

City of Hart, Michigan
CITY COUNCIL AGENDA
June 11, 2019 7:30 PM
City Hall, 407 State Street, Hart, Michigan

1. Call to Order
2. Roll Call – LaPorte, Frontiera, Hegedus, La Fever, Martin, Platt, Splane
3. Pledge of Allegiance
4. Approval of Agenda
5. Approval of Minutes from May 28, 2019
6. Public Comments, Correspondence, Events, Presentations
 - a. Public Hearing Fiscal Year 2020 City Budget
7. Department Reports
 - a. Police b. BioPure c. Public Works d. Hydroelectric e. Hart Main Street
8. Reports of Boards, Commissions, and Committees (Minutes Attached***)

| | | |
|----------------------------|-----------------|--------------------------------------|
| 1. Cemetery | 9. Power | 16. Tax Abatement |
| 2. DPW | 10. Recreation | 17. Water/BioPure |
| 3. Housing Board of Review | 11. Parks | 18. Neglected/Dangerous Properties |
| 4. Finance/Personnel*** | 12. Library | 20. Hart Main Street |
| 5. Fire Board*** | 13. Planning*** | 21. Hart Lake Board |
| 6. Historic | 14. TIFA | 22. Election Commission |
| 7. Police*** | 15. ZBA | 23. Starting Block Kitchen Incubator |
9. Bills, Claims, Payroll
10. Action Items
 - a. Resolution 19-33 Water Sewer and Trash Rates
 - b. Resolution 19-34 Millage Rates and Tax Levy
 - c. Resolution 19-35 Adoption of FY 2020 Budget
 - d. Resolution 19-36 Fire Insurance Withholding Program
 - e. Resolution 19-37 LIEAF Opt-In
11. Discussion Items
 - a. Discussion regarding potential sale of Energy Department surplus Tree Truck
12. City Manager Report
13. City Attorney Report
14. Communications from the Mayor and Council
15. Adjournment - Next regular meeting Tuesday, June 25, 2019, 7:30 PM



**CITY OF HART
407 S. STATE ST.
HART, MI 49420
COUNCIL PROCEEDINGS
MAY 28, 2019, 7:30 P.M.**

PRESENT: Mayor Ron LaPorte, Councilors: Patrice Martin, Rob Splane, Vicki Platt, Jason La Fever, and Steve Hegedus.

ABSENT: Joe Frontiera

OTHERS PRESENT: City Manager – Lynne Ladner, BioPure Superintendent – Paul Cutter, Energy Superintendent – Mike Schiller, DPW Superintendent – Brad Whitney, Police Chief – Juan Salazar, 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.

A motion was made by Mr. La Fever to approve the agenda and supported by Mr. Hegedus. The minutes from May 14, 2019, regular meeting, were approved motioned by Mr. Splane and supported by Ms. Platt. All ayes, both motions were carried.

PUBLIC COMMENTS, CORRESPONDENCE, EVENTS, PRESENTATIONS:

- None

DEPARTMENT REPORTS:

- ▶ BioPure Superintendent, Paul Cutter:
 - There was recently an illegal discharge of raw sewage last week. Mr. Cutter provided a diagram of how this incident occurred. A relief valve failed at the Griswald Lift Station. Mr. Cutter estimated (high) that 300,000 gallons flowed through at the time of the incident. The event must be reported to MiWaters, Health Department, and the local paper, so that affected parties are made aware of the event. A bleach/water mix was used in the area, and pelletized lime was dispersed to neutralize the area. The sewage did not make it to Chippewa Creek. It should not affect the groundwater as the soils will filter it as it drains down.
 - Blowers have been ordered as well as instruments and piping.
- ▶ Police Chief, Juan Salazar:
 - In the last month, many of the officers attended several training opportunities.

On April 16th and April 17th Officer Anderson, Officer Malotke and I attended a Defensive Driving course in Muskegon County. The training consisted of an On-line portion and a practical; which consisted of four defensive driving exercises. All officers successfully completed the training.

On April 17th, Sgt. Skipski and I attended a Mass Casualty Response Workshop; which consisted of lessons learned from the Orlando and Las Vegas mass casualty incident. We discussed the responses to these two horrific attacks, and what was learned during each critical and stressful event from what was done well, what decision was made, and lessons that were learned from each incident. This was an eye-opening training and was great training to attend.

On April 24th, Lynne, Vicki and I attended a pre-conference of the 4th Annual North American Active Assailant Conference in Troy, MI. The presenters were three distinguished individuals who helped guide their communities through the aftermaths of some of the most horrific acts of mass violence in recent history. The presenters

were the Public Information Officer from Jefferson County (Colorado) Sheriff's Office (Columbine), Former City Manager Aurora, Colorado (Movie Theater), Chief of Police San Bernardino, California. Again, this was an eye-opening training and was great training to attend.

April 22nd to May 3rd, Officer Hintz attended a Fire Investigation School. This program is nationally accredited and is recognized as a leader in fire investigation training. The purpose of the program is to provide investigators with a classroom lecture and hands-on training with topics such as Fire Chemistry and Behavior, Fire Suppression, Electrical Fire Causes, Fatal Fires, Explosions, Arson Motives, and Evidence Collection. Officer Hintz successfully completed the training and will be part of the Oceana County Fire Investigation TEAM.

Monday, May 20th and Tuesday, May 21st, Officer Anderson attended an ARIDE Training (which is Advanced Roadside Impaired Driving Enforcement) at the Norton Shores Police Department. This course is designed to help officers become more proficient at detecting, apprehending, and testing impaired drivers. This is an intermediate level course designed to offer more than a basic understanding of the impairing effects of drugs (Illicit and Licit), alcohol, and/or the combination of both.

Thursday, May 23rd 019, Sgt. Skipski attended and completed a Taser Re-Certification at the Kent County Sheriff's Office. Sgt. Skipski is the department's laser instructor and is required to re-certify every two years.

DPW Superintendent, Brad Whitney:

- Prein & Newhof has been working on designs for the Lincoln Street project.
- There are two new loaders in the shop for demo purposes for replacement of the current loader whose lease is expiring.
- Lines are being painted in the street and curbs for the upcoming Asparagus Festival.
- JGP bathrooms have been renovated and updated with a new drinking fountain installed on the outside of the facility.
- Warm weather is needed to repair the cracks in the pickleball courts.
- Ms. Martin asked about the holes that are in State Street. Mr. Whitney advised that the County Road Commission is responsible for those repairs.
- Mr. Splane asked if natural gas lines could be run to the Historic District when Lincoln Street is being worked on. Mr. Whitney said that had already been discussed with P&N.
- ▶ Energy Superintendent, Mike Schiller:
 - Service hookups were done
 - Miss Dig's
 - Overhead line removal at the Dam – poles are next.
 - New Tyler circuit/88th substation is coming into town, 7200 volts on the line, 2400 coming into town. There will be a shutdown tomorrow, consisting of 10 houses and JGP that will be affected.
 - June 6th the Medical Care Facility will be shut down to the East Main fill area for a couple of hours to do the upgrade. All areas have been notified of the upcoming shutdown.
 - Ms. Platt asked Mr. Whitney if the street could be cleaned up in front of La Fiesta before the festival? He replied that it would be. She also asked about the hole in front of Heggs; he stated that it would be worked on as well. The barrels on Plum Street will soon be removed.

- Ms. Martin asked that the TIFA minutes not be included in the packets until the minutes have been approved or to have them clearly marked as DRAFT.

▶ Mainstreet Manager, Julie Kreilick: Absent

REPORTS OF BOARDS, COMMISSIONS, AND COMMITTEES:

- None

BILLS, CLAIMS, PAYROLL:

Bills totaled: \$145,032.20 Payroll totaled: \$59,069.28 Grand Total: \$204,101.48

A motion was made by Mr. Splane and supported by Ms. Martin to approve bills, claims, and payroll in the amount stated.

Ayes: 6 Nay: 0 Absent: 1

ACTION ITEMS:

City Manager, Lynne Ladner presented the following:

Memo

To: Mayor and City Council
 From: Lynne Ladner
 Date: 5/28/19
 Re: Tax Lien Delinquent Utility Accounts

In recent years the City has certified to the County delinquent utility accounts to the County to be placed as a tax lien on the property. This process allows the City to collect on accounts that are otherwise uncollectable through traditional means. Collection of even a portion of these utility account revenues enables the city to maintain utility rates that are equitable for all users.
 Lynne

**RESOLUTION 19-31
 City Council
 City of Hart, Michigan
 Oceana County**

TAX LIEN DELINQUENT UTILITY ACCOUNTS

WHEREAS, the City of Hart owns, operates and maintains municipal electric, water and sewer utilities; and

WHEREAS, the City administers customer billing and collection systems to fund the costs associated with operating and maintaining the aforementioned utilities; and

WHEREAS, delinquent customer accounts are sometimes uncollectable using traditional methods; and

WHEREAS, State of Michigan statutes pursuant to Public Act No. 94 of 1933 (MCL 141.101 et seq.) allow municipal utilities to lien properties to collect delinquent accounts through the taxing authority of municipalities; and in accordance with City of Hart Ordinance No. 2016-02 adopted

March 22, 2016 the City of Hart has the authority to lien properties for delinquent utility accounts; 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 HART CITY COUNCIL:

Declares electric, water and sewer accounts delinquent in accordance with the aforementioned statute and ordinance for the following customer, account number, property number and owner as follows:

| CUSTOMER | ACCOUNT NO. | PROPERTY NO. | ADDRESS | ELEC. | WATER | SEWER | TOTAL |
|---------------------------------------|-----------------------------------|-------------------|-------------|----------|---------|----------|-----------|
| COMMERCIAL ACCOUNTS . | | | | | | | |
| East Main Rentals - Owner | | | | | | | |
| James Wallor | MA10-000215-0000-04 | 64-020-209-003-00 | 215 E Main | \$60.79 | \$16.60 | \$59.56 | \$136.95 |
| Jacquelynn Rogers | MA10-000215-0000-05 | | | \$28.74 | \$8.30 | \$42.23 | \$79.27 |
| | | | | \$89.53 | \$24.90 | \$101.79 | \$216.22 |
| Stevens, Lawrence/Linda- Owner | | | | | | | |
| Kids @ Hart | ST10-000055-0000-06 | 64-020-208-010-00 | 55 State St | \$403.76 | \$13.70 | \$87.55 | \$505.01 |
| | | | | | | | |
| | TOTAL OF COMMERCIAL ACCTS: | | | \$493.29 | \$38.60 | \$189.34 | \$721.23 |
| | | | | | | | |
| | | | | | | | |
| RESIDENTIAL ACCOUNTS | | | | | | | |
| Gary Phillips - Owner | | | | | | | |
| A. Martin | CH20-000106-0001-05 | 64-020-716-007-00 | 106 Church | \$205.09 | \$21.44 | \$94.02 | \$ 320.55 |
| | | | | | | | |
| Karl Walls - Owner | | | | | | | |
| L. Tenney Jr. | CH20-000111-0000-18 | 64-020-721-003-00 | 111 Church | \$149.09 | \$41.59 | \$148.13 | \$ 338.81 |
| D. Langford | CH20-000111-0000-19 | | | \$12.19 | \$5.20 | \$22.59 | \$ 39.98 |
| J. Wemple | CH20-000111-0000-20 | | | \$172.96 | \$20.88 | \$84.04 | \$ 277.88 |
| | | | | \$334.24 | \$67.67 | \$254.76 | \$ 656.67 |
| | | | | | | | |
| Channel Housing- Owner | | | | | | | |

| | | | | | | | |
|-------------------------------|---------------------|-------------------|---------------|-----------|----------|-----------|-----------|
| Y. Marie Salazar | CH20-000409-0000-15 | 64-020-724-003-00 | 409 Church St | \$113.17 | \$28.87 | \$86.76 | \$228.80 |
| J. Sleight | CH20-000409-0000-16 | | | \$154.18 | \$30.80 | \$120.71 | \$305.69 |
| R. Carrazco | CH20-000409-0000-17 | | | \$9.75 | \$3.50 | \$16.19 | \$29.44 |
| | | | | \$277.10 | \$63.17 | \$223.66 | \$563.93 |
| Stevens Apartments | | | | | | | |
| J. Hill | CH20-000509-0001-16 | 64-020-318-002-00 | 509 Church | \$90.88 | \$ | \$ | \$ 90.88 |
| Hegg Real Estate-Owner | | | | | | | |
| M. Dykman | CO10-000009-0000-24 | 64-020-201-002-00 | 9 Courtland | \$130.35 | \$20.55 | \$101.85 | \$ 252.75 |
| S. Hegg | CO10-000009-0000-25 | | | \$27.29 | \$6.85 | \$29.78 | \$ 63.92 |
| | | | | \$157.64 | \$27.40 | \$131.63 | \$ 316.67 |
| Jesus Salinas -Owner | | | | | | | |
| M. McClintic | CO10-000714-0000-11 | 64-020-737-002-00 | 714 Courtland | \$ 77.48 | \$ 12.70 | \$ 48.84 | \$ 139.02 |
| Russ Robbins- Owner | | | | | | | |
| S. Wilson | DR10-000209-0000-02 | 64-020-717-004-50 | 209 Dryden | \$ 95.46 | \$ 14.86 | \$ 90.63 | \$ 200.95 |
| J. Sawdy | DR10-000211-0000-04 | | 211 Dryden | \$ 43.21 | \$ 12.24 | \$ 52.75 | \$ 108.20 |
| Lynda Robbins- Owner | | | | | | | |
| M. Buck | DR10-000607-0000-04 | 64-020-735-008-00 | 607 Dryden | \$ 132.29 | \$ 21.78 | \$ 84.38 | \$ 238.45 |
| S. Samuels | DR10-000607-0000-06 | | | \$ 453.86 | \$ 26.85 | \$ 124.11 | \$ 604.82 |
| | | | | \$ 586.15 | \$ 48.63 | \$ 208.49 | \$ 843.27 |
| Gale Real Estate | | | | | | | |
| M. Collins | DR10-000720-0000-08 | 64-020-740-002-90 | 720 Dryden | \$ 91.45 | \$ 16.57 | \$ 84.61 | \$ 192.63 |
| Patricia Renna | GR10-000606-0000-02 | 64-020-333-002-00 | 604 Griswold | \$ 208.20 | | | \$ 208.20 |
| Sharon Degraff | GR10-000711-0000-04 | 64-020-740-012-00 | 711 Griswold | \$ 106.36 | \$ 20.55 | \$ 89.34 | \$ 216.25 |
| Jason Pragner - Owner | | | | | | | |

| | | | | | | | |
|----------------------------------|---------------------|-------------------|---------------|-----------|----------|-----------|-------------|
| J. Pranger | GR10-000808-0000-05 | 64-020-335-001-10 | 808 Griswold | \$ 45.89 | \$ 8.01 | \$ 33.09 | \$ 86.99 |
| D. McCann | GR10-000808-0000-11 | | | \$ 240.77 | \$ 13.37 | \$ 54.84 | \$ 308.98 |
| M. Johnson | GR10-000808-0000-12 | | | \$ 687.31 | \$ 18.88 | \$ 82.08 | \$ 788.27 |
| | | | | \$ 973.97 | \$ 40.26 | \$ 170.01 | \$ 1,184.24 |
| Bernard Preston-Owner | | | | | | | |
| R. Carroll | HA30-000411-0000-20 | 64-020-728-009-00 | 411 Hart St | \$ 290.86 | \$ 38.02 | \$ 156.09 | \$ 484.97 |
| Wendy Smith Forsyth-Owner | | | | | | | |
| W. Smith | JO10-000007-0000-04 | 64-020-725-001-50 | 7 W Johnson | \$ 35.86 | \$ 6.85 | \$ 29.78 | \$ 72.49 |
| R. Devoe | JO10-000007-0000-09 | | | \$ 272.30 | \$ 34.47 | \$ 129.06 | \$ 435.83 |
| | | | | \$ 308.16 | \$ 41.32 | \$ 158.84 | \$ 508.32 |
| Larry Stevens -Owner | | | | | | | |
| K. West | MA10-000324-0000-17 | 64-020-249-002-00 | 324 E Main | \$ 59.90 | \$ 8.01 | \$ 33.09 | \$ 101.00 |
| J. Berger | MA10-000324-0000-18 | | | \$ 83.76 | \$ 14.12 | \$ 49.94 | \$ 147.82 |
| | | | | \$ 143.66 | \$ 22.13 | \$ 83.03 | \$ 248.82 |
| Marsha Hildreth-Owner | | | | | | | |
| C. Guertin | MA10-000505-0000-07 | 64-020-147-003-00 | 505 E Main | \$ 296.08 | \$ 20.47 | \$ 79.12 | \$ 395.67 |
| Kevin Greiner - Owner | | | | | | | |
| M. German | MA11-000461-2000-15 | 64-020-514-003-00 | 461 W Main | \$ 217.17 | \$ 20.55 | \$ 89.34 | \$ 327.06 |
| Trenton Bruce - Owner | | | | | | | |
| C. Smith | ME10-000014-0000-05 | 64-020-203-003-00 | 14 E Mechanic | \$ 491.61 | \$ 20.55 | \$ 181.99 | \$ 694.15 |
| Christi Huizenga - Owner | | | | | | | |
| J. Covey | ME10-000020-0002-16 | 64-020-203-004-00 | 20 E Mechanic | \$ 117.29 | \$ 61.13 | \$ 2.99 | \$ 181.41 |
| Jim Kumzi- Owner | | | | | | | |
| M. Gilland | PE10-000007-0000-06 | 64-020-513-006-00 | 7 Peach | \$ 149.24 | \$ 30.10 | \$ 119.17 | \$ 298.51 |
| R. Alltop | PE10-000007-0000-07 | | | \$ 38.94 | \$ 6.19 | \$ 23.80 | \$ 68.93 |

| | | | | | | | |
|---------------------------------------|------------------------------------|-------------------|----------------|------------|----------|------------|--------------|
| H. Gleason | PE10-000007-0000-08 | | | \$ 156.08 | \$ 21.28 | \$ 84.65 | \$ 262.01 |
| C. Newsted | PE10-000007-0000-09 | | | \$ 139.98 | \$ 16.02 | \$ 77.59 | \$ 233.59 |
| | | | | \$ 484.24 | \$ 73.59 | \$ 305.21 | \$ 863.04 |
| Rural Housing - Owner | | | | | | | |
| P. Fraizer | PE10-000108-0000-03 | 64-020-512-007-00 | 108 Peach | \$ 115.03 | \$ 7.56 | \$ 72.80 | \$ 195.39 |
| | | | | | | | |
| Val Pro LLC - Owner | | | | | | | |
| M. Pierce | PE10-000111-0000-05 | 64-020-519-010-00 | 111 Peach | \$ 341.75 | \$ 52.82 | \$ 304.29 | \$ 698.86 |
| | | | | | | | |
| Mirad Family LP - Owner | | | | | | | |
| J. Crane | RI10-000113-0000-05 | 64-020-611-018-00 | 113 Riverside | \$ 81.87 | \$ 9.17 | \$ 52.20 | \$ 143.24 |
| | | | | | | | |
| Brett Simons - Owner | | | | | | | |
| J. Escamilla | RI10-000204-0000-04 | 64-020-611-025-00 | 204 Riverside | \$ 65.18 | \$ 9.40 | \$ 38.46 | \$ 113.04 |
| | | | | | | | |
| Andrew Parsons - Owner | | | | | | | |
| W. Sheafor | RI10-000209-0000-06 | 64-020-611-015-00 | 209 Riverside | \$ 323.26 | \$ 21.23 | \$ 113.64 | \$ 458.13 |
| | | | | | | | |
| Heggs Rentals LLC - Owner | | | | | | | |
| B. Burmeister | WA10-000409-0000-07 | 64-020-213-002-00 | 409 Washington | \$ 256.90 | \$ 33.59 | \$ 135.82 | \$ 426.31 |
| | | | | | | | |
| Perysian, Adam/Jessica - Owner | | | | | | | |
| J. Guerrero | WA20-000425-0000-08 | 64-020-726-012-00 | 425 S Water | \$ 184.29 | \$ 20.12 | \$ 87.51 | \$ 291.92 |
| | | | | | | | |
| | | | | | | | |
| Justin James Morgan - Owner | | | | | | | |
| C. Wiegand | WO10-000503-0000-10 | 64-020-740-009-10 | 503 Wood St | \$ 992.82 | \$ 27.40 | \$ 119.21 | \$ 1,139.43 |
| | | | | | | | |
| | TOTAL OF RESIDENTIAL ACCTS: | | | \$7,957.40 | \$824.54 | \$3,429.28 | \$ 12,211.22 |

Authorizes approves and directs a tax lien in the total amount stated herein against the aforementioned customer, account number, owner, and property number; and directs the City Clerk-Treasurer or City Deputy Clerk-Treasurer to file a tax lien thereupon.

