



**CITY OF HART
407 S. STATE ST.
HART, MI 49420
COUNCIL PROCEEDINGS
May 23rd, 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, Hart Police Chief – Juan Salazar, Sharon Hallack, Danica Evans, Carol Keck, and Emilie Olsen

Mayor Platt 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: 7 Nays: 0 Absent: 0

PUBLIC COMMENTS:

- Carol Keck, 213 Apple St. Been wondering what the status is on the Code Enforcement officer is? Would like to have the speeders that drive up and down Apple Street dead end road that goes into the softball field there are cars that drive fast up and down that road. Also houses in the City that should be inspected and cleaned up.

CORRESPONDENCE, EVENTS, PRESENTATIONS:

- Fiscal year 2024 Proposed Budget Presentation
Public hearing on the budget will be held June 13th 2023, take a few minutes to go over our goals for the year.
FY2024 Annual Budget – Draft
In accordance with Chapter IX of the City Charter, here is the proposed annual budget for FY2024 (July 1, 2023 – June 30, 2024) for the City of Hart, Michigan. I would like to thank the Mayor, City Council, Committees, Boards, Clerk – Treasurer, and City staff for their invaluable assistance in the preparation of this document. I would like to begin by reviewing the FY2023 accomplishments and proposed foals for FY2024

FY2023 ACCOMPLISHMENTS

Constructed two new housing units at The Creeks Development with four additional units in construction.
 Enhancements and reconstruction to Dam embankment complete.
 Secured a local contractor to assist with bio-solid hauling seeking more predictable BioPure plant functionality.
 Upgrade communication equipment within the water system SCADA equipment.
 Infrastructure upgrades and construction of Hanson and Wigton Streets.
 Demplish blighted building at 227 E. Main
 Deployed grant funded districbuted audio system in downtown Hart.
 Provide new fencing insulation, and siding at Hart Energy site as an efficiency and security measure.
 Implemented new BS&A software modules to streamline employee timecards and reduce time and paper resource wastes.
 Completed Hart Energy comprehensive system study.
 Completed Griswold force main construction utilizing \$810,000 in CDBG (Community Development Block Grant) funding.
 Purchase of commerical leaf vacuum to ensure clean streets and open storm sewers.
 Exterior improvements on DPW garage to enhance its appearance on a major City street.
 Engaged with local industry businesses to partner in capital improvement plan forecast to ensure proper infrastructure for planned growth.

Replaced dozens of utility poles at end-of-life as directed by pole inspection results.

Continued tree trimming to minimize Hart Energy power outages.

Kicked off drinking water asset management project with awarded grant funds in the amount of \$407,400 to survey the City's water supply inventory and help support the state mandated replacement of drinking water service lines.

The HEART team was able to articulate the COVID storm and brought lots of added benefit to the City. Some highlights of their efforts include;

- Sponsered the Pitch North Competition, which looks to bring new business to West Michigan.
- Worked with multiple interested developers and entrepreneurs promoting new growth in our City.
- Applied and was awarded a \$106,000 USDA grant ot improve 227 E Main property.
- Applied and was awarded a \$12,500 grant for art installations.
- Completed all work with First Impression Tourism Grant. The FIT Grant produced a report of impressions of first-time visitors in Hart, aiding future community development campaigns.
- Continued focus on tasks outlined in the City's adopted Economic Development and Markering Plan which includes initiatives in Edcuation, Infrastructure, Industry activity, as well as Destination and Marketing goals.

FY2024 Goals

Infrastructure upgrades and construction of protions of Dryden, Hart, Wood, Jefferson, Johnson, and Church Street

Utilize DNR grant award of \$300,000 to improve Veteran's Memorial Park.

Implement property maintenance code enforcement and rental inspection program utilizing Hart Police Department Staff.

Seek SRF (State Revolving Fund) loan for up to \$9,500,000 to construct planned water, wastewater, and road projects.

Work with City staff, engineers, and stakeholder support to seek out and apply for available grants.

Demolition and site remediation of Boy Scout Cabin. (A planned 2023 goal, the City continues to work with the Boy Scout Pack to identify a new location for their home.)

