City of Hart, Michigan
CITY COUNCIL AGENDA
February 25, 2020, 7:30 PM
City Hall, 407 State Street, Hart, Michigan

1. Call to Order
2. Roll Call – LaPorte, Frontiera, Hegedus, La Fever, Platt, Splane
3. Pledge of Allegiance
4. **Interviews for Council Vacancy**
    a. **Candidates: Jim Evans, Catalina Burillo and Katie Anderson**
    b. **Appointment to fill Council Vacancy**
5. Approval of Agenda
6. Approval of Minutes from February 11, 2020.
7. Public Comments, Correspondence, Events, Presentations
    a. Public Hearing: Sale of Public Land undivided interest in Lot 7 portion of parcel # 64-020-209-005-00
    b. Discussion regarding bidding practices – George Sadler
8. Department Reports (* written report is in the packet)
    a. Police* b. BioPure c. Public Works d. Energy e. HEART
9. Reports of Boards, Commissions, and Committees (*** Minutes in the packet)
    1. Cemetery
    2. DPW
    3. Housing Board of Review
    4. Finance/Personnel
    5. Fire Board
    6. Historic
    7. Police
    9. Power
    10. Recreation
    11. Parks
    12. Library
    13. Planning
    14. TIFA
    15. ZBA
    16. Tax Abatement
    17. Water/BioPure
    18. Neglected/Dangerous Properties
    20. H.E.A.R.T***
    21. Hart Lake Board
    22. Election Commission
    23. Starting Block Kitchen Incubator
    24. Compensation Com.
10. Bills, Claims, Payroll
11. Action Items
    a. Resolution 2020-14 Resind Resolution 2020-11
    b. Resolution 2020-15 Adopt Internal Financial Policies
    c. Resolution 2020-16 Adopt Bylaws for Hart Economic and Redevelopment Team
    d. Resolution 2020-17 Authorize the sale of public land
    e. Resolution 2020-18 Authorize application for Michigan Rural Community Demolition Grant
    f. Resolution 2020-19 Adopt Traffic Control Order #315
    g. First Reading of Ordinance Regulating the operation of off-road vehicles
12. Discussion Items
13. City Manager Report
14. Communications from the Mayor and Council
15. Closed Session: MCL 15.268 Sec. 8 (h) To consider material exempt from discussion or disclosure by state or federal statute discussion regarding the city attorney's written legal opinion concerning tolling agreement
16. Adjournment –

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.

Memo

To: Mayor and Council

From: Lynne Ladner

cc:

Date: 02/21/2020

Re: City Council Vacancy

Gentleman and Lady,

As you are going through your packet you will notice that the process for filling the Council Vacancy is located at the top of the agenda. This is to afford the Council to potentially take advantage of having the new member actively participating in the meeting that night. I am reaching out to all of the candidates to make sure that they are aware that the meeting packet is available to review online before the meeting and I will have a hard copy of the packet at the meeting for the new Councilor so that they can have all the information that they need.

A couple of things that I would like you to be aware of. First, Katie Anderson is not available to attend the meeting in person on Tuesday evening but is very interested in the position. To that end I made arrangements for her to call in and be on speakerphone so that she will be available to be interviewed by the council that evening just as the other two candidates will be interviewed. Secondly, Jim Evans was not aware that there was a list of questions to complete prior to the Council meeting until Friday afternoon. In order to be fair to all of the candidates he has asked if he could submit them on Monday and I told him that would be fine I would make sure to distribute them to the Council for review at that time. So, while his answers are not in your packet here, you can expect to receive a copy of them as soon as I do Monday.

Lynne

City of Hart
407 S. State St.
Hart, MI 49420

BOARDS – COMMITTEES - COMMISSIONS
APPLICATION FOR APPOINTMENT - REAPPOINTMENT TO
SERVE ON CITY ADVISORY BOARDS – COMMITTEES - COMMISSIONS

_____Power Board	_____Planning Commission
_____Water/BioPure Board	_____DPW Board
_____Hart Lake Improvement Board	_____Zoning Board of Appeals
_____Housing Board of Review	_____Neglected Properties Board
_____Park Committee	_____TIFA

X CITY COUNCIL

PLEASE CHECK OFF THE BOARDS/COMMITTEES/COMMISSIONS YOU ARE INTERESTED IN SERVING ON.

Name: JAMES EVANS Home Phone: 231-301-8117

Home Address: 410 S DRYDEN HART MI 49420

Employer Address: SELF EMPLOYED - BUSINESS CONSULTING SERVICE

Work Phone: 231-301-8117 Cell Phone: 757-287-8869

Email Address: JCEVANS@JAMESCEVANSLLC.COM

What special experience, education or interest do you have for serving on each of the board(s), committees(s), commissions(s) you selected?

EXPERIENCED EXECUTIVE MANAGER. DEDICATED TO CIVIL PROJECTS AND SERVICE. MEMBER OF HART LIONS CLUB. KNIGHTS OF COLUMBUS. EAGLES. RAN FOR CITY COUNCIL AND RECEIVED OVER 700 VOTES FROM HART CITIZENS. INDEPENDENT. TRANSPARENT

What other board(s), committee(s), and commission do you currently serve on or have served on in the past?

SERVED IN VARIOUS BOARDS FOR LIONS CLUB. WON STATE & NATIONA AWARDS. SAME WITH KNIGHTS OF COLUMBUS. PRINCIPAL PLANNING AND EXECUTING MANAGEMENT ON MASON CONSTUCTION PROJECTS. RESPONSIBLE FOR HIRING.

Signature _____ Date: 1-30-2020

Please return completed application to:

City of Hart
Lynne Ladner, City Manager
407 S. State St.
Hart, Michigan 49420
Fax: 231-873-0100

City use only:
Date of Approval:_____

_____

CANDIDATE INFORMATION FORM

FOR CITY COUNCIL VACANCY

1. ATTENDANCE AT MEETINGS: I understand the requirements and responsibilities of the City Council position. I am terminating my consulting business and will not be considering any additional assignments. My energy and efforts will be directed towards this most important aspect of our city.

2.PERSONAL INTEREST OR GOALS: I have no personal interest or conflicts of interest that would benefit from my selection to the City Council. No business connection with the city and no personal agenda. If I am fortunate enough to be selected for the City Council, I will represent Jim Evans and only Jim Evans. I am not now and never will be an associate, agent or ally with any party. I believe independence is a key component in decision making

3.DECISION MAKING: I believe the decision made by the City Council must reflect what is in the best interest for all our citizens. Where areas of conflicting opinions exist, we should seek a middle ground or compromise to find a solution that meets the needs of all parties. It will never be simple and may often be unpopular with some parties. The Council decisions are subject to public scrunity . I can promise to continue my practice of reading everything related to all programs and policies prior to rendering a vote.

4.CHANGE/ IMPROVEMENT: I believe in transparency, cooperation and communication. I would think all would benefit from the development of programs, such as E-mail and Voice-mail, to allow citizens to raise concerns and have these concerns addressed at council meeting for resolution. I ran for the City Council position during the last election cycle. I walked and knocked on 500 doors in our city and gathered over 200 votes. The citizens I spoke with express a degree of isolation from the council process. A worthwhile goal would be to reduce this feeling

5. CONFLICTS OF INTEREST: I have none. No financial or business associations of any kind that would influence my conduct on the council. I will represent Jim Evans and the citizens of Hart exclusively.

6.RELEVANT EXPEREINCE: To cast aside modesty, I am a detailed oriented, high energy knowledgeable business-based retiree. I will be a major benefit in attracting growth partners to Hart. I understand the modern concerns of business. I can work to recognize and meet the needs of potential development partners. I have a high level of experience in planning executing and developing commercial areas. My work assignments included human resource development and labor contract negotiations.

City Council Interview Questions

1. Tell us a little about yourself and why you are interested in serving on the Hart City Council. Married , three sons A business man all my career. A retired senior executive of a major shipping company. Focused on contract negotiations at a high level. I have a consulting business I am closing this year. I believe we all should "give Back" to quote a popular saying. I have been blessed in a number of ways I enjoy helping others. I am the Hart Lions club secretary, an Eagle, a third-degree knight at the KofC, Volunteer driver at OCCOA. I believe in Hart and tell my friends and family it's like heaven. No crime. No traffic. No pollution. Walk anywhere. Great city with great potential

2.What do you perceive as your responsibility to be as a City Council member? To represent the citizens of this city to best of my ability to ensure all aspects of our government are focused on improving the lives and living conditions of the city. Again, balance values from all perspectives in all decisions. Meeting attendance is a primary requirement

3.Based on your knowledge of the city, what do you feel the top priorities should be ? To promote growth and economic development in balance with the values of Hart. To strive to understand concerns of the citizens and react on their behalf

4.In your opinion, what is the most important service the city of Hart provides Security, services and detailed planning to insure a bright future. A security in safety and a security that the government is in good and capable hands

5. Describe the time when you had to make a difficult ethical decision and the thought process that led you to that decision. Sad to say during my career as a negotiator for vendor contracts a number of indirect and direct bribes were offered. I couldn't ever accept any improper inducements for my personal benefit. The thought process was relatively simple. I was not the type of person who could do that and never wanted to be.

6.Are there any concerns or worries you have for the City of Hart and serving on the City Council Not if we I will give my best effort and review all motions to find what best meets the needs of the citizens and our city. We must produce and maintain an environment that encourages growth

7.Is there anything in your past that may cause embarrassment to yourself and/or the city of Hart? No I do listen to Christmas music all year long.

City of Hart
407 S. State St.
Hart, MI 49420

BOARDS – COMMITTEES - COMMISSIONS
APPLICATION FOR APPOINTMENT - REAPPOINTMENT TO
SERVE ON CITY ADVISORY BOARDS – COMMITTEES - COMMISSIONS

_____Power Board	_____Planning Commission
_____Water/BioPure Board	_____DPW Board
_____Hart Lake Improvement Board	_____Zoning Board of Appeals
_____Housing Board of Review	_____Neglected Properties Board
_____Park Committee	_____TIFA X Council

PLEASE CHECK OFF THE BOARDS/COMMITTEES/COMMISSIONS YOU ARE INTERESTED IN SERVING ON.

Name: CATALINA BURILLO Home Phone: N/A

Home Address: 19 WATER ST. S., HART

Employer Address: 217 N. MICHIGAN AVE, SHELBY

Work Phone: 231-672-3365 Cell Phone: 231-923-3685

Email Address: Catalina.burillo@mercyhealth.com

What special experience, education or interest do you have for serving on each of the ~~board(s), committees(s), commissions(s)~~ Council you selected?

What other board(s), committee(s), and commission do you currently serve on or have served on in the past?