Moved by Mr. Splane, supported by Ms. Martin, and thereafter adopted by the City of Hart, Michigan City Council at a regularly scheduled meeting held on Tuesday, May 28, 2019.

Ayès: 6 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 City Clerk

Memo
To: Mayor and City Council
From: Lynne Ladner
Date: 5/28/19
Re: FY 2020 Fire Board Assessment

The City of Hart receives fire protection services from the Hart Area Fire Board, a consortium formed by City of Hart, Hart Township, Weare Township, and Golden Township. The entities in the consortium all assist with financing fire protection services through an allocated contribution. This year the Fire Board is requesting an increase from .65 to .75 mills of property millage assessment in the amount of \$238,080 and assessed to each entity as follows: Golden Township (\$117,302 or 51%), Hart Township (\$54,335 or 24%), Weare Township (\$27,787 or 12%) and Hart City (\$31,106 or 13%).

Lynne

RESOLUTION 19-32
City Council
City of Hart, Michigan
Oceana County

HART AREA FIRE BOARD ASSESSMENT

FOR FIRE PROTECTION SERVICES

WHEREAS, the City of Hart receives fire protection services from the Hart Area Fire Board, a consortium formed by City of Hart, Hart Township, Weare Township and Golden Township; and

WHEREAS, on February 28, 2019 the Hart Area Fire Board adopted a total FY2020 fire protection budget based on 0.75 millage assessment in the amount of \$238,080 and assessed to each entity as follows: Golden Township (\$117,302 or 51%), Hart Township (\$54,335 or 24%), Weare Township (\$27,787 or 12%) and Hart City (\$31,106 or 13%); 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:

Approves the FY2020 (July 1, 2019 – June 30, 2020) Hart Area Fire Board annual assessment to the City of Hart in the amount of \$31,106 paid quarterly at \$7,776.50.

Moved by Ms. Martin, supported by Ms. Platt, and thereafter adopted at the regular City of Hart City Council meeting on May 28, 2019.

Ayes: 6 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 City Clerk

Memo
To: Mayor and City Council
From: Lynne Ladner
Date: 5/28/19
Re: Second reading of Ordinance 19-02 related to Recreational Marijuana establishments and facilities zoning

This is the second reading of Ordinance 19-02 amending Part Twelve Title Four by adding a new chapter designated as chapter 1263 Prohibition of Recreational Marijuana Establishments. There are no changes to the ordinance from the first reading conducted at the May 14, 2019 meeting.
Lynne

**ORDINANCE
NO. 19-02**

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF HART PART TWELVE TITLE FOUR BY
ADDING A NEW CHAPTER WHICH NEW CHAPTER SHALL
BE DESIGNATED AS CHAPTER 1263 OF TITLE FOUR OF
SAID CODE**

THE CITY OF ORDAINS:

Section 1. Addition of Chapter 1263 to Part Twelve Title Four. Chapter 1263, "Prohibition of Recreational Marihuana Establishments," is added to Title Four, "Zoning," of the Code of Ordinances of the City of Hart to read as follows:

CHAPTER 1263

PROHIBITION OF RECREATIONAL MARIHUANA ESTABLISHMENTS AND MARIHUANA FACILITIES

- (A) Marihuana establishments and facilities, as authorized by and defined in the Michigan Regulation and Taxation of Marihuana Act and the Medical Marihuana Facilities Licensing Act, are prohibited in all zoning districts, and shall not be permitted as home occupations as defined in Chapter 1241.
- (B) No use that constitutes or purports to be a marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer and provisioning center, marihuana secure transporter or any other type of marihuana related business authorized by the Act, that was engaged in prior to the enactment of this Ordinance, shall be deemed to have been a legally established use under the provisions of the City Code of Ordinances; that use shall not be entitled to claim legal nonconforming status.
- (C) Violations of this section are subject to the violations and penalties pursuant to Section 1249.99 of Chapter 1242 and may be abated as nuisances
- (D) This section does not supersede rights and obligations with respect to the transportation of marihuana by marihuana secure transporters through the City to the extent provided by the Michigan Regulation and Taxation of Marihuana Act.
- (E) Nothing in this Chapter shall limit any privileges, rights, immunities or defenses of a person as provided in the Michigan Medical Marihuana Act, and this Chapter does not supersede the

rights and regulations under Section 1243.27 of Part Twelve, Title Four

Section {2} Conflict and Repeal. All ordinances or parts of ordinances in conflict with this ordinance are repealed.]

Section [3]. Effective Date. This Ordinance shall be effective seven (7) days after the publication of a summary of its provisions in a local newspaper of general circulation in the City of Hart.

Section [4]. Publication. After its adoption, this ordinance or a summary thereof, as permitted by law, shall be published by the City Clerk in The Oceana Herald, a newspaper of general circulation in the City.

ORDINANCE DECLARED ADOPTED.

Dated: _____, 2019

_____, Mayor

_____, Clerk

CERTIFICATION

I, the undersigned duly appointed City Clerk of the City of Hart, Oceana County, Michigan, do hereby certify that the above ordinance, or a summary thereof, was published in _____, a newspaper of general circulation in the City on _____, 2019, and that such ordinance was entered with the Ordinance Book of the City on _____, 2019.

Dated _____, 2019

_____, Clerk

Ayes: 3, Hegedus, LaPorte, Platt
Nays: 3, La Fever, Martin, Splane
Absent: 1, Frontiera
Tie - Ordinance Failed

SPECIAL EVENTS PERMIT:

- None

DISCUSSION ITEMS:

- The FY19/20 Budget was discussed.
 - Ms. Martin asked how it is presented – Ms. Ladner explained that it goes to finance first, public hearing next and then adoption by Council.
 - Ms. Martin then asked how a "new" council person who has many questions, gets answers. Ms. Ladner stated that she would set down with the member at a time of their convenience and answer the questions.

CITY MANAGER REPORT:

- Ms. Ladner reported on:

- Meeting to be held with Prein & Newhof to get an update of City projects.
- She and Steve Bruch attended the MPPA stakeholder meeting last week.
- She, Gale Goldberg, and Steve Bruch attended the TIFA finance training last week that discussed new reporting and transparency regulations. Ms. Martin will be attending the meeting in Cadillac next week.
- The 4th annual "Walk with a Hero" walkathon will be Thursday at Spitler Elementary School at 5:00 pm.
- The Asparagus Festival is next weekend.

CITY ATTORNEY'S REPORT:

- None
 - Ms. Martin asked for clarification on receiving a report from the new attorney. Mr. VanAllsburg will be providing the report to Ms. Ladner, who will then put the document in the packet.
 - Per Mayor LaPorte, any questions for the new attorney need to be directed to the City Manager for her to have an opportunity to respond or defer to the attorney.
- Ms. Martin offered to share the information from the recent meetings that she attended with the Council if they have any questions for her.

COMMUNICATIONS FROM THE MAYOR AND COUNCIL:

- Mayor LaPorte stated that anyone that wanted to ride with him in the parade could do so.
- Appointment of Gale Goldberg to the Planning Commission:
 - Ms. Martin made a motion to appoint Ms. Goldberg, supported by Mr. La Fever. All ayes, motion carried.

There being no further business to come before the Council, the meeting adjourned at 8:18 p.m., upon motion by Ms. Martin and supported by Mr. La Fever. The next regular meeting is June 11, 2019, at 7:30 p.m.

Respectfully Submitted

Cheri Esentabz

Deputy City Clerk



CITY OF HART

407 STATE ST., HART, MI 49420
FINANCE & PERSONNEL COMMITTEE
MAY 28, 2019 – 6:30 PM
MINUTES

PRESENT: Mayor Ron LaPorte, Rob Splane, and Steve Hegedus

ABSENT: None

OTHERS PRESENT: City Manager Manager – Lynne Ladner and Deputy Clerk - Cheri Eisenlohr

The meeting was called to order by Mayor LaPorte at 6:00 pm.

The minutes of May 14, 2019, meeting were approved by a motion made by Mr. Hegedus and supported by Mr. Splane, all ayes, the motion carried.

Council Agenda Items:

- Preliminary Review FY2020 Budget.
 - Ms. Ladner presented an overview of the upcoming FY19/20 budget. The budget draft was also provided to the full Council and will be discussed at that meeting.

Comments from the Board:

The meeting adjourned at 7:08 pm by motion made by Mr. Rob Splane and supported by Mr. Hegedus.



City of Hart Police Department

407 State Street

Ph. (231)873-2488 Fax (231)873-0100

Hart, MI 49420-1259

Juan Salazar, Chief

TO: City of Hart Mayor, City Council, and City Manager
FROM: Juan Salazar, Chief of Police
DATE: June 11th, 2019

RECENT EVENTS

From Thursday, May 23rd, 2019, through Wednesday, June 5th, 2019, the Hart Police Department received 80 complaints ranging from Assault & Batteries, Harassment Complaints, Threat Complaints, Vehicle Violations, Domestic Assaults, Animal Complaints, Alarms, Mental Health Complaints, Medical Assists, Suspicious Situations, Unwanted Persons, Disturbances, Warrant Arrests, Larcenies, Property Damage Accidents, Retail Frauds, Motorist Assists, Disorderly Conducts and a Suspected Criminal Sexual Conduct.

On Thursday, May 23rd, 2019, the Hart Police Department was sitting stationary when a disturbance/fight erupted in the 400 block of State Street. The officer immediately arrived on scene and attempted to separate the juvenile individuals involved. The individuals continued to fight in front of the officer but were eventually separated. A 12-year-old Hart girl stated she had been assaulted; hair being pulled and struck in the face area with a closed fist, by a 17-year-old Hart girl and 16-year-old Hart girl. All juveniles were turned over to parents. A report will be submitted to the Oceana County County Prosecutor's Office for his review.

