deflections and properly inventory pipe size, material and year installed.
- 3. Water Distribution System Asset Inventory -** Existing construction plans related to the water system have been hyperlinked to the GIS but their information has not yet been reviewed. Water distribution system attributes such as age, size, material and type for assets such as valves, hydrants, supply wells, booster stations, and storage tanks will be added to the GIS database inventory. The updated inventory data will be used to update asset condition assessments based on age, material, and known break history.
- 4. Water supply/well information –** Well logs, O&M manuals, and maintenance records will be linked to the GIS along with any construction plans or records for the water system that are not already linked.
- 5. Easements –** There are a number of locations where the public water mains cross private property. The city of Hart has started an inventory of easements that are related to the water system but it has become evident that there are many lacking records associated with the inventory of physical assets. These will be identified through title record searches to verify if easements are needed. Easements will be prepared and secured if one is not in place and new easements will also be linked to the GIS.

## C. GIS Based Inventory

All available water service information will be put into the City of Hart's GIS database. The material on both the private and public side of each service line will be included. Updates to the GIS system will allow the City of Hart to easily provide maps of service lines and materials by address, location, and private side versus public side. The other distribution system components used to deliver water will also be added to the database.

## II. Asset Management

The City of Hart is proposing to update its Water Asset Management Plan.

### A. Water System Inventory Update

The City of Hart will update the inventory submitted in its asset management plan in late 2017. This will be supplemented by the additional information gathered in the DMSI discussed in Part I.

Estimated assets:

Hydrants - 142	Service Lines- 882
Valves - 352	Wells - 5
Water Main – 110,000 feet	Master Meters
Storage Tanks – 2	Pumping Stations - 1

### B. Condition Assessment

Condition assessment of assets of the water system will be made and/or updated and results added to the City of Hart's GIS. These may be made using historical records concerning hydrant condition, valve operation, valve turns, life cycle estimates, and failure rates, etc. This may also be supplemented by field verification in some cases if limited data is available.

- 1. Valves:** Historical records concerning valve condition will be added to the GIS based on existing records. This may be supplemented by field verification in some cases if no data is available.
- 2. Distribution system:** Conditions of the distribution system will be addressed through hydraulic modeling and calibration testing. Hydraulic modeling can identify conditions in the systems such as friction of specific pipes, possible closed valves, water age, and potential water quality problems.

The following activities are planned to update the City of Hart's hydraulic model:

- **Convert model to GIS based interface** – This will be based on the inventory and field work conducted. The primary advantage is that the pipes are shown on maps in a more exact location and model calculations are more accurate.

- **Perform water system field testing** – This will provide data for model calibration and verifications of model assumptions.
- **Define capital improvements** – The hydraulic model will be used to determine what capital improvements may be needed based on low flow areas for domestic, commercial/industrial areas and fire protection requirements.

3. **Water Wells and booster station:** The condition of the City's five wells and well houses will be reviewed. This review will assess current condition, code compliance, and review pump/well performance. The City's single Booster station will also be reviewed for current condition, code compliance and performance.

#### C. Level of Service

The level of service is anticipated to be improved with the updated inventories, condition assessments and move to a GIS based asset management system. Once a water system is accurately mapped, the resulting data can be used to help communities track O&M activities such as valve turning, hydrant flushing, hydrant painting, and other asset maintenance in order to continue providing an adequate level of service to its customers.

#### D. Criticality Assessment

The criticality of assets in the distribution and supply system will be evaluated. Criticality considers the likelihood and consequence of failure. This was done in the City's 2017 Asset Management Plan, but this will be updated with more current information. Consideration will be given to failure histories, materials, age, and the results of water system modeling. The presence of lead service lines will also be a factor in prioritizing asset criticality.

#### E. Capital Improvement Planning

Five year and twenty-year capital improvement plans will be developed based on the inventory, condition assessments, criticality review, and level of service goals. This will also include lead service line replacement. Consideration will also be given to other assets affected with identified projects. Project descriptions, cost estimations, and timelines will be prepared.

**F. Revenue Structure Development (Rate Study)**

A financial analysis focusing on cash balances, rates, and financing will be prepared by the City's financial advisor. This will include a rate study using industry accepted practices for utilities. A review of possible financing options for capital improvements will also be made. The analysis will be reviewed with the City Council so it can review the rate analysis and develop policies related to the capital and financial needs of the water system.

