



**CITY OF HART**  
**407 S. STATE ST.**  
**HART, MI 49420**  
**REGULAR MEETING OF CITY COUNCIL - COUNCIL PROCEEDINGS**  
**November 28<sup>th</sup>, 2023**  
**MINUTES –Approved**

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

**ABSENT:** Jim Evans,

**OTHERS PRESENT:** City Manager – Rob Splane, City Clerk – Karla Swihart, BioPure Superintendent – Paul Cutter, Energy Superintendent – Mike Schiller, Sharon Hallack, Dick Huntington, Emily Olsen, Eric, and Karen Owen, Dennis Powers, and John Williams

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

**APPROVAL OF AGENDA:**

- J. Admas motioned to approve the agenda and was supported by A. Klotz
  - Ayes: 6 Nays: 0 Absent: 1

**PUBLIC COMMENTS:**

- Emily Olson – Great Lakes Packing purchased the old Cherry Mill on Griswold. I wanted to invite everyone to stop by as several improvements have been made to the property. Not sure if the building will be salvageable and it may need to be demolished but we would defiantly restore if possible.
- Eric and Karen Owen – Wanted to thank HOA, Dean, and Rob for the meeting on Monday, looking forward to the changes being addressed as we are still very interested in the 3 lots at the Creeks.

**CORRESPONDENCE, EVENTS, PRESENTATIONS:**

- Necessity Hearing – Proposed 2024-2025 Sidewalk Program  
 Please reference Ordinance 1020 Sidewalk Construction and Repair as well as Sidewalk Application on City’s website. Cityofhart.org.
  - C. Burillo motioned to open Necessity Hearing and supported by J. Adams
    - Ayes: 6 Nays: 0 Absent: 1
- NO PUBLIC COMMENT ON HEARING
  - C. Burillo motioned to close Necessity Hearing and supported by J. Adams
    - Ayes: 6 Nays: 0 Absent: 1

**CONSENT AGENDA:**

- Approval of minutes from November 14<sup>th</sup>, 2023.
- 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 and supported by J. Adams
    - Ayes: 6 Nays: 0 Absent: 1

**ACTION ITEMS:**

- Resolution 2023-48 Resolution of Necessity 2024-2025 Sidewalk Program  
 WHEREAS, the City of Hart has various sidewalks in need of replacement due to age and root structure damage; and  
 WHEREAS, Pursuant to City Ordinance 1020 a Necessity Hearing was held in anticipation of adopting a sidewalk replacement program; and  
 WHEREAS, per City Ordinance 1020, the City is authorized to repair sidewalks and assess 60% of the cost to the property owner; and

WHEREAS, the City has budgeted sidewalk funds allocated to cover 40% of the repair/replacement of City sidewalks deemed to be in poor condition; and

WHEREAS, the TIFA board has allocated funds to cover 100% of the cost of downtown and TIFA district sidewalks they deem to be in poor condition; 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

*Directs the City Manager in cooperation with the City Economic & Community Development Director To seek bids for a preferred contractor to provide sidewalk replacement services in Hart fiscal years 24 and 25. The DPW Superintendent will oversee all construction and necessary tree removal/stump grinding as required. The 2024-2025 sidewalk program shall include the ability of the TIFA board to replace, and Fund proposed TIFA district replacement of sidewalks. The sidewalk program will provide residents to voluntarily apply for replacement of sidewalks following Ordinance 1020 guidelines executed in the following manner:*

**60/40 Cost Sharing**

Owners agree to pay in advance 60% of the full cost for their sidewalk project. The City of Hart will pay the remaining 40% of costs. The 60/40 cost share conforms to Chapter 1020 of the City Code.

**First Come, First Serve**

The program shall be managed on a "first come, first serve" basis. Interested owners may apply for sidewalk installation or replacement at City Hall, 407 S. State Street, Hart Mi, 49420.

Applicants will use forms provided by the City of Hart. The City will place the applications on a list in order of receipt.