Signature Catalina A. Burillo Date: 2/21/20

Please return completed application to:

City of Hart
Lynne Ladner, City Manager
407 S. State St.
Hart, Michigan 49420
Fax: 231-873-0100

City use only:
Date of Approval:_____

City Council Interview Questions

1. **Tell us a little about yourself and why you are interested in serving on the Hart City Council.** I AM EASILY APPROACHABLE, WHICH IS A PLUS FOR COMMUNITY CONSTITUENTS. LONG TIME RESIDENT OF COMMUNITY. I CONSIDER MYSELF TO BE VERY RESOURCEFUL. I AM BILINGUAL IN ENGLISH AND SPANISH AND HAVE TIES TO A VARIETY OF COMMUNITY ORGANIZATIONS, COALITIONS, ETC.
2. **What do you perceive your responsibilities to be as a City Council member?** BE INFORMED, AS THE PEOPLE'S VOICE AND TO BE A TEAM PLAYER TO THE OTHER COUNCIL MEMBERS. TO BE ENGAGED IN LOCAL POLICIES THAT IMPACT DAY TO DAY
3. **Based on your knowledge of the City, what do you feel the top priorities should be?**
   - ENGAGING CITIZENS IN THE LOCAL COMMUNITY REVITALIZATION
   - VOTER TURN OUT
   - DIVERSITY AND INCLUSION
   - HART LAKE
4. **In your opinion, what is the most important service the City of Hart provides?** POLICE, FIRE, UTILITIES INCL. GARBAGE AND RECYCLING
5. **Describe a time when you had to make a difficult ethical decision and thought process that led you to your decision.** THERE WAS A DIFFICULT SITUATION IN MY LAST EMPLOYMENT WHERE IMPROPER DECISIONS WERE MADE THAT AFFECTED ALL STAFF IN A NEGATIVE WAY, AND IT WAS A CLEAR VIOLATION OF OUR CONTRACT AND THE CODE OF FEDERAL REGULATIONS, SO I REPORTED IT TO THE APPROPRIATE POWERS THAT BE. IT WAS HANDLED BY ATTORNEYS FROM THAT POINT FORWARD.
6. **Are there any concerns or worries you have for the City of Hart and serving on City Council?** NONE AT THIS TIME
7. **Is there anything in your past that may cause embarrassment to yourself and/or the City of Hart?** NOT THAT I KNOW OF

Feb. 21. 2020 5:45PM No. 0417 P. 2

CANDIDATE INFORMATION FORM
FOR CITY COUNCIL VACANCY

1. ATTENDANCE AT MEETINGS:
The City Council regularly meets at 7:30 p.m. on second and fourth Tuesday of each month, and last approximately 1 to 3 hours. Will your schedule permit your regular attendance at scheduled meetings? Do you envision any problems, such as work related matters, that would prevent you from attending on a regular (monthly) basis? →NO

YES, MY SCHEDULE PERMITS REGULAR MTG. ATTENDANCE

2. PERSONAL INTEREST OR GOAL:
Does your interest in serving on the City Council stem from a personal interest or goal? Is there something in particular you hope to accomplish while serving on the City Council, and why is serving on the Council important to you? Please elaborate.

AS A PRIVATE CITIZEN, I FEEL IT'S IMPORTANT TO HAVE A STAKE IN CREATING A VIBRANT AND INCLUSIVE COMMUNITY. I BELIEVE MOST CITIZENS WANT THE SAME COMMUNITY OUTCOMES - GREAT NEIGHBORHOODS TO LIVE IN, GREAT SCHOOLS TO SEND OUR CHILDREN TO, AND A THRIVING ECONOMY THAT PROVIDES GOOD JOBS.

3. DECISION MAKING:
The City Council must render decisions regarding the implementation of policies and/or programs that may be somewhat controversial. Are you willing to take on the responsibly of making decisions that are in the best interest of the public even though they may be somewhat controversial?

YES, TRANSPARENCY IS KEY

4. IF YOU COULD MAKE ONE CHANGE/IMPROVEMENT WHAT, WOULD THAT CHANGE/IMPROVEMENT BE?

MORE DIVERSE REPRESENTATION ON COUNCIL INCLUDING YOUNG PEOPLE (YOUTH). OUR COMMUNITY HAS THE POTENTIAL TO BE GREAT, BUT QUALITY COMMUNITIES HAVE TO BE BUILT - STRATEGICALLY AND INTENTIONALLY.

5. CONFLICT OF INTEREST:
Do you have any interest in or participate in any professional or personal activity that could lead to, or be perceived as, a conflict of interest if you become appointed? If yes, please explain.

NO CONFLICTS OF INTEREST THAT I'M AWARE OF

6. OTHER RELEVANT ACTIVITIES, EXPERIENCE, INTERESTS, SKILLS, ETC.
Please tell us about any other activities, specialized skills, knowledge, or professional experience that would contribute to your effectiveness in serving on the City Council.

I HAVE LIVED IN THE COMMUNITY THE MAJORITY OF MY LIFE. I HAVE BEEN INVOLVED WITH A WIDE VARIETY OF LOCAL COMMUNITY ORGANIZATIONS, COMMITTEES AND COALITIONS INCLUDING:

- West MI MIGRANT RESOURCE COUNCIL EXEC COM.
- HART MAIN ST. BOARD
- LAKESHORE HOSPITAL ADVISORY BOARD
- OCEANA LEADS EXEC. COM & TMAAT (task force)
- OCEANA HEALTHBOUND COALITION COORD.
- HISPANIC HERITAGE CELEBRATION PROJ. MGR.
- TOPPC
- HPS BAND BOOSTERS
- " ATHLETIC "
- OCEANA HOME PARTNERSHIP ROUND TABLE
- DIVERSITY TRAINER

Feb. 21. 2020 5:45PM
No. 0417 P. 3

City of Hart
407 S. State St.
Hart, MI 49420

BOARDS – COMMITTEES - COMMISSIONS
APPLICATION FOR APPOINTMENT - REAPPOINTMENT TO
SERVE ON CITY ADVISORY BOARDS – COMMITTEES - COMMISSIONS

_____Power Board	_____Planning Commission	X City Council
_____Water/BioPure Board	_____DPW Board	
_____Hart Lake Improvement Board	_____Zoning Board of Appeals	
_____Housing Board of Review	_____Neglected Properties Board	
_____Park Committee	_____TIFA	

PLEASE CHECK OFF THE BOARDS/COMMITTEES/COMMISSIONS YOU ARE INTERESTED IN SERVING ON.

Name: Katherine (Katie) Anderson Home Phone: 231-923-6710

Home Address: 308 Washington St. Hart

Employer Address: 327 S. Hancock St. Pentwater 49449

Work Phone: 231-869-8301 Cell Phone: 231-923-6710

Email Address: keanderson20@gmail.com

What special experience, education or interest do you have for serving on each of the board(s), committees(s), commissions(s) you selected?

-I have been employed with the Village of Pentwater for the last 2 1/2 years and in that time I have learned a great deal of the government processes that go into growing and developing a community and I am interested in helping the City of Hart in its growing process.

What other board(s), committee(s), and commission do you currently serve on or have served on in the past?

-I am currently serving on the Pentwater Park and Rec Board, as the Chair Person.

K. Anderson Date: 1/29/2020
Signature

Please return completed application to:

City of Hart
Lynne Ladner, City Manager
407 S. State St.
Hart, Michigan 49420
Fax: 231-873-0100

City use only:
Date of Approval:_____

CANDIDATE INFORMATION FORM
FOR CITY COUNCIL VACANCY

1. ATTENDANCE AT MEETINGS:
The City Council regularly meets at 7:30 p.m. on second and fourth Tuesday of each month, and last approximately 1 to 3 hours. Will your schedule permit your regular attendance at scheduled meetings? Do you envision any problems, such as work related matters, that would prevent you from attending on a regular (monthly) basis?
No, el should have no issues with attending meetings on a regular basis.

2. PERSONAL INTEREST OR GOAL:
Does your interest in serving on the City Council stem from a personal interest or goal? Is there something in particular you hope to accomplish while serving on the City Council, and why is serving on the Council important to you? Please elaborate.
el would like to see the downtown district become more inviting and to help get new businesses in town as well as help grow the businesses currently in the area.

3. DECISION MAKING:
The City Council must render decisions regarding the implementation of policies and/or programs that may be somewhat controversial. Are you willing to take on the responsibly of making decisions that are in the best interest of the public even though they may be somewhat controversial?
Yes I am, even though some decisions may be difficult it can be for the greates good of the community

4. IF YOU COULD MAKE ONE CHANGE/IMPROVEMENT WHAT, WOULD THAT CHANGE/IMPROVEMENT BE?
One improvement that el would like to make would be trying to get more community involvement in some of our activities.

5. CONFLICT OF INTEREST:
Do you have any interest in or participate in any professional or personal activity that could lead to, or be perceived as, a conflict of interest if you become appointed? If yes, please explain.
No

6. OTHER RELEVANT ACTIVITIES, EXPERIENCE, INTERESTS, SKILLS, ETC.
Please tell us about any other activities, specialized skills, knowledge, or professional experience that would contribute to your effectiveness in serving on the City Council.
el am currently employed for the Village of Pentwater, and am familiar with government proceedings as well as the Chair person of the Rec Board.

City Council Interview Questions

1. **Tell us a little about yourself and why you are interested in serving on the Hart City Council.** As a member of this community el am invested in the growth of the City and the people that live here, serving on the City Council would be one more step in helping this community continue to thrive and be more successful.
2. **What do you perceive your responsibilities to be as a City Council member?** As a Council member el perceive my responsibilities to be helping establish long and short-term objective work on community growth and help oversee the programs we have established.
3. **Based on your knowledge of the City, what do you feel the top priorities should be?** el feel that the down town district needs more growth and development.
4. **In your opinion, what is the most important service the City of Hart provides?** eln my opinion, el don't think that there is one service that is more important than any other. Each of the services that the City provides helps structure and growth in the community.
5. **Describe a time when you had to make a difficult ethical decision and thought process that led you to your decision.** As the Kentwater Rec Director el am faced with difficult and sometimes unexpected issues el take my time in analyzing the situation and making the best choice even if it's not the most popular option.
6. **Are there any concerns or worries you have for the City of Hart and serving on City Council?** No, el have no worries or concerns
7. **Is there anything in your past that may cause embarrassment to yourself and/or the City of Hart?** No, el work hard at maintaining a responsible and respectful lifestyle.

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

PRESENT: Mayor Ron LaPorte, Councilors: Joe Frontiera, Vicki Platt, Steve Hegedus, and Rob Splane.
ABSENT: Jason La Fever
OTHERS PRESENT: Energy Department Superintendent – Mike Schiller, BioPure Superintendent – Paul Cutter, and Deputy City Clerk - Cheri Eisenlohr. See attached list for others in attendance.