**G. Asset Management Plan**

The City's Asset Management Plan (AMP), originally prepared in 2017, will be updated based on the activities discussed above. The plan will address capital improvements and the rates and policies needed to be proactive in maintaining the City's water system. The plan will be presented to the city council for review and concurrence.

**III. Equipment**

The City of Hart intends to purchase field tablets for the purpose of tracking and maintaining its asset inventory and regularly updating it.

**IV. Schedule**

The City of Hart intends to complete these activities over a two to three-year period once the grant agreement is in place.

# Scope of Work & Professional Services

City of Hart - Drinking Water Asset Management Grant

Revised 2021-07-12

	Total Cost
<b>Distribution System Material Inventory</b>	
Project Meetings(3)/Coordination/Administration/Grant Application	\$21,500
Service line verification/location - field and office review	\$92,100
Prepare final deliverables	\$6,500
Review and train city on deliverable	\$4,300
<b>Sub-Total</b>	<b>\$124,400</b>
<b>Asset Management</b>	
Coordination/Administration	\$10,300
Data collection - hydrants, valve, curbstops	\$115,500
Watermain mapping update based on field work	\$17,400
Easement research and preparation	\$35,800
Update Inventory (most covered above)	\$3,800
Condition Assessment - hydrants, valves most covered above)	\$3,100
Condition Assessments - 5 wells and 1 booster station	\$19,300
Condition assessment - hydraulic modeling/testing distribution	\$23,100
Level of Service Review	\$6,300
Criticality Assessment (update existing)	\$3,100
Capital Improvement Planning ( assume 1 meeting)	\$17,800
Revenue Structure Development (2 meetings, 1 with council)	\$14,400
Asset Management Plan ( assume 1 meeting and 1 city council presentation)	\$10,900
	\$0
<b>Sub-Total</b>	<b>\$280,800</b>
<b>Equipment</b>	
Equipment (tablets for GIS field use)	\$1,750
	\$0
	\$0
<b>Sub-Total</b>	<b>\$1,750</b>
<b>Total Estimated Services</b>	<b>\$406,950</b>

**RESOLUTION 2021 - 66**  
**City Council**  
***City of Hart, Michigan***  
***Oceana County***

**Authorize purchase of replacement dielectric recloser**

WHEREAS: A recent power outage at the industrial substation caused a dielectric recloser to catch fire; and

WHEREAS: The existing condition leaves the substation with redundancy and proper functionality gaps, potentially leading to a long term industrial power outage, and

WHEREAS: The City has coordinated with GRP engineering to solicit a quote for replacement from the Rural Electric Supply Cooperative (RESCO) a member-owner, not-for-profit, sole vendor of this equipment in the State of Michigan; and

WHEREAS: the City of Hart will perform the installation of replacement equipment with GRP Engineering supporting the programming and deployment as necessary.

*NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL*

*Accepts the quote from RESCO for the replacement G&W Electric Viper-S Solid Dielectric Recloser in the amount of \$20,415 and authorizes the City Manager to execute the purchase agreement.*

Moved by \_\_\_\_\_, supported by \_\_\_\_\_ and thereafter adopted by the Hart City Council at a regularly scheduled meeting held on August 24, 2021.

Ayes: \_\_\_ Nays: \_\_\_ Absent: \_\_\_



Customer:	RESCO
Date:	Aug 5, 2021
Validity:	30 Days
Quotation Number:	SQ-67165
Customer Reference:	City of Hart

**Thank you for the opportunity to quote this project. This quote is currently based on the following information furnished to us and is subject to change as more information becomes available**

Specification Number: City of Hart Recloser RFQ 13-0567.01      Dated: 8/2/2021

**Item 1: G&W Electric Viper-S Solid Dielectric Recloser, Catalog No. VIP378ER-12S**

**Standard Features:**

- Three (3) epoxy insulated vacuum interrupter modules
- One (1) three phase magnetic actuator operator, providing three phase operation
- Manual trip and lockout handle with mechanical block, capable of physically blocking electronic and manual operation
- Contact position indicator
- Three (3) 1000/500:1 (factory set to 1000:1) current transformers, encapsulated within the solid dielectric insulation, exclusively for use with the recloser control
- Lifting provisions

