City of Hart, Michigan
CITY COUNCIL AGENDA
February 8, 2022, 7:30 PM
407 State St. – Council Chamber
NOTICE OF PUBLIC MEETING
REGULAR COUNCIL MEETING

1. Call to Order
2. Roll Call – Burillo, Evans, Hodges, Klotz, Rybarz Jr., Trygstad, Platt
3. Pledge of Allegiance
4. Approval of Agenda
5. Public Comments – **Public comment on any matter that is not included on the agenda for a public hearing by the Council. We ask that you please limit your comments to 3 minutes**
    a. Correspondence, Events, Presentations
        i. Baker Tilly – Andy Campbell BioPure rate presentation
        ii. Written communication from Mark Nettleton, Mika Meyers – publication: Notice of Intent to Issue Revenue Bonds
6. Consent Agenda:
    a. Approval of Minutes from January 25th, 2021 Council meeting.
    b. Bills, Claims, Payroll
    c. Reports of Boards, Commissions, and Committees
    d. Department Reports – Police/BioPure/Public Works/Energy/C&E Dvlp.
7. Action Items
    a. Ordinance 2022-01 A TEXT AMENDMENT TO REMOVE THE MAXIMUM LOT COVERAGE REQUIREMENTS FOR THE C-2 ZONING DISTRICT IN SECTION 1251.04 AND THE D-1 ZONING DISTRICT IN SECTION 1252.04 – **Second Reading**
    b. Ordinance 2022-02: A TEXT AMENDMENT TO DEFINE PERMANENT COSMETIC SERVICES IN SECTION 1241.01, REGULATE PERMANENT COSMETIC SERVICES IN SECTION 1249.02 (B), AND AMEND THE DEFINITION OF TATTOO PARLOR IN SECTION 1256.13 (B)(20) – **Second Reading**
    c. Resolution 2022 – 04 Approve memo of understanding Hart Fire Department snow removal
    d. Resolution 2022 – 05 Approve social district permit application – La Probadita
8. Discussion Items
    a. Removal of trees in downtown business district in preparation of TIFA street scape project – temporary art opportunity
9. City Manager Report
10. Communications from the Mayor and Council
11. Adjournment –

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

With advance notice of seven calendar days, the City will provide interpreter services at all public meetings, including language translation and signage for the hearing impaired. Call 231-873-2488. La Ciudad proporcionará servicio de intérprete para esta reunión pública si se pide con siete días de anticipación, lo cual incluye la traducción de idioma y letreros para los con una discapacidad auditiva. Llame al 231-873-2488.

Mika Meyers PLC

Attorneys at Law

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Web mikameyers.com

Mark E. Nettleton
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January 27, 2022

Oceana's Herald-Journal
123 South State Street
Hart, MI 49420
clerk@oceanaheraldjournal.com

Re: City of Hart – Notice of Intent

Ladies and Gentlemen:

We are writing at the direction of our client, the City of Hart, to request that the enclosed Notice of Intent be published in the Thursday, February 3, 2022 edition of *Oceana's Herald-Journal.*

This notice must be published in a **display-type format in a minimum 1/4-page size**. It is critically important that the notice meet a 1/4-page requirement, as this notice must meet a particular requirement in Michigan law. The notice must **not be included in the classified ad section** of the newspaper.

Send a proof of the notice prior to publication by e-mail (scole@mikameyers.com). **Provide the dimensions of the ad on the proof and confirm that the dimensions are consistent with a 1/4-page ad size, that the edition of the newspaper this is published in is available for home-delivery, and for purchase at retail locations**.

Following publication, please send the invoice for publication of the notice and one (1) Affidavit of Publication to Karla Swihart, Clerk/Treasurer, City of Hart, 407 State St., Hart, MI 49420.

In addition, please send **four** (4) Affidavits of Publication **with full tear sheets** of the newspaper page showing the ad as published on that page to me at Mika Meyers PLC, 900 Monroe Ave., NW, Grand Rapids, MI 49503-1423. **The Affidavit of Publication MUST state that this notice was published is a "1/4-page size ad" or that it is "at least 1/4 page in size" in accordance with state statute.**

If you have any questions regarding these matters, please call me at 616-632-8048.