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

AGENDA:

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

MINUTES:

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

PUBLIC COMMENTS, CORRESPONDENCE, EVENTS, PRESENTATIONS:

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

DEPARTMENT REPORTS:

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

BILLS, CLAIMS, & PAYROLL:

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

ACTION ITEMS:

Ms. Ladner addressed the following Action Items:

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

The energy department has solicited bids for the purchase of 5/35 and 4/40 utility poles from four companies. Power Line supply is priced at $203 per 5/35 pole and $295 per 4/40 pole, Stella Jones $225 per 5/35 pole and $326 per 4/40 pole, Koppers $254 per 3/35 pole and $340 per 4/40 pole, and Bell at $252 per 5/35 pole and $399 per 4/40 pole. With the need to ensure that the department has utility poles on hand in case of damage, decay, or line extension, it is most cost-effective to purchase the poles in larger quantities for delivery to be included in the price.
It is my recommendation that the council adopt resolution 2020-10 accepting the bids for the purchase of utility poles and authorize the department to purchase the quantities specified on the lowest per pole bid from Power Line Supply not to exceed $11,140
Lynne

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

ACCEPT BIDS FOR ENERGY DEPARTMENT UTILITY POLES AND AUTHORIZE PURCHASE

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

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

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

NOW THEREFORE BE IT RESOLVED THAT THE HART CITY COUNCIL:

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

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

Ayes: 5 Nays: 0 Absent: 1

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

Cheri Eisenlohr

Cheri Eisenlohr, Deputy Clerk

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

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

Lynne

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

ACCEPT BIDS FOR REMOVAL OF TREES AT JOHN GURNEY PARK

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

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

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

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

NOW THEREFORE BE IT RESOLVED THAT THE HART CITY COUNCIL:

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

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

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

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

Cheri Eisenlohr, Deputy Clerk

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

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

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

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

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

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

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

NOW THEREFORE BE IT RESOLVED THAT THE HART CITY COUNCIL:

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

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

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

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

Cheri Eisenlohr

Cheri Eisenlohr, Deputy Clerk

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

The State of Michigan is encouraging the development of water trails in areas that can provide recreational activities to the public, and water trails are a priority for the MNR Trust Fund in connecting grant projects with these recreational opportunities. The City is also required to increase our recreation options associated with Hart Lake in order to retain our license for the Hydro-dam.
It is my recommendation that the Council adopts Resolution 2020-13 Authorizing contract with Prein & Newhof for the development of the Hart Lake Water Trail.

Lynne

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

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

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

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

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

NOW THEREFORE BE IT RESOLVED THAT THE HART CITY COUNCIL:

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

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

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

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

Cheri Eisenlohr, Deputy Clerk

SPECIAL EVENTS PERMITS:

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

DISCUSSION ITEMS:

- Internal Policies to correct audit deficiencies.

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

CITY MANAGER'S REPORT:

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

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

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

CITY ATTORNEY'S REPORT:

- None

COMMUNICATIONS FROM THE MAYOR AND COUNCIL:

- None

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

Respectfully Submitted

Deputy City Clerk

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: February 25th, 2020

RECENT EVENTS

From Thursday, February 6th, 2020, through Wednesday, February 19th, 2020, the Hart Police Department received 79 complaints ranging from Medical Assists, Suspicious Situations, Alarms, Minor in Possession of Marijuana, Fraud's, Domestic Assaults, Breaking & Enterings, Warrant Arrests, Family Trouble, Disturbances, Harassments, Larcenies, Noise Complaints, Vehicle Violations, Traffic Hazards, Assist to Other Agencies, Animal Complaints, Reckless Driving and an Illegal Use of a Financial Transaction Device.

On Friday, February 7th, 2020, the Hart Police Department was dispatched to the 300 block of Johnson Street in reference to a juvenile in possession of suspected Marijuana. A 13-year-old boy was noted to be in possession of a small tin, which contained a small amount of a leafy green substance. A field test was conducted on the substance, which tested positive for marijuana. The boy was cited for a juvenile in possession of marijuana and turned over to his guardian without incident.

On Sunday, February 9th, 2020, the Hart Police Department was dispatched to the 400 block of Courtland Street in regards to an Unwanted Person / Domestic Assault. A 44-year-old Hart woman claims a 38-year-old Hart man had thrown a beer can at her, striking her in the ear area. The man then is alleged to have physically restrained the woman who was attempting to leave the home. The man was arrested and lodged at the Oceana County Jail.

On Sunday, February 9th, 2020, the Hart Police Department received information about a 47-year-old Hart woman who resided in the 600 block of State Street had a valid/active warrant out of the Lake County Sheriff's Office and the Lansing Police Department for her arrest. The woman was located / arrested and lodged at the Oceana County Jail, referencing these warrants.

On Tuesday, February 11th, 2020, the Hart Police Department was dispatched to the 4000 block of Polk Road reference a threats complaint. A 34-year-old Rothbury man had threatened an Oceana County Department of Health and Human Services worker via telephone. The man became belligerent with the worker and threatened to come to the building. A report will be submitted to the Oceana County Prosecutor's Office.

On Tuesday, February 11th, 2020, the Hart Police Department conducted a warrant attempt in the 500 block of Wood Street. A 34-year-old Hart man showed an active/valid warrant for his arrest out of the Hart Police Department. The man was located and lodged at the Oceana County Jail reference this warrant.

On Thursday, February 13th, 2020, the Hart Police Department initiated a traffic stop on Oceana Drive near Polk Road referencing a vehicle violation. A 23-year-old New Era woman was arrested and lodged at the Oceana County Jail for Operating a Motor Vehicle without Insurance.

On Tuesday, February 15th, 2020, the Hart Police Department was dispatched to the 400 block of Polk Road in regards to a Counterfeit $100 Bill being passed. A male individual was noted via surveillance footage entering a local business and passing this counterfeit bill. An investigation is ongoing.

On Tuesday, February 15th, 2020, the Hart Police Department was dispatched to the 800 block of State Street about an Illegal Use of a Financial Transaction Device. A 17-year-old Shelby woman was noted via surveillance footage utilizing a debit card without the card owner's permission. An investigation is ongoing.

Respectfully,

J. Salazar,
Chief of Police

H.E.A.R.T. BOARD MEETING

Wednesday, February 13, 2020, at 11:30 AM
City of Hart
407 State St.,
Hart, MI 49420
Minutes

Members Present: Scott Beal, Tracey Lipps, Brandi Bruch, Brandon Bruce, Rob Splane (late), Jake Tufts, and Lynne Ladner
Absent: Vicki Platt
Others Present: Interim HEART Director – Chris Rickard via phone, Deputy City Clerk – Cheri Eisenlohr

- George Sadler and Jim Evans

Call the Meeting to Order: Ms. Ladner called the meeting to order at 11:30 am.
Public Comment:

- Mr. Sadler asked what the procedure was for making public comments and was advised by Ms. Ladner that if it is not an item on the agenda, speak during the public comment time if it is an agenda item you may talk at that time the item is brought up and only when public comment time is acknowledged and no further comments after the board discussion.

Consent Agenda:

- Minutes of the 1/9/2020 meeting.
    - Mr. Bruce made a motion to accept the agenda, supported by Ms. Lipps, all ayes, the motion carried.

Action Items:

- Appointment of Officers:
    - Ms. Ladner nominated Mr. Splane for President, supported by Mr. Bruce, all ayes.
    - Ms. Lipps nominated Mr. Bruce for Treasurer, supported by Ms. Ladner, all ayes.
    - Mr. Beal stated that he would be Secretary, supported by Mr. Splane, all ayes.
    - Mr. Beal nominated Ms. Ladner for Vice President, supported by Ms. Bruch, all ayes.
- Review and Adoption of Bylaws:
    - Mr. Splane made a motion to forward the bylaws to the Council for adoption, supported by Mr. Tufts. All ayes, motion carried.
- Assignment of Director Terms of Office:
    - Half the board will have one-year terms and the other half to have two-year terms.
        - One year: Mr. Bruch, Mr. Beal, Ms. Lipps, and Mr. Bruce
        - Two year: Mr. Tufts, Ms. Ladner, Mr. Splane, and Ms. Platt
            - Mr. Bruce made a motion to accept the terms, supported by Ms. Bruch, all ayes, the motion carried.
- Acquisition of Books:
    - Ms. Bruch made a motion to approve, supported by Ms. Lipps, all ayes, the motion carried.
- Authorization to open bank accounts and designate signers:
    - Mr. Beal made a motion to authorize officers to have signing authority and to require two signatures on a check, supported by Ms. Bruch, all ayes, the motion carried.
- Adoption of Fiscal Year:
    - This item is to be tabled until the City attorney advises if the fiscal year-end should align with the City's fiscal year-end.
- Execution of Corporate Instruments:
    - Mr. Splane made the motion to approve the Execution of Corporate Instruments, supported by Mr. Tufts, all ayes, the motion carried.
- Indemnification of Incorporator:
    - Mr. Tufts made a motion to Indemnify the Incorporator, supported by Mr. Beal, all ayes, the motion carried.
- Designate committee to review Director applications and set up interviews:
    - The review committee will consist of Mr. Tufts, Ms. Ladner, Mr. Beal, and Mr. Splane.
    - The interview committee will consist of Mr. Splane, Ms. Ladner, and Mr. Bruce.
        - Interviews will take place on Wednesday, February 19, 2020, from 3:00 pm to 6:00 pm.

- Set Regular meeting days, times, and location:
    - Meetings will take place on the third Wednesday of the month at City Hall, 4:00 pm.
- Selection of Logo:
    - Logo #5 with a different font, was chosen.

Board Member Comments:

- Mr. Beal stated that sponsors were asking questions about their sponsorships and if they will continue to be sponsors. Ms. Ladner noted that a 2016 resolution was passed that allowed the assets in the event of dissolution to come back to the City. The sponsor's funds will remain with the program.
- Ms. Lipps advised that HEART did not receive the MACA grant. Ms. Ladner stated that there were enough funds to cover the summer music program without the grant money.
- Ms. Ladner explained that a letter was sent anonymously to the Rotary advising them that they were now in charge of the Hart Sparks program. Mr. Splane and Ms. Ladner will meet with the Rotary and confirm that the letter was not correct, and that HEART will continue to coordinate/fund the program along with the City.
- Mr. Bruce thanks Ms. Ladner for all the work that she has done during the transition to the new program.
- All "MainStreet" logos are to be removed by the end of February.

Adjourn: Mr. Splane made a motion to adjourn at 12:19 pm, supported by Ms. Bruch, all ayes, the motion carried.

Next Meeting: Wednesday, March 18, 2020, at 4:00 pm.