**Additional Features:**

- L-shaped vacuum interrupter modules
- Six (6) 800A deadbreak Apparatus Bushing per IEEE 386 interface 13
- Six (6) 15kV screw-on silicone insulators
- Aerial lugs included: NEMA 2-hole pads
- Deadline operation not included
- 15-foot 14 pin control cable connectorized on both ends
- 15-foot 2 pin AC power cable, connectorized on both ends
- Galvanized Steel substation frame, with recloser mounting positions of 45 and 90 degrees. Shipped unassembled, with instructions for field assembly.
- No potential transformers included
- Two ground lugs for #6-250MCM conductor
- **SEL 0351R41281X15XCSG** control with the following features:

Category	Selection
Firmware	Standard

<b>Power Supply</b>	120/230 Vac or 125/250 Vdc With Integral Battery Charger
<b>Secondary Input Voltage</b>	V1, V2, V3, and VS (300 Vac maximum, phase-neutral, wye)
<b>Secondary Input Current</b>	1 Amp Phase, 0.05 Amp Neutral (Includes Sensitive Earth Fault Detection)
<b>Control Input Voltage</b>	24 Vdc
<b>Communications Port</b>	(3) EIA 232
<b>Communications Protocol</b>	SEL ASCII, SEL Distributed Port Switch Protocol (LMD), SEL Fast Meter, SEL Fast SER, SEL Compressed ASCII and DNP3 Level 2 Slave
<b>User Interface</b>	Operator Controls, LCD and Targets - Configurable Labels
<b>Conformal Coat</b>	None
<b>Enclosure</b>	Painted Aluminum w/GFCI Outlet
<b>Installed Accessories</b>	100W Heater and Low-Voltage Close Socket (2-Pin Female)

Note: The SEL-351R4 requires 120/230 Vac or 125/250 Vdc for control power, to be provided via connection to a user supplied source

**Included SEL-351R4 Relay Functionality:**

- 50 (P, N, G, Q) – Overcurrent (*Phase, Neutral, Ground, Negative Sequence*)
- 51 (P,N,G,Q) – Time Overcurrent (*Phase, Neutral, Ground, Negative Sequence*)
- 79 – Autoreclosing
- 25 – Synchronization Check
- 27 – Undervoltage
- 32 – Directional Power
- 59 (P,G,Q) – Overvoltage (*Phase, Ground, Negative Sequence*)
- 67 (P,G,Q) – Directional Overcurrent (*Phase, Ground, Negative Sequence*)
- 81 (O,U,R) – Frequency (Over, Under, Rate of Change)

**Ratings:**

Maximum design voltage	15.5kV
Impulse level (BIL)	110kV
Continuous and load break current	800A
8 Hr. Overload at 20°C	960A
60Hz Withstand, kV rms Dry, 1 min	50kV
60Hz Withstand, kV rms Wet, 10 sec	45kV
Interrupting Rating RMS (kA)	12.5kA
Making Current, RMS, asym, KA	20kA
Peak, asym (kA)	32kA
Short Circuit Current, kA sym, 3 second	12.5kA
Mechanical Operations	10K

**Operating Temperature Range:** Temperature range, -40°C to +65°C (-40°F to 150°F)

**Standards:** Ratings per IEEE C37.60-2012 and IEC 62271-111

**Price Each:** \$ 20,415.00/each

**Exceptions/Clarifications:**

- Additional instruction manuals may be printed from the provided digital instruction manual

**Commercial Terms and Conditions****Lead Time**

- **Submittal drawings (if required):** Submittal drawings and wiring diagrams will be issued for approval after receipt of order
- **Lead time for shipment:** Lead time is estimated after receipt of order and release to production. Lead time subject to change based on factory capacity at time of order  
See drawing lead time tracker below for detailed information

**Shipping Terms:** FOB-Destination

**Freight:** Prepaid and Allowed on a standard closed top trailer

**Payment:** Net 30 days from time of invoice; Payment terms are subject to G&W Finance Department approval

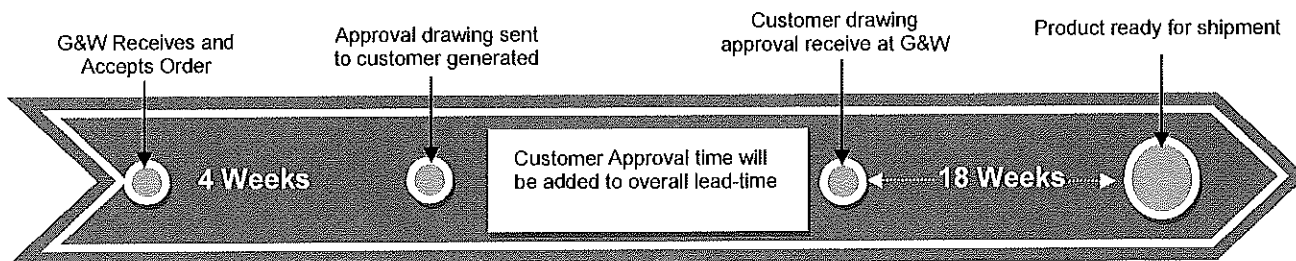
**Purchase Order Submission:** Purchase order should be addressed to:

Resco  
attn: Steve Brietzman  
sbrietzman@resco1.com

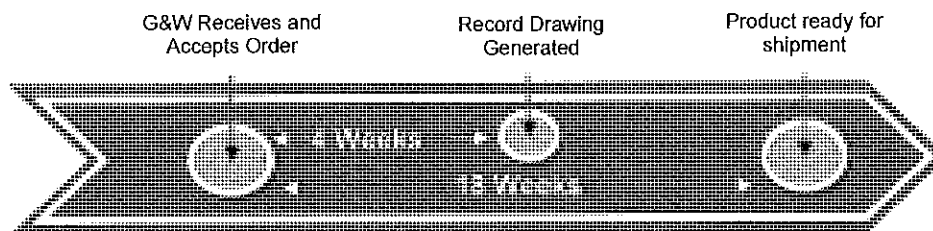
**Terms & Conditions:** Warranty and all other terms and conditions are as per SM-F-1 Rev 6

### Drawing Type Lead Time Tracker

#### Approval Drawings Required:



#### Record Drawings:





Engineered to order. Built to last.

G&W Electric Company  
305 W. Crossroads Pkwy  
Bolingbrook, IL 60440 USA  
Tel: 708.388.5010  
Fax: 708.388.0755  
www.gwelec.com

## G&W Electric Company, Terms and Conditions For Use With Quotations

### TERMS OF PAYMENT

Domestic accounts - Net 30.

International accounts - Standard terms are an irrevocable letter of credit, confirmed by a Prime U.S. bank, for the full amount of the contract, valid for at least 60 days beyond the latest quoted shipping date. Other terms may be granted upon receipt of satisfactory credit references and approval by our Finance Department. Letter of credit must be received prior to release of the order to manufacturing.

Late payment charge of 1 $\frac{1}{2}$ % per month on all past due invoices and unpaid balances. Shipments and deliveries hereunder shall at all times be subject to the judgment of Seller that the financial condition of Buyer at all times justifies continuance of shipments and deliveries hereunder. If Buyer shall fail to make any payments in accordance with the terms and provisions hereof, Seller, in addition to its rights and remedies, but not in limitation thereof, may at its option, defer shipments or deliveries hereunder, or under any other contract with the Buyer, except upon receipt of satisfactory security or of cash before shipment.

### PRICE POLICY

It is G&W's policy to publish for sole use of our domestic representatives *Confidential* price lists of our Standard Products. Quoted prices are firm for 30 days (60 days international). Orders placed after 30 days (60 days international) are subject to price in effect at time of acceptance. Prices on acknowledged orders are firm for the agreed upon delivery time. Customer requests to extend originally agreed to delivery date will be subject to price escalation.

### TAXES

Any taxes which the Seller may be required to pay or collect, under any existing or future law, upon or with respect to the sale, purchase, delivery, storage, processing, use or consumption of any of the material covered hereby, including taxes upon or measured by the receipts from the sale thereof, shall be for the account of the Buyer, who shall promptly pay the amount thereof to the Seller upon demand.

### FREIGHT TERMS

Terms as stated in the attached quotation.

### MINIMUM ORDER CHARGE

Domestic destination - \$250 Net  
International destination - \$500 Net

### EXPORT PACKING

Export order for all material or devices (except compound alone) - add 5% to net price of order. Export orders for compound alone -- add 50¢ per gallon.

### TITLE AND INSURANCE

Seller assumes no responsibility for insuring shipments unless specifically requested by Buyer and then only at Buyer's expense and valuation. Regardless of freight payments, all risk of loss shall pass to Buyer upon delivery by Seller to carrier at F.O.B. point.