Very truly yours,

Mark E. Nettleton

sgc
By E-Mail Only
Enclosure
cc: Karla Swihart, Clerk/Treasurer, City of Hart

03056664 1

NOTICE TO ELECTORS AND TAXPAYERS OF THE CITY OF HART OF THE CITY'S INTENT TO ISSUE REVENUE BONDS AND THE RIGHT OF REFERENDUM RELATING THERETO

PLEASE TAKE NOTICE THAT THE CITY OF HART intends to issue revenue bonds in a maximum amount not to exceed $9,500,000 as set forth in this notice.

PURPOSE

The Bonds shall be issued for the purpose of defraying the cost of the purchase, acquisition and construction of improvements to the City's wastewater collection and treatment system including, but not limited to, the replacement of undersized gravity sewer, lift station replacement and upgrades, additions/modifications to the wastewater treatment plant, and related improvements; legal, engineering, financing, and contingency costs; and related appurtenances, which improvements will increase capacity at the wastewater treatment plant, meet increasing flows and loading, replace aging infrastructure, and increase reliability and efficiency (the "Project").

ESTIMATED PROJECT COST

The total estimated cost of the proposed Project is $8,409,000. The cost of the Project shall be paid from the proposed bond issue. The City has received an offer of funding assistance from the State of Michigan Clean Water Revolving Loan Program (the "CWSRF Program") to pay the cost of the Project comprised of long-term low-interest loans to be evidenced by the proposed Bonds under Act 94 of the Public Acts of Michigan of 1933, as amended ("Act 94"), in a not to exceed amount of $9,500,000.

MAXIMUM AMOUNT AND TERMS OF REPAYMENT

The Bonds to be issued in one or more series in a maximum aggregate amount not to exceed $9,500,000, shall mature serially with interest on the unpaid balance at a rate which shall not exceed the maximum rate of interest allowed by law and which is currently expected to be 1.875% per annum and shall be repaid over a term not to exceed the maximum term permitted by law. The Bonds shall be issued pursuant to Act 94.

SOURCE OF PAYMENT OF BONDS

The principal of and interest on the Bonds shall be payable from the revenues received by the City from the operation of the City's Sewer system and from other legally available funds. The revenues will be derived from rates and charges billed to the users of the System, a schedule of which is presently on file in the office of the City Clerk. Said rates and charges may be revised from time to time to provide sufficient revenues to provide for the expenses of operating and maintaining the System, to pay the principal of and interest on the proposed bonds and to pay other obligations of the System.

In addition, the Bonds may be additionally secured by the City's full faith and credit and limited tax pledge, within applicable charter, statutory and constitutional tax limitations applicable

to the City. THE CITY WILL NOT HAVE THE AUTHORITY TO LEVY ADDITIONAL TAXES TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS OVER PRESENTLY EXISTING CITY MILLAGE LIMITS WITHOUT A FURTHER VOTE OF CITY ELECTORS.

RIGHT OF REFERENDUM

THE BONDS WILL BE ISSUED WITHOUT A VOTE OF THE ELECTORS APPROVING THE BONDS, UNLESS, WITHIN 45 DAYS FROM THE DATE OF PUBLICATION OF THIS NOTICE OF INTENT, A PETITION, SIGNED BY NOT LESS THAN 10% OF THE REGISTERED ELECTORS RESIDING WITHIN THE LIMITS OF THE CITY OF HART, SHALL HAVE BEEN FILED WITH THE CITY CLERK REQUESTING A REFERENDUM UPON THE QUESTION OF THE ISSUANCE OF THE BONDS. IF PETITIONS ARE SO FILED, THE BONDS SHALL NOT BE ISSUED UNTIL APPROVED BY THE VOTE OF A MAJORITY OF THE ELECTORS OF THE CITY QUALIFIED TO VOTE AND VOTING ON THE ISSUANCE OF THE BONDS AT A GENERAL OR SPECIAL ELECTION.

This Notice is published pursuant to the requirements of Section 33 of Act 94 of the Public Acts of Michigan of 1933, as amended, and was approved by the City Council of the City of Hart on January 25, 2022.

Karla Swihart, City Clerk
City of Hart

CITY OF HART
407 S. STATE ST.
HART, MI 49420
COUNCIL PROCEEDINGS
January 25th 2022
MINUTES – Draft

PRESENT: Mayor Vicki Platt, Councilors: Catalina Burillo, Jim Evans, Amanda Klotz, and Fred Rybarz
ABSENT: Dean Hodges and Kris Trygstad
OTHERS PRESENT: City Manager – Rob Splane, HEART Director – Nichole Kleiner, BioPure Superintendent – Paul Cutter, DPW Superintendent Brad Whitney, Sharon Hallack, Amy Trudell, Dan and Jodi Ellinger, Bill Volpp, and Phil Morris.