On Thursday, May 23rd, 2019, the Hart Police Department initiated a traffic stop on a vehicle in the 500 block of Griswold Street referencing defective equipment. A 41-year-old Spokane, Washington man was arrested and lodged at the Oceana County Jail for Driving While License Suspended.

On Saturday, May 25th, 2019, the Hart Police Department initiated a traffic stop on a vehicle on State Street near Polk Road regarding a vehicle violation. A 32-year-old Hart man was arrested and lodged at the Oceana County Jail for Operating a Motor Vehicle While Intoxicated (Alcohol).

On Sunday, May 26th, 2019, the Hart Police Department initiated a traffic stop on a vehicle on State Street near Lincoln Street referencing erratic driving. A 64-year-old Brownstown, Michigan man was arrested and lodged at the Oceana County Jail for Operating a Motor Vehicle While Intoxicated (Alcohol).

On Wednesday, May 29th, 2019, the Hart Police Department was dispatched to the 400 block of Johnson Street about a Domestic Assault. A 40-year-old Hart woman stated she had been assaulted, by being stuck in the face with a closed fist, by a 22-year-old Hart woman. The 22-year-old Hart woman had left the scene prior to officers arrival. A report was submitted to the Oceana County Prosecutor's Office for his review.

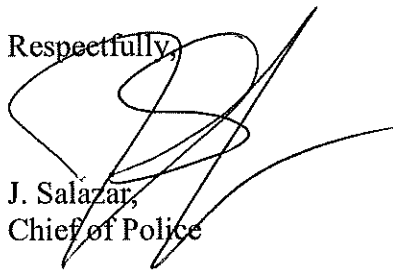
On Wednesday, May 29th, 2019, the Hart Police Department was dispatched to the 300 block of Johnson Street about an Assault and Battery. A 12-year-old Hart boy had been assaulted, being struck in the face with a closed fist, by a 12-year-old Hart boy. The assailant had fled the scene before the officer's arrival. A report will be submitted to the Oceana County Prosecutor's Office for review.

On Friday, May 31st, 2019, the Hart Police Department was dispatched to the 4000 block of Polk Road in reference to a Disturbance. A 35-year-old Mears man was causing a disturbance within a local business by yelling at an employee. The man was later arrested and lodged at the Oceana County Jail on an outstanding warrant for his arrest out of Muskegon County.

On Friday, May 31st, 2019, the Hart Police Department was dispatched to the 3000 block of Polk Road about a disturbance. A 25-year-old Custer man was causing a disturbance within a home belonging to his grandparents. The man was later arrested and lodged at the Oceana County Jail on a conditional bond release violation out of Mason County.

On Saturday, June 1st, 2019, the Hart Police Department was dispatched to the 4000 block of Polk Road in regards to information received of a 34-year-old Walkerville woman at this location having a warrant for her arrest out of Newaygo County. The woman was located and subsequently arrested and lodged at the Oceana County Jail on an outstanding warrant for her arrest out of Newaygo County.

Respectfully,



J. Salazar,
Chief of Police

City of Hart
407 S. State St.
Hart, MI 49420
Planning Commission
Thursday, May 16, 2019
Minutes

MEMBERS PRESENT: Betty Root, Jim Cunningham, Diane LaPorte, Rob Splane, Peggy Wittman, and Al Martin.

ABSENT: NONE

OTHERS PRESENT: David Jirousek (Horizon Community), Steve Bruck, Gale Goldberg, George Sadler, Karla Swihart (Dep. Clerk)

Chairman B. Root called the meeting to order at 4 pm.

A motion was made by D. LaPorte to approve the agenda and supported by J. Cunningham. All ayes motion carried.

A Motion to adopt the minutes from April meeting as presented by A. Martin and supported by R. Splane. Ayes 5 Nays 1 Absent 0 the motion carried.

PUBLIC COMMENTS, CORRESPONDENCE, EVENTS, PRESENTATIONS:

- Public Hearing – Proposed Amendment to Zoning Ordinance Chapter 1259 Signs.
 - The Public hearing was opened at 4:05 pm by Chairman B. Root
 - G. Sadler & S. Bruck asked questions for amendment clarifications these will be addressed again at the next meeting.

A motion was made by A. Martin to close the public hearing and supported by R. Splane. All ayes

A motion to consider a recommendation to council sign ordinance amendments all but the 1st sentence of (I) made by A. Martin and supported by J. Cunningham Ayes 5 Nays 1 Absent 0 Motion carried.

OTHER BUSINESS: NONE

A motion was made by D. Laporte to adjourn the meeting and supported by R. Splane. All ayes motion was carried, and the meeting was adjourned at 4:26 pm

The next scheduled meeting is a Public Hearing June 6th, 2019, at 4 pm.

HART AREA FIRE

ADMINISTRATIVE BOARD

Meeting Minutes- April 25, 2019

The Hart Area Fire Administrative Board Meeting was called to order by Chairman Gary Beggs at 7:00PM. Others present for the meeting were Mike Powers, Clancy Aerts, Bruce Mull, Jake Whelpley, Dale Stevenson, Mike Potter, Jay McGhan Chief Jack White and undersigned

Absent for the meeting was Dick Huntington

Others present for the meeting were Deputy Chief Dwight Fuehring, Captain Tim Tubbs and Firefighter Chris Carroll.

Motion was made by Potter and supported by Aerts to accept the agenda as presented. Voice Vote, all yes, Motion carried.

Motion was made by Stevenson and supported by Potter to accept the minutes of the, March 28, 2019 meeting. Voice vote, all yes. Motion carried.

Treasurer reported total expenses of \$3,215.73 since the last meeting. A balance in the checking account was reported as \$210,733.59. A balance in the Capital Improvement Fund was reported as 292,681.86. Discussion was held on the bills. Motion was made by Powers and supported by Stevenson to accept the treasurer's report as presented and pay the bills. Roll call vote, all yes. Motion carried.

Treasurer requested Budget Amendments for this years budget. A copy of the amendments requested is attached. A motion was made by Stevenson and supported by Aerts to accept the budget amendments as presented. Roll call vote, all yes, Motion carried.

Chief White passed out his report to the board members. He advised the new compressor will be delivered on Friday and the City of Hart will assist in unloading as a fork lift will be needed.

He will be posting some surplus items on gov web site for disposal.

Chief advised he will be holding off, on a change to the attendance policy, as he wants to look at it a little more.

Deputy Chief Fuehring passed out information on struts to be used in vehicle crash's when stabilization is needed. Following discussion motion was made by Whelpley to purchase a new set of struts in next years budget. This was supported by Stevenson. Roll call vote, all yes. Motion carried.

Chief White advised that two fire fighters are ready to come off of probation. Jose Anzadula and Mike Barefoot are both ready to be promoted off of probationary status. Motion was made by Stevenson and

seconded by Potter to follow Chiefs recommendation to remove the two from Probation status. Voice Vote, all yes. Motion carried.

Chief White advised the board that he and 4 others from the department attended FDIC conference in Indianapolis recently. He would like to see the board authorize sending 4 members to the conference each year. He advised this year there was the cost of the rooms and fuel for one vehicle to drive to Indianapolis. Those attending paid for there own food. Also the cost to attend was picked up by Spencer. Following discussion a motion was made by Potter and supported by Whelpley to send 4 firefighters to this conference next year. Roll call vote, all yes. Motion carried.

Discussion on the investment account was tabled until more information could be gathered.

Treasurer reported 4 requested for proposals for audits had been mailed out and two proposals had been returned. Following discussion a motion was made by Stevenson and supported by Potter to award the bid to Lake Michigan CPA for three years. Roll call vote, all yes. Motion carried.

Under Personnel Chief White advised he will stay on until November 30 of 2020. He will be turning over more responsibility to Chief Fuehring. He believes Chief Fuehring is very qualified to take on this responsibility. In discussion the board will need to decide how they want to proceed in replacing Chief White in 2020.

During discussion the board would like to have Deputy Chief Fuehring come to the board meetings and to take part in the Chief's report.

The Hart Lions donated \$750.00 to the Hart Fire Department. This is the second donation the Hart Lions have made to the department. The money will be used to purchase equipment for the department. Chief advised a letter will be sent to the Hart Lions thanking them for this donation.