### WARRANTY

EXCEPT AS OTHERWISE EXPRESSLY STATED HEREIN, SELLER MAKES NO REPRESENTATION OR WARRANTY OF ANY KIND, EXPRESS OR IMPLIED, AS TO MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, OR ANY OTHER MATTER WITH RESPECT TO THE GOODS SOLD HEREUNDER. Seller warrants all goods sold hereunder to be free from defects in material and workmanship under normal use and service for a period of eighteen (18) months from the date of shipment by Seller, or twelve (12) months from date of commissioning by End-User, whichever comes first. Seller's obligation under this warranty is limited to repair or replacing, at its option, any goods, which upon inspection by Seller shall disclose to Seller's satisfaction to have been defective in material or workmanship. Buyer must return the goods to Seller's factory, shipping charges prepaid, with complete information as to alleged defects and the installation, operation and service of the goods.

### LIMITS OF LIABILITY

Seller shall not be liable for, and Buyer shall indemnify the Seller from liability arising from injury or damage to property or persons caused in any manner by the operation, possession or use of the goods sold hereunder. The liability of Seller arising out of the supplying of any goods, or their use, whether on warranties or claim of negligence or otherwise, shall not in any case exceed the cost of correcting defects in the goods as herein provided. Seller shall not in any event be liable for any labor expended by Buyer on any defective goods or for any special direct, indirect or consequential damages arising out of or in connection with the use or performance of the goods. Seller assumes no responsibility with respect to the capacity of Seller's goods to function as components in other products. Buyer assumes full responsibility for specifications and design of any product in which Seller's goods may become components and shall indemnify Seller against any liability attributed to any inadequacy in such specifications or design. Seller shall not be liable for misoperation or misapplication of goods sold or supplied due to unusual or abnormal electrical system disturbances.

### Important Notice:

User shall determine the suitability of the products for intended use, and assume all risk and liability in connection therewith.

## **DELAY**

Shipping dates are approximate and are based upon prompt receipt of all necessary information. The Seller shall not be liable for delays in delivery or failure to manufacture or deliver due to acts of God, war, riot, embargoes, acts of civil or military authorities, priorities, allocations, fires, floods, epidemics, accidents, quarantine restrictions, mill conditions, strikes, differences with workmen, delays in transportation, shortage of cars, fuel, labor, manufacturing facilities, components or materials, acts of the Buyer, or any other cause beyond the reasonable control of the Seller. In the event of any such delay, the date of delivery shall be extended for a period equal to the time lost by reason of the delay.

## **PATENTS**

Seller will defend at its own expense any action brought against Buyer, to the extent that it is based on a claim that the goods furnished by Seller infringe a U.S. patent, and Seller will pay those costs and damages finally awarded against Buyer in any such action which are attributable to any such claim, but such defense and payments are conditioned on the following: (a) that Seller shall be notified promptly in writing by Buyer of any notice of such claim; and (b) that Seller shall have sole control of the defense of any action on such claim and all negotiations for its settlement or compromise; and (c) should the goods become or in Seller's opinion be likely to become the subject of a claim of infringement of a U.S. patent, that Buyer shall permit Seller at its option and expense either to procure for Buyer the right to continue using the goods or to replace or modify the same so that it becomes noninfringing. The foregoing states the entire liability of Seller with respect to infringement of patents by the goods or any part thereof. Buyer shall hold Seller harmless against any expense, judgment or loss on account of any actual or alleged infringement of any patents, copyrights or trademarks which result from Seller's compliance with Buyer's designs, specifications or instructions.

## **PATTERNS AND TOOLS**

Any patterns and tools heretofore or hereafter acquired specially to produce goods for Buyer shall become the property of the Seller. If Buyer does not order goods produced with such property for a period of two years, Seller may dispose of such property.

## **ORDER CANCELLATION**

Non-Engineered Products

A. Standard catalogued items not yet through complete order entry, no charge.

B. Standard catalogued items through order entry but not yet in production - \$250.00 domestic; \$500 international.

Engineered Products

A. Orders through order entry but not yet in engineering process - \$250.00 domestic; \$500 international.

B. Orders in engineering process - 25% of order value plus any vendor charges levied against G&W for advanced ordered materials.

C. Approval drawings furnished and materials advanced ordered - 35% of order value plus cost of materials ordered.

D. Order released for production - up to 100% of order value.

## **STORAGE**

Equipment on which manufacture or delivery is delayed, due to any cause within the Buyer's control, may be placed in storage by Seller, for Buyer's account and risk, and regular charges therefore and expenses in connection therewith shall be paid by Buyer, but if, in Seller's opinion, it is unable to obtain, or continue with such storage, Buyer will, on request, provide or arrange for suitable storage facilities and assume all costs and risks in connection therewith.