**Worst First**

In addition to the preceding criteria, sidewalk project eligibility will be rated by City staff on a "worst first" basis. "Worst first" means that pedestrian safety issues will be considered over auxiliary issues. Pedestrian safety issues may include severely cracked, heaved, missing, spalled or crumbled sidewalk that is or could become a trip hazard. Cosmetic only projects are not eligible for 60/40 funding.

**Sidewalk Budget**

Sidewalk projects will commence when sufficient sidewalk projects are accumulated to place a work order with the preferred contractor. Projects will continue until budgeted funds are depleted.

- J. Adams motioned to approve Resolution 23-48 and supported by K. Trygstad
  - Ayes: 6 Nays: 0 Absent: 1

- Resolution 2023-49 Cancel City Council meeting on December 26<sup>th</sup>, 2023

WHEREAS, the Second December Regular City Council Meeting falls on December 26<sup>th</sup>, and is a recognized City staff holiday per the adopted employment handbook; and

WHEREAS, past precedent of council has been to cancel this meeting due to its close proximity to the City holidays to allow Council members and City staff to enjoy the holiday period with family and friends; and

WHEREAS, a special meeting may be called at any time by the request of the mayor or any two council members as directed in the City Charter to address emergencies or other urgent business; 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

*Cancel the City Council regular scheduled December 26, 2023, meeting is canceled unless reinstated by request of two council members or the mayor.*

- C. Burillo motioned to approve Resolution 2023-49 and supported by K. Trygstad
  - Ayes: 6 Nays: 0 Absent: 1

- Resolution 2023-50a Modification to Creeks Condominium Documents

WHEREAS, beginning in 2003, the City of Hart entered into a public-private partnership with a local developer in pursuit of constructing new housing; and

WHEREAS, the City authorized \$632,799 in debt to build infrastructure for the new development to be repaid through a Special Assessment District while also creating new tax revenue; and

WHEREAS, the City, comprised of residents and business owners, suffered a loss of that repayment following the 2008 housing market crisis and subsequent bankruptcy of the private developer; and

WHEREAS, in years following, Shelby State Bank assumed ownership of the property through the developer's defaulted construction loan and afterwards attempted to sell the property for several years to recoup the loss; and

WHEREAS, the City of Hart purchased the property in 2017 for \$61,500 from Oceana County following tax default and has sought new parties to purchase and develop the stagnant project, finding little to no interest as it was originally designed; and

WHEREAS, 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 CITY COUNCIL

*Appoints and certifies the Hart City Manager, 407 State Street, Hart Mi 49420, as the voting representative and person to receive all notices and communications for the 42 units, specifically units 9-12,21-56,59,&62 owned by the City of Hart comprising a 67.62 percentage of total units and value owned as defined in the Master Deed "Exhibit A – Schedule A" of the Creeks Condominium.*

*Directs the City Manager to work with the City Planner and City Attorney [with input from the Creeks Condominium Association] to develop an amendment to the condominium documents for future approval by City Council to either withdrawal the remaining City units from the condominium or amend the condominium enabling the remaining units to attract future development interest.*

- D. Hodges motioned to **TABLE** Resolution 2023-50a and supported by C. Burillo  
**Upon discussion the Council would like to meet with HOA to amend the Master Deed and come back to Council at the next meeting.**