Continuing implementation of Drinking Water Asset Management Grant (DWAM) to study and assist with replacement planning of City water supply, lines per state mandate.

Research Diesel Power Plant improvements for generation and other potential strategies.

Contiue risk management assessments and emergency planning with Hart Police Department Projects include surveillance of critical infrastructure/assets, access control, and staff training.

Work with City Treasaurer to further enhance budgetary reporting.

The City of Hart will likely receive an award of \$448,523 in funding from the Safe Routes to School program. The Michigan SRTS program is managed by the Michigan Department of Transportation with support provided by the Michigan Fitness Foundation. If the grant money is awarded, it will allow for the construction of an extension of our Bike Trail from Wood to Water Street North to Johnson, West to Plum Street, North to Tyler and West to the mobile home park on 72nd and Tyler. This is a welcome additin to our existing outdoor recreational opportunities, providing additional safety to our students, and continuing development of National Bike Route 35 (BR35)

SUMMARY

Utility Rates and Fees - This year continues to implement our Water and Sewer rate increases (As planned with council in March of 2022). Following the Electric rate assessment, the City may need to consider raising Electric rates to continue to support our aging infrastructure in a planned and forecasted manner.

Taxes – Millage rates are porposed to remain consistent with proior year rates.

Crants – The City has applied for a U.S Economic Development Coporation \$2,887,000 grant to help cover some of the cost of proposed \$9,500,000 wastewater, water, and road infrastructure projects. The State awarded

principle forgiveness of 50% (up to \$4,250,000) to support the wastewater system improvements. A DNR Trust Fund Grant of \$300,000 (awarded in 2021) will help cover the cost of Veteran’s Park renovations. A \$98,336 USDA Grant has been awarded for the demolition and remediation of the 227 E> Main property with funds still forthcoming.

Debt – An \$9,500,000 SRF loan will allow the necessary reconstruction of several proposed Water, Wastewater, and Road projects.

Staffing – Goals included in 2023 included an efficiency measure to digitize archived paper records to reduce the amount of storage space needed for City records and add the ability to easily find old documents. A temporary part-time position will be created to have a staff member available to focus on this effort. No other new positions are planned.

RECOMMENDATION

Here is the grand total budget including Major and Minor fund activity, transfers, and inter-fund payments:

GRAND TOTAL FY2024	REVENUES	EXPENDITURES
	\$17,494,844	\$16,631,732

CONSENT AGENDA:

- Approval of minutes from May 9th, 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: 7 Nays: 0 Absent: 0

ACTION ITEMS:

- Resolution 2023-21 Hart Area Public Library Deed Transfer
 WHEREAS, in 2003, the City of Hart and the Hart Area Public Library entered into an agreement that the City of Hart would let bonds for the construction for a new library building, and;
 WHEREAS, the library would use millage funds to make annual payments to the City equal to the cost of the bond repayment schedule, and;
 WHEREAS, per agreed upon terms referenced in the City Council resolution adopted in June of 2004, the City of Hart is to convey a Quit Claim Deed to the Hart Area Library formally concluding the disposition of the project, and;
 WHEREAS, in order to secure the benefits of efficient self-government and to promote and protect our common interests and welfare:
 NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL
 Authorizes the conveyance of the library property via quit claim deed without consideration.
 Further authorizes the City Clerk and Mayor to execute the deed on behalf of the City
 - A. Klotz Motioned to approve Resolution 2023-11 and supported by C. Burillo
 - Ayes: 7 Nays: 0 Absent: 0
- Resolution 2023-22 Rejection of Wasterwater System Improvement Bids
 WHEREAS, The City of Hart owns, operates, and maintains a BioPure Wastewater treatment facility that requires continual maintenance to meet system demands, and;
 WHEREAS, City Council authorized bidding of proposed system improvements using Sate Revolving Funds Loans, EDA Grant Funding, and previously awarded loan principal forgiveness, and;

WHEREAS, three bids were received for the proposed system improvements far exceeding engineering estimates, and;

WHEREAS, the City of Hart engineering firm Prein and Newhof have recommended rejecting the bids that were received so they can be bid in an alternate way that will allow the City to appropriately fund chosen improvements, and;

WHEREAS, in order to secure the benefits of efficient self-government and to promote and protect our common interests and welfare:

NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL

*Formally rejects the three bids received for proposed wastewater system improvements
In the amount of \$16,990,000, \$17,975,700 and \$20,000,000*

City Council authorizes re-bidding of these projects to allow for alternative pricing so the City can appropriately fund future bid submissions.

