



*City of Hart, Michigan*  
**PLANNING COMMISSION**

**August 4, 2022**

**AGENDA**

Hart Council Chambers, 407 State Street, Hart, MI 49420

**4:00 PM**

*Access is provided through the Michigan Relay Service for individuals with speech or hearing impairments <https://hamiltonrelay.com/michigan/index.html>*

1. Call to order / roll call: Cunningham, Evans, Goldberg, LaPorte, Root, J. Wittman, P. Wittman
2. Approval of agenda
3. Approval of minutes of May 5, 2022, Commission meeting
4. Public comments
5. Action Items
6. Discussion Item.
  - a. Review Horizon Community Planning memo regarding Mobile Food Units
  - b. Creeks Subdivision development current status and discussion
  - c. Planning consultant services RFP
7. Other business and communications from Commission members
8. Adjourn – Next regular meeting on September 1, 2022

# City Of Hart

407 S. State St  
 Hart, MI 49420  
 Planning Commission  
 Thursday, May 5<sup>th</sup>, 2022  
 Minutes

**MEMBERS PRESENT:** Betty Root, Jim Cunningham, Jim Evans, Gale Goldberg, Diane LaPorte, Jack Wittman, and Peggy Wittman

**ABSENT:**

**OTHERS PRESENT:** City Manager – Rob Splane, and City Clerk – Karla Swihart

B. Root called the meeting to order at 4:00 pm.

**APPROVAL OF AGENDA:** J. Cunningham moved to approve the agenda and supported by J. Wittman  
 Ayes: 7 Nays: 0 Absent: 0

**APPROVAL OF MINUTES:** D. LaPorte moved to approve minutes from January 6<sup>th</sup>, 2022, and supported by J. Evans  
 Ayes: 7 Nays: 0 Absent: 0

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

**ACTION ITEMS:** Review and Acceptance of Annual Report

Overview:

The Michigan Planning Enabling Act requires the Planning Commission to provide an annual written report to the City Council concerning its operations and the status of planning activities, recommendations, and goals. Please find the following summary information for 2021 and potential goals for 2022

Action Summary Table:

Type	2017	2018	2019	2020	2021
Meetings	11	7	6	7	6
Text Amendments	3	0	5	0	0
Site Plans	2	0	2	1	2
Special Land Uses	1	0	0	1	0
Plats	0	0	0	0	0
Site Condos	0	0	0	0	0
Rezoning	1	3	1	2	1

2021 Attendance:

Month	Betty Root Chair	Robert Splane Councilor	Diane Laporte Member	Gale Goldberg Member	Peggy Wittman Member	Jim Cunningham Member	Jack Wittman Member
January	X	-	-	X	X	X	X
March	-	X	-	X	X	X	X
April	X	-	X	X	-	X	-
May	X	X	-	X	X	X	X
October	X	X	X	-	X	X	X
December	X	X	X	X	-	X	-
Meetings	5/6	4/6	3/6	5/6	4/6	6/6	4/6

2021 Reviews:

Date	Application	Decision	Vote
1-7-21	Rezoning of 311 East Main St, B-1 Central Business District to A-Residential	Recommendation of Denial	5-0
1-7-21	Auto Zone Site Plan	Approved	5-0
12-2-21	Seneca Foods Site Plan Amendment	Approved	5-0

2021 Discussions:

1. Gale's IGA building future use.
2. Industrial Park covenants and restrictions.
3. Obscene signs.
4. Redevelopment Ready communities.
5. Permanent Makeup Business
6. Maximum lot coverage.

2022 Goals- To Discuss on May 5<sup>th</sup>, 2022

1. General review of Zoning Ordinance
2. Master Plan 5-Year Review

J. Cunningham moved to recommend approval to City Council and supported by J. Evan  
Ayes: 7 Nays: 0 Absent: 0

**DISCUSSION ITEMS:** Mobile Food Unit planning and direction

Overview:

The topic of mobile food unit regulation has recently arisen. Sometimes know as "food trucks", a mobile food unit is defined as a motor vehicle, such as a van or truck, or a trailer that can be attached to a motor vehicle, which is used for preparation, sales, and service of food and beverages. Food preparation and service occur within the motor vehicle or alongside or inside the trailer.

In general, there are three placement scenarios for mobile food truck sales. Mobile food units can be placed in a single location permanently or seasonally, placed temporarily in a parking lot, or placed temporarily within the public right-of-way. In any of these scenarios, it is important to consider the pros and cons and potential implications.

It should be noted that owners of established restaurants are sometimes resistant to mobile food units as they create competition to serve a limited number of patrons in the market area. Other criticism sometimes relates to property taxes that are not paid by mobile food unit owners. However, mobile food units can serve as an incubator for new businesses and can even supplement the operations of existing restaurant owners.

Regulation:

The three scenarios mentioned earlier in this report should be discussed by the Planning Commission.

1. Mobile food unit as a permanent fixture on a site. In this case, the mobile food unit would essentially be comparable to a principal or accessory building, and all development regulations would remain applicable (lighting, landscaping, signs, utilities, parking, setbacks, etc.).
2. Mobile food unit as an accessory use in a parking lot or yard area. Where mobile food units are an accessory use, typical regulations include the following topics.
  - a. Zoning District/location
  - b. Timeframe and hours of operation
  - c. Number of mobile food units
  - d. Corner sight clearance
  - e. Maintenance of required parking spaces for principal use
  - f. Setbacks
  - g. Temporary displays and signs
  - h. Maintaining clear areas for pedestrian and vehicle travel
  - i. Waste Management

3. Mobile food units in the public right-of-way. In some cities, mobile food units are allowed to park in the public right-of-way, adjacent to sidewalks, for example, this scenario typically accommodates pedestrians in a downtown atmosphere. Since zoning does not regulate the public right-of-way, a separate ordinance would need to address this scenario.

Next Steps:

The Planning Commission should discuss whether mobile food units are a desirable option for food service in the City of Hart.