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

APPROVAL OF AGENDA: F. Rybarz motioned to approve the agenda and was supported by A. Klotz
- Ayes: 5 Nays: 0 Absent: 2

PUBLIC COMMENTS:
- Phil Morris – County Commissioner, wanted to introduce himself and also is running for State Representative.
- Nichole Kleiner – Heart Director, wanted to let everyone know about HEART Winter Fest Saturday February 5th, 2022, from 6am-3pm visit our www.takemetohart.org for list of all events and additional information.
- Amy Turdell – Wanted to commend the City on a great website and is impressed with all the information available on there.
- Jodi – Is starting up a business at 49 S State St. Very excited to be moving into the Hart area and will soon be offering Permanent Cosmetic Makeup Services.

CORRESPONDENCE, EVENTS, PRESENTATIONS:
- Maner Costerian – Jordan Smith annual audit presentation,

  We have audited the financial statements of the governmental activities, the business-type activities, the discretely presented component unit, each major fund, and the aggregate remaining fund information of the City of Hart, Michigan (the city), for the year ended June 30, 2021. Professional standards require that we provide you with information about our responsibilities under generally accepted auditing standards and *Government Auditing Standards*, as well as certain information related to the planned scope and timing of our audit. We have communicated such information in our letter to you dated July 12, 2021. Professional standards also require that we communicate to you the following information related to our audit.

  Significant Audit Findings

  Quality aspects of Accounting Practices:

  Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by the City are described in Note 1 to the financial statements. As described in Note 12 to the financial statements, the City adopted Governmental Accounting Standards Board (GASB) Statement No. 84, *Fiduciary Activities,* during the year ended June 30, 2021. Accordingly, the cumulative effects of the accounting changes are reported in the applicable financial statements and note disclosure. We noted no transactions entered into by the City during the year for which there is a lack of authoritative guidance or consensus. All significant transactions have been recognized in the financial statements in the proper period. Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those

expected. The most sensitive estimates affecting the governmental activities, business-type activities, and proprietary find financial statements were:

Management's calculation of current and noncurrent compensated absence liabilities is based on an estimate of employees' use of compensated absences.
Management's calculation of depreciation expense for the current period is based on an estimate of the useful lives of the capital assets.

Management's calculation of the allowance for uncollectible receivables for the current period is based on the past experience of collections.

Management's calculation of the net other post-employment benefit liability is estimated based upon certain valuation assumptions.

We evaluated the key factors and assumptions used to develop these estimates in determining that they are reasonable in relation to the financial statements taken as a whole.
Certain financial statement disclosures are particularly sensitive because of their significance to financial statement users. We did not identify any sensitive disclosures.
The financial statement disclosures are neutral, consistent, and clear.

Difficulties Encountered in Performing the Audit

We encountered no significant difficulties in dealing with management in preforming and completing our audit.

Corrected and Uncorrected Misstatements

Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are clearly trivial, and communicate them to the appropriate level of management. Management has corrected all such misstatements. The following material misstatements were detected as result of audit procedures and were corrected by management: cash, investments, due from other governmental units, and net other post-employment benefits (OPED) liability and related deferrals.

Disagreements with Management

For purposes of this letter, a disagreement with management is a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditor's report. We are pleased to report that no such disagreements arose during the course of our audit.

Management Representations

We have requested certain representations from management that are included in the management representation letter dated January 18th, 2022.

Management Consultations with Other Independent Accountants

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations. If a consultation involves application of an accounting principle to the City's financial statements or a determination of the type of auditor's opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. Management did engage an outside expert to review independence under relevant professional standards. To our knowledge, this was the only such consultation with other accountants.

Other Audit Findings or Issues
We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to retention as the City's auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

Other Matters

We applied certain limited procedures to the management's discussion and analysis, budgetary comparison information, and the schedules of changes in employer's net OPED liability and contributions, which are required supplementary information (RSI) that supplement the basic financial statements. Our procedures consisted of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We did not audit the RSI and do not express an opinion or provided any assurance on the RSI.

We were engaged to report on the other supplementary information, which accompany the financial statements but are not RSI. With respect to this supplementary information, we made certain inquiries of management and evaluated the form, content, and methods of preparing the information to determine that the information complies with accounting principles generally accepted in the United States of America, the method of preparing it has not changed from the prior period, and the information is appropriate and complete in relation to our audit of the financial statements. We compared and reconciled the supplementary information to the underlying accounting records used to prepare the financial statements or to the financial statements themselves.