- J. Adams Motioned to approve Resolution 2023-20 and supported by K. Trygstad
 - Ayes: 7 Nays: 0 Absent: 0

▪ Resolution 2023-23 Intent to issue Revenue Bonds

At a regular meeting of the City Council of the City of Hart, held at the City Hall, 407 S. State Street, Hart Mi, on the 23rd day of May 2023, at 7:30pm., local time.

Present: Member Mayor Vicki Platt, Counselor Justin Adams, Catalina Burillo, Jim Evans, Dean Hodges, Amanda Klotz and Kris Trygstad

Absent: Member None

The following Resolution was offered by Member Catalina Burillo and supported by Member Jim Evans:

RESOLUTION TO PURCHASE, ACQUIRE AND CONSTRUCT IMPROVEMENTS TO THE CITY OF HART SEWER SYSTEM: AUTHORIZE PUBLICATION OF NOTICE OF INTENT TO ISSUE REVENUE BONDS; DECLARE INTENET TO REIMBURSE EXPENDITURES FOR PROJECT FROM BOND PROCEEDS AND MATTERS RELATED THERETO

WHEREAS, this City Council hereby determines that it is necessary for the public health, safety and welfare of the City of Hart (the "City") to issue and sell revenue bonds in one or more series pursuant to Act 94 of the Public Acts of Michigan of 1933, as amended ("Act 94") to pay the cost of improvements to the City's wastewater collection and treatment system including, but no limited to, the replacement of undersized gravity sewer, lift station replacement and upgrades, additions/modifications to the wastewater treatment plant, and related improvements; legal, engineering, financing, and contingency costs; and related appurtenances, which improvements will increase capacity at the wastewater treatment plant, meet increasing flows and loading, replace aging infrastructure, and increase reliability and efficiency (the "Project"); and

WHEREAS, the current estimated cost of the Project, including engineering, construction, legal, financial, and contingency costs is \$16,000,000; and

WHEREAS, the City has received an offer of funding assistance from the State of Michigan Clean Water Revolving Loan Program (the "CWSRF Loan Program") to pay all or part of the cost of the Project by means of a long-term low interest loan to be evidenced by the proposed revenue bonds under Act 94 (the "Revenue Bonds"); and

WHEREAS, it is necessary to publish a Notice of Intent of the City's intent to issue the Revenue Bonds in the not-to-exceed amount of \$10,000,000 (the Notice of Intent"); and

WHEREAS, it is anticipated that the City will advance a portion of the cost of the Project prior to issuance of the bonds, such advance to be reimbursed, without interest, to the City from proceeds of the bonds upon the issuance thereof; and

WHEREAS, Section 1 150-2 of the Treasury Regulations on Income Tax (the "Reimbursement Regulations") specifies conditions under which a reimbursement allocation may be treated as an expenditure of financing

proceeds, and the City intends by this resolution to qualify monies advanced by the City to the Project for reimbursement from proceeds of the bonds in accordance with the requirements of the Reimbursement Regulations.

NOW THEREFORE BE IT RESOLVED:

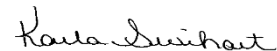
1. The City hereby determines to purchase, acquire, and construct the Project and to pay for the costs of the Project by the issuance of the Revenue Bonds in one or more series pursuant to Act 94 in the maximum principal amount of \$10,000,000.
2. A Notice of Intent, substantially in the form attached hereto as Exhibit A, shall be published in accordance with Section 33 of Act 94 in the *Oceana's Herald Journal*, a newspaper of general circulation in the City and determined to be the newspaper reaching the largest number of persons to whom said Notice is directed.
3. The City Council does hereby determine that the foregoing form of Notice of Intent to Issue and the manner of publication directed is the method best calculated to give notice to the City's water system users and the City's taxpayers and electors of this City's intent to issue the Revenue Bonds, the maximum principal amount of bonds to be issued, the purpose of the bonds, the security and source of repayment for the bonds, and the right of referendum relating thereto, and such other information as the City Council determines necessary to adequately inform City electors of the nature of the Project and the proposed Revenue Bonds.
4. It is reasonably expected that the City has advanced, or will advance, funds for the Project prior to issuance of the Revenue Bonds, including items exempt from the Reimbursement Regulations, from monies on hand in the City's Sewer Fund in the estimated amount of \$500,000
5. The City hereby declares its official intent, and reasonable expectation, to reimburse all or a portion of the amounts so advanced by the City for the Project from the proceeds of the Revenue Bonds.
6. The City Council hereby retains Mika Meyers PLC, Attorneys of Grand Rapids, as Bond Counsel and Baker Tilly, Lansing, as registered municipal advisor for the Project and the Revenue Bonds.
7. All resolutions or portions thereof inconsistent with the provisions of this resolution are hereby rescinded.

YEAS: Members: Catalina Burillo, Jim Evans, Dean Hodges, Amanda Klotz, Kris Trygstad, Justin Adams and Vicki Platt

NAYS: Members: None

ABSENT: Members: None

RESOLUTION DECLARED ADOPTED.

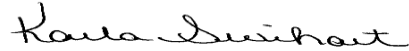


Karla Swihart, City Clerk

STATE OF MICHIGAN)
)SS.
COUNTY OF OCEANA)

I, Karla Swihart, the duly qualified and acting Clerk of the City of Hart, Oceana County, Michigan (the "City") do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council at a regular meeting held on the 23rd day of May 2023, the original of which is on file in my office. Public notice of said meeting was given pursuant to and in compliance with Act No 267, Public Acts of Michigan, 1976, as amended, including in the case of a special or rescheduled meeting, notice by publication or posting at least eighteen (18) hours prior to the time set for the meeting.

IN WITNESS WHEREOF, I have hereto affixed my official signature this 23rd day of May 2023



Karla Swihart, City Clerk

- Ordinance 2023-02 Rezoning of Parcel 64-020-243-001-00 620 East Main from Planned Unit Development and M-1 Medical to A-1 Residential (1st Reading)

AN ORDINANCE TO RE-ZONE 64-020-243-001-00 FROM PUD AND M-1 MEDICAL-INSTITUTIONAL TO A-1 RESIDENTIAL

First Reading: May 9th, 2023
 Second Reading & Adoption: May 23rd, 2023
 Publication: June 1st, 2023
 Effective Date: Ten days after publication

THE CITY OF HART ORDAINS:

The rezoning of 620 East Main Street Parcel ID# 64-020-243-001-00 with frontage on East Main Street from an established PUD and M-1 Medical-Institutional District to A-1 Residential Zone, the property proposed for rezoning is legally described as follows:

A parcel of land situated in the Southwest one-quarter of Section 9, Town 15 North, Range 17 West, City of Hart, Oceana County, Michigan, more fully described as follows: Commencing at the Southwest Corner of said Section 9; North 00*30'51" East, 315.22 feet, along the West Line of said Section 9 and the Easterly line of Griswold Street, to the Point of Beginning, thence North 00*30'51" East 318.68 feet, continuing along said West Line of Section 9 and Easterly line of Griswold Street; thence North 14*35'29" East, 137.30 feet; thence South 85*37'54" East, 530.13 feet; thence South 00*31'05" West 585.04 feet; thence North 87*19'27" West 188.41 feet; thence South 00*31'51" West, 167.62 feet, to a point on the South Line of said Section 9 and the centerline of Main Street; thence North 87*19'27" West, 44.03 feet, along said South Line of Section 9 and centerline of Main Street; thence North 00*30'51" East, 315.22 feet; thence North 87*19'28" West, 330.24 feet, to the Point of Beginning. Said parcel contains 6.66 acres of land. SUBJECT TO the right-of-way of Main Street across the Southerly 33 feet thereof. ALSO SUBJECT TO easements or restrictions, if any.