- City Manager R. Splane, three different entities have brought up wanting to bring Mobile food trucks to the City of Hart. Over the years the City has been somewhat relaxed on food trucks so periodically one would be parked in the old IGA parking lot, across the street from the fair grounds. It came to my attention that the current ordinance the City has there is nothing addressing food trucks in general, so the ordinance being permissive would allow that use, but without having any restraints or language in the ordinance for the City to be able to regulate that use and puts the City at disadvantage. Which is why this is being brought to the Planning Commission either we feel as a group "No" we do not want Mobile food trucks in the City and draft an ordinance to reflect that or Yes we want Mobile food trucks in the City and draft up an ordinance for exactly what the City wants regarding Mobile food trucks.  
There is a gentleman interested in buy a lot on comfort drive across from tractor supply who wants to put his food truck there put a parking lot in along with some infrastructure and maybe even a bathroom, but also with intentions if other people wanted to bring their food trucks there, he would rent a space to them as well. That is the background on why it is being brought to the Planning Commission to discuss.
- J. Wittman stated that would basically a restaurant then as he is buying the lot and will be paying taxes, where just a basic Mobile food truck would not be paying taxes and to me would be taking away business from the local restaurants, Plus the one across from the fair grounds is on City property. Are they paying anything to be there, and do they have to be checked over by the health department? City Manager Splane answered all the food trucks are required to have certification from the Health Department, but as far as how often they are checked I do not know. Also, must present their certification prior to being issued a peddlers permit from the City which is \$1.00 a day. However, if the City is going to allow Mobile food trucks maybe entertain a licensing fee of \$500 a week or something along those lines.
- B. Root stated that there are limited number of restaurants open for afternoon and evenings and many are not open on Monday's.
- D. LaPorte stated that the M10 spot food trucks in Ludington are opening, and food trucks are not necessary the kind of food you can get at a sit-down restaurant.
- J. Cunningham stated that when he looked over this proposal, he looked at the word Mobile as moving on a day-to-day basis and during the summertime the City could have a Mobile food truck downtown for residents who don't have time for a sit down lunch while at work. I feel it would be a very popular thing.
- G. Goldberg depending on how many have interest the City should have a limit on the number of Mobile food trucks that would be allowed. If on City property would be a liability and should talk to our insurance company to see if it is even allowed.
- P. Wittman wanted clarification from D. LaPorte not sure where in Ludington these food trucks are located, they are located on US 10 down across where KFC, Wesco are at in that little strip mall parking lots.
- J. Evans stated there is no reason the City can't designate an area where the Mobile food trucks can be located.
- J. Cunningham moved that The Planning Commission table this discussion at the present time and conduct future research into the tax status, fee regulations, placement, how many and so on and come back with a full investigation on allowing Mobile food trucks at the next meeting held on June 2<sup>nd</sup> and J. Evans supported.  
J. Evans would also take it upon himself to go up to Ludington and talk to them on how their ordinance is regarding Mobile food trucks.

P. Wittman would also like local restaurant owners be approached as part of the process.

Roll call vote:

Cunningham, Yes, Evans, Yes, Goldberg, Yes, LaPorte, Yes, Root, Yes, J. Wittman, Yes and P. Wittman, No. Motion carried

City Manager R. Splane, will have some proposed ordinances to present at the next meeting in June.

**OTHER BUSINESS AND COMMUNICATIONS FROM THE COMMISSION MEMBERS:**

P. Wittman stated there is a meeting tonight at the MSU building on Griswold for proposed 35 million new jail at 7pm Please come and hear how they want to sell it to you.

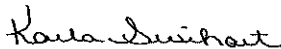
J. Evans there was some discussion at the City Council meeting concerns over parking on main street, one of the Council members made a comment while sitting in Stella's coffee shop noticed that the parking lot across the street had like 8 employees from State Farm parking there as there is not parking available behind the business, and I was wondering what the thought would be if there was anything the City could do to have them employees park down in the vacant lot the City owns down the street.

J. Cunningham regarding the draft plan sent out there was a minor error on the recreational plan in one place there is a place that states Hart is the only City in Oceana County, which is correct, but further down it states The City of Hart is in Hart Township additional municipalities include Weare Township, the City of Mears, Shelby and Pentwater. Mears, Shelby, and Pentwater are Villages. City Manager Splane will make sure that gets corrected.

D. Laporte reminder Asparagus festival is next month and wanted everyone to know that the Pancake Breakfast at Shelby Airport is back on.

**ADJOURN:**

- There being no further business to come before the Planning Commission, the meeting adjourned at 4:31 pm upon a motion by P. Wittman and supported by D. LaPorte. The next scheduled meeting will be held on June 2<sup>nd</sup>, 2022



Karla Swihart  
City Clerk

# Memorandum

**To:** City of Hart Planning Commission  
**Date:** April 29, 2022  
**From:** David M. Jirousek, AICP – Horizon Community Planning  
**RE:** Mobile Food Units

## Overview

The topic of mobile food unit regulation has recently arisen. Sometimes known as “food trucks,” a mobile food unit is defined as a motor vehicle, such as a van or truck, or a trailer that can be attached to a motor vehicle, which is used for the preparation, sales, and service of food and beverages. Food preparation and service occur within the motor vehicle or alongside or inside the trailer.

In general, there are three placement scenarios for mobile food truck sales. Mobile food units can be placed in a single location permanently or seasonally, placed temporarily in a parking lot, or placed temporarily within the public right-of-way. In any of these scenarios, it is important to consider the pros and cons and potential implications.

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## Regulation

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  - d. Corner sight clearance

- e. Maintenance of required parking spaces for principal use
  - f. Setbacks
  - g. Temporary displays and signs
  - h. Maintaining clear areas for pedestrian and vehicle travel
  - i. Waste management
3. Mobile food units in the public right-of-way. In some cities, mobile food units are allowed to park in the public right-of-way, adjacent to sidewalks, for example. This scenario typically accommodates pedestrians in a downtown atmosphere. Since zoning does not regulate the public right-of-way, a separate ordinance would need to address this scenario.

### **Next Steps**



The Planning Commission should discuss whether mobile food units are a desirable option for food service in the City of Hart.