Meeting adjourned at 7:50 PM

Respectful Submitted,

Daniel Leimback

Sec/Treasurer

| Payables Date: 6/11/19 | Description | Total | General + | DPW | Energy | BPTF | Water |
|--------------------------|---|--------------|-------------|-------------|--------------|--------------|-------------|
| Adams, Matt | Phone Reimbursement | \$ 35.00 | | \$ 35.00 | | | |
| Amerigas | Propane - Energy Dept. | \$ 197.09 | | | \$ 197.09 | | |
| Anderson, Shawn | Phone Reimbursement | \$ 35.00 | \$ 35.00 | | | | |
| Apex Software | Maintenance Renewal - Sketching Softwar | \$ 480.00 | \$ 480.00 | | | | |
| Beatty, Drew | Refund of Deposit | \$ 61.82 | \$ 20.57 | | \$ 6.83 | \$ 27.98 | \$ 6.44 |
| Bell Equipment | Parts for Street Sweeper | \$ 392.00 | | \$ 392.00 | | | |
| Cannon/Eaton | Meters/Mgmt Fee | \$ 7,922.28 | | | \$ 4,172.28 | | \$ 3,750.00 |
| CCP Industries | Gloves | \$ 226.69 | | | | \$ 226.69 | |
| Ceres Solutions | Dry Fert. Cart Rental/Calcium Nitrate | \$ 137.00 | | | | \$ 137.00 | |
| Ceres Solutions | Hardware | \$ 10.99 | \$ 10.99 | | | | |
| Ceres Solutions | UPS | \$ 15.00 | | | | \$ 15.00 | |
| Ceres Solutions | Tempo SC Ultra | \$ 51.27 | | | | \$ 51.27 | |
| City of Hart | Utility Bills | \$ 44,887.67 | \$ 2,205.17 | \$ 1,097.16 | \$ 1,630.13 | \$ 37,581.78 | \$ 2,373.43 |
| Dacott | April 2019 Purchase Report | \$ 650.00 | | | \$ 650.00 | | |
| Dave's Party Store | Refund of Deposit | \$ 234.01 | | | \$ 234.01 | | |
| DTE | Natural Gas | \$ 1,332.18 | | | | \$ 1,332.18 | |
| Eisenlohr, Mike | Phone Reimbursement | \$ 35.00 | | \$ 35.00 | | | |
| Environmental Dyn. Intl. | Membranes | \$ 7,648.63 | | | | \$ 7,648.63 | |
| Fish Window Cleaning | City Hall Windows | \$ 175.00 | \$ 175.00 | | | | |
| Freed Management | JGP Mgmt | \$ 3,570.00 | \$ 3,570.00 | | | | |
| Frontier | Diesel Plant - Phone | \$ 86.32 | | | \$ 86.32 | | |
| Gempler's | Rainsuits | \$ 509.95 | | | | \$ 509.95 | |
| Gowell, Nathan | Phone Reimbursement | \$ 35.00 | | | \$ 35.00 | | |
| Gracon | Office 365 ProPlus | \$ 302.50 | \$ 302.50 | | | | |
| Gracon | 1 Block (16 Hours) LAN ex. Care hours | \$ 1,600.00 | \$ 533.34 | \$ 266.67 | \$ 266.67 | \$ 266.67 | \$ 266.65 |
| Hart Automotive | Auto Parts/Supplies | \$ 162.68 | | \$ 151.70 | \$ 10.98 | | |
| Heritage Preservation | Maintenance/Repairs Historic District | \$ 328.30 | \$ 328.30 | | | | |
| Hintz, Brian | Phone Reimbursement | \$ 35.00 | \$ 35.00 | | | | |
| Huntington Credit Card | Various Charges | \$ 395.55 | \$ 395.55 | | | | \$ 750.00 |
| HydroCorp | Cross Connection Control Program | \$ 750.00 | | | | | |
| Ingalls, Joe | Phone Reimbursement | \$ 35.00 | \$ 35.00 | | | | |
| Kies, Chris | Phone Reimbursement | \$ 35.00 | | | | \$ 35.00 | |
| Klotz | Auto Parts/Supplies | \$ 74.32 | | | \$ 74.32 | | |
| Ladner, Lynne | Monthly Car Allowance | \$ 300.00 | \$ 300.00 | | | | |
| Ladner, Lynne | Mileage Reimbursement | \$ 167.04 | \$ 167.04 | | | | |
| LARA | LIEAF Program | \$ 1,103.25 | | | \$ 1,103.25 | | |
| Lighthouse Car Care | Tires/Repairs/Wipers | \$ 542.00 | | \$ 42.00 | \$ 500.00 | | |
| Ludington Daily News | Public Notices/Advertising | \$ 609.00 | \$ 609.00 | | | | |
| Mears Service Center | 2013 Chevy Silverado Repairs | \$ 930.19 | | | \$ 930.19 | | |
| Medler Electric | Parts/Supplies | \$ 82.41 | | | \$ 82.41 | | |
| Model Coverall Svc | Uniforms/Rugs/Rags | \$ 775.09 | \$ 204.87 | \$ 223.05 | \$ 97.85 | \$ 249.32 | |
| MPPA | Purchased Power | \$ 18,837.51 | | | \$ 18,837.51 | | |
| Pixel Graphix | Envelopes | \$ 440.00 | \$ 110.00 | | \$ 110.00 | \$ 110.00 | \$ 110.00 |
| Power Line Supply | Parts/Supplies | \$ 120.80 | | | \$ 120.80 | | |
| Pranger Property Mgmt | Cleaning Services - City Hall | \$ 112.00 | \$ 112.00 | | | | |
| Quill | Office Supplies | \$ 173.97 | \$ 173.97 | | | | |
| Republic Services | The Starting Block - Garbage Service | \$ 262.59 | | | \$ 262.59 | | |
| Riggs, Jason | Phone Reimbursement | \$ 35.00 | | \$ 35.00 | | | |
| Salazar, Juan | Phone Reimbursement | \$ 35.00 | \$ 35.00 | | | | |
| Schiller, Mike | Phone Reimbursement | \$ 35.00 | | | \$ 35.00 | | |
| Schiller, Mike | Reimburse Parking Exp. | \$ 7.50 | | | \$ 7.50 | | |
| Shelby Township | Circuit Court Filing Fee | \$ 17.50 | \$ 17.50 | | | | |
| Skipski, Kevin | Phone Reimbursement | \$ 35.00 | \$ 35.00 | | | | |
| Swihart's Septic | Pump & Dump Griswald Station | \$ 255.00 | | | | \$ 255.00 | |
| Syncwave | Internet Hosting - April & June | \$ 1,010.73 | \$ 391.86 | \$ 146.88 | \$ 146.88 | \$ 325.11 | |
| Trace Analytical Labs | Water Testing | \$ 942.40 | | | | \$ 942.40 | |
| VanAgtmael, Scott | Phone Reimbursement | \$ 35.00 | | | \$ 35.00 | | |
| VanDyke, Jed | Phone Reimbursement | \$ 35.00 | | | \$ 35.00 | | |
| VanZoeren, Andy | Phone Reimbursement | \$ 35.00 | | | \$ 35.00 | | |
| Whitaker, Elizabeth | Refund of Deposit | \$ 15.53 | | | \$ 15.53 | | |

| Payables Date: 6/11/19 | | Description | Total | General + | DPW | Energy | BPTF | Water |
|-------------------------|----------------------------------|---|---------------|--------------|-------------|--------------|--------------|-------------|
| | | | \$ - | | | | | |
| | | Subtotal | \$ 99,395.76 | \$ 10,282.66 | \$ 2,424.46 | \$ 29,718.14 | \$ 49,713.98 | \$ 7,256.52 |
| Additional Bills | | | \$ - | | | | | |
| | | | \$ - | | | | | |
| | | Subtotal | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| | | <i>Subtotal Reg and Additional</i> | \$ 99,395.76 | | | | | |
| HAND CHECKS | | | | | | | | |
| <i>Alerus - ACH</i> | <i>City Share 401 Retirement</i> | | \$ 3,022.42 | \$ 3,022.42 | | | | |
| US Postmaster | Postage Utility Bills | | \$ 505.80 | | | \$ 328.77 | \$ 151.74 | \$ 25.29 |
| | | | \$ - | | | | | |
| | | TOTAL HAND CHECKS | \$ 3,528.22 | \$ 3,022.42 | \$ - | \$ 328.77 | \$ 151.74 | \$ 25.29 |
| | | <i>Sub-Total Regular Bills/Additional Bills/Hand Checks</i> | \$ 102,923.98 | \$ 13,305.08 | \$ 2,424.46 | \$ 30,046.91 | \$ 49,865.72 | \$ 7,281.81 |
| Gross Payroll | 459 | | | | | | | |
| | | Sub-Total | \$ - | | | | | |
| | | GRAND TOTAL | \$ 102,923.98 | \$ 13,305.08 | \$ 2,424.46 | \$ 30,046.91 | \$ 49,865.72 | \$ 7,281.81 |

| PAYROLL AMOUNTS | | | | | |
|----------------------|--------|--------------------|--------------------|--------------------|--------------------|
| 06/13/19 | | | | | |
| Pay 460 | | GROSS PAY | OVERTIME | LONGEVITY | BASE PAY |
| Employee Code | Dept. | | PAY | PAY | |
| FULL-TIME | | | | | |
| MGR. | MSM | \$1,576.00 | \$0.00 | \$0.00 | \$1,576.00 |
| DPW1 | DPW | \$2,448.00 | -\$528.00 | \$0.00 | \$1,920.00 |
| DPW2 | DPW | \$2,609.00 | -\$372.00 | -\$125.00 | \$2,112.00 |
| DPW3 | DPW | \$2,912.60 | -\$390.40 | -\$375.00 | \$2,147.20 |
| DPWS | DPW | \$2,819.20 | \$0.00 | -\$500.00 | \$2,319.20 |
| ENERGY1 | Energy | \$3,509.96 | -\$200.76 | -\$250.00 | \$3,059.20 |
| ENERGY2 | Energy | \$3,298.92 | -\$114.72 | -\$125.00 | \$3,059.20 |
| ENERGYS | Energy | \$3,798.60 | \$0.00 | -\$125.00 | \$3,673.60 |
| ENERGY3 | Energy | \$3,342.26 | -\$264.50 | \$0.00 | \$3,077.76 |
| ENERGY4 | Energy | \$2,541.83 | -\$113.83 | \$0.00 | \$2,428.00 |
| ENERGYS | Energy | \$2,787.50 | \$237.00 | -\$500.00 | \$2,524.50 |
| DCC | Office | \$1,518.40 | \$0.00 | \$0.00 | \$1,518.40 |
| DCC | Office | \$1,518.40 | \$0.00 | \$0.00 | \$1,518.40 |
| MGR. | Office | \$3,269.60 | \$0.00 | \$0.00 | \$3,269.60 |
| CC | Office | \$2,295.80 | \$0.00 | -\$375.00 | \$1,920.80 |
| DCC | Office | \$1,213.20 | \$0.00 | \$0.00 | \$1,213.20 |
| PO | Police | \$2,376.04 | \$0.00 | -\$125.00 | \$2,251.04 |
| PO | Police | \$2,794.67 | -\$825.01 | \$0.00 | \$1,969.66 |
| PO | Police | \$2,327.78 | -\$76.74 | \$0.00 | \$2,251.04 |
| PC | Police | \$2,653.20 | \$0.00 | -\$250.00 | \$2,403.20 |
| DS | Police | \$2,811.76 | \$0.00 | -\$500.00 | \$2,311.76 |
| BIOS | WW | \$3,247.20 | \$0.00 | -\$500.00 | \$2,747.20 |
| BIOS | WW | \$2,112.00 | \$0.00 | \$0.00 | \$2,112.00 |
| BIOS | WW | \$2,915.60 | -\$268.40 | -\$500.00 | \$2,147.20 |
| TOTAL | | \$62,697.52 | -\$2,917.36 | -\$4,250.00 | \$55,530.16 |
| COUNCIL | | | | | |
| CC1 | | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| CC2 | | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| CC3 | | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| CC4 | | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| CC5 | | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| CC6 | | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| CC7 | | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| CC8 | | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| CC9 | | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| TOTAL | | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| PART-TIME | | | | | |
| MGR. | HHD | \$677.88 | \$0.00 | \$0.00 | \$677.88 |
| DPW - PT | DPW | \$772.50 | \$0.00 | \$0.00 | \$772.50 |
| PPO | POL-PT | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| PPO | POL-PT | \$975.00 | -\$225.00 | \$0.00 | \$750.00 |
| EW | Office | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| PPO | POL-PT | \$1,005.00 | -\$225.00 | \$0.00 | \$780.00 |
| TOTAL | | \$3,430.38 | -\$450.00 | \$0.00 | \$2,980.38 |
| TOTAL PAYROLL | | \$66,127.90 | -\$3,367.36 | -\$4,250.00 | \$58,510.54 |