A parcel of land situated in the Southwest One-quarter of the Southwest One-quarter of Section 9, Town 15 North Range 17 West, City of Hart, Oceana County, Michigan, more fully described as follows: Commencing at the Southwest Corner of said Section 9; thence South 87*19'27" East, 374.27 feet, along the South Line of said Section 9 and the centerline of Main Street, to the Point of Beginning, thence North 00*30'51" East, 167.62 feet; thence South 87*19'27" East, 188.41 feet; thence South 00*31'05" West, 167.62 feet, to a point on said South Line of Section 9 and centerline of Main Street; thence North 87*19'27" West, 188.41 feet, along said South Line of Section 9 and centerline of Main Street, to the Point of Beginning. Said Parcel contains 0.72 acres of land. SUBJECT TO the right-of-way of Main Street across the Southerly 33 feet thereof. ALSO SUBJECT TO easements or restrictions, if any.

STATE OF MICHIGAN)

)SS.

COUNTY OF OCEANA)

I, the undersigned, the duly qualified City Clerk of the City of Hart, Oceana County, Michigan do hereby certify that the foregoing Ordinance amendment was adopted by City of Hart at a regular City Council meeting duly held on the 23rd day of May, 2023; and that the meeting with held in compliance with notice provisions and all other requirements of Act 267 of the Public Acts of 1976, as amended, I hereby certify that I published the Ordinance amendments and additions in the Oceana Herald Journal on the 1st day of June, 2023

Karla Swihart
City Clerk

- A. Klotz motioned to approve rezoning of parcel 64-020-243-001-00 620 East Main from Planned Unit Development and M-1 Medical to A-1 Residential and supported by J. Adams
 - Ayes: 7 Nays: 0 Absent: 0

DISCUSSION ITEMS:

- Special Event Permit – National Asparagus Festival.
 - Ayes: 7 Nays: 0 Absent: 0

CITY MANAGER'S REPORT:

UPDATES:

- Hart Energy security fence is now complete, insulation and siding are in progress.
- IN working with the Hart Lake Board, the City will allow the use of Text My Gov to notify lake area residents of lake board meeting and treatments, this will produce a time savings to the City as well as a more efficient way to keep those communications open. (The City will be compensated for the cost of this usage.)
- TIFA is working with business owners and residents to pursue sidewalk improvements in the downtown business district including some significant improvements to the Pink Elephant frontage.
- Lake week's MMEA and MPPA annual meeting included lots of beneficial information. Mike Schiller and I attended to represent the City of Hart and were able to discuss some current problems Hart Energy is facing with industry peers.
- The CEDAM conference is in the first week of June. This was the conference that City officials attended last year and were awarded \$10,000 towards the Tin Man project. This year, meeting topics will include funding trends in rural Michigan, digital equity in rural Michigan, current childcare gaps, how local government can create partnerships to build rural housing, and other community and economic development topics.
- The City of Hart has recently experienced a few issues regarding metering and billing of water, wastewater, and electric services. Following internal investigations, these issues were software setup problems or human errors. All known issues have been identified and are in the process of being corrected. City leadership is working to establish a multi-year audit effort to help flush out any other existing anomalies. The City is also adopting internal policies to streamline the City's response to future incidents.

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 2024.

Upcoming Topics:

- Budget public hearing and adoption on June 13th, 2023.
- Adoption of 2022-2026 Park and Rec Master Plan
- Veteran's Memorial Park final design approval
- Water, Wastewater, and Energy rate studies
- Council adoption of code enforcement policies, procedures, and implementation.

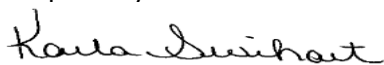
COMMUNICATIONS FROM THE MAYOR AND COUNCIL:

- Mayor Platt mentioned the thrift crawl that took place over the weekend, heard from several people that the streets were packed and all in all a good turnout for the City. Also, wanted to mention the passing of business owner George Sadler.

ADJOURN:

- There being no further business to come before the Council, the meeting adjourned upon a motion by C. Burillo and supported by J. Adams. The next regularly scheduled meeting will be on June 13th, 2023, at 7:30 pm.

Respectfully Submitted



Karla Swihart, City Clerk