· Ayes: 6 Nays: 0 Absent: 1

#### **DISCUSSION ITEMS:**

- Council Retreat 2024 – January 20<sup>th</sup>, 2024  
Confirmed date set for January 20<sup>th</sup> with agenda.
  - 8:00am – Room Open, Breakfast/Coffee
  - 8:30am – 10:00am Community Engagement – Council plus invited community members
  - 10:00am – break (Community members depart)
  - 10:15am – 11:15am How we engage with each other.
  - 11:15am – Noon Vision, Mission & Values – Part 1
  - Noon – 12:30pm Lunch
  - 12:30pm – 1:45pm Strategic Opportunities
  - 1:45pm – 2:00pm Break
  - 2:00 to 3:45pm Vision, Mission & Values – Part 2
  - 3:45pm – Adjourn
- Proposed Hart Police Department Part-time Officer Wage Increase  
Request for an increase in wages for part-time police officers  
This request is being submitted for consideration of an increase in wages for part-time police officers of the Hart Police Department from \$19.00/hr to \$25.00/hr.  
With the addition of a full-time School Resource Officer, my intention was to hire an additional full-time officer with the remaining wages left within our budget. The School Resource Officer position was made possible by a grant/collaboration between the Michigan State Police, Office of School Safety, and the Hart Public Schools District to employ a full-time School Resource Officer for the next three (3) years. Unfortunately, I have not received applicants for this vacant position. I would like to attempt to hire part-time police officers to assist with shift coverage and special events. Currently, our department has one (1) part-time officer who is employed full-time with the Muskegon County Sheriff's Office.  
Chief Salazar recommends that during the FTO, (Field Training Observation period, the part-time police officer wages to be \$15.00 an hour until successful completion of the FTO period. The part-time FTO period is approximately two (2) months long to verify the part-time officer is eligible to be on solo patrol. After the successful completion of the FTO period, part-time police officer wage would be moved to \$25.00 an hour. Mayor Platt, suggested to move part-time police officers wage to \$25.00 even during the FTO process and supported by all council members.
- Closure of City Hall for cleaning December 27-29  
With the holiday being on a Monday this year employees get Christmas eve off as a paid holiday with Christmas eve being on Sunday the employees get Tuesday December 26<sup>th</sup> off which leaves a short week. The end of the

month is always slower are City Hall with walk in traffic so it would be offered to City Hall Staff to take ETO and have the office closed on December 27<sup>th</sup>-29<sup>th</sup> with the City Manager in house if anything is needed but the office would be closed during these days for much needed cleaning. Council approved to have City Hall Office Closed on December 27<sup>th</sup>-29<sup>th</sup>.

**CITY MANAGER'S REPORT:**

**UPDATES:**

- City Website is down temporarily. Our website host upgraded the City's website server last week, due to an account issue with our website address reservation provider, there is a conflict that is preventing proper functionality. This issue is expected to be resolved this week.
- Dryden Street area project has started with tree removals and water service line replacements being performed as weather permits with general construction beginning when the winter weather breaks.
- The wayfinding signage is on hold pending MDOT and the Oceana County Road Commission approvals.
- The Lighted Holiday Parade and Small Business Saturday were another success with strong attendance and no major issues or safety concerns.
- City staff met with the Michigan Economic Development Corporation and the consulting team of the Smith Group. The City was recently awarded a grant from the MEDC to former Co-op property at Courtland and Main. The group will conduct public information gathering and planning events in pursuit of helping the City seek redevelopment of that site. The Smith Group plans to have a Request for Proposal prepared for the City to seek developers in late 2024
- The City Manager met with officials at the Starting Block to discuss the conclusion of a 15-year lease agreement of the property with the City of Hart per the terms of an Economic Development Agency grant in October 2008. The Starting Block Board will hold a Strategic Planning Session between the holidays in anticipation of a City Council presentation in the new year.
- As of today, the City of Hart's new investment policy has returned over \$13,000 in interest. (A Q3 financial report will be prepared following the first of the year.)

**Legacy Topics:**

- The City Attorney is working on City Charter amendment verbiage to be approved by Council, the attorney general, and the governor. 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:**

- Adoption of 2022-2026 Park and Rec Master Plan
- Veteran's Memorial Park project bid request advertised in November.
- Council review of rental inspection policies, procedures, and implementation.

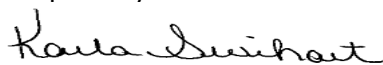
**COMMUNICATIONS FROM THE MAYOR AND COUNCIL:**

- Mayor Platt, I'd like to apologize to anyone that showed up on Sunday to the United Methodist Church, as I forgot about it and didn't make it to speak.

**ADJOURN:**

- There being no further business to come before the Council, the meeting adjourned upon a motion by C. Burillo and supported by J. Evans. The next regularly scheduled meeting will be on November 28<sup>th</sup>, 2023, at 7:30 pm.

Respectfully Submitted



Karla Swihart, City Clerk