



**CITY OF HART
407 S. STATE ST.
HART, MI 49420
COUNCIL PROCEEDINGS
December 13th 2022
MINUTES – Approved**

PRESENT: Mayor Vicki Platt, Councilors: (Newly Appointed) Justin Adams, (Late) Jim Evans, Dean Hodges, Amanda Klotz, and Kris Trygstad

ABSENT: Catalina Burillo

OTHERS PRESENT: City Manager – Rob Splane, City Clerk – Karla Swihart, BioPure Superintendent – Paul Cutter, DPW Superintendent – Brad Whitney, Energy Superintendent – Mike Schiller, Hart PD Chief – Juan Salazar, and Sharon Hallack

COUNCIL APPOINTMENT:

- Council Review of applications and discussion – Justin Adams, Travis Larson
- Motion to appoint
 - A. Klotz motioned to appoint Justin Adams to Hart City Council and supported by D Hodges
 - Ayes: 5 Nays: 0 Absent: 1

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

APPROVAL OF AGENDA:

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

PUBLIC COMMENTS:

CORRESPONDENCE, EVENTS, PRESENTATIONS:

CONSENT AGENDA:

- Approval of minutes from November 22nd 2022.
- Bills, Claims, Payroll
- Reports of Boards, Commissions, and Committees
- Department Reports – Police/BioPure/Public Works/Energy/C&E Dvlp
 - J. Evans motioned to approve Consent Agenda and supported by A. Klotz
 - Ayes: 6 Nays: 0 Absent: 0

ACTION ITEMS:

- Resolution 2022-54 Water Rate Study
WHEREAS, the City of Hart owns and operates a water distribution system; and
WHEREAS, recent City auditors highlighted the water distribution system is somewhat underfunded based on their analysis for general operational health of the utility; and
WHEREAS, the City is planning several million dollars in water system capital improvements that will parallel work with the City's wastewater and storm water infrastructure; and
WHEREAS, utility funds should be self-supporting, and it has been over five years since the last rate/cost of service study has been conducted;
NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL:
Approve selecting Baker Tilly Municipal Advisors to conduct a water utility rate study at a cost not to exceed of \$9,000.
 - J. Evans motioned to approve Resolution 2022-54 and A. Klotz supported by
 - Ayes: 6 Nays: 0 Absent: 1

- Resolution 2022-55 Hart Energy Security Fence
 WHEREAS, the City of Hart operates a municipal electric utility; and
 WHEREAS, Hart Energy requires a secure and efficient building to store equipment and provide as a base of operations; and
 WHEREAS, it is in the best interest of the City to provide continual maintenance of City property including projects that identify security measures to protect inventory for the City and rate paying customers; 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 competitive quotes to furnish and install a security fence from American Fence Erectors in the amount of \$64,125 and Great Lakes Pet Fencing in the amount of \$51,925. Council awards the work to low-bidder Great Lakes Pet Fencing and directs the City Manager to sign and execute all related documentation.

 - J. Adams Motioned to approve Resolution 2022-55 and supported by A. Klotz
 - Ayes: 6 Nays: 0 Absent: 1

- Resolution 2022-56 Cancel December 27th, 2022, Council Meeting.
 WHEREAS; the second Council meeting in December is scheduled for December 27th, and
 WHEREAS; past precedent of the Council has been to cancel the meeting due to the close proximity to the Christmas Holiday to allow members and staff to make plans desired for travel and time with friends and family with the understanding that it can be reinstated if there is urgent business to complete; 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
The City Council's regularly scheduled December 27, 2022, meeting is canceled unless reinstated by request of two council members or the mayor to complete urgent business.

