



**CITY OF HART  
407 S. STATE ST.  
HART, MI 49420  
COUNCIL PROCEEDINGS  
FEBRUARY 11, 2019, 7:30 P.M.  
MINUTES - APPROVED**

**PRESENT:** Mayor Ron LaPorte, Councilors: Joe Frontiera, Vicki Platt, Steve Hegedus, and Rob Splane.

**ABSENT:** Jason La Fever

**OTHERS PRESENT:** Energy Department Superintendent – Mike Schiller, BioPure Superintendent – Paul Cutter, and Deputy City Clerk - Cheri Eisenlohr. See attached list for others in attendance.

Mayor LaPorte called the meeting to order at 7:30 p.m., following the roll call, the Mayor lead the Council in the pledge of allegiance.

**AGENDA:**

- Mr. Splane made a motion to approve the agenda, supported by Ms. Platt, the motion carried.
  - Ayes: 5      Nays: 0      Absent: 1

**MINUTES:**

- Mr. Frontiera made a motion to approve the minutes of January 28, 2020, meeting, supported by Mr. Splane, the motion carried.
  - Ayes: 5      Nays: 0      Absent: 1

**PUBLIC COMMENTS, CORRESPONDENCE, EVENTS, PRESENTATIONS:**

- Mr. Jim Evans asked whether the vacant Council position was going to be discussed during the meeting and was informed that no, it was not as all information for applicants had been posted on the City's website and social media outlets.
- Pentwater resident Tom McGuire asked the Council to reconsider opting back in on the sale of marijuana within the City limits as he would like to open a shop to sell the product. He was advised by the Mayor that the opting in/out process would be revisited in three years, as stated in the resolution the City had previously passed opting out.

**DEPARTMENT REPORTS:**

- Police Chief, Juan Salazar: Absent
- Energy Dept. Superintendent, Mike Schiller:
  - New poles were installed on Lake Road along with a new relay for metering purposes.
  - A new service upgrade was installed on Church Street.
  - Clean-up has been taking place at the 88<sup>th</sup> Ave. substation.
  - A meeting was conducted with MFP to answer questions that they had regarding their usage.
- BioPure Superintendent, Paul Cutter:
  - Mr. Cutter passed out reports on how well the facility has been performing in the last few years. He advised the Council to be proactive regarding expanding the facility to keep up with the demand that local industries are placing on it.
    - The Mayor asked if Mr. Cutter had talked to the industries about reduction, Mr. Cutter stated that he had spoken to an individual at a conference recently about recirculation systems being used.
  - The new blowers are in South Carolina and will arrive at the facility on Friday with a tentative installation date in early March.
- DPW Superintendent, Brad Whitney: Absent

**BILLS, CLAIMS, & PAYROLL:**

- Bills: \$295,609.64 Payroll: \$57,710.47 Grand Total: \$353,320.11
  - Mr. Splane made a motion to approve, supported by Ms. Platt, the motion carried.
    - Ayes: 5 Nays: 0 Absent: 1

**ACTION ITEMS:**

Ms. Ladner addressed the following Action Items:

Memo

To: Mayor and Council  
 From: Lynne Ladner  
 Date: 01/07/2020  
 Re: Res. 2020-10 Accept bids for Energy Utility Poles

The energy department has solicited bids for the purchase of 5/35 and 4/40 utility poles from four companies. Power Line supply is priced at \$203 per 5/35 pole and \$295 per 4/40 pole, Stella Jones \$225 per 5/35 pole and \$326 per 4/40 pole, Koppers \$254 per 3/35 pole and \$340 per 4/40 pole, and Bell at \$252 per 5/35 pole and \$399 per 4/40 pole. With the need to ensure that the department has utility poles on hand in case of damage, decay, or line extension, it is most cost-effective to purchase the poles in larger quantities for delivery to be included in the price.