Item 9

OVERTIME HOURS WORKED

| Pay Period 5/24/19 - 6/6/19 | | Pay 460 | PAID HOURS | | | Call-Out | Pay Date 6/13/19 |
|-----------------------------|--------|------------------------|------------|------|-------|----------|---|
| EMPLOYEE NAME | DEPT. | DATES WORKED | 1.5x | 2x | 2.25x | Sched. | REASON |
| Chris Kies | BPTF | | | | | | |
| Frank Lloyd | BPTF | 5/27, 6/1, 2 | 2 | 3 | | S | Lab |
| Jason Riggs | DPW | 5/27, 30, 31 6/3, 4 | 8 | 2 | | S | SK run, Painting lines |
| Mike Eisenlohr | DPW | 5/27, 30 6/3, 4 | 6.00 | 3.3 | | S | 5K run, Painting lines |
| Matt Adams | DPW | 5/27, 30, 31 6/3, 4, 6 | 10.00 | 3.50 | | S | 5K run, Painting lines, Street sweeping |
| Terry Birkman | Energy | 5/30, 6/5, 6 | 3.50 | | | S | Tyler Rd. Tie-in, Service Repairs |
| Andy Van Zoeren | Energy | 5/25, 26 6/6/19 | 3.00 | 2.00 | | S | Tyler Rd. Tie-in, Lab & Irrigation |
| Nathan Gowell | Energy | 6/5, 6 | 2.00 | | | S | Tyler Rd. Tie-in, Service Repairs |
| Jed Van Dyke | Energy | 5/30, 6/6 | 2.50 | | | S | Polk Road, 7200 Conversion |
| Scott Van Agtmael | Energy | 5/30, 31 6/5, 6 | 5.50 | | | S | Tyler Rd. Tie-in, Service Repairs |
| Shawn Anderson | Police | | | | | | |
| Brian Hintz | Police | 5/27/2019 | | | 11 | S | Holiday |
| Kevin Skipski | Police | | | | | | |
| Joe Ingalls | Police | 5/29, 30 | 2.00 | | | S | Holiday |
| Hildegardo Hinjosa (PT) | Police | 5/27/2019 | 10.00 | | | S | Holiday |
| David Malotke | Police | 5/27/2019 | 10.00 | | | S | Holiday |

Memo

To: Mayor and City Council
From: Lynne Ladner
cc:
Date: 6/11/19
Re: Water Sewer and Trash Rates

Each year as part of the budget adoption process the water, sewer and trash rates for the new fiscal year are adopted. This year the rates include two changes. The first an increase in water rates based upon preliminary calculations of the necessary revenues to balance the fund for FY2020 so that operating revenues are inline with operating expenditures. The second is the addition of a \$1 per month per residential account fee under solid waste to assist in offsetting the cost of the annual spring clean-up.

As requested by the Finance and Personnel committee attached is a spreadsheet which shows with the increase of 10% will do to the average residential and average demand customer's monthly utility bill.

It is my recommendation that Resolution 19-33 Water Sewer and Trash rates be adopted with rates effective July 1, 2019.

Lynne

Water Rates

Ready to Serve/Base Rate

| | Current | 10% inc |
|------------------------|---------|---------|
| WA1W - 1&1/2" | \$10.50 | \$11.55 |
| WA22 - 2" Outside City | \$8.30 | \$9.13 |
| WA2W 2" | \$26.00 | \$28.60 |
| WA3W 3" | \$13.00 | \$14.30 |
| WA44 4" Outside City | \$16.25 | \$17.88 |
| WA4W 4" | \$16.25 | \$17.88 |
| WA58 5/8" | \$6.85 | \$7.54 |
| WA5W 5" | \$16.25 | \$17.88 |
| WA6W 6" | \$16.25 | \$17.88 |

STANDARD RESIDENTIAL

Current Water Rate Table we go by

| | |
|--|--------|
| Water Usage 0-3,000 gallons | \$8.30 |
| Water Usage 4,000-13,000 add \$1.15 per 1,000 gallon | \$9.13 |
| Water Usage over 13,000 add \$1.02 per 1,000 gallon | \$1.12 |

Average residential customer is 3,000 or below

Demand Commerical Customers 12
month average

| | |
|-----------------------|-----------|
| Freeze pack | 9,575,000 |
| Oceana Co Administrat | 90,000 |
| Daves Party Store | 58,000 |
| Indian Summer | 49,000 |
| Gales IGA | 17,000 |
| Hart High School | 42,000 |
| Hart Middle School | 22,500 |
| Hansen Foods | 81,500 |
| GHSP | 158,000 |
| Hart Plastics | 3,000 |
| Duens Inn Express | 145,000 |
| DHS | 7,000 |
| Oceana Medical Care | 286,500 |

Current Avg Monthly Bill

| 0-3000 | 4-13K | 13001-up | Avg Mth |
|---------|---------|------------|------------|
| \$16.25 | \$11.60 | \$9,753.24 | \$9,781.09 |
| \$16.25 | \$11.60 | \$78.54 | \$106.39 |
| \$16.25 | \$11.60 | \$45.90 | \$73.75 |
| \$16.25 | \$11.60 | \$36.72 | \$64.57 |
| \$16.25 | \$11.60 | \$4.08 | \$31.93 |
| \$16.25 | \$11.60 | \$29.58 | \$57.43 |
| \$16.25 | \$11.60 | \$96.90 | \$124.75 |
| \$16.25 | \$11.60 | \$69.87 | \$97.72 |
| \$16.25 | \$11.60 | \$147.90 | \$175.75 |
| \$16.25 | \$0.00 | \$0.00 | \$16.25 |
| \$16.25 | \$11.60 | \$134.64 | \$162.49 |
| \$16.25 | \$4.64 | \$0.00 | \$20.89 |
| \$16.25 | \$11.60 | \$278.46 | \$306.31 |

Proposed Mth Avg Bill with 10% incr

| 0-3000 | 4-13K | 13001-up | Avg Mth |
|---------|---------|-------------|-------------|
| \$17.88 | \$12.80 | \$10,709.44 | \$10,740.12 |
| \$17.88 | \$12.80 | \$86.24 | \$116.92 |
| \$17.88 | \$12.80 | \$50.40 | \$81.08 |
| \$17.88 | \$12.80 | \$40.32 | \$71.00 |
| \$17.88 | \$12.80 | \$4.48 | \$35.16 |
| \$17.88 | \$12.80 | \$32.48 | \$63.16 |
| \$17.88 | \$12.80 | \$106.40 | \$137.08 |
| \$17.88 | \$12.80 | \$76.72 | \$107.40 |
| \$17.88 | \$12.80 | \$162.40 | \$193.08 |
| \$17.88 | \$0.00 | \$0.00 | \$17.88 |
| \$17.88 | \$12.80 | \$147.84 | \$178.52 |
| \$17.88 | \$5.12 | \$0.00 | \$23.00 |
| \$17.88 | \$12.80 | \$305.76 | \$336.44 |

Difference

| |
|----------|
| \$959.03 |
| \$10.53 |
| \$7.33 |
| \$6.43 |
| \$3.23 |
| \$5.73 |
| \$12.33 |
| \$9.68 |
| \$17.33 |
| \$1.63 |
| \$16.03 |
| \$2.11 |
| \$30.13 |

Difference

| |
|----------|
| \$941.15 |
| -\$7.35 |
| -\$10.55 |
| -\$11.45 |
| -\$14.65 |
| -\$12.15 |
| -\$5.55 |
| -\$8.20 |
| -\$0.55 |
| -\$16.25 |
| -\$1.85 |
| -\$15.77 |
| \$12.25 |

RESOLUTION 19-33
City Council
City of Hart, Michigan

FY2020 ELECTRIC, WATER, SEWER & TRASH RATES

WHEREAS, the City of Hart owns and operates electric, water, sewer, and wastewater treatment facilities; and contracts for trash hauling services (“services”); and

WHEREAS, these services are funded through user rates and should self-fund their operations, maintenance, equipment replacement, and debt service; and

WHEREAS, the FY2020 Annual Budget was developed assuming the following electric, water, sewer and trash rates; 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 HART CITY COUNCIL:

Adopts the rates and charges as identified below for FY2020 effective for all bills for services mailed on or about July 1, 2019:

| | | |
|-----------------|---|----------------------------|
| <u>A</u> | <u>ELECTRIC—RESIDENTIAL</u> | <u>RATES FY2019</u> |
| | Single phase monthly base rate | \$7.00 |
| | Three phase monthly base rate | \$19.00 |
| | kWh charge | \$0.0765 |
| <u>B</u> | <u>ELECTRIC-- COMMERCIAL</u> | <u>RATES FY2019</u> |
| | Single phase monthly base rate | \$16.50 |
| | Three phase monthly base rate | \$19.00 |
| | kWh charge | \$0.0910 |
| <u>C</u> | <u>ELECTRIC--DEMAND CUSTOMER</u> | <u>RATES FY2019</u> |
| | Monthly base rate | \$60.00 |
| | Demand charge per KW | \$8.00 |
| | kWh charge | \$0.0564 |

| <u>D</u> | <u>ELECTRIC—INDUSTRIAL CUSTOMER EXCEEDING 2,000,000 KWH ANNUALLY</u> | <u>RATES FY2019</u> |
|----------|--|---------------------|
| | Monthly base rate | \$60.00 |
| | Demand charge per KW | \$7.00 |
| | kWh charge | \$0.0530 |
| <u>E</u> | <u>FUEL COST ADJUSTMENT FACTOR (12-MONTH ROLLING AVERAGE)</u> | Varies |
| <u>F</u> | <u>ENERGY OPTIMIZATION</u> | <u>RATES FY2019</u> |
| | Residential per kWh | \$0.0013 |
| | Commercial per meter | \$4.43 |
| | Industrial per meter (6) | \$215.24 |