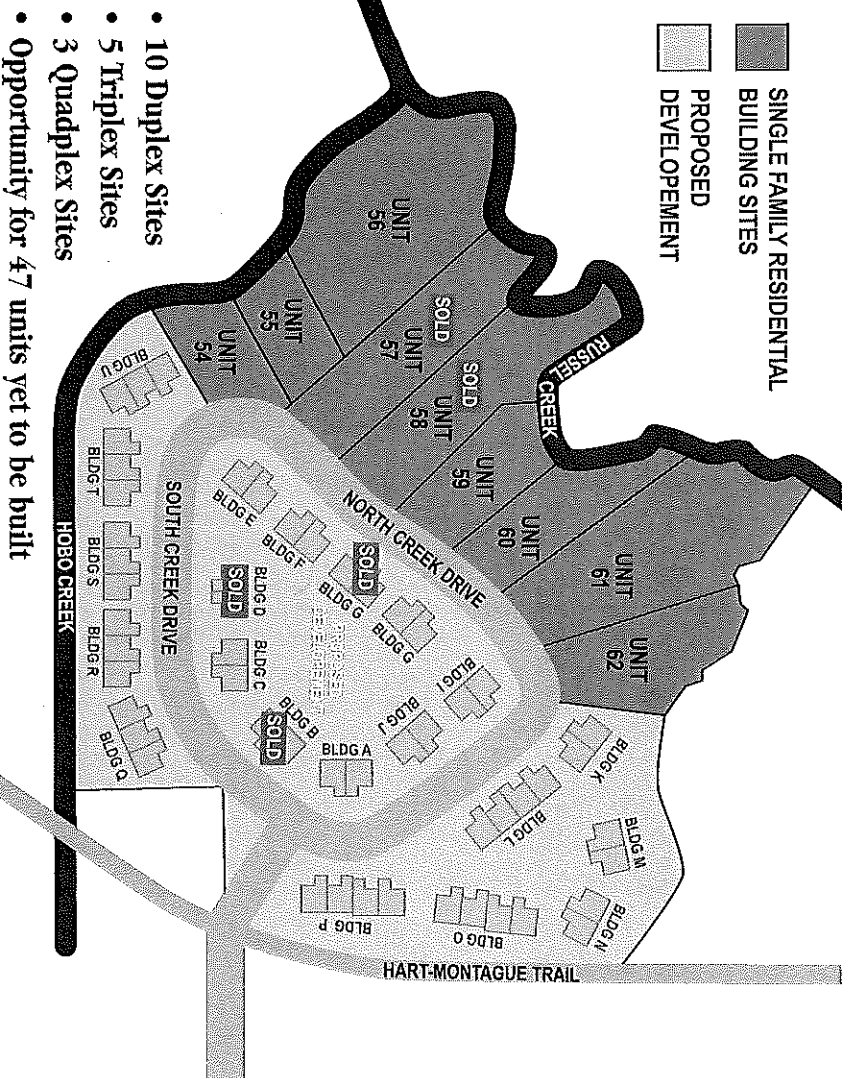
# THE CREEKS

## CONDOMINIUMS



**CB COLDWELL BANKER**

-  SINGLE FAMILY RESIDENTIAL BUILDING SITES
-  PROPOSED DEVELOPMENT



- 10 Duplex Sites
- 5 Triplex Sites
- 3 Quadplex Sites
- Opportunity for 47 units yet to be built

**WOODLAND SCHMIDT**

**231-873-5600**

2332 North Comfort Drive, Hart, MI 49420 | Each office is independently owned and operated.



City of Hart, 407 State Street, Hart, Michigan 49420

Planning & Zoning Application

231-873-2488

231-873-0100 (fax)

www.ci.hart.mi.us

Apply at Oceana County Annex, 210 Johnson, for your Building Permit (231-873-5355).

Address/Location of Subject Property:

Creek's Condominiums

Date: 4/20/22

Parcel # of Subject Property:

Current Zoning & Use of Subject Property:

PUD

Applicant Information:

Name: MWH Investments LLC

Organization:

Address: 675 Walker N.W.

City/State/Zip: Box 140774 Grand Rapids MI 49514

Phone: 616-437-5455

Email: MWH@cityofhart.com

Fax:

I hereby attest that all information on this application is, to the best of my knowledge, true and accurate.

Signature: [Handwritten Signature]

Date: 4/20/22

I hereby grant permission for members of the City of Hart (Planning Commission) (Zoning Board of Appeals) (City Council) (Staff) to enter the property described below (or as described in the attached) for the purpose of gathering information related to this application. (Note to applicant: This is optional and will not affect any decision on your application.)

Signature of Owner:

Date:

Applicant is the:  Owner  Lessee  Optionee  Contractor/Architect

If the applicant is not the owner of the property, complete the following:
Owner's Name: City of Hart
Address:
City/State/Zip:
Phone:
Signature:

Proposed Use: PUD Amendment
Explanation of Request: Convert to 1 duplex condo / 22 single family lots and 16 multi-unit project.
Proposed Zoning: PUD

If application is for a variance, please attach one (1) copy of a site plan. If application is for a Site Plan Review, please attach twelve (12) copies of a complete site plan.

Approval options:
 Approved
 Approved with following conditions:
 Denied for the following reasons:

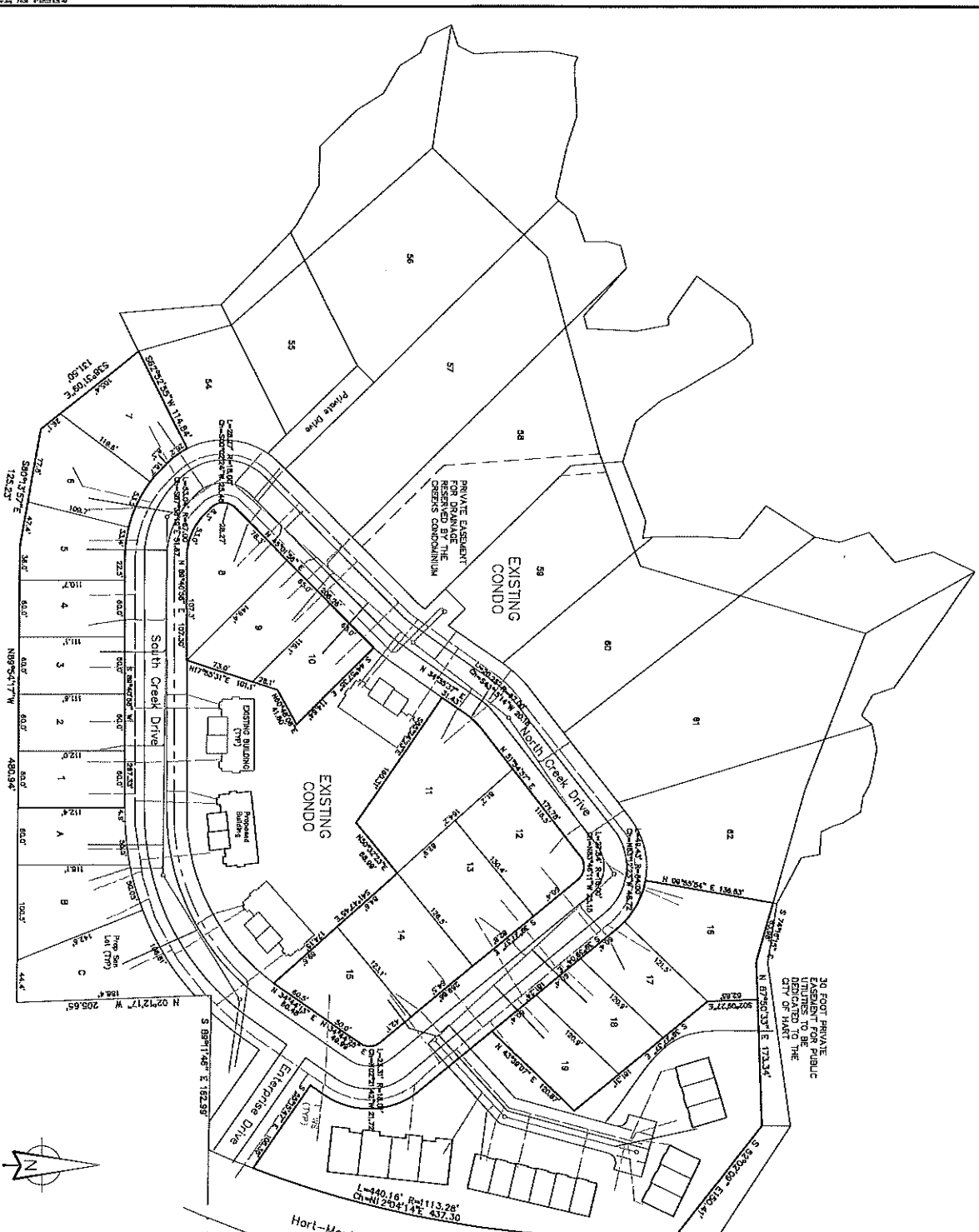
TO BE COMPLETED BY CITY

Date received: 1/1 Fees: \$10 (Res) \$25 (Com) \$825 (Wat) \$1200 (Sew) Escrow: \$1000 \$500 \$250 Variance: \$50

