



**CITY OF HART
407 S. STATE ST.
HART, MI 49420
COUNCIL PROCEEDINGS
January 24th, 2023
MINUTES – Approved**

PRESENT: Councilors: Mayor Vicki Platt Justin Adams, Catalina Burillo, Jim Evans, Dean Hodges, Amanda Klotz, and Kris Trygstad

ABSENT: None

OTHERS PRESENT: City Manager – Rob Splane, BioPure Superintendent – Paul Cutter, DPW Superintendent – Brad Whitney, Energy Superintendent – Mike Schiller, Economic Development Director Nichole Kleiner, Hart PD Officer Ray Ryder, Sharon Hallack, Elisabet Forner, Mark Forner, Max Highland and Dick Huntington

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

APPROVAL OF AGENDA:

- C. Burillo motioned to approve the agenda and was supported by A. Klotz
 - Ayes: 7 Nays: 0 Absent: 0

PUBLIC COMMENTS:

- Dick Huntington 115 creeks drive Hart, there was someone doing some work along the fairgrounds by the rail trail, looked like they were back there clearing brush just wondering who was back there clearing. Talked to Rob and he said it was not someone from the City but he would look into that and see if he can find out who it was.
- Max Highland – Richs Carwash, I am here to ask for consideration on winter sewage rate as, the way the carwash is setup I have to trickle the water so it does not freeze, I don't mind paying for the water but paying the extra sewer bill is a lot. The old City Manager would take my highest sewer bill during the summer and that is what I would be charged thru the winter months. This rate is making it hard for me to stay in business. Also, the lights downtown and along Polk rd. looked very nice this year.

CORRESPONDENCE, EVENTS, PRESENTATIONS:

- Elisabet and Mark Forner – Pink Elephant renovation plans presentation.
We have owned the Pink Elephant for 21 years now and for years and years we have long to get our hands on the building next door and this past year that has happened. Our idea is to expand our kitchen prep area and customer waiting area. As these buildings are older and we would like to start renovations, also would like to apply for a liquor licenses under DDA (District Development Authority). Under this you have to be in the Downtown District, spend at least \$75,000 to renovate the building, have to have X amount of hours, the DDA has to have at least \$200,000 in improvements ove the last 5 years, and most importantly blessing of the Council/City. So that is why we are here to show our ideas/plans, as this will require a Resoultion from the City Council so we are hoping to get on the adagenda here soon.
- Background discussion on Administrative Consent Order and Review of 2022 annual progress report
2022 Progress Report (#7)
Administrative Consent Order
City of Hart Hydroelectric Project
Approved Long Term Temperature Reduction Plan
In accordance with the Administrative Consent Order (ACO) paragraph 3.3 that the City of Hart Michigan (City) entered into with the Michgian Department of Environmental Quality (MDEQ) (now known as Michigan Department of Environment, Great Lakes, and Energy (EGLE), the City is pleased to submit this progress report detailing work completed to date to compy with the Long Term Temperature Reduction Plan (approved on March 22, 2016.

1. Water Quality Improvements Feasibility Study

In 2016, the City retained the services of Prein & Newhof to conduct a Water Quality Improvements and Feasibility Study. Milestone dates for the Water Quality Improvements Feasibility Study are as follows

- Feasibility Study Submitted to MEDQ ----- January 30, 2017
- MEDQ Comments Received ----- March 27, 2017
- Revised Feasibility Study Submitted ----- April 27, 2017
- MDEQ Approval ----- May 25, 2017

The Study evaluated several alternatives to improve water quality relating to temperature and dissolved oxygen in the Pentwater River downstream of the dam. A computerized hydraulic and water quality model was used as a tool to evaluate the effectiveness of the alternatives considered. The approved Revised Feasibility Study included the following recommendations:

- Complete a hydrogeologic study of the aquifer and groundwater withdrawal permitting around Hart Dam.
- Proceed with a design and permit application for the removal of the Chippewa Creek restriction at East Main Street.
- Continue to incorporate Best Management Practices into City infrastructure projects.
- Continue to acquire property as well as maintain and improve natural shorelines along Russell Creek and Hart Lake.
- Incorporate water quality impact evaluation into the assessment of the storm water system under a recent Storm and Wastewater Assessment Grant from the MDEQ.

