



**CITY OF HART
407 S. STATE ST.
HART, MI 49420
COUNCIL PROCEEDINGS
April 25th, 2023
MINUTES – APPROVED**

PRESENT: Councilors: Justin Adams, Jim Evans, Amanda Klotz, and Kris Trygstad

ABSENT Mayor Vicki Platt, Catalina Burillo and Dean Hodges

OTHERS PRESENT: City Manager – Rob Splane, BioPure Superintendent – Paul Cutter, Hart PD – Ray Ryder, Sharon Hallack, Bill Volpp, Dick Huntington

A large crowd gathered in support of Drive Safe Bill.

Mayor Pro-Tem Klotz called the meeting to order; following the roll call, then led the Council in the pledge of allegiance.

APPROVAL OF AGENDA:

- J. Adams motioned to approve the agenda and was supported by J. Evans
 - Ayes: 4 Nays: 0 Absent: 3

PUBLIC COMMENTS:

- Cindy Fout Hart Mi, thank you all for your service to our community and for being on the Hart City Council, I am here regarding the article in our local paper about the Drive Safe Proclamation, after reading the article I researched the issue as history and its current status, and from what I see this appears to be a hot button issue. The legislator did pass these bills into law and I am wondering if this means that the City Council is choosing a side in this issue based on the wording of the proclamation and if so is this proclamation going to be issued by the City Council as something that can be seen as a voice for residents of the City of Hart and if so has the word been put out to the residents so that they can provide input, as the newspaper article was the 1st I've heard about the Proclamation and I just wondering whether or not what the purpose was and also based upon the article there are other avenues available that the council can take rather than a proclamation, these are avenues that would require personal commitment or personal involvement of those wishing to support or rescind of the bill. I am a supporter of self-government and I know I reside in a republic and that each of us has a responsibility to be involved in the laws and actions that are being taken not just locally but within the State and Federal Government. This appears to be a political issue and from everything I read its very partisan and I wonder if that isn't a risk as such action could be seen as not promoting and protecting the common interests and welfare of the whole community and residents of the City, but more focus on special interests. In my opinion Lansing will do what Lansing will do and each of us should be in contact with our legislators with regards to support with these laws as we see appropriate, but I ask you carefully considering whether a proclamation is an appropriate route to take for the City of Hart Council.
- Dick Huntington, 115 Creeks Drive, I am looking forward to meeting with the two council members and the HOA to go over some of the things that we are concerned about. Also, I would like the Council to consider one is the burnt down house on Wood Street that has been there a couple years now and it does represent a health and safety hazard I'm surprised there hasn't been any problems up to this point. There are ways that the City can be more aggressive and go after the home owner to get the house repaired or torn down. I know the insurance company and lawyers are involved but there are ways to put pressure on homeowner as it is an eye sore but more so a dangerous piece of property the way that it is.
The other concern is Polk rd., Polk rd. must be one if not the worst connector off Us 31. That road is terrible I was on the township board for 10 years and we've heard all the stories from the Road commission, State and our representatives about how they have a plan, for one Polk rd. is not going to become 28th street, but there needs to be a plan to get it paved or fixed in order to get 3 lanes put in so there is a turn lane in the middle instead of putting in sidewalks. It's not going to develop into a strip mall or shopping center. So, I would encourage the City the County Commissioners and County Road Commission to get together with our representatives get some action taken as there is money available to get these roads fixed as that is a primary connector to a federal highway and this needs to get done while the money is there.

- Irma Hinojosa, Catalina Burillo wanted me to share what she wrote to the entire Council last meeting that was not read for everyone to hear.

To my fellow Council members of the City of Hart:

Unfortunately, as you know, I am unable to be in attendance at this evening's council meeting, but I wanted to take the liberty to submit to you the reasons this resolution and proclamation are so important to our community. I am in favor of passing this resolution and proclamation. It is our opportunity as a council to demonstrate and take the lead in our community and to set the example that we know it's important to the residents that live in our community to have the same access to tools and resources; to travel to and from work and earn a living, take their children to daycare, take care of their family's health, seek an education, and to have the best quality of life that they can have without having to constantly live in fear. Daily, residents in our community live in fear of getting pulled over, arrested, and ultimately creating family separation, due to the simple issue of not having a driver's license or having the ability to obtain one. As we all know, Oceana County does not have a college, university, or trades schools, nor do we have public transportation. In order for our residents to continue thriving, they need access to a driver's license to get to places such as these I named.