Receipt Number: Staff: Date:

Zoning Administrator:

Note: Information contained in this application, as well as supporting documentation, may be subject to review by the public if a Freedom of Information Act Request is filed.
zshardhart/planning/zoning/forms&handouts/zoningapplicationform.doc



Scale: 1" = 40'  
 \* Existing Buildings  
 \* Proposed Buildings  
 \* Easements  
 \* Private Driveways

**CREEKSIDE PLAT**

Map Information

Scale: 1" = 40'

**MEDEMA, VAN KOOTEN & ASSOCIATES**

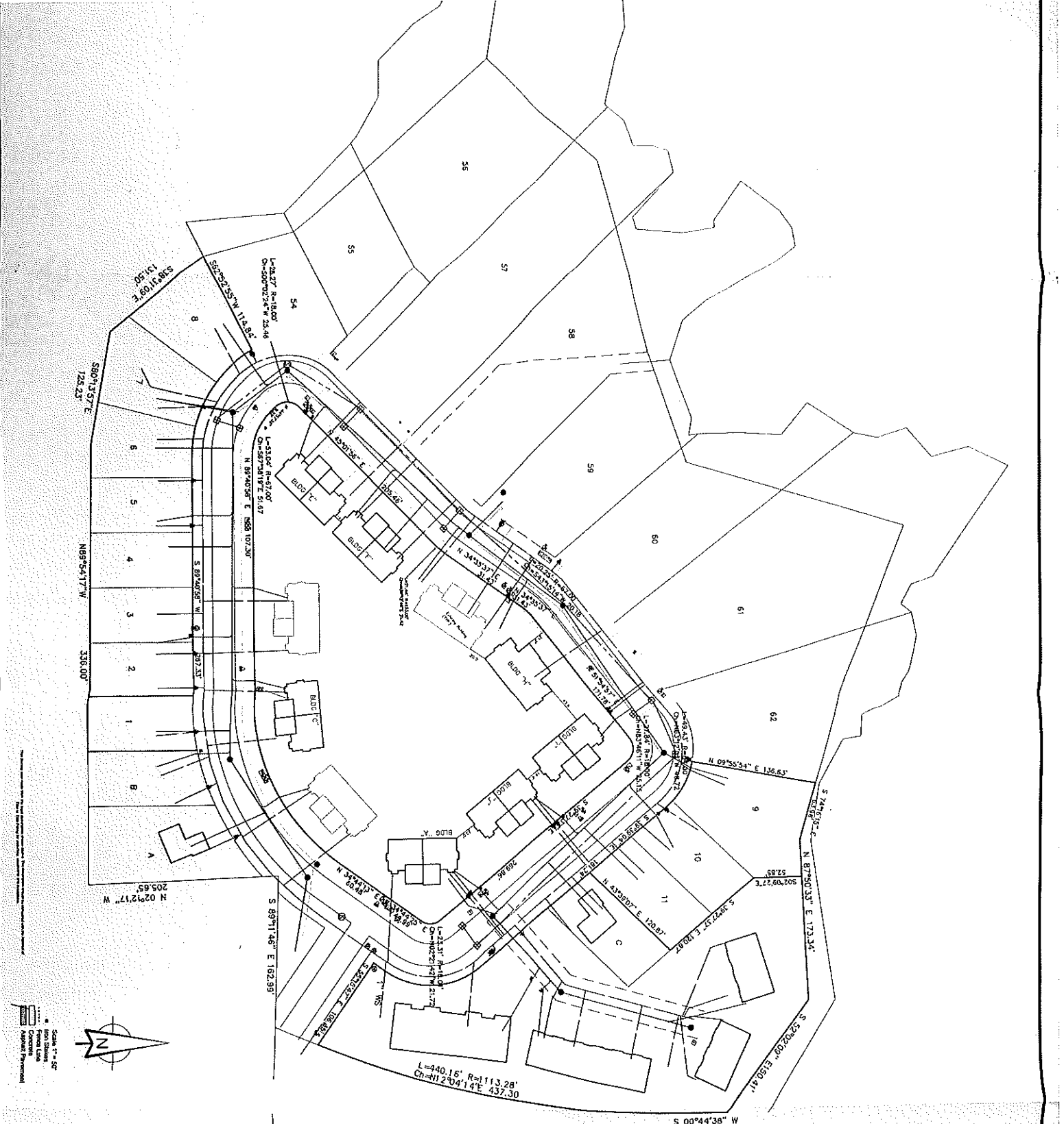
REGISTERED PROFESSIONAL ENGINEERS & SURVEYORS SINCE 1955

2000 AVENUE OF THE SUNS  
 SUITE 100  
 WESTMINSTER, CO 80057

DATE: 11/11/2011

PROJECT: CREEKSIDE PLAT

1:1



Scale 1" = 20'

100' Station  
 Center  
 Assumed Permitted



$L=440.16'$   $R=113.28'$   
 $Ch=112'04''14"E$   $437.30'$

**CREEKSIDE PLAT**

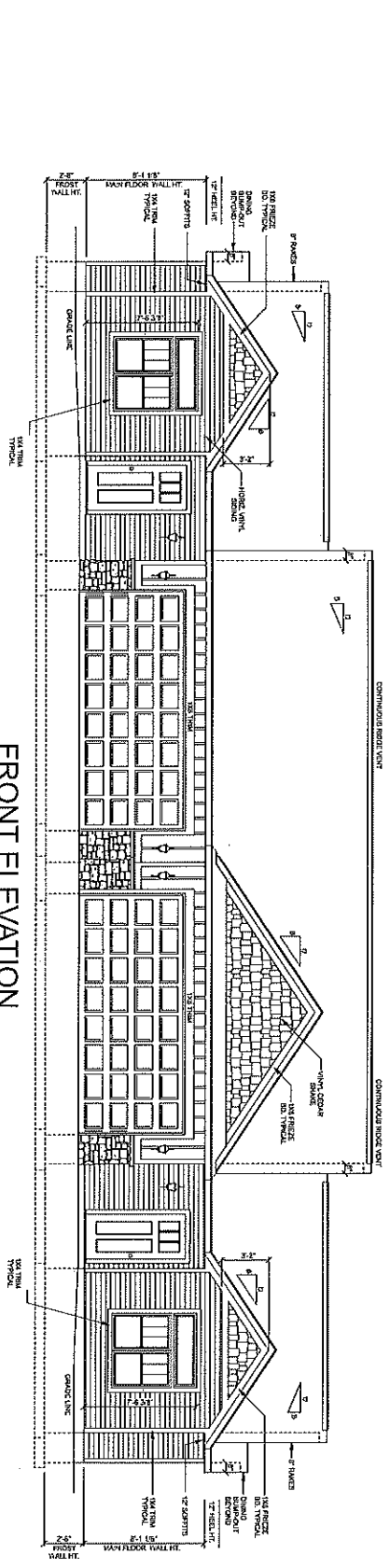
For  
 Non-Residential

**MEDEMA, VAN KOOTEN & ASSOCIAT**  
 CONSULTING ENGINEERS & SURVEYORS SINCE 1935  
 PHONE 616 451-0600  
 FAX 616 451-5252  
 www.mvka.com