It is my recommendation that the council adopt resolution 2020-10 accepting the bids for the purchase of utility poles and authorize the department to purchase the quantities specified on the lowest per pole bid from Power Line Supply not to exceed \$11,140  
 Lynne

**RESOLUTION 2020-10**  
**City Council**  
***City of Hart, Michigan***  
***Oceana County***

***ACCEPT BIDS FOR ENERGY DEPARTMENT UTILITY POLES AND AUTHORIZE PURCHASE***

WHEREAS, the City of Hart owns and operates the electric distribution utility Hart Energy; and

WHEREAS, it is a necessary part of owning and maintaining an electric utility to replace or place utility poles due to damage, decay and expansion of the system; and

WHEREAS, The energy department has solicited bids for the purchase of 5/35 and 4/40 utility poles from four companies. Power Line supply is priced at \$203 per 5/35 pole and \$295 per 4/40 pole, Stella Jones \$225 per 5/35 pole and \$326 per 4/40 pole, Koppers \$254 per 3/35 pole and \$340 per 4/40 pole, and Bell at \$252 per 5/35 pole and \$399 per 4/40 pole. ;

NOW THEREFORE BE IT RESOLVED THAT THE HART CITY COUNCIL:

*Accepts the bids for the purchase of utility poles and authorizes the Energy Department to proceed with the purchase of the utility poles from Power Line Supply not to exceed \$11,140.*

Moved by Mr. Splane, supported by Mr. Frontiera, and thereafter adopted by the Hart City Council at a regular meeting held on Tuesday, February 11, 2020.

Ayes: 5      Nays: 0      Absent: 1

I hereby certify this to be a true and correct copy of the document on file with the office of the City of Hart Clerk.



Cheri Eisenlohr, Deputy Clerk

Memo

To: Mayor and Council  
From: Lynne Ladner  
Date: 02/07/2020  
Re: Res. 2020-11 Accept bids for tree removal in JGP

The city has solicited bids for the removal of marked trees in JGP prior to the opening of the campgrounds for the 2020 season. Two bids were received for each option for the option leaving the large wood logs Custom Tree Service bid \$9,900, and Dubois bid \$11,200. For the option of a full site clean-up removing all debris and logs, Custom Tree Service bid \$12,350, and Dubois bid \$16,900.00. I recommend the Council adopt Resolution 2020-11 awarding the tree removal contract to \_\_\_\_\_ in the amount of \_\_\_\_\_

Lynne

**RESOLUTION 2020-11**  
**City Council**  
**City of Hart, Michigan**  
**Oceana County**

**ACCEPT BIDS FOR REMOVAL OF TREES AT JOHN GURNEY PARK**

WHEREAS, the City of Hart owns John Gurney Park and maintains a campground as well as utility systems throughout the park; and

WHEREAS, prior to the opening of the campground for the season it is in the best interest of the city to have specific trees removed to ensure the health and safety of the visitors; and

WHEREAS, the city advertised for the trees to be felled and requested two options one for leaving the large tree logs for the park manager to break down to provide firewood for the park or the option for complete site clean-up including the removal of all wood debris and logs; and

WHEREAS, bids were received from two businesses Custom Tree Service in the amounts of \$12,350 - full clean up or \$9,900 – large logs remain and from Dubois Tree, and Land Management in the amounts of \$16,900 – full clean up and \$11,200 – large logs remain

NOW THEREFORE BE IT RESOLVED THAT THE HART CITY COUNCIL:

*Accepts the bids for the removal of marked trees in John Gurney park and awards the project to Custom Tree Service for full clean-up in the amount of \$12,350.00*

Moved by Mr. Frontiera, supported by Mr. Hegedus, and thereafter adopted by the Hart City Council at a regular meeting held on Tuesday, February 11, 2020.