As a Council we can show our support by saying that we believe our residents should have the same access to the tools in their toolbox. This is about quality of life, and about safety and security. Our residents are productive workers, pay taxes, and many of them contribute to benefits such as social security, but may never get to receive those benefits. By passing this resolution and proclamation, as a Council, we are showing the residents that they have representation here on this Council and that we know the needs and concerns of our community. Individuals living in our community should have the right to move around and have all the privileges that everyone else has, regardless of their level of documentation.

I am proud to live in this community and to support all our residents. I would like us to set the example that we are a safe and welcoming community, and further that we are a diverse and inclusive community. What better way to set that example than passing this resolution and proclamation right here in the City of Hart-in the "Hart" of Oceana County. #HartStrong

As a welcoming City, we are showing our support to our residents that come here to seek a better life for themselves and their families, that they too can obtain the American dream.

I couldn't be prouder to support this resolution and I'm asking and encouraging all my fellow council members to show your favorable support by unanimously voting tonight in favor of the resolution and proclamation. This is something that will unify and strengthen our community, rather than dividing us because of political partisan reasons. I believe that politics has no place here, this is simply about dignity, about humanity, and about quality of life.

It is my hope that once the Hart City Council passes this resolution that other municipalities, etc. in our county will take notice and follow suit. This is our opportunity to lead on this issue and to show the county and the state that we need action to protect our community members. Thank you

And thank you to all those who are present tonight to show their support.

Sincerely Catalina Burillo, Hart City Council member

- Dan Hooker, 586 6th street Pentwater, the reason I am here is because you are Hart of this county and has the Hart of this county you beat for everyone. I would like to think as a veteran the Hart of the county I live in would respect the fact that we are a land of laws and as such each and every one of us live under those laws each and every day. I do not want to welcome those who will not live under the laws. And as the Hart of this county, I don't think that is something you would want also. So, I ask you to look at yourselves, look at the community, what you promote is what you will invite, and we see that all over this country. Diversity I believe in whole heartly, I grew up in Oceana County. Folks would come folks would go, folks I ask that you do not promote the things which our children will grow up regretting what we opened the door to. You are the Hart and you can show love and the best way to show love, is to show people that you also love the law.
- Beverly Mills, 4667 S 44th Ave New Era, Question on the Drive Safe bill, If someone gets given a drivers license in this country only citizens can vote and we use a driver's license as an id to show who they are, what's to stop them from attempting to vote, the secretary of state signs people up to vote when they get a drivers license, I see this could be a big problem with people who are not citizens when it comes to voting. If someone wants to drive in this county all they have to do is become a citizen, which that option is open today. I've heard it said that they are driving now, and they fear being caught, if I don't have a license and I get caught I'm going to

have to pay the consequences because that is what our laws are, you're not allowed to drive without a driver's license period.