Progress on each of the recommendations is detailed further in the following sections of the Status Report.

2. Hydrogeologic Study

The City retained the services of Prein & Newhof to perform a hydrogeologic study on the aquifer near the Hart Dam. As outlined in the January 31, 2019 Progress Report #3, the following tasks were completed including:

- Two (2) soil borings drilled to evaluate potential for a high capacity well.
- Observation well installed, pumped, and water quality sample collected.

A summary of that work was provided in a technical memorandum dated September 7, 2018 and was provided with the January 2019 report.

As outlined in the February 11, 2020 Progress Report #4, a test well drilling site was identified and a test boring was completed to a depth of 400 feet. The test boring was ultimately abandoned as there was no apparent zone of groundwater that could support a high capacity well. No further evaluation of potential sites was conducted in 2022.

3. Design and Permitting Removal of Chippewa Creek Restriction at Main Street

The City retained the services of Prein & Newhof for the design and permitting of the removal of the Chippewa Creek Restriction at East Main Street. As noted in the February 11, 2020 Progress Report #4, design and permitting has been completed for the removal of the restriction, but property owner issues exist at the site preventing the City from replacing the structure. No progress was made in 2022 with the respect to contacting property owners to obtain easements for the proposed culvert alignment.

4. Continues Implementation of Best Management Practices (BMP's)

No City projects included construction of storm sewers in 2022. The City will continue to evaluate opportunities in future construction projects to reduce stormwater runoff.

The City initiated a three-year project to inventory and assess the condition of the City-wide storm sewer system under a State of Michigan Stormwater and Wastewater Asset Management (SAW) grant.

The assessment will allow the City to identify additional opportunities for BMPs to minimize the volume of stormwater runoff and ultimately provide surge water quality benefits. The study will consider impacts to the temperature of the Pentwater River in all recommendations. The SAW grant ended on December 31, 2019 with deliverables submitted to EGLE at that time. The completed report for the SAW grant indicated that runoff has a direct impact on creek temperature during storm events, but the impacts are limited to the duration of rainfall. Although runoff has an instantaneous impact on creek temperatures, it does not have a measurable effect on average monthly temperatures of the creeks.

5. Property acquisition and/or establishment of conservation easements along Russell Creek and Chippewa Creek to protect water quality

The City has identified several parcels along Russell Creek, and is in varying stages of discussion and/or negotiation for acquiring property or conservation easements. The following table identifies each of the parcels on the enclosed map and table along with their status:

No.	Description	Approximate Frontage	Approximate Acres	Notes	Status
1	Acquisition	475 ft.	3	Dontaion Negotiated	Completed
2	Acquisition	1505 ft	9.9	Owner willing to sell to City	Pending
3	Acquisition	1265 ft	8.6	Owner willing to sell to City	Pending
4	Acquisition	590 ft	12.7	City now owns	Completed
6	Acquisition	110 ft	0.3	City interested in purchasing from private owner	Pending
13	Infiltration Basin			Private Owner	Basin Complete
14	Conservation Easement	3200 ft	10.1	City interested in acquiring Conservation Easement	Pending
15	Conservation Easement	2970 ft	8.5	City has acquired property – will require any new developer to reestablish and maintain riparian zone OR City could acquire a Conservation Easement	City now owns
16	Hydroelectric Building			City is relocating maintenance operations away from water – will convert from industrial to open space use	Building Use Discontinued

Note: Other updates noted on enclosed table and map.

6. Water Quality Monitoring

In accordance with the ACO and the Approved Long-Term Temperature Reduction Plan, the City retained the services of Lawson-Fisher Associates P.C. to conduct the 2022 Water Quality Monitoring. Continuous dissolved oxygen and temperature monitoring was conducted at the upstream (Peterson) location and the downstream location (72nd Avenue Bridge). Continuous temperature monitoring was conducted at two locations on Russell Creek (High School and Diesel Plant) and two locations on Chippewa Creek (Main Street and Oceana Drive). Semi-monthly dissolved oxygen and temperature profiling was conducted in the impoundment. Monitoring was conducted from July though September 2022. The Water Quality Monitoring Report was submitted to EGLE and Michigan Department of Natural Resources (MDNR) under separate cover on December 30, 2022 for review and comment.