Restriction on Use

This information is intended solely for the use of the City Council and management of the City of Hart and is not intended to be, and should not be, used by anyone other than these specified parties.

Very truly yours,
Maner Costerian PC

CONSENT AGENDA:

- Approval of minutes from January 11th 2022
- Bills, Claims, Payroll
- Reports of Boards, Commissions, and Committees
- Department Reports – Police/BioPure/Public Works/Energy/C&E Dvlp
    - J. Evans motioned to approve Consent Agenda supported by A. Klotz
- Ayes: 5 Nays: 0 Absent: 2

ACTION ITEMS:

- Ordinance 2022-01 A TEXT AMENDMENT TO REMOVE THE MAXIMUM LOT COVERAGE REQUIREMENTS FOR THE C-2 ZONING DISTRICT IN SECTION 1251.04 AND THE D-1 ZONING DISTRICT IN SECTION 1252.04 – **FIRST READING**

  At a regular meeting of the Hart City Council held at City Hall on the 8th day of February 2022, at 7:30pm
  Present:
  Absent:
  The following ordinance was offered by ___ and supported by ___:
  THE CITY OF HART, COUNTY OF OCEANA, STATE OF MICHIGAN ORDAINS:

CITY OF HART CODE OF ORDIANCES, PART 12, TITLE FOUR, ZONING ORDINANCE, A TEXT AMENDMENT TO REMOVE THE MAXIMUM LOT COVERAGE REQUIREMENTS FOR THE C-2 ZONING DISTRICT FOR THE C-2 ZONING DISTRICT IN SECTION 1251.04 AND THE D-1 ZONING DISTRICT IN SECTION 1252.04

Section 1. Chapter 1251 C-2, Limited Commercial. Chapter 1251, Section 1251.04, is amended to strike paragraph (c), which currently, states "Maximum lot coverage – 40 percent," and to re-letter the section accordingly.

Section 1. Chapter 1252 D-1, Industrial District. Chapter 1252, Section 1252.04, is amended to strike paragraph (c), which currently, states "Maximum lot coverage – 40 percent," and to re-letter the section accordingly.

Section 3 Effective Date. This Ordinance shall become effective ten (10) days after its publication or ten (10) days after publication of a summary of its provisions in a local newspaper of general circulation in the City of Hart.

AYES:_____
NAYS:_____

ORDINANCE DECLARED ADOPTED.

Karla Swihart, City Clerk
City of Hart

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 the *Oceana's Herald-Journal,* a newspaper of general circulation in the City of Hart, on _____,2022, and that such ordinance was entered with the Ordinance Book of the City of Hart, on_____ ,2022
Dated: _____,2022

Karla Swihart, City Clerk
City of Hart

First reading: January 25, 2022
Second reading: February 8, 2022
Ordinance becomes effective: February 28,2022

- Ordinance 2022-02 A TEXT AMENDMENT TO DEFINE PERMANENT COSMETIC SERVICES IN SECTION 1241.01, REGULATE PERMANENT COSMETIC SERVICES IN SECTION 1249.02 (b), AND AMEND THE DEFINITION OF TATTOO PARLOR IN SECTION 1256.13 (b)(20) – **FIRST READING**

At a regular meeting of the Hart City Council held at City Hall on the 8th day of February 2022, at 7:30pm.
PRESENT:_____
ABSENT:_____
The following ordinance was offered by ____ and supported by _____:
THE CITY OF HART, COUNTY OF OCEANA, STATE OF MICHIGAN ORDAINS:

CITY OF HART CODE OF ORDINANCES, PART 12, TITLE FOUR, ZONING ORDINANCE, A TEXT AMENDMENT TO DEFINE PERMANENT COSMETIC SERVICES IN SECTION 1241.01, REGULATE PERMANENT COSMETIC SERVICES IN SECTION 1249.02(b), AND AMEND THE DEFINITION OF TATTOO PARLOR IN SECTION 1256.13(b)(20)

Section 1. Chapter 1241 Definitions. Chapter 1241, Section 1241.01, is amended to include the following definition to be inserted in alphabetical order:

"Permanent cosmetic services" means a personal service establishment that applies permanent cosmetic coloration to the skin using muted pigmentations to: disguise scars or tattoos: provide

pigmentation in areas of the body affected by surgery or medical procedures; or apply permanent cosmetics, generally to individuals with impairments or medical conditions, but not limited to these individuals. Services may include permanent eye lining, lip lining, re-pigmentation, or similar procedures but not include traditional tattooing services associated with tattoo parlors, as defined in this ordinance.