- Erin MacGregor, Benona Township, I feel like our County is more like a small City and what each of us does in our townships affects each other. I am all for immigration and I love immigration I personal and directly responsible for two legal immigrants, and I think that is the past that serves. We are a land of laws if we pick and choose which laws we like and which we don't like and enforce those we like and ignore those we don't like we will wind up like the big City's are now where there are no laws, chaos, you know we are a smaller community and it will take longer to fall into that, but when you ignore the laws that is what happens that's the ultimate outcome and there is no way around it. As I said I love immigrants I am personally responsible for immigrants and there is a right way to do it if we need more paths for more people fine, let in a million, two million or even three million a year the right way and let everyone get accommodated, let the country get accommodated to take more people in as we can accommodate them. We will give illegally and enabling dilly-dally by our actions as kindhearted as we are and as much as we want to help people, we must obey the laws, or we are going to fall into chaos. So, I don't understand why the City feels they need to enable this and I don't understand why the State feels they need to enable this, I think it will ultimately be bad the unattended consequences will bring harm to our State, our County and our Communities.
- Penny Burillo, 515 Griswold St Hart, I was born and raised in Hart Michigan and as you can see, I am angry. The reason my daughter Catalina brought this to Council is because she wanted to educate everyone about the laws and that we need a change in the laws. That is why we are here asking for your support to contact your legislators regarding a change to the law. Up until 2008 any person no matter what the status, immigration status or not (which is not the issue) they could present proper identification and prove that they lived in Oceana County and get a drivers license or an Id to go to a doctor's office, to go to school, to go anywhere in this Country you need identification. You people think that we are encouraging people who are illegal to live here, but you know what, people who have been living here 30 years in Hart, they own their homes they pay taxes here, their kids go to school, you live with them know them they live every day in fear because they do not have the ability to have a drivers license. If we had taxis, if we had a bus system it would be different, but we don't. I worked for the Department of Human Services for 20 years. I've been retired now for 12 years. You know what I do? I transport people almost every day. Why is it because there is not an uber, there is not a bus and there is no public transportation in Hart. The rationality behind all of this was not to cause conflict in the community the idea was to say hey we have people who have been living here all these years and there is not a path through immigration for them to get citizenship unfortunately. I would encourage people to become informed about that part of our government and talk to your legislator, because that is what its about getting involved making changes that are good for us and for the people who live in our community, who work here and support us in doing these things all these years. So read through this those of us who are in this group so that we have done our duty. What we wanted to do was bring this to our board and we want you to contact your legislator and help us pass this legislation because we truly need it, and it will help. There will be more people buying insurance, buying more gas, buying cars, paying more taxes which helps improve the roads. We are grateful for the council listening to us and considering this, whatever your decision maybe we have accomplished what we came to do, which is to make this issue known and get people involved.
- Cynthia Hernandez, Shelby Mi, and work for Trinity health, Regarding the question about voting, your able to put on a driver's license notes so there is a way to put on these licenses "no Voting" and as Penny said a drivers license will help with taxes and more people coming and going. I just wanted to make it known that I am a supporter for Drive Safe Bill.
- Marylin Morse, Benona Township, For the last seven weeks we have had as many as 45 people attend a biblical citizenship class right on the other side of this wall, and I have learned more about the constitution and our declaration of independence, than I ever did in school and I'm 72yrs old. What I have really learned is that we are a nation of laws, but those laws are being circumvented more and more every year. What am I concerned about, is I have family that hire H2A people that come in and help with the crops they are here legally; I don't know the group of people we are talking about here that need the driver's license are they here legally or illegally? And if they are here illegally I would say the only way that I would every say it's appropriate for them to get a license is if we could assure that they would not vote because with all of the illegal immigrants coming across our boards, it is not right, it is alarming, there have been many slippery slops that have happened in the

last 10-12 years with laws passing that blossom into other things. So, we need to be careful and thoughtful. So, everyone should be contacting their legislators with their comments and concerns regarding this Drive Safe Bill, but I really encourage you not to as a whole community.

- Crystal Ryder, Crystal Township, I am a granddaughter of an immigrant, my grandfather was 9yrs old when he came here, and he became a citizen of the United States which was the greatest day of his life. I guess I just don't understand I think that maybe a lot of people in the community don't understand so before making any decision should read up on it, I don't know if I'm for it or against it also I am unsure of what you are trying to do here, what kind of documentation are they needing to get a drivers license is it the same as my daughter/son is it your birth certificate, social security or school record to show that they live in the community, is that what you are talking about? You're making a decision for the community that I don't think the community is aware of, so I feel that there needs to be more information put out to our community. We maybe in different townships but it's the Hart of our County.
- Larry Walker, Walkerville Mi, I am very concerned that we make laws and support laws that are not known by the people or not understood by the people, so I feel this needs to go wider than just our small group of people to make the discussion for our area.
- Maria Rosas, 19 S State St Hart, I was here at the last meeting and did speak at the last meeting, we are not asking for you to change any laws, we are simply asking for your support for what is going on at the State level. I have heard a few different comments about people not being informed. As a business owner I see a lot of H2A workers, but before that there was a lot of undocumented people in our community who have worked our fields for 20/30yrs, then H2A became a thing which is good, but go back 6 years when we had undocumented people out in those fields and all them undocumented people had to find jobs elsewhere whom still live in our community and still driving without a license. The feeling I am getting is they were appreciated then but are not appreciated now. They are still here; they didn't just disappear; they are still here and still driving. I understand that you cannot make the decision for the State but thank you for listening to us.