250 STATE ST. S.E.  
 GRAND RAPIDS, MI 49503

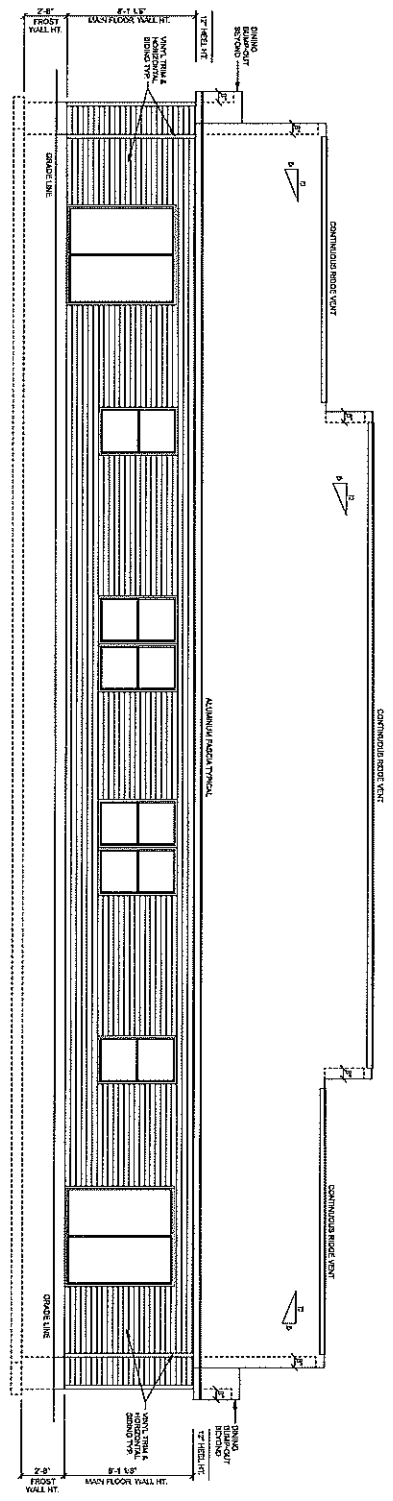
# FRONT ELEVATION

SCALE 3/16" = 1'-0"



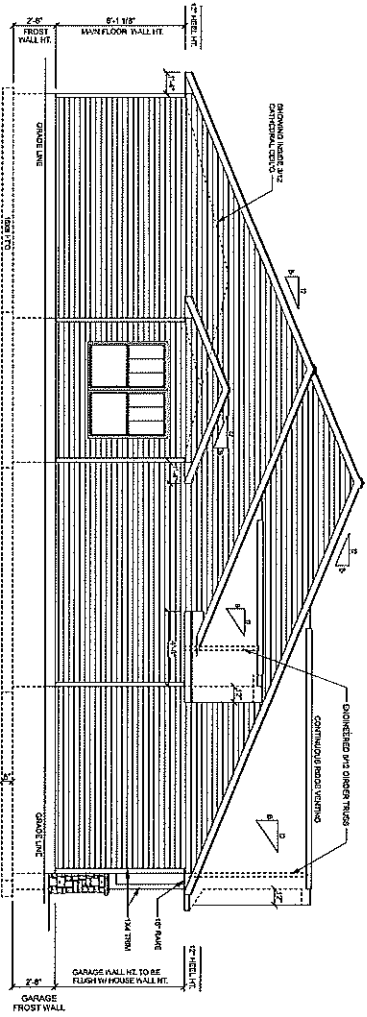
# REAR ELEVATION

SCALE 3/16" = 1'-0"

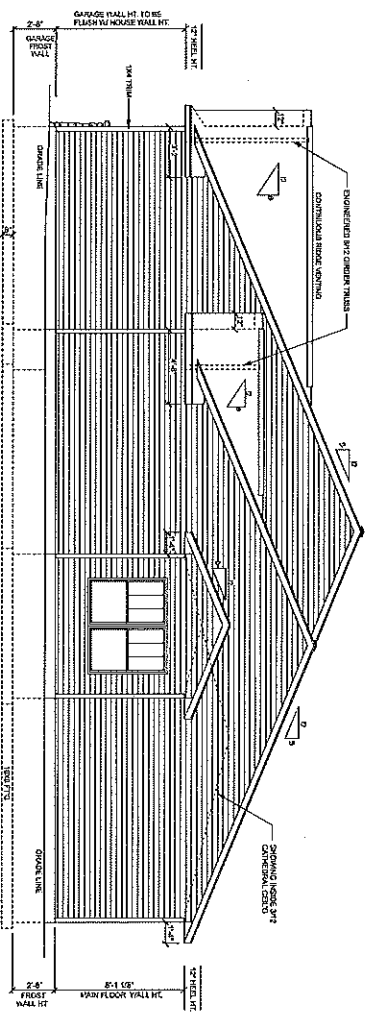


BUYER:	
LOT#:	
SUBDIVISION:	
RES. ADDRESS:	
DATE:	

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 illegal and will be prosecuted.  
 Sunday, June 19, 2022 PAGE: 1 OF 5