Section 2. Chapter 1249 B-1, Central Business District. Chapter 1249, Section 1249.02 (b), is amended to read in its entirety as follows:

(b) Any personal service establishment which performs services on the premises within a completely enclosed building, such as, but not limited to: repair shops (watches, radio, television, shoe, etc.), tailor shops, beauty parlors, barber shops, interior decorators, photographers, and permanent cosmetic services.

Section 3. Chapter 1256 Special Land Uses. Chapter 1256, Section 1256.13 (b)(20), is amended to read in its entirety as follows.

"Tattoo parlor" means a business having as its principal activity the application or placing, by any method, of designs, letters, scrolls, figures, symbols, or other marks upon or under the human skin with ink or any other substance resulting in the coloration of the skin by the aid of needles or any other instrument designs to touch or puncture the skin, not including permanent cosmetic services.

Section 4. Effective Date. This Ordinance shall become effective ten (10) days after its publication or ten (10) days after publication of a summary of its provisions in a local newspaper of general circulation in the City of Hart.

Ayes:_____
Nays:_____

ORDINANCE DECLARED ADPTED.

Karla Swihart, City Clerk
City of Hart

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 the *Oceana's Herald-Journal,* a newspaper of general circulation in the City, on _____, 2022, and that such ordinance was entered with the Ordinance Book of the City on ____, 2022.

Dater: _____,2022

Karla Swihart, City Clerk
City of Hart

First reading: January 25th, 2022
Second reading: February 8th, 2022
Ordinance becomes effective: February 28th, 2022

- Resolution 2022-02 Intent to issue revenue bonds to finance proposed sewer
  At a regular meeting of the City Council of the City of Hart, held at the City Hall, 407 S State Street, Hart Mi, on the 25th day of January 2022, at 7:30pm
  PRESENT: Members:_____
  ABSENT: Members:_____

The following resolution was offered by ____ and supported by _____

RESOLUTION TO PURCHASE, ACQUIRE AND CONSTRUCT IMPROVEMENTS TO THE CITY OF HART SEWER SYSTEM; AUTHORIZE PUBLICATION OF NOTICE OF INTENT TO ISSUE REVENUE BONDS: DECLARE INTENT TO REIMBURSE EXPENDITURES FOR PROJECT FROM BOND PROCEEDS AND MATTERS RELATED THERETO

WHEREAS, this City Council hereby determines that it is necessary for the public health, safety and welfare of the City of Hart (the "CITY") to issue and sell revenue bonds in one or more series pursuant to Act 94 of the Public Acts of Michigan of 1933, as amended ("ACT 94") to pay the cost of improvements to the City's wastewater collection and treatment systems including, but not limited to, the replacement of undersized gravity sewer, lift station replacement and upgrades, additions/modifications to the wastewater treatment plant and related improvements; legal, engineering, financing, and contingency cost; and related appurtenances, which improvements will increase capacity at the wastewater treatment plant, meet increasing flows and loading, replace aging infrastructure, and increase reliability and efficiency (the "PROJECT"); and

WHEREAS, the current estimated cost of the Project, including engineering, construction, legal, financial, and contingency cost is $8,409,000; and

WHEREAS, the City has received an offer of funding assistance from the State of Michigan Clean Water State Revolving Loan Program (the "CWSRF Loan Program") to pay all or part of the cost of the Project by means of a long-term low interest loan to be evidenced by the proposed revenue bonds under Act 94 (the "Revenue Bonds"); and

WHEREAS, it is necessary to publish a Notice of Intent of the City's intent to issue the Revenue Bonds in the not-to-exceed amount of $9,500,000 (the "Notice of Intent"); and

WHEREAS, it is anticipated that the City will advance a portion of the cost of the Project prior to issuance of the bonds, such advance to be reimbursed, without interest, to the City from proceeds of the bonds upon the issuance thereof; and

WHEREAS, Section 1.150-2 of the Treasury Regulations on Income Tax (the "Reimbursement Regulations") specifies conditions under which a reimbursement allocation may be treated as an expenditure of financing proceeds, and the City intends by this resolution to qualify monies advanced by the City to the Project for reimbursement from Proceeds of the bonds in accordance with the requirements of the Reimbursement Regulations.