## **RETURN OF MATERIAL**

No material shall be returned without first having secured approval and terms for return, along with necessary returned goods forms, from G&W Electric Co. Final acceptance of authorized returns will be made when the material is received at the factory.

## **COMPLIANCE WITH LAWS**

Seller certifies that the goods sold hereunder were produced in compliance with all applicable requirements of sections 6, 7 and 12 of the Fair Labor Standards Act of 1938 amended and of regulations and orders of the United States Department of Labor issued under section 14 thereof.

## **GENERAL**

A valid agreement binding upon Seller will only come into being as of the time a formal written acknowledgement of a purchase order is sent to Buyer by Seller. Such agreement is not assignable by Buyer without written approval of Seller. Such agreement will be governed by the laws of the State of Illinois. Waiver by Seller of a breach of any of the Terms and Conditions of this or any other agreement with Buyer shall not be construed as a waiver of any other breach.

## **ENTIRE AGREEMENT**

These Terms and Conditions constitute the entire agreement between Seller and Buyer, and such agreement may not be modified or amended except by a writing executed after the date hereof by an authorized officer of Seller. Seller shall not be bound by any terms of Buyer's purchase order forms or other documents which attempt to impose conditions at variance with Seller's Terms and Conditions of Sale set forth herein unless the same shall be specifically agreed to in writing by an authorized officer of Seller. Seller's failure to object to the provisions contained in any of Buyer's forms shall not be deemed a waiver of the provisions of these Terms and Conditions which shall constitute the entire agreement between the parties.

## **INSTALLATION, SERVICING OR ERECTION**

Installation, erection or servicing of the equipment or supervision thereof by Seller, if specified or requested by Buyer, is available. Contact Factory for terms and conditions.

**ORDINANCE ADDRESSING FLOODPLAIN MANAGEMENT PROVISIONS OF THE STATE CONSTRUCTION CODE**

Community Name: **City of Hart** County: **Oceana**

**Ordinance Number 2021-01**

An ordinance amendment to designate an enforcing agency to discharge the responsibility of the City of Hart located in Oceana County, and to designate regulated flood hazard areas under the provisions of the State Construction Code Act, Act No. 230 of the Public Acts of 1972, as amended.

The City of Hart ordains:

Section 1. AGENCY DESIGNATED. Pursuant to the provisions of the state construction code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, the Building Inspector of the County of Oceana is hereby designated as the enforcing agency to discharge the responsibility of the City of Hart under Act 230, of the Public Acts of 1972, as amended, State of Michigan. The County of Oceana assumes responsibility for the administration and enforcement of said Act throughout the corporate limits of the community adopting this ordinance.

Section 2. CODE APPENDIX ENFORCED. Pursuant to the provisions of the state construction code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, Appendix G of the Michigan Building Code shall be enforced by the enforcing agency within the jurisdiction of the community adopting this ordinance.

Section 3. DESIGNATION OF REGULATED FLOOD PRONE HAZARD AREAS. The

Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) Entitled "Oceana County, Michigan (All Jurisdictions)" and dated 8/24/2021 and the Flood Insurance Rate Map(s) (FIRMS) panel number(s) 26127CIND0B and 26127C0150D, effective August 24, 2021, and 26127C0175C, effective August 4, 2014 are adopted by reference for the purposes of administration of the Michigan Construction Code and declared to be a part of Section 1612.3 of the Michigan Building Code, and to provide the content of the "Flood Hazards" section of Table R301:2(1) of the Michigan Residential Code.

Section 4. REPEALS. All ordinances inconsistent with the provisions of this ordinance are hereby repealed.

Section 5. PUBLICATION. This ordinance shall be effective after legal publication and in accordance with the provisions of the Act governing same.

Adopted this 24<sup>th</sup> day of August 2021.

This ordinance was duly adopted on August 24<sup>th</sup>, 2021, at a regular meeting of the Hart City Council and will become effective on September 13, 2021.

Moved by \_\_\_\_\_, supported by \_\_\_\_\_ and thereafter adopted by the Hart City Council at a regular council meeting held on August 24<sup>th</sup>, 2021.

Ayes: \_\_\_ Nays: \_\_\_ Absent: \_\_\_