 - A. Klotz motioned to approve Resolution 2022-56 and supported by K. Trygstad
 - Ayes: 6 Nays: 0 Absent: 1

- Resolution 2022-57 Designate 2023 City Council Meeting Dates
 WHEREAS; the City is required to review and designate any changes to the regular schedule of City Council meetings prior to the beginning of the calendar year; and
 WHEREAS; the Council meets on the 2nd and 4th Tuesday of each month unless there is a holiday, or the Council cancels a meeting; and
 WHEREAS; in 2023 there are no conflicts with City Council meetings and designated City holidays:
 NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL:
The City Council meeting dates for the City of Hart for 2023 will be

<i>1/10</i>	<i>5/9</i>	<i>9/12</i>
<i>1/24</i>	<i>5/23</i>	<i>9/26</i>
<i>2/14</i>	<i>6/13</i>	<i>10/10</i>
<i>2/28</i>	<i>6/27</i>	<i>10/24</i>
<i>3/14</i>	<i>7/11</i>	<i>11/14</i>
<i>3/28</i>	<i>7/25</i>	<i>11/28</i>
<i>4/11</i>	<i>8/8</i>	<i>12/12</i>
<i>4/25</i>	<i>8/22</i>	<i>12/26</i>

 - A. Klotz motioned to approve Resolution 2022-57 and supported by K. Trygstad
 - Ayes: 6 Nays: 0 Absent: 1

- Ordinance 23-01 *FIRST READING* - Establish Chapter 1428 International Property Maintenance Code (IPMC)

**CITY OF HART
ORDINANCE NO. 23-01**

ZONING ORDINANCE TO AMEND THE CODIFIED ORDINANCES OF THE CITY OF HART, MICHIGAN SPECIFICALLY TO ESTABLISH PART FOURTEEN – BUILDING AND HOUSING CODE TITLE TWO - BUILDING CODE – CHAPTER 1428 INTERNATIONAL PROPERTY MAINTENANCE CODE (IPMC)

At a regular meeting of the Hart City Council held at City Hall on the 10th day of January 2023, at 7:30 p.m.

PRESENT:

ABSENT:

The following ordinance was offered by _____ and supported by _____

THE CITY OF HART, COUNTY OF OCEANA, STATE OF MICHIGAN ORDAINS:

CITY OF HART CODE OF ORDINANCES, ESTABLISH PART 14, TITLE TWO, CHAPTER 1428 INTERNATIONAL PROPERTY MAINTENANCE CODE (IPMC), AND ADOPT IPMC 2021 TO ESTABLISH MINIMUM REQUIREMENTS FOR THE MAINTENANCE AND IMPROVEMENT OF PROPERTIES WITHIN CITY OF HART JURISTICTION

SECTION 1. AMENDMENT THE CITY OF HART ORDIANS: Part 14 Title 2 Chapter 1428.

Adoption of code by reference.

Pursuant to the provisions of Public Act No. 179 of 1909 (MCL 117.1 et seq. MSA 5. 2071 et seq.) the 2021 edition of the International Property Maintenance Code, as published by the International Code Council. Be and is hereby adopted as the Property Maintenance Code of the City of Hart, in the State of Michigan for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the City of Hart are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Chapter 1428. Chapter 1428.01 Code on file. Complete printed copies of which are on file and available for public use and inspection in the office of the Development Services Department of the City of Hart, being marked and designated as the International Property Maintenance Code, 2021 edition, as published by the International Code Council.

Chapter 1425.02 References in code. Reference in the code adopted in this article to "State" and "Michigan" shall mean the State of Michigan; reference to "municipality" and "Hart" shall mean the City of Hart; references to "local ordinances" shall mean the City of Hart ordinances. All references to the International Building Code, International Residential Code, International Energy Conservation Code, National Electric Code, International Existing Building Code, International Mechanical Code, and International Plumbing Code, mean the Michigan Building Code, Michigan Residential Code, Michigan Uniform Energy Code, Michigan Electrical Code, Michigan Rehabilitation Code for Existing Buildings, Michigan Mechanical Code, and Michigan Plumbing Code respectively.

Chapter 1428.03 Delete and replace with the following: Changes in the code. The following sections of the 2021 International Property Maintenance Code (IPMC) are amended or deleted as set forth and additional sections and subsections are added as indicated. Subsequent section numbers used in this section shall refer to the like numbers used in this section shall refer to like numbered sections of the 2021 International Property Maintenance Code.