CITY OF HART
407 S. STATE ST.
HART, MI 49420

TAX INCREMENT FINANCE AUTHORITY (TIFA)
February 14, 2020, at 10:00 am
MINUTES - DRAFT

Members Present: Steve Bruch, Tracey Lipps (via phone), Scott Hegg, Lynne Ladner, and Gale Goldberg
Members absent: Bill Hegg
Others present: Deputy City Clerk - Cheri Eisenlohr
Call to Order: Ms. Ladner called the meeting to order at 10:05 am. Rollcall was then taken.
Agenda Approval:

- Ms. Goldberg made a motion to accept the agenda, supported by Mr. S. Hegg, all ayes, the motion carried.

January 9, 2020, Minutes Approval:

- No motion was made to accept the minutes.

Public Comments: None
Action Items:

- Authorize Bank Account Signers for TIFA Accounts
    - Ms. Ladner made a motion to authorize herself, Ms. Goldberg, Mr. S. Hegg, and Ms. Lipps as signers, replacing Ms. Patrice Martin (resigned) and Mr. Bill Hegg on accounts at Huntington Bank, supported by Mr. Bruch, all ayes, the motion carried.

Discussion Items:
Communications from Members:

- Ms. Ladner advised the board that the City received its final approval to be a certified Redevelopment Ready Community.

Mr. Bruch made a motion to adjourn the meeting at 10:16 am, supported by Mr. S. Hegg, all ayes, the motion carried, and the meeting adjourned.

The next regularly scheduled meeting is to be March 12, 2020, at 1:00 pm.

Payables Date: 2/25/2020	Description	Total	General +	DPW	Energy	BPTF	Water
Allshred	Office Recycling	$ 44.35	$ 44.35				
Ceres Solutions	UPS Charges	$ 39.00		$ 39.00			
Charter	Hart Commons	$ 109.99			$ 109.99		
Charter	CM Internet	$ 100.26	$ 100.26				
Delta Dental	March Ins. Prem.	$ 1,364.73	$ 520.69	$ 180.81	$ 429.35	$ 163.28	$ 70.60
Forsyth, Lisa	Deposit Refund	$ 8.44			$ 8.44		
Frontier	Dam	$ 101.55			$ 101.55		
GRP Engineering	SubStation Inspections	$ 866.83			$ 866.83		
HACH	Lab Supplies	$ 2,921.40				$ 2,921.40	
Hart Cemetery	Summer Taxes	$ 45.81	$ 45.81				
I-2000	Website Hosting - Canceling 4/1/20	$ 30.00	$ 30.00				
Lawson-Fisher	DSSMR Rep/MI-2020 Lic. Req.	$ 4,597.14			$ 4,597.14		
LEAF	Police Copier Lease	$ 39.00	$ 39.00				
Mika Meyers	Legal Svcs	$ 1,199.50	$ 1,199.50				
MPPA	Purchased Power	$ 14,216.94			$ 14,216.94		
Natl. Ladder & Scaffold	Utility Box for new truck	$ 769.59				$ 769.59	
Oceana Cnty Sheriff Dept.	Inmate Supervisor	$ 261.52				$ 261.52	
Power Line Supply	Parts/Supplies	$ 3,472.56			$ 3,472.56		
Pranger Property Mgmt	Cleaning Svcs	$ 168.00	$ 168.00				
Prein & Newhof	Various Projects	$ 142,998.32			$ 2,960.33	$ 136,869.20	$ 3,168.79
Quill	Office Supplies	$ 105.98	$ 105.98				
Redding, Jordan	Deposit Refund	$ 72.78			$ 72.78		
Sibley, Kirsten	Deposit Refund	$ 3.75			$ 3.75		
Steve's Auto & Truck	Brakes - Police Unit	$ 411.03	$ 411.03				
UIS Scada	Cruise Subscription Fees 1/20 - 12/20	$ 2,395.00					$ 2,395.00
Priority Health	March Ins. Prem.	$ 18,042.59	$ 7,815.79	$ 2,286.10	$ 4,600.48	$ 2,506.32	$ 833.90
Mears Service Ctr	Parts for Truck	$ 63.16		$ 63.16			
La Docsa	Blowers	$ 442,362.60				$ 442,362.60	
		$ -					
	Subtotal	$ 636,811.82	$ 10,480.41	$ 2,569.07	$ 31,440.14	$ 585,853.91	$ 6,468.29
Additional Bills							
		$ -					
	Subtotal	$ -	$ -	$ -	$ -	$ -	$ -
	Subtotal Reg and Additional	***$ 636,811.82***	***$ 10,480.41***	***$ 2,569.07***	***$ 31,440.14***	***$ 585,853.91***	***$ 6,468.29***
HAND CHECKS/ACH							
Alerus - ACH	***City Share 401 Retirement***	$ 3,103.44	$ 3,103.44				
US Postmaster	Postage Utility Bills	$ 126.04			$ 56.72	$ 44.11	$ 25.21
Mich. Dept. of Treasury	Unclaimed Funds	$ 422.64			$ 422.64		
MWEA	Conference - P. Cutter	$ 285.00				$ 285.00	
Torres, Justin	Cluster Pluck Artwork/Posters	$ 150.00	$ 150.00				
Atomic Music Group	Cluster Pluck Deposit	$ 300.00	$ 300.00				
		$ -					
	TOTAL HAND CHECKS	$ 3,229.48	$ 3,103.44	$ -	$ 56.72	$ 44.11	$ 25.21
Sub-Total Regular Bills/Additional Bills/Hand Checks		***$ 640,041.30***	***$ 13,583.85***	***$ 2,569.07***	***$ 31,496.86***	***$ 585,898.02***	***$ 6,493.50***
Gross Payroll	478	$ 56,294.02					
	Sub-Total	$ 56,294.02					
	GRAND TOTAL	$ 696,335.32	$ 13,583.85	$ 2,569.07	$ 31,496.86	$ 585,898.02	$ 6,493.50

--OVER--

PAYROLL AMOUNTS					
02/20/20					
Pay 478		GROSS PAY	OVERTIME	OPT-OUT	BASE PAY
Employee Code	Dept.		PAY		
FULL-TIME					
MGR.	MSM	$0.00	$0.00	$0.00	$0.00
DPW1	DPW	$2,189.40	-$221.40	$0.00	$1,968.00
DPW2	DPW	$2,164.80	$0.00	$0.00	$2,164.80
DPW3	DPW	$2,388.48	-$187.60	$0.00	$2,200.88
DPWS	DPW	***$2,376.80***	$0.00	$0.00	$2,376.80
ENERGY1	Energy	$3,253.60	-$117.60	$0.00	$3,136.00
ENERGY2	Energy	$3,743.60	-$294.00	$0.00	$3,449.60
ENERGYS	Energy	***$3,765.61***	$0.00	$0.00	$3,765.61
ENERGY3	Energy	$3,058.52	-$100.84	$0.00	$2,957.68
ENERGY4	Energy	$2,488.81	$0.00	$0.00	$2,488.81
ENERGY5	Energy	$2,502.26	-$400.66	$0.00	$2,101.60
DCC	Office	***$1,556.00***	$0.00	$0.00	$1,556.00
MGR.	Office	***$3,552.00***	$0.00	$0.00	$3,552.00
CC	Office	***$1,968.80***	$0.00	$0.00	$1,968.80
DCC	Office	***$1,381.60***	$0.00	$0.00	$1,381.60
PO	Police	$2,097.60	$0.00	$0.00	$2,097.60
PO	Police	$2,530.23	-$432.63	$0.00	$2,097.60
PO	Police	$2,097.60	$0.00	$0.00	$2,097.60
PC	Police	***$2,463.20***	$0.00	$0.00	$2,463.20
DS	Police	$2,154.41	$0.00	$0.00	$2,154.41
BIOS	WW	***$2,816.00***	$0.00	$0.00	$2,816.00
BIOS	WW	$2,164.80	$0.00	$0.00	$2,164.80
BIOS	WW	$2,000.80	$0.00	$0.00	$2,000.80
TOTAL		**$54,714.92**	**$0.00**	**$0.00**	**$52,960.19**
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
TOTAL		**$0.00**	**$0.00**	**$0.00**	**$0.00**
PART-TIME					
MGR.	HHD	$446.60	$0.00	$0.00	$446.60
MSM	HMS	$337.50	$0.00	$0.00	$0.00
EW	Office	$0.00	$0.00	$0.00	$0.00
CEO	Office	$0.00	$0.00	$0.00	$0.00
PPO	POL-PT	$0.00	$0.00	$0.00	$0.00
PPO	POL-Pt	$795.00	$0.00	$0.00	$0.00
TOTAL		**$1,579.10**	**$0.00**	**$0.00**	**$446.60**
TOTAL PAYROLL		**$56,294.02**	**$0.00**	**$0.00**	**$53,406.79**

OVERTIME HOURS WORKED							Item 9
Pay Period 01/31/2020 to 2/13/2020		Pay 478	PAID HOURS			Call-Out	Pay Date 2/06/2020
EMPLOYEE NAME	DEPT.	DATES WORKED	1.5x	2x	2.25x	Sched.	REASON
Chris Kies	BPTF						
Frank Lloyd	BPTF						
Jason Riggs	DPW						
Mike Eisenlohr	DPW						
Matt Adams	DPW	1/20/2020	6.00			C	Plowing
Terry Birkman	Energy	2/11/2020	2.00			C	Broken Neutral
Andy Van Zoeren	Energy	2/1,2	7.50	2.00		C	Lab, Plow Snow
Nathan Gowell	Energy	2/10/2020	5.00			S	Plowing
Jed Van Dyke	Energy						
Scott Van Agtmael	Energy	2/11/2020	2.00			C	Broken Neutral
Shawn Anderson	Police						
Brian Hintz	Police	2/4/2020	11.00			S	Cover Shift
Kevin Skipski	Police						
Joe Ingalls	Police						
Elizabeth Mantyck (PT)	Police						
David Malotke (PT)	Police						

Memo

To: Mayor and Council

From: Lynne Ladner

cc:

Date: 02/21/2020

Re: Res 2020-14 Rescind Resolution 2020-11

At the last council meeting when resolution 2020-11 was brought before the Council Mr. Sadler commented that he thought that the project had been awarded previously. To which I replied that the previous resolution had failed. The next day following the meeting I reviewed the minutes from the January 14 meeting when resolution 2020-04 was considered and realized that I had made a significant mistake. Resolution 2020-04 authorizing the removal of the marked trees at John Gurney Park and waiving the bidding did in fact pass with 3 affirmative votes, 2 negative votes and 2 members absent and awarded the project to Dubois Tree and Land Management. My mistake stemmed from confusion on my part related to the required number of votes to for action to take place. As I am sure you are all aware but at times it trips me up, resolutions only require a simple majority vote (in the case of the January meeting with 5 members present a majority was 3 but when 6 members or a full council is present a majority is 4 votes). Ordinances however, always no matter how many members are present require a minimum of a 4 member affirmative vote for approval.