Ayes: 4      Nays: 1 (Splane)      Absent: 1

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Cheri Eisenlohr, Deputy Clerk

Memo

To: Mayor and Council  
From: Lynne Ladner  
Date: 02/07/2020  
Re: Res. 2020-12 Authorize contract for Trust Fund grant re-application

The City is working to re-submit their application to the MNR Trust Fund for the Veteran’s Park improvements. The 2018 application scored well but was not awarded funding. Changes have been made to the scoring matrix, and I have been working with our engineers to identify ways to improve our application. The grant application is due in April and requires updated cost estimates and additional work. Prein & Newhof is the City’s engineer of record and completed the work on the 2018 application. It is my recommendation that the Council adopts Resolution 2020-12 Authorizing contract with Prein & Newhof for services related to the MNR Trust Fund re-application.

Lynne

**RESOLUTION 2020-12**  
**City Council**  
**City of Hart, Michigan**  
**Oceana County**

**AUTHORIZING CONTRACT WITH PREIN & NEWHOF FOR MNR TRUST FUND GRANT RE-APPLICATION ASSISTANCE**

WHEREAS, the City of Hart owns and operates Veteran’s Park for which specific improvements are being requested by FERC; and

WHEREAS, the City scored very high in the 2018 grant process but was not awarded a grant but has stated its intent to submit an application for the 2020 grant round; and

WHEREAS, Prein & Newhof is the City’s engineer of record and worked with the city on the 2018 application which does require updating;

NOW THEREFORE BE IT RESOLVED THAT THE HART CITY COUNCIL:

*Authorizes entering into a contract with Prein & Newhof for services associated with the re-application for Veteran’s Park to the MNR Trust Fund for a not to exceed the amount of \$4,400*

Moved by Mr. Frontiera, supported by Mr. Hegedus, and thereafter adopted by the Hart City Council at a regular meeting held on Tuesday, February 11, 2020.

Ayes: 3      Nays: 2 (Platt, Splane)      Absent: 1

I hereby certify this to be a true and correct copy of the document on file with the office of the City of Hart Clerk.



Cheri Eisenlohr, Deputy Clerk

Memo  
To: Mayor and Council  
From: Lynne Ladner  
Date: 02/07/2020  
Re: Res. 2020-13 Authorize contract for development of Hart Lake Water Trail

The State of Michigan is encouraging the development of water trails in areas that can provide recreational activities to the public, and water trails are a priority for the MNR Trust Fund in connecting grant projects with these recreational opportunities. The City is also required to increase our recreation options associated with Hart Lake in order to retain our license for the Hydro-dam.

It is my recommendation that the Council adopts Resolution 2020-13 Authorizing contract with Prein & Newhof for the development of the Hart Lake Water Trail.

Lynne

**RESOLUTION 2020-13  
City Council  
City of Hart, Michigan  
Oceana County**

**AUTHORIZING CONTRACT WITH PREIN & NEWHOF DEVELOPMENT OF THE HART LAKE  
WATER TRAIL**

WHEREAS, the City of Hart owns Hart Lake and wants to encourage recreational activities on the lake;  
and

WHEREAS, the State of Michigan is encouraging the development of water trails in areas that can provide recreational activities to the public and water trails are a priority for the MNR Trust Fund in connecting grant projects with these recreational opportunities; and

WHEREAS, Prein & Newhof is the City’s engineer of record and is familiar with Hart Lake, the grant application requirements and can provide needed expertise in the development of water trails and the necessary documentation to provide us with the best efforts to begin attracting visitors to the water trail

NOW THEREFORE BE IT RESOLVED THAT THE HART CITY COUNCIL:

*Authorizes entering into a contract with Prein & Newhof for services associated with the development of the Hart Lake Water Trail at a cost not to exceed \$5,900.00*

Moved by Ms. Platt, supported by Mr. Frontiera, and thereafter adopted by the Hart City Council at a regular meeting held on Tuesday, February 11, 2020.

Ayes: 3      Nays: 2 (Hegedus, Splane)      Absent: 1

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Cheri Eisenlohr, Deputy Clerk

**SPECIAL EVENTS PERMITS:**

- Hart Hills Gravel Bike Race
  - Ms. Platt made a motion to approve the permit, supported by Mr. Hegedus.
    - Ayes: 5      Nays: 0      Absent: 1

**DISCUSSION ITEMS:**

- Internal Policies to correct audit deficiencies.