| <u>G</u> | <u>WATER</u> | <u>RATES FY2019</u> |
|----------|---|---------------------|
| | Base rate per month including up to 3,000 gallons per month with 5/8 inch meter | \$7.54 |
| | 1 inch meter | \$9.13 |
| | 1.5-inch meter | \$11.55 |
| | 2-inch meter | \$14.30 |
| | 3-inch meter | \$15.95 |
| | 4-inch meter | \$17.88 |
| | Rate per 1000 gallons (3001-13,000 gallons per month) | \$1.28 |
| | Rate per 1000 gallons (over 13,000 per month) | \$1.12 |

| <u>H</u> | <u>WASTEWATER</u> | <u>RATES FY2019</u> |
|----------|---|---------------------|
| | Base rate per month including up to 3,000 gallons per month | \$29.78 |
| | Volume rate per 1000 gallons per month over 3,000 gallons | \$3.31 |

| | | |
|-----------------|--|-------------------------|
| | Volume rate per 1000 gallons per month over 3,000 gallons (contracts) | \$3.31 |
| | BOD Surcharge per pound | \$0.191 |
| | TSS Surcharge per pound | \$0.140 |
| | | |
| <u>I</u> | <u>CUSTOMER CHARGE</u> | |
| | Gray & Company | \$2,769.60/month |
| | Michigan Freeze Pack | \$900.00/month |
| | Indian Summer | \$900.00/month |

| | | |
|-----------------|---|----------------|
| <u>J</u> | MONTHLY RESIDENTIAL TRASH COLLECTION FEE | \$21.90 |
| | MONTHLY RESIDENTIAL CLEAN UP FEE | \$1.00 |

Moved by _____, supported by _____, and thereafter adopted at the regular City of Hart City Council meeting on June 11, 2019.

Ayes: Nays: Absent:

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 City Clerk

Memo

To: Mayor and City Council
From: Lynne Ladner
cc:
Date: 6/11/19
Re: Millage Rates and Tax Levy

The FY2020 budget was prepared with the expectation that we would not be seeking a Headlee Override for the City's millage rates. With this in mind a Truth in Taxation here was not needed in order to determine what the allocated millage rates would be for FY2020.

The millage rates are slightly less than FY2019 as anticipated with the Operating Millage: 12.389, the Streets Millage: 1.9445, and the Cemetery Millage: .4869 for a total City Millage rate of 14.7603

It is my recommendation that the Council adopt Resolution 19-34 Adoption of 2019 Millage Rates.

Lynne

RESOLUTION 19-34
City Council
City of Hart, Michigan
Oceana County

ADOPTION OF 2019 MILLAGE RATES & LEVY

WHEREAS, the City of Hart has established a general millage for operating purposes and voted millage for cemetery and street improvements in 2018 and 2015, respectively; and

WHEREAS, without a "Truth In Taxation" hearing the proposed tax rates cannot exceed the maximum rates allowed by "Headlee" rules (MCL 211.34);

NOW THEREFORE BE IT RESOLVED THAT THE HART CITY COUNCIL:

Adopts and levies the following tax rates for 2019 as follows:

| <u>PURPOSE</u> | <u>2019 MILLAGE RATE</u> |
|---------------------------------|--------------------------|
| Operating | 12.3289 |
| Streets (Voted November, 2014) | 1.9445 |
| Cemetery (Voted November, 2002) | 0.4869 |
| TOTAL | 14.7603 |

Moved by _____ and supported by _____, and thereafter adopted by the City of Hart, Michigan City Council at a regularly scheduled meeting held on Tuesday, June 11, 2019.

Ayes: Nays: Absent:

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 City Clerk

Memo

To: Mayor and City Council
From: Lynne Ladner
cc:
Date: 6/11/19
Re: FY 2020 Annual Budget Adoption

The FY2020 budget as presented for adoption includes the following Revenue and Expenditures by Fund:

| City of Hart , Michigan | | |
|---|------------------------|----------------------------|
| FY2020 July 1, 2019 - June 30, 2020 Budget | | |
| <u>GENERAL OPERATING FUNDS</u> | | |
| General – 101/City Hall - 102 | <u>REVENUES</u> | <u>EXPENDITURES</u> |
| Total | \$1,809,365 | \$1,806,360 |
| | Balance | \$3,005 |
| Major Streets - 202 | \$137,100 | \$90,000 |
| | Balance | \$47,100 |
| Local Streets - 203 | \$209,100 | \$205,954 |
| | Balance | \$3,146 |
| Street Improvements - 204 | \$277,247 | \$273,369 |

| | | |
|--------------------------------------|------------------------|----------------------------|
| | Balance | \$3,878 |
| | | |
| Park - 208 | \$120,030 | \$106,860 |
| | Balance | \$13,170 |
| | | |
| Tax Increment Financing - 215 | \$56,070 | \$55,000 |
| | Balance | \$1,070 |
| | | |
| Hart Main Street | \$67,290 | \$65,700 |
| | Balance | \$1,590 |
| | | |
| Historic Commission - 701 | \$5,050 | \$5,000 |
| | Balance | \$50 |
| | | |
| Historic District - 702 | \$66,950 | \$57,010 |
| | Balance | \$9,940 |
| | | |
| <u>ENTERPRISE FUNDS</u> | | |
| | <u>REVENUES</u> | <u>EXPENDITURES</u> |
| | | |
| Hydroelectric - 580 | \$5,419,900 | |
| Total | \$5,419,900 | \$5,369,075 |
| | | |
| | Balance | \$50,825 |
| | | |
| | <u>REVENUES</u> | <u>EXPENDITURES</u> |
| | | |
| BioPure - 590 | \$2,962,642 | |
| Water - 591 | \$1,234,450 | |
| Total | \$4,197,092 | \$4,169,462 |
| | | |
| | Balance | \$27,630 |
| | | |
| <u>SPECIAL FUNDS</u> | | |
| | <u>REVENUES</u> | <u>EXPENDITURES</u> |
| | | |
| Library Debt Service - 301 | \$75,760 | \$75,750 |

| | | |
|--------------------------------|-------------------------------|------------------------------|
| | Balance | \$10 |
| | | |
| Cemetery Taxation - 209 | \$23,835 | \$23,000 |
| | Balance | \$835 |
| | | |
| Hart Lake Board - 241 | \$29,150 | \$28,860 |
| | Balance | \$290 |
| | | |
| Rail Trail - 284 | \$8,000 | \$8,000 |
| | Balance | \$0 |
| | | |
| GRAND TOTAL FY2020 | <u>REVENUES</u> | <u>EXPENDITURES</u> |
| | \$12,501,938 | \$12,339,400 |
| | Includes use of cash reserves | Includes interfund transfers |

It is my recommendation that the Council adopt Resolution 19-35 FY2020 Annual Budget Adoption for the FY beginning July 1, 2019.

Lynne

RESOLUTION 19-35
City Council
City of Hart, Michigan

FY2020 ANNUAL BUDGET ADOPTION

WHEREAS, the City of Hart pursuant to Chapter IX of the Hart City Charter is required to conduct a public hearing for and adopt an annual budget on or before the first meeting in June each year, and City staff has prepared and submitted a budget for review by various committees and boards,; and

WHEREAS, the City of Hart conducted a public hearing on June 11, 2019 regarding the annual budget; and

WHEREAS, the City of Hart has prepared a 5-Year Capital Improvement Program, a planning and forecasting tool to assess the long-term infrastructure needs of the City; 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 Annual Budget for FY2020 (July 1, 2019 – June 30, 2020) and 5-Year Capital Improvement Program is adopted as follows:

City of Hart , Michigan
FY2020 July 1, 2019 - June 30, 2020 Budget

GENERAL OPERATING FUNDS

| | <u>REVENUES</u> | <u>EXPENDITURES</u> |
|------------------------------------|------------------------|----------------------------|
| General - 101 | \$1,597,625 | |
| City Hall - 102 | \$211,740 | |
| City Council | | \$6,865 |
| Administration | | \$210,890 |
| Elections | | \$4,400 |
| Assessor | | \$45,600 |
| Attorney | | \$20,000 |
| Police & Public Safety | | \$503,666 |
| Public Works & Services | | \$827,807 |
| Recreation, Culture & Preservation | | \$15,500 |
| Community & Economic Development | | \$108,870 |
| City Hall | | \$62,762 |
| Total | \$1,809,365 | \$1,806,360 |
| | <i>Balance</i> | <i>\$3,005</i> |

| | | |
|--------------------------------------|----------------|-----------------|
| Major Streets - 202 | \$137,100 | \$90,000 |
| | Balance | \$47,100 |
| Local Streets - 203 | \$209,100 | \$205,954 |
| | Balance | \$3,146 |
| Street Improvements - 204 | \$277,247 | \$273,369 |
| | Balance | \$3,878 |
| Park - 208 | \$120,030 | \$106,860 |
| | Balance | \$13,170 |
| Tax Increment Financing - 215 | \$56,070 | \$55,000 |
| | Balance | \$1,070 |
| Hart Main Street | \$67,290 | \$65,700 |
| | Balance | \$1,590 |
| Historic Commission - 701 | \$5,050 | \$5,000 |
| | Balance | \$50 |
| Historic District - 702 | \$66,950 | \$57,010 |
| | Balance | \$9,940 |

ENTERPRISE FUNDS

| | <u>REVENUES</u> | <u>EXPENDITURES</u> |
|----------------------------|------------------------|----------------------------|
| Hydroelectric - 580 | \$5,419,900 | |
| Dam Production | | \$393,075 |
| Diesel Production | | \$69,360 |
| Purchased Power | | \$3,083,940 |
| Distribution | | \$723,940 |
| Accounting | | \$233,420 |
| Administration | | \$645,340 |
| Debt Service | | \$0 |
| Capital Improvements | | \$220,000 |
| Total | \$5,419,900 | \$5,369,075 |
| | <i>Balance</i> | <i>\$50,825</i> |

| | <u>REVENUES</u> | <u>EXPENDITURES</u> |
|------------------------------|------------------------|----------------------------|
| BioPure - 590 | \$2,962,642 | |
| Water - 591 | \$1,234,450 | |
| Sewer Treatment | | \$1,049,714 |
| Sewer Lift Stations | | \$54,535 |
| Sewer Collection | | \$643,174 |
| Sewer Administration | | \$343,909 |
| Sewer Debt Service | | \$0 |
| Water Production | | \$62,719 |
| Water Transmission | | \$63,078 |
| Water Administration | | \$121,376 |
| Water Debt Service | | \$0 |
| Capital Improvements-BioPure | | \$845,958 |
| Capital Improvements-Water | | \$985,000 |
| Total | \$4,197,092 | \$4,169,462 |
| | <i>Balance</i> | <i>\$27,630</i> |

SPECIAL FUNDS

| | <u>REVENUES</u> | <u>EXPENDITURES</u> |
|----------------------------|------------------------|----------------------------|
| Library Debt Service - 301 | \$75,760 | \$75,750 |
| | <i>Balance</i> | <i>\$10</i> |
| Cemetery Taxation - 209 | \$23,835 | \$23,000 |
| | <i>Balance</i> | <i>\$835</i> |
| Hart Lake Board - 241 | \$29,150 | \$28,860 |
| | <i>Balance</i> | <i>\$290</i> |
| Rail Trail - 284 | \$8,000 | \$8,000 |
| | <i>Balance</i> | <i>\$0</i> |

| | | |
|---------------------------|---|---|
| GRAND TOTAL FY2019 | <u>REVENUES</u> \$12,501,938 | <u>EXPENDITURES</u> \$12,339,400 |
| | Includes use of cash reserves | Includes interfund transfers |

PRIOR YEAR BUDGETED FY2019 **\$12,325,770** **\$12,096,880**

Moved by _____, supported by _____, and thereafter adopted at the regular City of Hart City Council meeting on June 11, 2019.