Believing that resolution 2020-04 had failed, I requested that Mike re-bid and advertise the project as the trees still need to be removed. This resulted in the receipt of two bids and resolution 2020-11 being brought before the Council at the February 11 meeting where the project was then awarded a second time but at a lower amount to Custom Tree Service with a vote of 4 affirmative votes, 1 negative vote and 1 absent member. Following the meeting it was brought to my attention that several people were certain that the project had in fact been awarded previously. On Wednesday I began looking into the issue and after reviewing the minutes from January 14 and the vote tally sheet from January 14 I realized the significant mistake. I contacted the City Attorney, but he was out of the office for the week and did not return until Monday this week. We spoke on February 17th about the issue and after explaining the situation Mark advised that the project had been legally and properly awarded at the January 14th meeting, that while it was not a necessity if I could reach out to Dubois Tree and Land Management and ascertain if they would be willing to complete the project for the amount bid by Custom Tree Service then the City would benefit from a lower cost for the project but would be working with the company that had been legally awarded the bid first. Dubois has been contacted and has agreed to perform the services for the lower cost of $12,350 for this

project. CA Mark advised that the Council need to take action at the February 25th meeting to rescind resolution 2020-11 as the project has been previously awarded and amend the contract price for resolution 2020-04.

I sincerely apologize for this very messy mistake that I have made. It is not the quality of work that I expect of myself and not the quality of the work that the Council should expect of me. It is important to note that the trees that have been marked at JGP are large, diseased, dead, in some cases hollow and present a liability for the city if they are not removed as we are aware of the issues and if they were to in anyway injure or cause damage to person or property because the City had not dealt with them to maintain the safety of the area it is unlikely that our insurance would cover the incident.

It is my recommendation that the Council adopt Resolution 2020-14 rescinding Resolution 2020-11.

Lynne

RESOLUTION 2020-14
City Council
City of Hart, Michigan
Oceana County

RESCIND RESOLUTION 2020-11

WHEREAS, a mistake has been acknowledged by the City Manager regarding the project to remove diseased and dead trees in John Gurney Park; and

WHEREAS, after confiring with the City Attorney it has been verified that the contract for the removal of the trees was properly and lawfully awarded in Resolution 2020-04; and

WHEREAS the City cannot award the same project twice and is bound to honor the first awarded contract.

THEREFORE, BE IT RESOLVED, that the City of Hart rescinds Resolution 2020-11.

Moved by _____, supported by _____, and thereafter adopted at the regular City of Hart City Council meeting on February 25, 2020.

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 Council

From: Lynne Ladner

cc:

Date: 02/21/2020

Re: Res. 2020-15 Adopt Internal Financial Policies

As part of the FY 2018 and FY 2019 Financial Audits for the City it was identified as deficiencies the fact that the City had not adopted financial policies related to: Capital Assets, Fraud Risk Management, Disaster Recovery, ACH and Electronic Funds Transactions and Fund Balance for the General Fund. As part of the corrective action plan the Department of Treasury requested that I submit copies of the City's adopted policies for these areas.

I was able to get sample policies from the City's Auditor which I then tailored to the City of Hart, provide a draft sample to the City Council and the City Attorney for review. Having received requests from the Council for changes, input regarding the minimums and maximums for the fund balance policy and having made the requested clarifications and tweaks requested by the City Attorney before you are the final draft policies for adoption. The polices that you are being asked to adopt are:

Fraud Risk Management Policy
Automated Clearing House/Electronic Funds Transfer (ACH/EFT) Policy
Capital Asset Management Policy
Disaster Recovery Plan
Fund Balance for the General Fund Policy

It is my recommendation that you adopt Resolution 2020-15 adoption financial policies related to Fraud Risk Management, ACH/Electronic Funds Transfer, Capital Asset Management, Disaster Recovery and the Fund Balance for the General Fund.

Lynne

RESOLUTION 2020-15

City Council

City of Hart, Michigan

Oceana County

ADOPTING POLICIES RELATED TO FRAUD RISK MANAGEMENT, ACH AND ELECTRONIC TRANSACTIONS, CAPITAL ASSET MANAGEMENT, DISASTER RECOVERY AND FUND BALANCE POLICY FOR GENERAL FUND

WHEREAS, the City of Hart is a home rule city governed by the laws and regulations of the Michigan Home Rule City Act; and

WHEREAS, the Department of Treasury has required that the City adopt certain policies identified in the FY 2018 and FY 2019 audits as deficiencies due to a lack of formal adoption; and

WHEREAS, Maner Costerian the City's auditing firm provided sample policies and the City Attorney has reviewed the policies to ensure that they meet the City's needs while compling with the requirements of generally accepted accounting standards

NOW THEREFORE BE IT RESOLVED THAT THE HART CITY COUNCIL:

Adopts the attached Fraud Risk Management Policy, ACH and Electronic Transactions Policy, Capital Asset Management Policy, Disaster Recovery Policy and Fund Balance Policy for the General Fund

Moved by _____, supported by _____, and thereafter adopted by the Hart City Council at a regular meeting held on Tuesday, February 25, 2020.

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 Clerk

CITY OF HART
FUND BALANCE POLICY FOR GENERAL FUND

Purpose

To establish an appropriate level of fund balance in the General Fund, define the components of fund balance, and direct officials in the methods to be used for increasing or decreasing fund balance when trends indicate fund balance will fall outside the minimum/maximum levels.

Policy

Fund balance is created from excess revenues over expenditures. It is a fund's net assets, mostly made up of cash and investments and, unless otherwise restricted, available for spending. There are five components of fund balance, namely:

1. **Nonspendable Fund Balance.** This portion of fund balance is *nonspendable* because of its form, for example inventory and non-financial assets, or because of legal or contractual requirements.

2. **Restricted Fund Balance.** This portion of fund balance is *restricted* due to external limitations placed on the use of the funds. The restriction typically comes from outside the local government as a condition of the revenue source.

3. **Committed Fund Balance.** Fund balance is *committed* if a limitation is set in place by formal action of the City Council prior to the end of the fiscal year. The limitation remains binding until the City Council takes formal action to remove it.

4. **Assigned Fund Balance.** Fund balance may be *assigned* to reflect the intended use of the resource. The assignment of funds may come from the City Council or from a designee of the City Council, for example the City Manager. Less formality is needed to impose, remove, or modify a constraint reflected in *Assigned Fund Balance*. No funds other than the General Fund may have Unassigned Fund Balance, therefore any amounts remaining in excess of Nonspendable, Restricted, or Committed funds in funds other than the General Fund will automatically be reported as *Assigned Fund Balance*. If any portion of existing fund balance will be used to eliminate a projected deficit in the subsequent year's budget, this amount will also be categorized as *Assigned Fund Balance*.

5. **Unassigned Fund Balance.** The General Fund, and no other governmental fund, may have resources that cannot be classified in one of the four categories described above. Only the General Fund can report a surplus, an *Unassigned Fund Balance*.

Because Nonspendable and Restricted fund balance are not available for spending due to external enforceable conditions this fund balance policy is focused on the appropriate level of General Fund Unrestricted fund balances, those classified as Committed, Assigned, and Unassigned.

Financial flexibility, provided by adequate fund balance, is needed to cushion the impact of unanticipated emergencies and revenue shortfalls. These include loss of major taxpayers, loss of state revenue sharing, infrastructure emergencies and other economic distresses that serve to impair the City's ability to deliver essential community services. Without this cushion taxpayers would be subject to millage increases, cuts in services, and/or deferred investment in and maintenance of infrastructure.

Minimum/Maximum Unrestricted Fund Balance

Minimum Unrestricted fund balance shall be the sum of the top two taxpayers' total annual City tax or 25% of General Fund revenue, whichever is higher.

Maximum Unrestricted fund balance shall be the sum of the minimum, plus an infrastructure emergency reserve of 10%,

The minimum/maximum range will be determined each year and reported as part of the fiscal budget.

Remedy for Maintaining Minimum/Maximum Fund Balance Range

When fund balance approaches its minimum threshold the following measures, in priority order, shall be used to build up fund balance:

1. Cut or delay pay-as-you-go capital improvements from the CIP.
2. Cut general operating expenses.
3. Increase rates and charges that fund specific services to make them self-sufficient where possible.
4. Increase millage.

When fund balance approaches its maximum threshold the following measures, in priority order, shall be used to reduce fund balance:

1. Fully fund the Employee Defined Benefit pension, if not already at full funding.
2. Fully fund the OPEB Annual Required Contribution, if not already at full funding.
3. Pre-fund or accelerate capital improvements in the CIP by transferring funds to the Capital Improvement budgets.
4. Move up the debt schedule for existing bond payments to lower the City's debt burden.
5. Reduce millage.

FRAUD RISK MANAGEMENT POLICY

EFFECTIVE DATE: February 26, 2020

POLICY: The CITY OF HART is committed to making sure that the opportunity for fraud, theft, and corruption is reduced to the lowest possible risk. Systems and procedures for the prevention and detection of fraud and theft have been designed and implemented to ensure a culture and environment that promotes honesty and ethical behavior.

As an important part of this commitment, this policy will serve to advise and guide the CITY OF HART's Boards, Committees, Councils, employees, and volunteers on the CITY OF HART's approach to these serious issues. All individuals connected with the CITY OF HART are expected to be fair and honest, and to provide the CITY OF HART any help, information and support necessary to deal with fraud, theft, and corruption.

In order to combat fraud, theft, and corruption, it is essential that there are clear, written policies and procedures and that these documents are reviewed regularly to address changes in the business and working environment.

The CITY OF HART's City Manager is responsible for assuring that suitable levels of internal checks and balances are included in work procedures, particularly financial procedures.

The CITY OF HART expects all employees, suppliers, and contractors to be honest and fair in their dealings with the CITY OF HART, and employees and Board and Committee members are expected to lead by example in these matters. Dishonest and/or illegal activity will not be tolerated.

Employees play a vital role in dealing with fraud, theft, and corruption. The CITY OF HART encourages employees to report any suspected fraud, theft, and corruption.

All information will be dealt with fairly and confidentially, and the CITY OF HART will make every effort to protect the identity of the person(s) providing the information.

The response to any report of fraud, theft, or corruption will be effective and organized. The CITY OF HART will deal firmly and quickly with anyone who is responsible for fraud, theft, or corruption.

The CITY OF HART's City Manager, in consultation with the CITY OF HART's City Council, will decide on the type and course of the investigation. This will include referring matters to the police if criminal activity is suspected. The CITY OF HART will prosecute, and/or carry out disciplinary action up to and including termination of employment.

The investigative process should not be misused, and therefore, any abuse, such as raising unfounded malicious allegations, will be addressed as a separate disciplinary matter.