NOW, THEREFORE, BE IT HEREBY RESOLVED:

1. The City hereby determines to purchase, acquire, and construct the Project and to pay for the costs of the Project by the issuance of the Revenue Bonds in one or more series pursuant to Act 94 in the maximum principal amount of $9,500,000.
2. A notice of Intent, substantially in the form attached hereto as Exhibit A, shall be published in accordance with Section 33 of Act 94 in the *Oceana Herald-Journal,* a newspaper of general circulation in the City and determined to be the newspaper reaching the largest number of persons to whom said Notice is directed.
3. The City Council does hereby determine that the foregoing form of Notice of Intent to Issue and the manner of publication directed is the method best calculated to give notice to the City's water system users and the City's taxpayer and electors of this City's intent to issue the Revenue Bonds, the maximum principal amount of bonds to be issued, purpose of the bonds, the security and source of repayment for the bonds, and the right of referendum relating thereto, and such other information as the City Council determines necessary to adequately inform City electors of the nature of the Project and the proposed Revenue Bonds.

4. It is reasonably expected that the City has advanced, or will advance, funds for the Project prior to issuance of the Revenue Bonds, including items exempt from the Reimbursement Regulations, from monies on hand in the City's Sewer Fund in the estimated amount of $500,000.
5. The City hereby declares its official intent, and reasonable expectation, to reimburse all or a portion of the amounts so advanced by the City for the Project from the proceeds of the Revenue bonds.
6. The City Council hereby retains Mike Meyers PLC, Attorneys of Grand Rapids, as Bond Counsel and Baker Tilly, Lansing as registered municipal advisor for the Project and the Revenue Bonds.
7. All resolutions or portions thereof inconsistent with the provisions of this resolution are hereby rescinded.

AYES:_____
NAYS:_____
ABSENT:_____
RESOLUTION DECLARED ADOPTED.

Karla Swihart, City Clerk
City of Hart

STATE OF MICHIGAN
COUNTY OF OCEANA

I, Karla Swihart the duly qualified and acting Clerk of the City of Hart, Oceana County, Michigan (the "City") do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council at a regular meeting held on the 25th day of January 2022, the original of which is on file in my office. Public notice of said meeting was given pursuant to and in compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, including in the case of a special or rescheduled meeting, notice by publication or posting at least eighteen (18) hours prior to the time set for the meeting.
IN WITNESS WHEREOF, I have hereto affixed my official signature this ___day of January 2022.

Karla Swihart, City Clerk
City of Hart

- J. Evans motioned to approve resolution 2022-02 and supported by F. Rybarz
  - Ayes: 5 Nays: 0 Absent: 2

- Resolution 2022-03 Accept proposal for Environmental consulting services.

Accept environmental consulting services proposal for BioPure Forcemain project

WHEREAS, as part of the City of Hart has been awarded a $810,000 grant by the Michigan Economic Development Corporation to assist the City in the replacement of the aging wastewater forcemain from the Griswold list station to the BioPure treatment facility; and
WHEREAS, it is necessary for the City to obtain a qualified environmental consultant to perform a National Environmental Policy Act review to comply with Michigan Economic Development Corporation and Community Development Block Grant requirements; and
WHEREAS, Fishbeck corporation has submitted the most qualified proposal for services to support the City through this project by indicating their ability to perform the work in a timely matter allowing the City to meet its anticipated bidding timeline; and
WHEREAS, in order to secure the benefits of efficient self-government and to promote and protect our common interest and welfare, the City Council hereby declares:
NOW, THEREFORE, BE IT RESOLVED THAT THE HART CITY COUNCIL

Accepts the proposal for environmental consulting services from Fishbeck for a lump sum cost of $5,500 to complete the required NEPA assessment and all related environmental survey and documentation work as required by the terms of the MEDC distributed CDBG grant. Council authorizes the City Manager to sign and execute said agreement

- J. Evans motioned to approve Resolution 2022-03 and supported by C. Burillo
  - Ayes: 5 Nays: 0 Absent: 2

DISCUSSION ITEMS:

- Hart Fire Department snow plowing assistance.
  Wanted to bring up in front of Council. We sold the Fire Department to the Hart Fire Department as part of that transaction, The City of Hart shovels, and plows City of Hart Properties, well for the last 40 years the City has been plowing out the Hart Fire Barn. As the City no longer owns the Fire Department, DPW Supervisor talked with the fire chief in discussion was told that Hallack contracting was contracted to plow the department. People who were not part of that conversation would like the City to still come plow as the fire department has also helped the City out when needed. Council would like to have Mika Meyers (legal services) contacted due to insurance reasons and have a contract drafted up and presented to the Hart Fire Department for the City to continue plowing.