CORRESPONDENCE, EVENTS, PRESENTATIONS:

- NONE

CONSENT AGENDA:

- Approval of minutes from April 11th, 2023.
- Bills, Claims, Payroll
- Reports of Boards, Commissions, and Committees
- Department Reports – Police/BioPure/Public Works/Energy/C&E Dvlp
 - J. Adams motioned to approve Consent Agenda and supported by J. Evans
 - Ayes: 4 Nays: 0 Absent: 3

ACTION ITEMS:

- Resolution 2023-17 Accept Proposal and Award work to upgrade Remote Terminal Units at Hart Well Sites, Water Towers, and Booster Station
 WHEREAS, The City of Hart owns, operates, and maintains a municipal water supply system that requires continual maintenance to ensure the safety of the system and meet system demands, and;
 WHEREAS, The City of Hart water delivery infrastructure depends on a Supervisory Control and Data Acquisition (SCADA) system to properly monitor and operate the water system, and;
 WHEREAS, Aging communication components have created the need for more frequent costly service calls, while also leaving the system in an unmonitored condition, and;
 WHEREAS, The design of the SCADA system supplied by UIS includes some proprietary programming designating USIs as a sole service provider, UIS has indicated that existing system communication components have reached their end of life and are no longer serviceable, 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

Accepts and approves the equipment replacement proposal from UIS to furnish and install

replacement equipment at the City Well, Rossiter Well, North Valley Well, South Well, Old Water Tower, New Water Tower, and Booster Station Remote Terminal Units in the amount of \$64,550

- J. Adams Motioned to approve Resolution 2023-17 and supported by K. Trygstad
 - Ayes: 4 Nays: 0 Absent: 3

- Resolution 2023-18 Designate American Rescue Plan Act Funds to Offset Public Safety Payroll and Covered Benefits

WHEREAS, The City of Hart oversees many facets of public safety efforts including maintaining a municipal police department, and;

WHEREAS, The City of Hart was allocated \$217,323.47 of State and Local Fiscal Recovery Funding (SLFRF) in 2021 and 2022 with a stipulation that the funds must be obligated by December 31, 2024 and expended by December 31, 2026, and;

WHEREAS, The City of Hart audit presentation in December 2022, included a statement from City auditors identifying a general fund balance decline beginning in 2019 leaving the City with an unrestricted fund balance short of the Government Finance Officers Association recommended percentage of operating fund availability, and;

WHEREAS, the City auditors made note that ARPA funds may be used to offset public safety payroll and covered benefit costs, saving unrestricted funds for other appropriations, 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

NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL

Authorizes the allocation of \$217,323.47 in American Rescue Plan Act Funds

To be used to supplement public safety wages and covered benefits until said funds are expended.

- J. Evans Motioned to approve Resolution 2023-18 and supported by J. Adams
 - Ayes: 4 Nays: 0 Absent: 3

- Proclamation to Support Drive Safe Bills

CITY OF HART – OFFICIAL PROCLAMATION

CITY OF HART CITY COUNCIL HEREBY PROCLAMS IN SUPPORT OF THE DRIVE SAFE BILLS

April 11, 2023

WHEREAS, Michigan extended a universal right to a driver’s license to all Michigan residents who were capable and qualified to pass a knowledgeable and practical driving test until 2008 when the rights of some Michiganders, who were unable to provide proof of legal presence, were revoked, and;

WHEREAS, current immigration law systematically excludes many members of our immigrant communities from a path to permanent status or even temporary legal presence and therefore rendered those residents unable to obtain a Michigan driver’s license since 2008, and;

WHEREAS, all persons (including immigrants) without a driver’s license experience a diminished quality of life effecting their ability to take care of themselves and their families, work and attend schools, and fully participate in the community they call home, and;

WHEREAS, this nation has a strong tradition and heritage in welcoming immigrants, it too, has an unfortunate history of xenophobic, segregationist, and unequal policies that discriminate against and disproportionately affect immigrants, and;