The key to a successful Fraud Risk Management Policy is training and awareness. All employees, volunteers, and members of Boards, Committees, and Councils are expected to read, understand, and comply with this and the other policies and procedures of the CITY OF HART. Disregard for these policies and procedures may lead to formal disciplinary action, up to and including termination of employment.

The CITY OF HART will provide training for employees, volunteers, and members of Boards, Committees, and Councils who are involved in and/or manage internal control systems (particularly all financial procedures) to assure that their responsibilities are regularly reviewed and reinforced.

DEFINITIONS. For the purpose of administering and enforcing this Policy, the following definitions shall apply:

- "Fraud: means obtaining of something of value through willful misrepresentation.
- "Corruption" means soliciting, or willfully accepting, or agreeing to accept any benefit illegally, or official misconduct or misuse of information by a City employee.
- "Theft" has its common meaning and refers to the appropriation or taking of City property for other than a City purpose.
- Neither fraud, corruption or theft refers to honest errors or omissions by employees performing legitimate functions in the performance of their jobs.
- SCOPE. Examples of fraudulent or corrupt acts or theft include (but are not limited to):
- Forgery or fraudulent alteration of documents (checks, promissory notes, time sheets, personnel records, independent contractor agreements, purchase orders, invoices, budgets, etc.).
- Willful misrepresentation of information on documents.
- Misappropriation of funds, securities, supplies, or any other asset (including furniture, fixtures or equipment).
- Improprieties in the handling or reporting of money transactions.
- Willfully authorizing or receiving payments for goods not received or services not performed.
- Knowingly authorizing or receiving payments for hours not worked.
- Stealing, embezzling or willfully misapplying funds, securities, supplies or any assets of the City.
- Bribes and kickbacks from vendors.
- Willful misrepresentation of business expenses.
- Manipulation, falsification or fraudulent alteration of accounting records or supporting documents from which financial statements are prepared.
- Intentional damage or unauthorized use of City property.
- Conspiracy between two or more persons to defraud.
- Concealment of any fraudulent scheme by a false statement.
- Using a computer to gain unauthorized access to City records.
- Knowledge of fraud without making such information known to appropriate authorities.
- Any similar or related activity and anything else which is illegal.

Receipt of City of Hart
Fraud Risk Management Policy

I have received and read the City of Hart Fraud Risk Management Policy. I understand that I am responsible for adhering to the rules and regulations described therein. I understand that these rules and regulations may be added to or changed by the City at any time. It is my responsibility to bring any questions I have about the City of Hart Fraud Risk Management Policy to my supervisor.

Date: _____

Employee Signature: _____

Employee name (please print): _____

DISASTER RECOVERY PLAN

EFFECTIVE DATE: February 26, 2020

The City Council is committed to maintaining and protecting the operations of the City and its information systems. The Council believes complete and accurate information is vital to the Council's ability to deliver uninterrupted service to the community it represents. To that end, the Council has determined that a plan of action should be created to address the following items in case of interruption to the City's operations.

The Plan should include:

A. adequate insurance for assets;
B. a list of all essential equipment and applications that are used and may be deemed essential;
C. a description of the procedures/processes used to backup data on a daily, weekly, monthly, quarterly, and year-end basis;
D. backup storage off-site;
E. maintenance agreements for hardware and software (including, but not limited to the operating system);
F. a list of vendor contacts to be called for the immediate replacement of disabled equipment or corrupted software;
G. procedures to create payroll checks and budgetary checks and perform other necessary City functions.

Receipt of City of Hart
Disaster Recovery Plan

I have received and read the City of Hart Disaster Recovery Plan. I understand that I am responsible for adhering to the rules and regulations described therein. I understand that these rules and regulations may be added to or changed by the City at any time. It is my responsibility to bring any questions I have about the City of Hart Disaster Recovery Plan to my supervisor.

Date: _____

Employee Signature: _____

Employee name (please print): _____

CITY OF HART
CAPITAL ASSET MANAGEMENT POLICY

1. **PURPOSE:** The purpose of this policy is: (1) to describe the policies and procedures utilized in the City of Hart capital asset management system; (2) put in place guidelines for accounting for and depreciating the City of Hart capital assets.

   The primary goals of this policy are:

   • To ensure that the City of Hart's capital assets are accounted for in conformance with generally accepted accounting principles; and

   • To establish a consistent and cost–effective method for accounting of the City of Hart's capital assets.

   This capital asset policy is in accordance with generally accepted accounting principles and closely conforms to capital asset accounting practices as recommended by the Government Finance Officers Association. The Government Finance Officers Association (GFOA) recommends that every state and local government consider the following applicable guidelines in establishing capitalization thresholds for capital assets:

   • Capital assets should be capitalized only if they have an estimated useful life of at least two years following the date of acquisition.

   • Capitalization thresholds should be applied to individual assets rather than to groups of similar items (e.g., desks, tables). (For assets that qualify for capitalization and depreciation under the "group method" however, see the final two sentences of Section 6.1, entitled "Threshold").

   • In no case should a government establish a capitalization threshold of less than $5,000 for any individual item.

   • Governments should exercise control over their non-capitalized capital assets by establishing and maintaining adequate internal control procedures at the department level.

2. **AUTHORITY:** The City of Hart City Council

3. **APPLICATION:** This policy applies to all City of Hart Department heads

4. **RESPONSIBILITY:** The City of Hart City Manager and/or designee shall be responsible for implementation of this policy.

5. **DEFINITIONS:** See attachment entitled "Glossary of Terms".

6. POLICY:

6.1. Threshold

Effective **February 26, 2020**, the City of Hart will capitalize individual assets other than Buildings, Building Improvements and Land Improvements, and Infrastructure that cost **[$5,000]** or more and have an estimated useful life of at least two (2) years. The capitalization threshold for Buildings and Building Improvements shall be **[$50,000]** and for Land Improvements the capitalization threshold shall be **[$25,000]**. However, assets acquired with debt proceeds may be capitalized regardless of cost. In addition, assets acquired prior to June 30, 2020 and capitalized at a lower threshold, may continue to be depreciated on the basis of past practice. Effective June 30, 2020, infrastructure projects and improvements shall be capitalized so as to substantially account for the **City of Hart's** investment in infrastructure and consider related debt. Individual assets that cost less than **[$5,000]**, but that operates as part of a network system may be capitalized in the aggregate, using the group method, if the estimated average useful life of the individual asset is at least two years. A network is determined to be where individual components may be below **[$5,000]** but are interdependent and the overriding value to the City of Hart is on the entire network and not the individual assets (e.g. computer systems and telephone systems).

6.2. Valuation

In accordance with generally accepted accounting principles, the City of Hart will value its capital assets at historical cost. Historical cost includes the cost or estimated cost at the time of acquisition, freight charges, installation and site preparation charges, and the cost of any subsequent additions or improvements, excluding repairs. If a capital asset is donated to the City of Hart, the asset will be valued based on the fair market value at the time the asset is donated.

6.3. Capital Assets Inventory Report

As part of the financial audit, the Treasurer's Office shall submit a capital asset report to the City of Hart's external auditor on an annual basis. This report will include the following information:

- Type of asset (i.e. land, building, infrastructure)
- Date of acquisition
- Acquisition cost
- Estimated useful life
- Annual depreciation
- Accumulated depreciation

6.4. Depreciation

The City of Hart will use the Straight-Line Method as its "basic approach" (standard approach) to depreciate capital assets.

The Modified Approach, which does not require depreciation, may be used on infrastructure assets whenever applicable.

6.5. Estimated Useful Lives

The following ranges will be used in setting estimated useful lives for depreciating assets.

Building and Structures 20-50 Years
Vehicles 04-15 Years
Other Equipment 03-25 Years
Infrastructure 20-100 Years

6.6. Capital vs. Repair and Maintenance Expense

The following criteria are the basis for distinguishing costs as either capital or repair and maintenance expense:

1. With respect to improvements on non-infrastructure and infrastructure capital assets, under the Basic Approach, costs should be capitalized if the useful life of the asset is substantially extended, or the cost results in a substantial increase in the capacity or efficiency of the assets.

i. Otherwise, the cost should be expensed as repair and maintenance.

2. With respect to improvements on infrastructure capital assets under the Modified Approach, costs should be capitalized if expenditures substantially increase the capacity or efficiency of an infrastructure.

i. Otherwise, costs, including those that preserve the useful life of an infrastructure asset, are expensed.

6.7. Inventory

For internal control purposes, the City of Hart may maintain an inventory listing of certain assets (controlled equipment) that do not meet the above reference capitalization amounts. Controlled equipment includes items that should be specifically accounted for and inventoried periodically due to the high re-sale value of the equipment and potential risk of theft. Controlled equipment may include items such as computers, construction equipment, and other office equipment. Each Department Head is responsible for all controlled equipment within their areas of responsibility.

6.8. Disposal and Transfer of City of Hart's Assets

Disposition of City of Hart assets will be performed in accordance with applicable City policies and procedures.

CITY OF HART
CAPITAL ASSET MANAGEMENT POLICY
GLOSSARY OF TERMS

1. **Capital Assets:** Capital assets include land, land improvements, buildings, building improvements, construction in progress, machinery and equipment, vehicles, infrastructure, easements, intangible assets (such as computer software), and works of art and historical treasures.

2. **Capitalization:** Capitalization of an asset occurs when the cost of the asset meets the "threshold" and the "estimated useful life" set in the organizational guidelines. Under capitalization, the cost of an item is initially recorded as an asset rather than an expense.

3. **Depreciation:** Depreciation is the process of allocating the cost of property over a period of time, rather than recognizing the cost as an expense in the year of acquisition. Generally, at the end of an asset's life, the sum of the amounts charged for depreciation in each accounting period (accumulated depreciation) will equal the original cost less salvage value.

4. **Donated Capital Asset:** Donated assets are those assets contributed to the City of Hart. The donated assets are treated like a capital asset (using the fair market value).

5. **Estimated Useful Life:** Estimated useful life means the estimated number of months or years that an asset will able to be used for the purpose for which it was purchased. In determining useful life, consideration is given to the asset's present condition, use of the asset, construction type, maintenance policy, and how long it is expected to meet service demands.

6. **Fair Market Value:** The amount that would be paid if the item were sold currently in a transaction between a willing buyer and a willing seller.

7. **Historical Cost:** The historical cost of a capital asset includes the cost or estimated cost at the time of acquisition, freight charges, installation and site preparation charges, and the cost of any subsequent additions or improvements, excluding repairs.

8. **Infrastructure Assets:** Infrastructure assets are long-lived capital assets that normally can be preserved for a significant greater number of years than most capital assets (non-infrastructure assets). Infrastructure assets are normally stationary in nature and are of value only to the government entity. Examples include the City of Hart wastewater collection system.