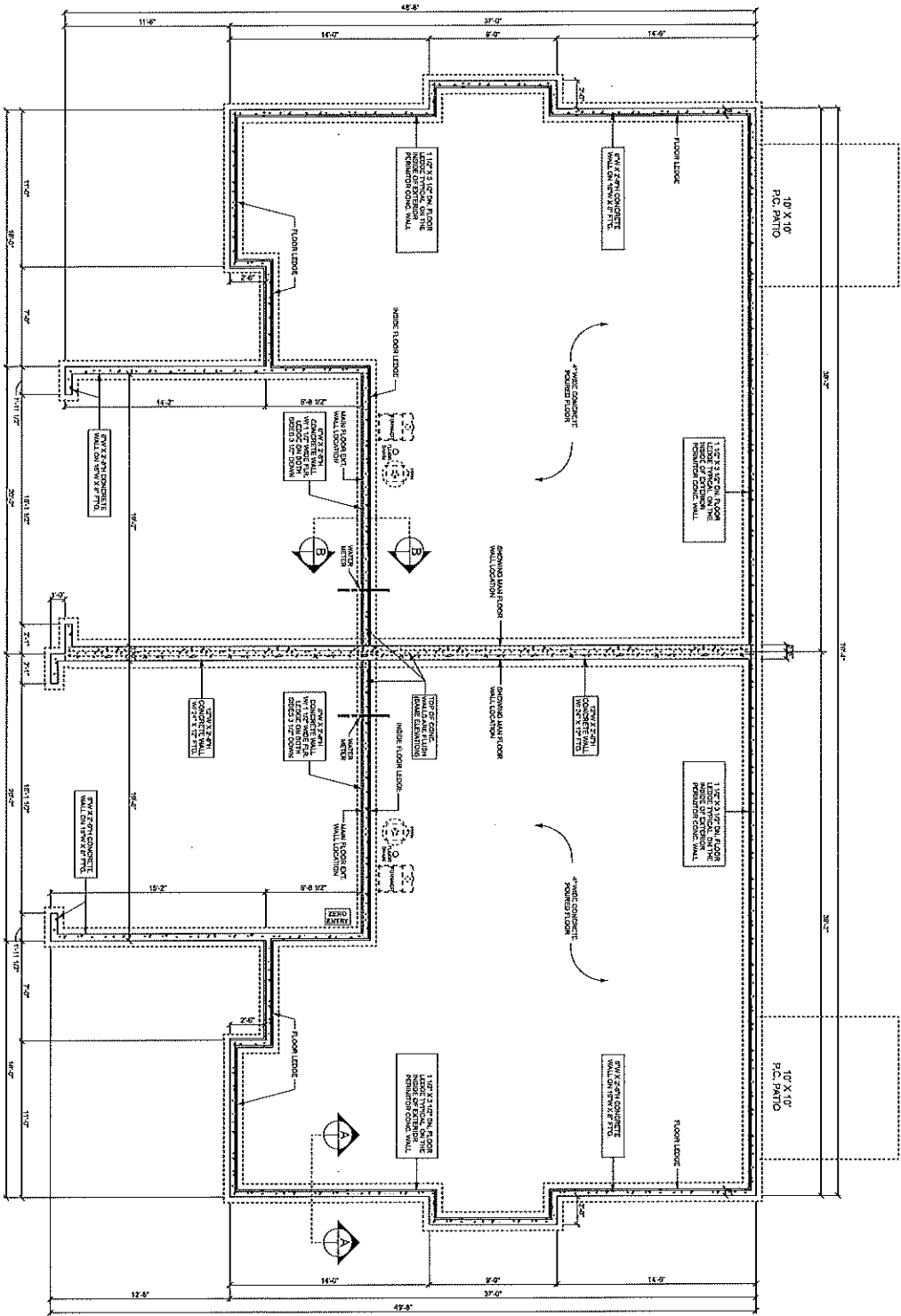
**LEFT ELEVATION**  
SCALE: 3/16" = 1'-0"



**RIGHT ELEVATION**  
SCALE: 3/16" = 1'-0"

BUYER:	
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RES. ADDRESS:	
DATE:	

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Sunday, June 19, 2022 PAGE: 2 OF 5

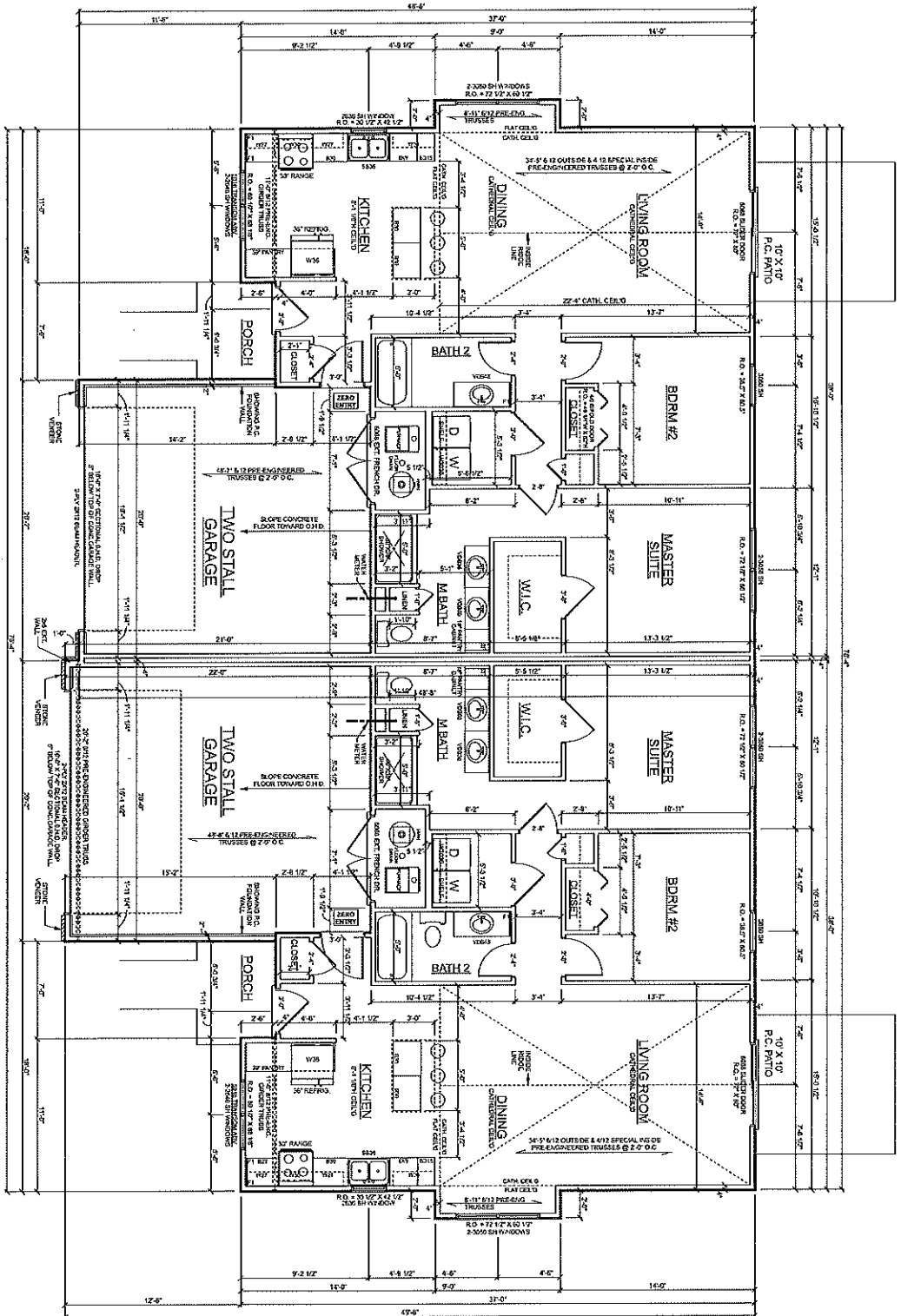


# FOUNDATION PLAN

SCALE: 3/16" = 1'-0"

BUYER:	
LOT#:	
SUBDIVISION:	
RES. ADDRESS:	
DATE:	