CITY MANAGER'S REPORT:

- City Manager R. Splane gave copy of manager's report to City Council
- Water rate study workshop hosted by the Michigan Rural Water Association was very beneficial. Work will continue to gather all necessary data to complete a water and wastewater rate study to be presented to council upon completion. The course instructor, Mike Engels from the Michigan Rural Water Association will be visiting Hart on February 15th and 16th to assist the City in reviewing the study to ensure the information is all correct. Studying and reviewing these rates regularly to is critical to ensure our residents have dependable and sustainable infrastructure.
- Speaking on the topic of infrastructure sustainability, on ongoing issue with the DPW Supervisory Control and Data Acquisition or SCADA system, continues to threaten the integrity of our water supply system. The SCADA system monitors real-time input to alarm our staff in the event of equipment failure or potential problems. Each of our departments rely on a SCADA system. This system must be reliable to minimize down time, avoid catastrophic failures, and to minimize overtime pay. The SCADA system has been patched together for several years and is now in need of some upgrades that will require a significant investment. We will work to find the best possible solution and share that solution with council in the near future.
- Text-My-Gov development has begun, and we are working with their implementation team to launch the program in mid-February. The City of Hart Text-My-Gov local number will be: 231-721-2777. We are excited to see this new communication tool benefit our residents and visitors.
- Hart to Heart coffee meetings at local businesses continue to be a hit with the community and offer new, more casual opportunities for our community members to communicate with the City Manager.
- The bids have been advertised for the dam embankment project and for the Hanson and Wigton street projects. We anticipate bringing the bid results before council soon to award the bid as appropriate.
- Looking for permission from Council to shut down City Hall for two days in March to get the ducts cleaned.

COMMUNICATIONS FROM THE MAYOR AND COUNCIL:

- Mayor Platt wanted to thank the County Commissioners who approved a new position at the County Jail. Mayor Platt is excited as she was selected to fill the position.
- Thank you to the residents who are beautifying the City of Hart downtown is looking very nice
- Thank you to the DPW team working around the clock plowing and keeping the roads clear
- Thank you Paul and City Manager R. Splane for attending Michigan Rural Water Association Meeting as it will help with our rate studies for the City.
- Nichole what a great meeting you held for Art to Hart and all the good ideas that have come in.

ADJOURN:

- There being no further business to come before the Council, the meeting adjourned at 8:54pm upon a motion by Catalina Burillo and supported by J. Evans. The next regularly scheduled meeting will be on February 8th, 2022, at 7:30 pm.

Respectfully Submitted

Karla Swihart

Karla Swihart, City Clerk

Payroll ID: 140

Pay Period End Date: 01/30/2022 Check Post Date: 02/03/2022 Bank ID: GEN

Grand Totals for Payroll:

Pay Code Id	Hours	OT Hours	Cur. Amnt.	YTD Amnt.
15X	0.00	81.50	3,098.71	4,776.32
2X	0.00	6.75	350.11	701.62
COMP	24.00	0.00	629.09	1,247.04
ETO	153.00	0.00	4,485.87	13,672.47
HOURLY	1,781.00	0.00	54,600.76	144,113.88
SALARY	30.00	0.00	615.38	1,230.76

Ded/Exp Id	Cur. Amnt.	YTD Amnt.
AFLAC	210.99	632.97
AFLDI	154.36	463.08
AFLIF	15.72	47.16
ALERUS 401	1,577.05	4,718.31
ALERUS 401 AD	8.00	24.00
ALERUS 457	1,200.00	3,600.00
ALERUS 457P	2,079.29	8,498.77
DENTAL_EE	108.17	321.70
DENTAL_ER	432.47	1,286.16
FITW	6,309.94	34,100.92
GAP_EE	326.51	960.26
GAP_ER	1,306.08	3,841.14
GUARDIAN _EE	19.05	56.08
GUARDIAN_ER	193.44	576.04
LIFE	21.90	43.80
LOAN	159.86	479.58
LU465	253.08	506.16
MED_EE	1,133.15	3,362.02
MED_ER	4,532.59	13,448.07
MEDICARE_EE	905.33	4,184.03
MEDICARE_ER	905.33	4,184.03
PHONE	35.00	70.00
SITW	2,435.10	10,893.73
SOCSEC_EE	3,871.01	17,890.30
SOCSEC_ER	3,871.01	17,890.30
UNI45	201.00	402.00
UNIFM	20.80	62.40