- Ms. Ladner gave a brief overview of the Capital Asset Mgmt. Policy, Fund Balance Policy, Disaster Recovery Plan, Fraud Risk Mgmt. Policy, Resolution 03-41 ACH, and Electronic Transaction Policy.
  - These items will be presented formally as a resolution at the next meeting.
  - Maximum emergency reserve: 10% was agreed upon in addition to the 25% minimum. The number can be adjusted as needed.
  - The City Attorney is making edits to the documents.

### **CITY MANAGER'S REPORT:**

- "At the last meeting, the Council made the decision not to consider the offer from the Bechtel's for the purchase of the City's ½ interest in Lot 7, which is part of the 227 E. Main St. purchase. I understand the Council's desire to keep an interest in the lot. I also understand the desire of the Bechtel's to have any ownership questions resolved. As such, I would like the Council to consider the possibility of working with the Bechtel's to obtain a survey to legally split Lot 7 and go through the process of completing and filing the necessary paperwork to assign legal ownership to each party of 50% of the lot. I would then ask the Council to consider entering into a formal lease agreement with the Bechtel's for the use of the City's portion of Lot 7 for a period of 5 years. Terms of the lease to be negotiated but could include a nominal lease fee, requirements for the lessee's to maintain the leased portion of the lot, provide a lease termination clause with ample advance notice on the part of both parties to provide the opportunity to make it readily available when an agreement with a developer is reached or if the Bechtel's no longer want or need the property."
  - The Mayor asked if the City Attorney had looked over the issue. Ms. Ladner stated that she had been in contact with him and that a public notice would have to be done as per the City Charter, and then the City could move forward with the sale per Ms. Ladner. A notice could go in the paper next week, and the Council could make a decision at the next meeting.
  - Ms. Bechtel stated that she had also been in contact with the City Attorney and he advised her to make an offer to the City, hence their \$5000.00 offer. She wants to have another 33' of the space or sell it to them 70/30 so that they have more room to maneuver. She does not want to be a part of a lease that won't last and would prefer a sale over a lease.
  - Ms. Ladner stated that they could continue to use the whole of Lot 7; she is willing to work per the Council on selling 33' or 16' of the lot. Ownership needs to be cleaned up to end the issues that are currently happening, do we sell all or a portion of the lot. A new survey would need to be done if it is a partial sale. Mr. Splane would like to know how much the taxpayers have invested in the property; this number will be provided at the next meeting.
  - Ms. Ladner will calculate the footage and will publish a notice of a sale of City-owned property and will present at the next Council meeting.
  - Ms. Bechtel is asking that the Councilors come and look at the lot to get a better perspective on the conditions.
- "Last week, we held the pre-construction meeting with the contractor and representatives from the MEDC for the Pocket Park project. Construction is scheduled to begin in April with substantial completion by early August."
- "I met with a representative from USDA-RD to discuss possible financing options moving forward on improvements included in the 10-year capital improvement plan. More on this will be forthcoming, as discussed when the SAW grant presentation was given applying for USDA-RD funds can be easier, quicker due to no application deadlines, more palatable due to the extended

term of up to 40 years and can be used to finance water, sewer, roads, and other community facilities projects.”

- “Formal incorporation paperwork has been submitted to the State for the Hart Economic and Redevelopment Team organization. The board is having its first official meeting this week and will be reviewing draft bylaws, electing officers, and reviewing candidate applications for the Director position. The deadline for applications is tomorrow, and we thus far have 10 candidates for the position.”

**CITY ATTORNEY’S REPORT:**

- None

**COMMUNICATIONS FROM THE MAYOR AND COUNCIL:**

- None

There being no further business to come before the Council, the meeting adjourned at 8:57 p.m., upon motion by Mr. Hegedus and supported by Mr. Frontiera. The next regularly scheduled meeting will be on February 25, 2020, at 7:30 pm.

Respectfully Submitted



Deputy City Clerk