9. **Modified Approach:** The Modified Approach is the election *not* to depreciate infrastructure assets that are part of a network that meet two specific requirements. The government entity manages the eligible infrastructure assets using an asset management system that has certain specified characteristics. To meet this requirement the asset management system should comply with the following:
    - Have an up-to-date inventory of eligible infrastructure assets within the network for which the modified approach is adopted.
    - Perform or obtain condition assessments (physical assessment) on infrastructure assets and summarize the results using a measurement scale.
    - The condition assessment must be performed at least once every three years.
    - The condition assessments must be replicable (conducted using methods that would allow different measurers to reach substantially similar results).
    - Each year, the government entity must estimate the amount needed to maintain and preserve infrastructure assets at a condition level established and disclosed by the government entity.
    - The government entity documents that the eligible infrastructure assets are being preserved approximately at (or above) a condition level established and disclosed by that government entity.

    If any of the above conditions are not met, reporting must revert back to the depreciation method.

10. **Salvage Value:** The salvage value of an asset is the value it is expected to have when it is no longer useful for its intended purpose. In other words, the salvage value is the estimated amount for which the asset could be sold at the end of its useful life.

11. **Straight-Line Method:** The straight-line method is the simplest and most commonly used for calculating depreciation. It can be used for any depreciable property. Under the straight-line method, the basis of the asset is written off evenly over the useful life of the asset. The same amount of depreciation is taken each year. In general, the amount of annual depreciation is determined by dividing an asset's depreciable cost by its estimated life.

12. **Threshold:** The threshold is the dollar amount that an asset must equal or exceed if that asset is to be capitalized. Otherwise, the item would be considered as an expense at the time of acquisition.

CITY OF HART
ACH AND ELECTRONIC TRANSACTIONS POLICY

EFFECTIVE FEBRUARY 26, 2020

The following policy shall govern the use of electronic transactions and ACH arrangements for the City of Hart:

1. **Authority to Enter into ACH Agreements and Electronic Transfer of Public Funds**
   The Treasurer may enter into an ACH agreement as provided by Public Act 738 of 2002, effective December 30, 2002. The City Council shall have adopted a resolution to authorize electronic transactions and have received a copy of the policy. Applicable definitions in the act shall apply.
   An ACH arrangement under PA 738 of 2002 is not subject to the Revised Municipal Finance Act, 2001 PA 34, MCL 141.2101 to 141.2821, or to provisions of law or charter concerning the issuance of debt by the City.

2. **Responsibility for ACH Agreements.**
   The Treasurer shall be responsible for all ACH agreements, including payment approval, accounting, reporting, and generally overseeing compliance with the ACH policy. The Treasurer shall submit to the City Council documentation detailing the goods or services purchased, the cost of goods or services, the date of the payment, and the department levels serviced by payment. This report can be contained in the electronic general ledger software system or in a separate report to the governing body.

3. **Internal Accounting Controls to Monitor Use of ACH Transactions**
   a. The Treasurer shall be responsible for the establishment of ACH agreements. The Treasurer shall notify the department head of those accounts to be paid by ACH or electronic transfers.
   b. Upon receipt of an invoice for payment for accounts paid by ACH, the department heads shall approve payment and notify the Treasurer of the date of debit to the City accounts. Accounts payable by this method may include utility and recurring lease payments. These payments shall be included on the report of payments to the City Council. All other invoices approved by the department heads and payable by ACH may be paid in that matter if deemed in the best interest of the City, e.g. to avoid a late fee.
   c. For payment of State and Federal payroll taxes, the Treasurer shall initiate payment to the proper authority upon receipt of the information from the payroll department using the established EFTPS and state program.
   d. For deposits from state, county, and/or federal authorities, and from third-party payment processors (e.g., Banks, vendors), the Treasurer shall obtain the amount of the deposit and send an advice to the person responsible for accounting records.
   e. All invoices shall be held by the Treasurer along with copies of payment advices.

Memo

To: Mayor and Council

From: Lynne Ladner

cc:

Date: 02/21/2020

Re: Res. 2020-16 Adopt Bylaws for HEART

On February 13th the appointed board held the first meetmg of the Hart Economic and Redevelopment Team. During that organizational meeting the board reviewed the attached bylaws drafted by the City Attorney and adopted for recommendation to the City Council the Bylaws for Hart Economic and Redevelopment Team. As a sub-organization of the City the final step in their organizational bylaws is adoption by the City Council.

It is my recommendation that the Council adopt Resolution 2020-16 adopting the Bylaws for Hart Economic and Redevelopment Team.

Lynne

RESOLUTION 2020-16
City Council
City of Hart, Michigan
Oceana County

ADOPT BYLAWS FOR THE HART ECONOMIC AND REDEVELOPMENT TEAM

WHEREAS, The Hart Economic and Redevelopment Team (HEART) board held their first official meeting to organize and adopt bylaws on February 13, 2020, and

WHEREAS, they reviewed and adopted for recommendation to the City Council the attached bylaws drafted for the new organization by the City Attorney; and

WHEREAS, as an organization of the City the final step in the adoption process is action by the City Council;

THEREFORE, BE IT RESOLVED, that the City of Hart adopts accepts the recommendation of the HEART board and adopts the Bylaws of Hart Economic and Redevelopment Team.

Moved by _____, supported by _____, and thereafter adopted at the regular City of Hart City Council meeting on February 25, 2020.

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

Bylaws of

Hart Economic and Redevelopment Team

a Michigan nonprofit corporation
as adopted the 13th day of February 2020

As used in these bylaws, the term "Act" means the Michigan Nonprofit Corporation Act as amended and in effect from time to time.

Article 1
Corporate Name and Offices

Section 1. *Name.* The name of the corporation shall be Hart Economic and Redevelopment Team.

Section 2. *Offices.* The principal office of the corporation shall be located within the City of Hart, County of Oceana, State of Michigan. The corporation may have other offices, and these may be located outside of the State of Michigan, but within the jurisdiction of the United States of America.

Section 3. *Registered Office.* The corporation shall have an continuously maintain in this State a registered office and a registered agent whose office address is identical to such registered office.

Article 2
Membership Interest

Section 1. *One Class.* The membership of the corporation shall be one class. The sole member of the corporation is the City of Hart.

Section 2. *Action of City as Sole Corporate Member.* The City Manager of the City of Hart may act on behalf of and represent the City as the Sole Corporate Member from time-to-time as authorized by the City Council.

Section 3. *Annual Meeting of the Member.* An annual meeting of the member shall be held in each year on or prior to the second Thursday in June, at the time and place specified in the notice to the member. Written notice of the time and place of the meeting shall be sent to the member at least ten (10) days prior to the meeting and shall be given in the manner required by Michigan's Open Meetings Act, MCL 15.261 *et seq.* At the annual meeting, the member shall elect directors to fill the seats of those directors whose terms are expiring, provided nothing in these bylaws shall be deemed to prevent the member from re-electing a current director to the board of directors, and shall conduct any other business of the corporation.

Section 4. *Special Meeting of the Member.* At any time, the member may call a special meeting of the member upon at least ten (10) days written notice, and shall give notice of the

same in the manner required by Michigan's Open Meetings Act, MCL 15.261 *et seq.* No business shall be transacted at a special meeting except as stated within the notice.

Section 5. *Public Attendance at Meetings.* To the extent required by the Open Meetings Act, MCL 15.261 *et seq.*, the public shall be permitted to attend meetings of the member.

Article 3
Reserved Powers

Section 1. *Reserved Powers and Authority of the Member.* The member shall have the reserved powers stated within this Section. The corporation's board of directors may recommend action to the member with respect to these reserved powers, but except as set forth below, these reserved powers shall be executed unilaterally by the member. Without the affirmative vote of the member, the board of directors shall not:

(a) Approve a change in the purpose or philosophy of the corporation;
(b) Amend the articles of incorporation or bylaws of the corporation;
(c) Dissolve or liquidate the corporation, or cause the transfer or sale of substantially all of its assets;
(d) Merger or consolidate with another entity;
(e) Elect, or remove, with or without cause, directors of the corporation;
(f) Guaranty the debt or any obligation of any third party;
(g) Take any other action not permitted by law or otherwise reserved to the member by law.

Article 4
Board of Directors

Section 1. *Number.* The number of directors shall be at least seven (7) and no more than eleven (11).

Section 2. *Qualifications.* A director shall be a resident of the City of Hart, the owner, employee, or agent of a business which is either located in or does business within the City of Hart, or an employee of the City of Hart. At all times, two (2) directors shall be members of the City Council of the City of Hart. At no time shall more than 49% of the directors of the corporation be a person who is being compensated by the corporation for services rendered, or who has been compensated by the corporation for services rendered during the prior twelve (12) months, whether as an employee or independent contractor of the corporation, nor a person who is a brother, sister, ancestor, descendant, spouse, brother-in-law, sister-in-law, son-in-law, daughter-in-law, mother-in-law, or father-in-law of any person who is being compensated by the corporation for services rendered, or who has been compensated by the corporation for services rendered during the prior twelve (12) months, whether as an employee or independent contractor of the corporation.

Section 3. *Nomination.* The first board of directors shall be elected by the incorporator as directed by the member. One half of the initial directors shall serve an initial term beginning on the date of appointment and ending on June 30, 2021, and one half of the initial directors shall

serve a term beginning on the date of appointment and ending on June 30, 2022, as designated by the incorporator. Thereafter, directors shall be elected at the annual meeting of the member.

Section 4. *Term of office.* A director's term of office shall begin on July 1 following the annual meeting at which he or she is elected and shall continue for a term of two (2) years and until his or her successor is elected and takes office. A director may serve consecutive terms without limit.

Section 5. *Powers of the Board of Directors.* The board of directors shall have the charge, control, and management of the business, property, affairs, and funds of the corporation and shall have the power and authority to do and perform all acts and functions not inconsistent with these bylaws, with the corporation's articles of incorporation, or with the laws of the State of Michigan, subject to the reserved powers set forth in Article 3.

Section 6. *Annual Meetings.* The board of directors shall hold an annual meeting during July of each year for the transaction of any other business properly presented at the meeting. Notice of the annual meeting shall be given in writing to each director at least ten (10) days before the meeting and given in the manner required by Michigan's Open Meetings Act, MCL 15.261 *et seq.* If the directors cannot agree on the date for the annual meeting, it shall be held on the third Thursday of the month of July.