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 PAGE: 3 OF 5

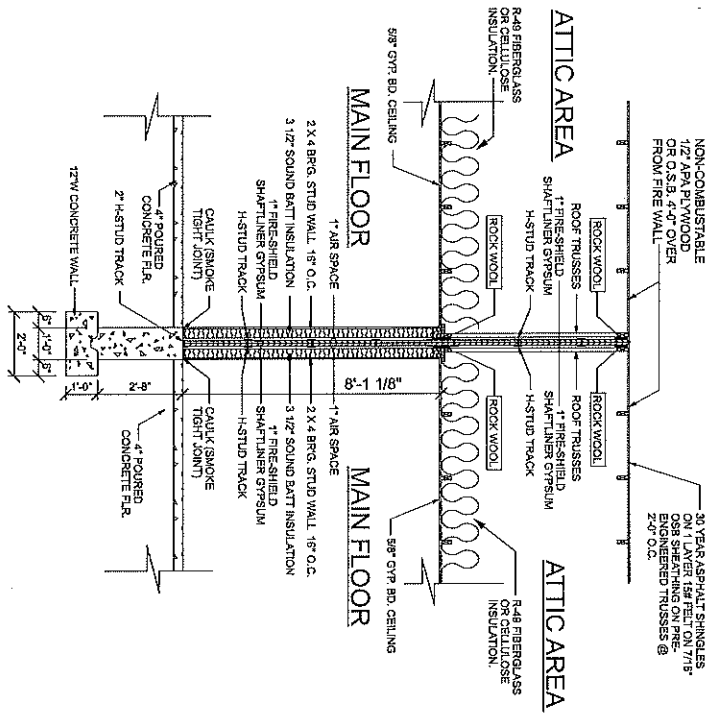


**MAIN FLOOR PLAN**  
 SCALE: 3/16" = 1'-0"  
 SQUARE FOOTAGE = 1234

BUYER:
LOT#:
SUBDIVISION:
RES. ADDRESS:
DATE:

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 PAGE: 4 OF 5

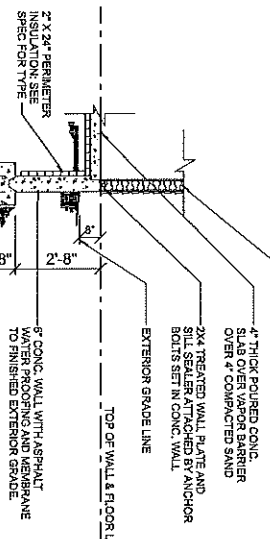
TYPE PARTY WALL TO COMPLY WITH U.L. U347  
 FIRE-RATING ASSEMBLY #UL U347  
 ALL COMMON FIRE-RATED WALLS WILL NOT CONTAIN  
 PLUMBING, OR MECHANICAL EQUIPMENT, DUCTS OR VENTS.  
 ELECTRICAL OUTLET BOXES TO BE INSTALLED IN ACCORDANCE  
 WITH RC17.2 IN ORDER TO MAINTAIN THE FIRE-RESISTANCE-RATING.



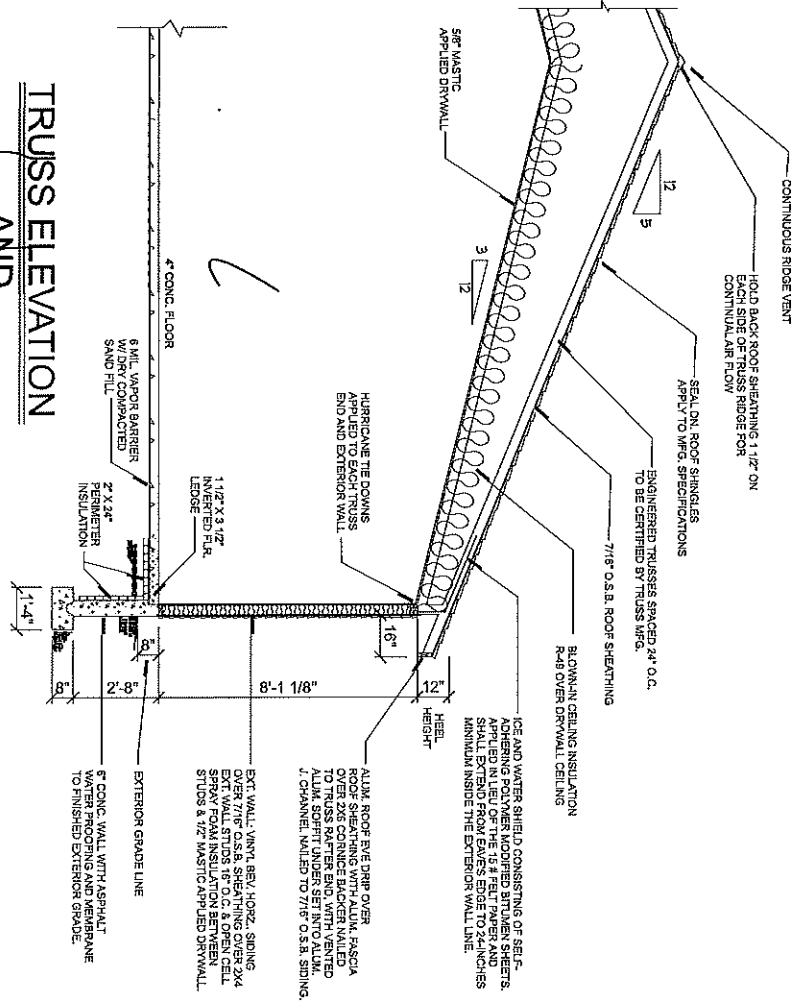
**STANDARD PARTY WALL  
 SECTION (UL U347)**  
 SCALE: 3/8" = 1'-0"

**BASIC WIND SPEED:**  
 90 MPH

**WIND EXPOSURE  
 CATEGORY B**



**TRUSS ELEVATION  
 AND  
 CORNICE SECTION**  
 SCALE: 3/8" = 1'-0"



BUYER:
LOT#
SUBDIVISION:
RES. ADDRESS:
DATE:

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**CITY OF HART**

**REQUEST FOR PROPOSALS**

**FOR**

**PLANNING SERVICES**

**SUMMARY:**

The City of Hart requests proposals to provide professional planning services.

**SUBMISSION:**

Please submit print or digital signed proposals to:

**RFP - PLANNING SERVICES**

Attn: Robert Splane  
City of Hart  
407 S. State Street  
Hart, MI 49420

**PROPOSALS ARE DUE BY FRIDAY, August 19, 2022 AT 10:00 A.M.**

*Notwithstanding any other provisions of the Request for Proposals, the City reserves the right to reject any or all proposals, to waive any irregularity in a proposal, and to accept or reject any items, when to do so would be to the advantage of the City and its taxpayers. It is further within the right of the City to reject proposals that do not contain or omit any elements and information requested in this document. The City shall not be liable for any losses incurred by any responders throughout this process.*

## **INTRODUCTION**

The City of Hart is issuing a “Request for Proposals” (RFP) seeking experienced planning consultants to comprehensively support the Zoning Administrator and Community Development Staff in the review of commercial redevelopment applications, preparation of staff reports, and providing recommendations for the City’s Planning Commission, Zoning Board of Appeals, and City Council, as required.

The selected consultant will work proactively with the City and appropriate boards and/or commissions, as required, to ensure the City is utilizing best practices and good planning practice in its various land use procedures and controls.