WHEREAS, immigrants who are prevented access to a driver’s license continue to experience daily anxiety, toxic stress, and perpetual worry that if they drive without a license, they are likely to be targeted and/or detained by federal immigration officials, and;

WHEREAS, undocumented immigrants have the same hopes, fears, and dreams as every other member of our community. We acknowledge their humanity and support them in their struggle for permanent protection, dignity, and respect, and;

WHEREAS, in recent years, new laws have been passed that now offer driver’s licenses to immigrants residing in the following states and territories: California, Colorado, Connecticut, Delaware, Hawaii, Illinois,

Maryland, Nevada, New Mexico, New York, Oregon, Puerto Rico, Utah, Vermont, Washington, and Washington D.C, and;

WHEREAS, The City of Hart is a welcoming City and in pursuit of securing the benefits of efficient self-government and to promote and protect our common interest and welfare, the City Council makes the following proclamation;

NOW THEREFORE BE IT PROCLAIMED, that the Hart City Council calls on the State of Michigan and its leaders to support the restoration of driving rights of Michiganders by passing the Drive Safe bills speedily.

- **J. Evans motioned to reopen the discussion on the proclamation to support the Drive Safe Bill that was tabled at the April 11th meeting with no support. J. Adams motioned to table until there is a full council present and supported by K. Trygstad. Motion to table failed with 2-2-3 roll call. After lots of discussion and comments from the City Council A. Klotz motioned to deny the proclamation on the Drive Safe Bill and supported by J. Adams**

· Ayes: 3 Nays: 1 Absent: 3

DISCUSSION ITEMS: NONE

CITY MANAGER'S REPORT:

UPDATES:

- Earth Day celebration at the Oceana County Fairgrounds was well attended with over 25 vendors and 250+/- attendees throughout the day.
- Hart Hills gravel bike race was another great success with over 300 racers registered and many support crew, volunteers and cheerleaders filling downtown Hart.
- The City Treasurer is attending the Michigan Municipal Treasurer Association Institute this week. This is year two of a three-year path to become a Michigan Certified Professional Treasurer. The Michigan Municipal Risk Management Authority will be covering some of the costs of this program upon completion.
- 1st Hart Lake Board is scheduled for Monday May 1st at 12:30 at the Hart Community Center. This will be the first Lake Board meeting in at least 5 years.
- 1st BioPure-Water Board meeting is set for Tuesday May 2nd at 4pm at the Hart BioPure Plant. This is the 1st BioPure-Water Board meeting since February 2020.
- A new timecard system is planned for installation this Thursday, training on Friday, and deployment immediately following. This was a planned budgeted expense as of 2023 goal to eliminate payroll errors and increase City efficiency. Likely savings to the City are estimated to be \$2,200 per year in time savings, gas use, and paper printing.
- Hart Rotary Sponsored Hart Lake and Surrounding Area Clean-up Day is planned for May 6th from 10am-1pm with day of organization booth at Hart Commons.
- Shelby Optimist Club Derby Day is May 6th at the Shelby Optimist Club beginning at 6pm.

Legacy Topics:

- The Charter review committee has finished its assessment for phase one City Charter amendments. The committee will continue its review to identify additional changes for review by the council. The amendments will be processed for ballot approval at the next general election.
- Safe Routes to School trail project – pending state approval projected start date June 24th.

Upcoming Topics:

- Adoption of 2022-2026 Park and Rec Master Plan
- Veteran's Memorial Park final design approval
- Water, Wastewater, and Energy rate studies = 2024 Utility Rate recommendations.
- Council adoption of code enforcement policies, procedures, and implementation

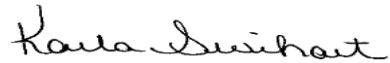
COMMUNICATIONS FROM THE MAYOR AND COUNCIL:

- Mayor Pro-tem Klotz, thank you to everyone for coming out tonight. It was good to hear all the comments.

ADJOURN:

- There being no further business to come before the Council, the meeting adjourned upon a motion by J. Adams and supported by J. Evans. The next regularly scheduled meeting will be on May 9th, 2023, at 7:30 pm.

Respectfully Submitted



Karla Swihart, City Clerk