The following sections are hereby revised:

Section 101.1 Insert: City of Hart Zoning Administrator and Code Enforcement Department

Section 103.1 Insert: [The amount shall be established, from time to time, by resolution of City Council and shall cover the cost of inspection(s) and the supervision resulting from the enforcement of the code.]

Section 302.4 Insert: Eight (8) inches

Section 304.14 Insert: April 1 to December 1

Section 602.3 Insert: October 1 to June 1

Section 304.14 Insert October 1 to June 1

Add Section 109.4 Violation penalties: Any person who shall violate any provision of this code upon conviction shall be penalized as provided in section 202.99 of the City of Hart Code of Ordinances – General code penalty; municipal civil infractions; equitable remedies; complicity.

Chapter 1428.05 Severability Clause. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause, or phrase thereof irrespective of the fact that any one or more sections, subsection, clause, and phrases be declared unconstitutional.

Chapter 1428.06 Saving Clause. That nothing in this ordinance or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Chapter 1428 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance. That this ordinance and the rules, regulations, provisions, requirements, orders, and matters established and adopted hereby shall take effect and be in full force and effect ten (10) days from publication thereof.

SECTION 2. Effective Date. This Ordinance shall become effective ten (10) days after it’s publication or ten (10) days after publication of a summary of its provisions in a local newspaper of general circulation in the City of Hart

AYES: _____

NAYS: _____

ORDINANCE DECLARED ADOPTED

FIRST READING: December 13th, 2022

SECOND READING: January 10th, 2023

ORDINANCE BECOMES EFFECTIVE: January 30th, 2023

DISCUSSION ITEMS:

- City Manager Performance Evaluation, Will be emailed to Council members and please have back to Mayor Platt by December 30th, 2022
- Council Retreat January 28th, 2023 – review draft agenda and seek input from Council
- Nomination and election of Mayor Pro-Tem , Mayor Platt nominated Amanda Klotz,
 - J. Evans motioned to accept nomination Amanda Klotz as Pro-Tem by Mayor Platt and supported by K. Trygstad
 - Ayes: 6 Nays: 0 Absent: 1

CITY MANAGER'S REPORT:

UPDATES:

- New Oceana County Economic Alliance Director – Curtis Burdette starting in January
- Michigan Infrastructure Council Asset Management Champion Program certification will help to develop asset management policy in the City of Hart to enhance long term budget planning as well as coordinate future regional projects with other local and state agencies
- Holiday parade had strong attendance, downtown and fairground decorations have been applauded, thanks for all the volunteers and donors who helped make it possible
- Downtown speaker system has been well received by downtown business owners, residents, and the community. This system will be used for summer events, concerts, and this year for the fireworks
- City Credit Card policy is in place as adopted by City Council in 2019 and is followed
- Informal neighborhood holiday caroling Friday December 23rd 6pm meet in parking lot #3 (behind pocket park) – song books to be provided

Legacy Topics:

- Working to have communities review intergovernmental operational agreement for property code enforcement department – Adoption of that agreement is pending – New planning consultant agency to help with the adoption of International Property Maintenance Code standards.

- Grant Funded 227 East Main property demolition pending. 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 work in January.

Upcoming Topics:

- Adoption of 2022-2026 Park and Rec Master Plan

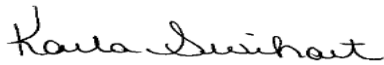
COMMUNICATIONS FROM THE MAYOR AND COUNCIL:

- J. Evans commented that Boards and Commissions that council members sit on should be looked at every year and term limits should be looked at.
- Mayor Platt would like the Council members to get with her about what Boards and Commissions they would like to sit on as with new Council member Justin Adams replacing Fred Rybarz it is a good opportunity to move council members around if they'd like.

ADJOURN:

- There being no further business to come before the Council, the meeting adjourned at upon a motion by J. Evans and supported by K. Trygstad. The next regularly scheduled meeting will be on January 10th, 2023, at 7:30 pm.

Respectfully Submitted



Karla Swihart, City Clerk