7. Implementation Plan Schedule

The following table includes the proposed activity completion dates per the Approved Long-Term Control Plan Schedule, as well as the actual dates completed.

	ACTIVITY	PROPOSED COMPLETION DATE	ACTUAL DATE COMPLETED
A	Submit Revised Long-Term Temperature Reduction Plan to MDEQ	February 19, 2016	February 19, 2016
C	Request MDEQ Review and Approval of Revised Plan	March 18, 2016	March 22, 2016
D	Implement Water Quality Monitoring Plan	July-September, 2016	July-September, 2016
F	Submit Water Quality Improvements Feasibility Study for City Review	November 30, 2016	November 30, 2016
G	Submit Water Quality Improvements Feasibility Study for MDEQ review	January 31, 2017	January 30, 2017
H	Request MDEQ Approval	March 31, 2017	
	MDEQ Comments Received		March 27, 2017
	Revised Feasibility Study Submitted to MDEQ For Approval		April 27, 2017
	MDEQ Approval for Revised Feasibility Study		May 25, 2017
I	Begin Preliminary Engineering	July 1, 2017	
	Hydrogeologic Study		Three sites evaluated to date with none identified as meeting needs
	Removal of Restriction at Chippewa Creek and Main Street		October, 2019
	Courtland and Jefferson Street Reconstruction		April, 2017
	Pocket Park		Complete – City received bids in 2019 and awarded contract
	Citywide Storm Sewer System Inventory and Assessment		Reports being completed early 2020
J	Begin Design Engineering	October 1, 2017	
	Removal of Restriction at Chippewa Creek and Main Street		October, 2019
	Courtland and Jefferson Street Reconstruction		Complete
	Pocket Park	August 15, 2020	Spring 2021
	City Hall Rain Garden		Complete
K	Begin Construction Subject to Permitting	April 1, 2018	
	Removal of Restriction at Chippewa Creek and Main Street	To Be Determined – Dependent available funding and resolution of property issues	
	Courtland and Jefferson Street Reconstruction		Completed 2018
	Pocket Park	June 30, 2021	June 30, 2021
	City Hall Rain Garden		Completed October 2017
	Complete Construction, Project Implementation, Property Acquisition and Conservation Easements	December 31, 2024	

8. Russell Creek Weir Board Removal

Although not an element in the Long-Term Temperature Reduction Plan, the City submitted a complete permit application for the removal of the weir boards on the culvert beneath Mechanic Street to the MDEQ on March 29, 2016. The Russell Creek Weir Board Removal Project Permit Application was denied by the MDEQ due to strong public resistance on April 17, 2017. The City does not intend to pursue this activity further.

Please contact me with any questions or comments you may have.
City of Hart, Michigan

CONSENT AGENDA:

- Approval of minutes from January 10th, 2023.
- Bills, Claims, Payroll
- Reports of Boards, Commissions, and Committees
- Department Reports – Police/BioPure/Public Works/Energy/C&E Dvlp
 - A. Klotz motioned to approve Consent Agenda and supported by C. Burillo
 - Ayes: 7 Nays: 0 Absent: 0

ACTION ITEMS:

- Resolution 2023 – 06 Authorize Purchase and Placement of Commissioned Art Piece
 WHEREAS, The City of Hart City Charter Chapter 288 calls for the establishment of a Fine Arts Commission in and for the City, and;
 WHEREAS, the City of Hart Fine Arts Commission struggled to retain active membership and funding in the 1980's and subsequently disbanded, and;
 WHEREAS, the Hart Economic and Redevelopment Team non-profit organization has created an ad hoc committee of art supporters un-officially named The H-art Project which established a fundraising supported art initiative to bring 25 publicly available works of art to display by 2025, and;
 WHEREAS, the H-Art Project group with support from H.E.A.R.T and the City of Hart TIFA almost \$50,000 has been raised in an effort to commission an award winning artist to create a rendition of a 24 foot tall steel tinman, and;
 WHEREAS, Input has been sought form multiple boards, community residents, business owners, and area visitors in pursuit of a consensus on design and final location of said art piece, 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
Approves the request for Hart Economic and Redevelopment Team to purchase and place this work of art on City of Hart property.
 - A. Klotz motioned to approve Resolution 2023-06 and supported by C. Burillo
 - Ayes: 7 Nays: 0 Absent: 0

DISCUSSION ITEMS:

- Mayoral Board and Commission Appointments
 Justin Adams – Parks and Recreation and HEART
 Catalina Burillo – HEART
 Jim Evans – Planning Commission, Historic District, Library and BioPure Board.
 Dean Hodges – Lake Board, Powerboard, Zoning Board of Appeals, BioPure, Board of Review and Heart
 Amanda Klotz – Finance/ Personnel Committee
 Kris Trygstad – Finance/Personnel Committee
 Mayor Vicki Platt – All Committees/Boards/Commissions
 - C. Burillo Motioned to approve Mayoral Board and Commission Appointments, and reestablishing the BioPure board and supported by J. Evans
 - Ayes: 7 Nays: 0 Absent: 0

CITY MANAGER'S REPORT:**UPDATES:**

- Michigan Wastewater Administrators Conference offered good leaning and networking opportunities. Paul Cutter was able to make some plans to replace a piece of equipment for the Channel Monster. New opportunities for the City regarding both residential and municipal water sampling were discussed. The major problem of the presence of micro plastics and PFOS / PFOA chemicals in our drinking water was presented with some disturbing statistics. (Hart is currently not experiencing these issues as our water quality is among the best in the State.) We also learned about new options that may be available to the City regarding the hauling and disposal of our Biosolid's, which has been an ongoing challenge.

- Hart Police Department in cooperation with Hart Public Schools has been awarded a grant to provide a full-time student resource officer at the school campus. Detective/Sgt. Skipski has been working closely with the school supporting the TEAM (Teaching, Educating, & Mentoring) program for several years. Planning is in progress to decide how best to accommodate his absence at Hart PD.
- Planning for summer events is in progress, a list will be available soon for Council review.
- Hart Energy has worked diligently to test water nodes with our wireless electric meters. The water meter nodes have now been delivered after a very long wait due to supply chain issues. How best to deploy the new equipment is being discussed with a recommendation coming to council soon.
- Corazon will be one year old tomorrow January 25. Viva Corazon!

Legacy Topics:

- Working to have communities review intergovernmental operational agreement for property code enforcement department – Adoption of that agreement is pending – Financial negotiation is in progress.
- Grant Funded 227 East Main property demolition completed. Site reconstruction to take place in the spring.
- The Charter review committee has finished its assessment for phase one City Charter amendments which include changing all pronouns to show gender equity and modifying the language which dictates the date and time of City Council meetings. The proposed changes are being reviewed by our City Attorney and we anticipate initiating that process soon.

Upcoming Topics:

- Adoption of 2022-2026 Park and Rec Master Plan

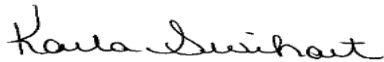
COMMUNICATIONS FROM THE MAYOR AND COUNCIL:

- C. Burillo, Charter review committee wondering if there is a timeline for the Meeting time to be changed? Rob will reach back out to the Attorney and get an update.
- Mayor Platt asked B. Whitney asked about the class on "Reasonable Suspicion". Train supervisor to reasonably and legally identify if employees are impaired, and it is a requirement.

ADJOURN:

- There being no further business to come before the Council, the meeting adjourned at upon a motion by A. Klotz and supported by J. Evans. The next regularly scheduled meeting will be on February 14th, 2023, at 7:30 pm.

Respectfully Submitted



Karla Swihart, City Clerk