## **GENERAL INFORMATION**

The City of Hart (population 2,118) is a 2.07 square mile community located in Oceana County. Hart is a generally built-out community with limited opportunities for green-field type developments. Traditionally a walkable bedroom community, Hart is gaining attention and interest regionally as a desirable place to live, work and play. Overall, there is immense pride among residents for the friendly, small town atmosphere. The relatively small size of the city is complimented by a large tourism industry with close proximity to Lake Michigan and the Silver Lake Sand Dunes. The city is also fortunate to host several large fruit and vegetable processing facilities that help to sustain the significant regional agriculture industry.

Hart is actively engaged in the state’s Redevelopment Ready Communities Program. The city is proactive in continuously evaluating our redevelopment processes with an eye toward ensuring consistent and predictable reviews, and providing applicants with as much guidance as is feasible. To that end, the Hart Economic And Redevelopment Team (HEART), led by the City Economic and Community Development Director, meets monthly to help direct development initiatives in the City of Hart and collaborating with surrounding areas. Police, Hart Energy, and Department of Public Works participate in meetings as needed. The planning consultant is required to participate in these meetings and is considered to be an integral part in City of Hart operations.

In 2021, the Hart Tax Increment Finance Authority amended and restated its Master Plan. The TIFA district encompasses the majority of the City of Hart downtown business district as well as the higher trafficked Polk Road commercial business corridor. This year, the City of Hart is working to adopt an updated Park and Recreational Master Plan. In 2023, the City will begin work on updating it’s Master Plan. The City has on-going goals to review and update zoning code on a regular basis to ensure appropriate language is used and adopted ordinances are fair and easy to understand.

## **SCOPE OF SERVICES**

The City of Hart wishes to contract with an outside consulting firm to provide planning services, referenced herein after as "City Planner". The City Planner shall assist Zoning Administrator, and Community/Economic Development staff in providing high caliber services through the review of commercial redevelopment applications, preparation of staff reports, and providing recommendations to the city's Planning Commission, Zoning Board of Appeals, and City Council, as required.

## **RESPONSIBILITIES**

The City Planner shall be responsible for the following:

1. Maintain regular contact with city staff and provide prompt consultation when required.
2. Maintain an accurate understanding of the City's Master Plan, Land Development Regulations and other city codes and policies.
3. Analyze existing Land Development Regulations and identify sections to be updated, and propose new ordinances that foster the development trajectory of Hart.
4. Actively participate in monthly Planning Commission on the first Thursday of each month.
5. Conduct site visits as necessary.
6. Review and prepare reports on Preliminary and Final Site Plans and variance requests with input from appropriate consultants and/or departments, to ensure code compliance and that timely information is delivered to the Planning Commission, Zoning Board of Appeals, and/or City Council.
7. Make appropriate presentations before the Planning Commission, Zoning Board of Appeals, and/or City Council upon request or as needed each month or meeting.
8. Represent the City to residents and applicants in a respectful manner and make reasonable efforts to accurately estimate the cost of application related services.
9. Provide ancillary services related to Planning and Zoning.

## **STATEMENT OF QUALIFICATIONS**

Qualified consultants must have a substantial background in municipal planning, be able to provide a dedicated planning expert who is AICP-certified, and be equipped to provide the community with innovative, high-caliber advice and a range of planning services, including GIS.

## **SUBMISSION REQUIREMENTS**

Proposals shall contain the following information:

1. Cover letter, introduction of the firm and mission statement, including the name of the firm and the name and telephone numbers of the person(s) authorized to represent the company regarding all matters related to the proposal.

2. Prospective firm should indicate how they envision being able to provide services to the City of Hart, and how those services will fit within the goals and policies of the City.
3. Experience working with other communities with similar geographic profiles and demographics.
4. Provide a history of services that includes other similarly sized clients for reference, and include two (2) key projects that they were most proud of to have worked on.
5. Resumes of key personnel to be performing the planning functions for the City.
6. Samples of Site Plan Review letters or similar communications to be submitted to the City.
7. A comprehensive cost and staffing proposal identifying specific rates for services and meeting attendance including: cost to appear on-site at City locations, sample invoice detail, billing schedule, mileage charges, and/or incidental costs.
8. Provide any additional information that you feel is pertinent in the City's decision on selecting a planning consultant.

### **IMPORTANT DATES**

Identified below are the dates associated with this Request for Proposals.

**Request for Proposals Issued: Thursday, August 4, 2022**

**Proposal Due Date: Friday, August 19, 2022 by 11:00 A.M.**

Interested parties are encouraged to submit questions regarding the Request for Proposals to City Manager, Rob Splane at [rsplane@cityofhart.org](mailto:rsplane@cityofhart.org) and Economic and Redevelopment Director Nichole Kleiner at [nkleiner@cityofhart.org](mailto:nkleiner@cityofhart.org) Responses to questions will be provided directly by email.

### **SELECTION PROCESS**

The selection process may include publicly held interview(s) and presentation(s) with members of City Council, City Administration, Planning Commission, and Zoning Board of Appeals. The final selection will be voted on by the City Council.

### **OFFER EXPIRATION DATE**

Proposals in response to this RFP will be valid for sixty (60) days from the proposal due date. The City reserves the right to ask for an extension of time if needed.

### **OWNERSHIP OF MATERIALS**

All materials submitted in response to the RFP become the property of the City of Hart and supporting materials will not be returned. The City of Hart is not responsible for any costs incurred by the company in the preparation of the proposal or for presentation or related meeting time.

## **SERVICE AGREEMENT AND INSURANCE**

The successful service provider will be asked to enter into a service agreement satisfactory to the City, and to provide a certificate of insurance showing coverage for liability, workers compensation, and automobile insurance. The service agreement will contain a provision specifying a deadline for submitting invoices. Any invoices submitted for services not billed in accordance with the deadline may, at the sole discretion of the City, be considered invalid and payment may be refused. Any future relationship between the Contractor and the City will be an "at will" relationship and may be terminated by either party, for any reason, following a 30 day notice.

## **INDEPENDENT CONTRACTOR STATUS**

The City Planner will not be an employee of the City and must meet the IRS requirements for designation as an independent contractor or firm.

## **CONFLICT OF INTEREST**

The City requires that service providers disclose conflicts of interest when they may occur immediately to the City Manager. The City, at its discretion, may arrange for alternative third party support in such cases. In general, the City will not allow a service provider to review applications from a client of the service provider. Past or pending client relationships may or may not be determined to be conflicts, but should always be disclosed and discussed with the City.

## **LEGAL REQUIREMENTS AND CONSIDERATIONS**

1. What is your retention rate with employees or independent contractors?
2. Do you have a non-compete clause in any contract agreement with your planners?
3. Have you had any recent claims against you that have recently been settled? If any, please advise us of the circumstance.
4. What is the status of pending litigation involving your activities as contract administrator?
5. Provide information in those areas in which fines or penalties may have been levied against your company by a state or federal agency in connection with your performance of contracts similar to those that are sought by the City of Hart. This also includes any fines or disciplinary action taken on any customer while you have had a relationship with them.