Gross Pay This Period	Deduction Refund	Ded. This Period	Net Pay This Period	Gross Pay YTD	Dir. Dep.	Expense This Period
63,779.92	0.00	21,045.31	42,734.61	292,548.21	40,520.04	11,240.92

* = Check Adjustment

RESOLUTION 2022 - 04
City Council
City of Hart, Michigan
Oceana County

Approve Memo of Understanding to provide snow removal services for the Hart Area Fire Department

WHEREAS, the City of Hart has partnered with neighboring communities to establish and maintain the Hart Area Fire Department; and

WHEREAS, The Hart Area Fire Administrative Board has asked that the City of Hart provide snow removal services for the department; and

WHEREAS, it is in the best interest of the City to support the fire department to ensure the continued safety of city and area community members, while continuing to promote local efforts of goodwill; 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 Mayor and Mayor Pro-Tem to sign a memo of understanding indicating the City of Hart will provide snow removal services to the Hart Area Fire Department at 808 South State Street Hart, MI 49420. Per the attached memo, either party may change, modify, or dissolve this agreement at any time through written communication.*

Moved by _____, supported by _____, and thereafter adopted by the Hart City Council at a regularly scheduled meeting held on February 8, 2022

Ayes: __ Nays: __ Absent: __

City of Hart
407 State Street
Hart, MI 49420

City of Hart – Hart Area Fire Department

Memo of Understanding:

In an effort to encourage community goodwill and multiple entity cooperation, The City of Hart proposes the following.

- After 40 years of ownership, The City of Hart agreed to sell Parcel No 64-020-739-001-30 known as physical street address 808 South State Street Hart, MI 49420 for the consideration of $1.00 to allow the Hart Area Fire Department to begin a series of Capital Improvement Projects.
- As part of this sale, The City of Hart is no longer the responsible party to perform snow removal at that site.
- The Hart Area Fire Department proposes that the City of Hart continue to provide snow removal services in a display of community goodwill.

Provisions of the agreement would include:

- All liability, loss, or damage as a result of claims, demands, costs, or judgments arising out of snow removal for the Hart Area Fire Department under this agreement are the responsibility of The Hart Area Fire Department, and not the responsibility of The City of Hart, if the liability, loss, or damage is caused by, or arises out of the actions or failure to act, on the part of The City of Hart, any of its departments, or anyone directly or indirectly employed by The City of Hart.
- If there is any dispute between the parties regarding the extent and character of the services to be performed, the Agreement shall terminate.
- This Agreement is effective only upon review and approval by Hart City Council and the Hart Area Fire Administrative Board.

There are no other agreements, written or oral, between these parties arising out of the same subject matter. Any changes or modifications to this Agreement shall be in writing and executed by the authorized agents for each party.

Agreement entered in this _____ day of _____, 2022.

BY: _____ BY: _____

Vicki Platt, Mayor – City of Hart

Fred Rybarz, Mayor Pro-Tem City of Hart

BY: _____ BY: _____

Dwight Fuehring, Fire Chief – Hart Area FD

~~Gary Beggs~~, Chairman – Hart Area Fire Board

RESOLUTION 2022 - 05
City Council
City of Hart, Michigan
Oceana County

Authorize City Staff to Approve Social District Permit Application and Sign Local Government Unit Approval Form – La Probadita

WHEREAS: the State of Michigan through PA 124 of 2020 has authorized the creation of Social Districts in communities throughout the state; and

WHEREAS: the ongoing limitations placed on businesses as a result of the COVID-19 pandemic has led communities to be creative in supporting businesses which includes passage of regulations permitting the creation of a local Social District; and

WHEREAS; the City Council must approve a Social District Permit for each licensee to engage in participating in social district business activities per MLCC direction.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL

> *Authorizes City staff to approve City of Hart Social District Permit Application and sign the Michigan Department of Licensing and Regulatory Affairs Liquor Control Commission Local Governmental Unit Approval For Social District Permit form, pending Maria Rosas DBA: La Probadita submitting proper Downtown Hart Social District Permit Application Paperwork.*

Moved by _____, supported by _____, and thereafter adopted by the Hart City Council at a regularly scheduled meeting held on February 8, 2022.

Ayes: __ Nays: __ Absent: __