Ayes: Nays: Absent:

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 City Clerk

Memo

To: Mayor and City Council
From: Lynne Ladner
cc:
Date: 6/11/19
Re: Fire Insurance Withholding Program

Under PA 495 of 1980 and as amended by PA216 of 1998 the City has the ability to opt-in to the Fire Insurance Withholding Program (FIWP) within the Department of Insurance and Financial Services of the State of Michigan. Opting in to this program through the completion of the Enrollment and Notification and Council Resolution will enroll the City in the FIWP which provides the City with the ability to have great involvement in assisting and encouraging property owners to repair and maintain properties that have been damaged by fire.

Once the resolution and enrollment forms are submitted to the State they will include the City on the next updated list of communities participating which is distributed to all property and casualty insurance companies operating in the State of Michigan. The program will take effect 30 days following the publication of the updated list following our enrollment. The program is designed to permit the City to hold in Escrow 25% of the insurance settlement up to the escrow maximum (currently \$12,746 per settlement) which is adjusted annually by CPI in order to secure repair, replacement or removal of damaged structures which violate our City health or safety standards.

It is my recommendation that the Council adopt Resolution 19-37 Fire Insurance Withholding Program to permit the City to enroll in this very advantageous program.

Lynne

RESOLUTION 19-36
City Council
City of Hart, Michigan
Oceana County

FIRE INSURANCE WITHHOLDING PROGRAM

WHEREAS, the provisions of Act 495 of the Public Acts of 1980; as amended by Act 216 of the Public Acts of 1998, and the provisions of Act 217 of the Public Acts of 1998, provide that a portion of certain casualty losses for fire or explosion otherwise payable by insurers may be withheld in escrow by participating municipalities in order to secure repair, replacement or removal of damaged structures which violate the City of Hart health or safety standards; and

WHEREAS, the City of Hart has determined that participation in said program would protect and promote the public health, safety and welfare and wishes to be included in the list of participating municipalities published by the Commissioner of Insurance; and,

WHEREAS, the City of Hart desires to implement all procedures necessary to administer said program by designating the Township/Village/City official responsible for administration of the program and establish an escrow account for said purpose.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

1. That the City of Hart does hereby become a participating municipality in the program providing for the escrow of fire insurance as established by Act 495 of the Public Acts of 1980; as amended by Act 216 of the Public Acts of 1998, or as established by Act 217 of the Public Acts of 1998, and does declare its intention to uniformly apply the provisions of Section 2845 or Section 2227 to all property within the City of Hart.
2. That the City of Hart official responsible for the administration of Section 2845 or 2227 of said Acts and any rules promulgated by the Commissioner of Financial and Insurance Services is hereby designated as follows: City Treasurer
3. That the City of Hart Official shall establish an escrow account with the Huntington Bank for the purpose of receiving and holding deposits of money received from insurers pursuant to Section 2845 or 2227 of said Acts, which account shall be separately maintained from all other accounts and may be an interest bearing account.

Moved by _____, supported by _____, and thereafter adopted at the regular City of Hart City Council meeting on June 11, 2019.

Ayes: Nays: Absent:

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 City Clerk



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF INSURANCE AND FINANCIAL SERVICES
LANSING

ANITA G. FOX
DIRECTOR

FIRE INSURANCE WITHHOLDING PROGRAM

On the following pages are an Enrollment and Notification Form and a sample resolution for the Fire Insurance Withholding Program. You should review Sections 500.2227 and 500.2845 of the Michigan Insurance Code to determine under which section your municipality is eligible to participate in the program.

Section 2845 of the Insurance Code includes municipalities of less than 50,000 in population located in counties of less than 425,000 in population. Municipalities that meet this population criteria which have passed resolutions establishing escrow accounts will be allowed to escrow 25% of a fire insurance settlement for fire and explosion losses to real property within the boundaries of the municipality.

Section 2227 of the Insurance Code includes municipalities with a population of 50,000 or more, or those municipalities with a population less than 50,000 but in a county with a population of 425,000 or more. These municipalities will be allowed to establish escrow accounts to escrow 25% of a fire insurance settlement for losses to real property caused by fire or explosion, as well as losses caused by the perils of vandalism, malicious mischief, wind, hail, riot, or civil commotion.

Under both of the above sections of the Insurance Code, a final settlement which exceeds 49% of the insurance on the real property will serve as prima facie evidence that the municipality has cause for escrowing of the withheld amount. For residential property, the 25% settlement shall not exceed the amount adjusted annually in accordance with the consumer price index with the adjusted amount reflected in the upper right corner of the published list of participating municipalities. Both sections of the Insurance Code also establish a method for the policyholder to object to the municipality's retention of the withheld amount.

While there is no standard format for the resolution, we suggest that municipalities use the format of other resolutions adopted by their governing body. **The only legal requirement is that the resolution contain specific wording concerning the establishment of an escrow account.** The attached sample resolution contains sufficient language to that effect.

Once the resolution is passed, you need to provide the Department of Insurance and Financial Services (DIFS) with a copy, along with the enrollment form including the name and address of the person designated as the contact person for insurance companies. Your municipality and the contact person's name, address and telephone number would then be added to the list of municipalities currently participating in the program.

Updated lists are issued periodically by DIFS and distributed to licensed insurance companies. Because municipalities are prohibited from implementing the law sooner than thirty (30) days after insurers have been notified, each amended list contains an effective date for each municipality. **Only fire losses occurring after that date** are subject to the withholding provisions.

Should you have any further questions about this program, please contact DIFS toll free at 877-999-6442.

Fire Insurance Withholding Program Enrollment and Notification

Please type or print clearly

| | | |
|--|--|--|
| Name of Municipality City of Hart | Type of Municipality (choose one) <input checked="" type="checkbox"/> City <input type="checkbox"/> Village <input type="checkbox"/> Township | Located in the Michigan County of: Oceana |
| Name and title of Contact Person Lynne Ladner, City Manager | <p>Please return completed form to:</p> <p>Department of Insurance and Financial Services Office of Consumer Services PO Box 30220 Lansing MI 48909-7720</p> | |
| Contact Person complete address 407 State St Hart, MI 49420 | | |
| Contact Person phone number (with area code) (231) 873-2488 | | |
| Contact Person email address lladner@cityofhart.org | | |

Municipality will be participating under the following section of the Michigan Insurance Code (choose one):

- Section 2845 - Municipalities of less than 50,000 in population located in counties of less than 425,000 in population.
- Section 2227 - Municipalities with a population of 50,000 or more, or those municipalities with a population less than 50,000 but in a county with a population of 425,000 or more.

Please enroll this municipality in the Fire Insurance Withholding Program.

| | | |
|----------------------|-------------|---|
| Authorized signature | Date signed | Signer's name and title, typed or printed Lynne Ladner, City Manager |
|----------------------|-------------|---|

P.A. 216 and 217 of 1998 require submission of this information by municipalities that wish to enroll in the Fire Insurance Withholding Program.



Michigan Department of Insurance and Financial Services

DIFS is an equal opportunity employer/program.
 Auxiliary aids, services and other reasonable accommodations are available upon request to individuals with disabilities.
 Visit DIFS online at: www.michigan.gov/difs Phone DIFS toll-free at: 877-999-6442

Memo

To: Mayor and City Council
From: Lynne Ladner
cc:
Date: 6/11/19
Re: LIEAF Opt-in

In 2018 the City chose to opt-in to the Low Income Electric Assistance Fund in order to follow the necessary provisions under PA 95. This legislation and the resultant action allows the City to retain the right to shut off electric service during cold weather months as we are participating in an assistance fund allowing residents to obtain assistance with their electric bills between November and Mid-April.

It is my recommendation that the City continue to participate in this program and to renew their Opt-in by adopting Resolution 19-37 Low-Income Electric Assistance Fund.

Lynne

**RESOLUTION 19-37
Hart City Council
City of Hart, Michigan**

LOW-INCOME ELECTRIC ASSISTANCE FUND (LIEAF)

WHEREAS, the City of Hart owns, operates and maintains an electric utility system; and
WHEREAS, the State of Michigan enacted Public Act 95 in 2013 that prohibits discontinuance of electric service during cold weather months unless the utility opts into the Low-Income Energy Assistance Fund program established by the Act; 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 provisions of the Low-Income Energy Assistance Fund of Public Act 95 that authorizes the City to shut off electric service during cold weather months; and adopts a funding factor to be established by the State of Michigan not to exceed \$1.00 per month per meter.

Authorizes and directs the City Manager to implement the Public Act 95 LIEAF program on behalf of the City of Hart for the cold weather term from November 1, 2019 to April 15, 2020 and thereafter until repealed by City Council action.

Moved by _____, supported by _____ and thereafter adopted by the Hart City Council at a regular council meeting held on June 11, 2019.

Ayes: Nays: Absent:

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, Dep. City Clerk