Section 7. *Regular Meetings.* The board of directors shall hold regular meetings from time to time as determined by resolutions of the board. Notice of regular meetings shall be given in writing to each director at least ten (10) days before the meeting and published in the manner required by Michigan's Open Meetings Act, MCL 15.261 *et seq.*

Section 8. *Special Meetings.* The chairman of the board, or any two directors, may call a special meeting of the board of directors at any time. Notice shall be given in writing, or by telephone, to each director at least three (3) days before the meeting and in the manner required by Michigan's Open Meetings Act, MCL 15.261 *et seq.*

Section 9. *Location of Meetings.* All meetings of the board of directors shall be held at the principal office of the corporation unless a different location is specified in the notice of meeting. The chairman of the board may specify a different location within the United States of America.

Section 10. *Content of Notice.* The notice of a meeting must specify the day, date, time, and location of the meeting. The notice of a special meeting must also state the purpose of the meeting. The notice of an annual or regular meeting need not state the purpose of the meeting.

Section 11. *Waiver of Notice.* A meeting of the board of directors may be held at any time or place, without notice, if all directors waive notice of the meeting. Attendance at a meeting shall be deemed to be a waiver of notice unless attendance is merely for the purpose of objecting to the lack of notice.

Section 12. *Quorum.* A majority of directors shall constitute a quorum for transacting business at any meeting of the board of directors, but if less than a majority are present at the

meeting, a majority of the directors who are present may adjourn the meeting from time to time without further notice until a quorum is present.

Section 13. *Required Vote.* Except as otherwise provided by law, the articles of incorporation, or the bylaws, all action by the board of directors requires the affirmative vote of a majority of the directors who are present and voting.

Section 14. *Proxies.* A director may vote only in person and not by proxy.

Section 15. *Electronic Communication.* Directors may participate in a meeting of the board, or in a meeting of a committee on which they serve, by means of conference telephone or similar communications equipment by means of which all persons participating in the meeting can hear each other. Participation in a meeting under this section constitutes presence in person at the meeting.

Section 16. *Public Attendance at Meetings.* To the extent required by the Open Meetings Act, MCL 15.261 *et seq.*, the public shall be permitted to attend meetings of the board.

Section 17. *Vacancies.* A majority of the board may elect a person to fill a vacancy on the board of directors until the next annual meeting of the member.

Section 18. *Resignation and Removal.* A director may resign from the board of directors at any time by giving written notice of resignation to the chairman of the board. A director may be removed from the board of directors, with or without cause, by a vote of the member or by a vote of two-thirds (2/3) of the board of directors at a regular meeting or a special meeting called for this purpose. In this case, the notice of the meeting must state that this is a purpose of the meeting, and notice must be given at least ten (10) days before the meeting.

Section 19. *Advisory Directors.* The chairman of the board may appoint one (1) or more persons to serve in an advisory capacity as non-voting members of the board. Advisory directors shall be given notice of meetings, but failure to give notice to an advisory director will not affect the sufficiency of the notice to other directors or the validity of the meeting, and waiver of notice by an advisory director will not be necessary for a meeting without notice. Advisory directors shall not be considered in determining the presence or absence of a quorum.

Section 20. *Conflicts of Interest and Self-Dealing.* No director shall enter into any contract, agreement or other arrangement with the corporation which violates any restriction on "self-dealing" set forth within the Internal Revenue Code or otherwise creates a significant and material risk the corporation will not be able to maintain its tax-exempt status. Whenever a director has a direct or indirect personal interest in a particular transaction or other decision to come before the board of directors, he or she shall disclose such personal interest to the board of directors. The board of directors may, in its sole discretion, disqualify the director with the personal interest from voting on the matter in which the director has a personal interest. Provided the corporation has reasonable assuredness a given transaction will not violate any restriction on self-dealing set forth within the Internal Revenue Code, the corporation may enter into an agreement with an interested director upon the majority vote of all non-interested directors.

Article 5
Officers

Section 1. *Number.* The corporation shall have a president, treasurer, secretary, and such other officers as the board of directors may elect from time to time. The board may also appoint a recording secretary from time to time who need not be a member of the board.

Section 2. *Qualifications.* Directors may serve as officers. The president of the corporation shall be a director. Advisory directors may not be officers. A person may hold two (2) or more offices at the same time, except the president, who may not hold any other office at the same time.

Section 3. *Nomination and election.* Candidates for election to one (1) or more offices may be nominated by any director at the annual meeting of the board of directors. Officers shall be elected at the annual meeting of the board.

Section 4. *Term of office.* An officer's term of office shall begin on January 1 following the annual meeting at which he or she is elected and shall continue until the next annual meeting and until his successor is elected and takes office.

Section 5. *President.* The president shall also serve as the chairman of the board of directors. The president shall conduct all meetings of the board. The president shall be the chief executive officer of the corporation and shall have the general duty and authority to manage the affairs of the corporation in accordance with the directives of the board.

Section 6. *Treasurer.* The treasurer shall have the duty and authority to manage the finances of the corporation in accordance with the directives of the board. The treasurer shall keep books and records of all financial transactions of the corporation. The treasurer shall prepare periodic financial statements as requested by the board and shall present a complete financial report at each annual meeting of the board. The treasurer shall also have such other duties and authority as the board of directors may delegate to him or her from time to time.

Section 7. *Secretary and Recording Secretary.* The secretary or recording secretary shall keep minutes of the proceedings at all meetings of the board of directors and records of all other actions taken by the board of directors. The secretary or recording secretary shall keep a register of the names, mailing addresses, and telephone numbers of the directors and shall give notice of all meetings of the board. The secretary and recording secretary shall also have such other duties and authorities as the board of directors may delegate to him or her from time to time.

Section 8. *Vice president.* The Board of Directors may, but is not required to, appoint one or more vice presidents. The vice president(s) shall perform the duties and exercise the authority of the president or other officers under whom they serve in the absence or disability of the president or other appropriate officers. The vice president(s) shall also have such other duties and authority as the board of directors may delegate to him or her from time to time.

Section 9. *Administrator.* The board of directors may, but is not required to, appoint an individual to the office of administrator. An administrator may or may not be a director. An administrator, if appointed, shall, as a practical matter, oversee the administration of the

corporation and control, manage and coordinate the disposition of its funds and assets (subject to the ultimate authority of the directors and other officers).

Section 10. *Other officers.* Other officers, if any, shall have the duties and authority delegated to them by the board of directors from time to time.

Section 11. *Vacancies.* The board of directors shall fill a vacancy in any office for the remainder of the unexpired term of office by nomination and election at the next regular meeting of the board or at a special meeting called for this purpose.

Section 12. *Resignation and removal.* An officer may resign from office at any time by giving written notice of resignation to the chairman of the board. An officer may be removed from office, with or without cause, by a vote of a majority of the board of directors at a regular meeting or a special meeting called for this purpose. In this case, the notice of the meeting must state that this is a purpose of the meeting, and the notice must be given at least ten (10) days before the meeting and shall comply with Michigan's Open Meetings Act, MCL 15.261 *et seq.*

Section 13. *Conflicts of Interest and Self-Dealing.* No officer shall enter into any contract, agreement or other arrangement with the corporation which constitutes "self-dealing" or otherwise creates a significant and material risk the corporation will not be able to maintain its tax-exempt status. Provided the corporation has reasonable assuredness a given transaction will not violate the Internal Revenue Code, the corporation may enter into an agreement with an interested officer upon the majority vote of all non-interested directors. Transactions involving interested parties shall not be approved by the officers of the corporation.

Article 6
Committees

Section 1. *Executive Committee.* The board of directors shall have an executive committee consisting of the president, treasurer, and one other director elected by the board at the annual meeting. The executive committee shall have all of the authority of the board of directors between meetings of the board, except that the executive committee may not

(a) take any action in contravention of Article 3,

(b) elect or remove any director, committee member, or officer of the corporation, except that the executive committee may elect a director to fill a vacancy on the board as provided in the bylaws,

(c) amend or repeal any resolution of the board or any action of the board taken by written consent without a meeting,

(d) approve grant proposals, or

(e) authorize non-budgeted expenditures in excess of Five Hundred Dollars ($500.00).

Section 2. *Other Committees.* The board of directors may establish other committees, to study matters and make recommendations to the board, from time to time by the vote of a majority of the directors at a regular meeting or a special meeting called for this purpose. These committees may consist of not more than three directors. Such committees shall have no power to bind or legally obligate the corporation to do or refrain from doing any thing. The board may elect to dissolve a committee, and to appoint or remove a committee member, at any meeting called for purposes of doing the same.

Section 3. *Meetings.* A committee may not hold a meeting unless a majority of all committee members are present. Each committee shall prepare minutes of the proceedings of all meetings of the committee, and records of all other actions taken by the committee, and give them to the secretary of the corporation for the secretary to keep with the minutes and other written records of the board of directors.

Article 7
Indemnification

Section 1. *Definitions.* As used in this 7, any word or words defined in sections 561–569 of the Act (the "indemnification sections of the Act") shall have the same meaning as provided in the indemnification sections of the Act.

Section 2. *Indemnification of Officers and Directors.* The corporation shall indemnify a director or officer of the corporation in connection with a proceeding to the fullest extent permitted by and in accordance with the indemnification sections of the Act. The corporation shall also advance the expenses of defense upon receipt of an undertaking to repay the expenses as provided in Section 564 of the Act, except in a case involving a claim of breach of a duty of loyalty to the corporation, in which case the corporation may, as determined by the board of directors in its discretion, advance the expenses of defense.

Section 3. *Indemnification of Employees, Nondirector Volunteers, and Agents.* The corporation may, as determined by the board of directors in its discretion, indemnify and advance expenses to an employee, nondirector volunteer, or agent in connection with a proceeding to the extent permitted by and in accordance with the indemnification sections of the Act.

Section 4. *Insurance.* The corporation may purchase and maintain insurance, at its expense, to protect itself and any director, officer, employee, nondirector volunteer, or agent of the corporation against any potential liability or expense, whether or not the corporation would have the power to indemnify the person against the liability or expense under the Act.

Article 8
Financial Matters

Section 1. *Fiscal Year.* The fiscal year of the corporation, for tax and financial accounting purposes shall be the 12-month period ending on the last day of each December.

Section 2. *Compensation and Expenses of Directors and Officers.* All of the directors shall be "volunteer directors" as that term is defined in the Michigan Nonprofit Corporation Act as amended and in effect from time to time. All directors shall serve without compensation other

than reimbursement of actual, reasonable and necessary expenses incurred on behalf of the corporation or otherwise in his or her capacity as a director or officer. However, expenses in excess of Five Hundred Dollars ($500.00) incurred on behalf of the corporation, and all reimbursement of expenses otherwise incurred by a director or officer in his or her capacity as a director or officer, shall be reimbursed only after they have been approved by the board of directors or the executive committee. The director to be reimbursed shall not be entitled to vote on the matter; and if the vote is taken after the expenses have been incurred, the board or committee may, in their discretion, vote to deny reimbursement, even though the expenses have already been incurred. Officers of the corporation may be entitled to compensation determined from time-to-time by a majority of the directors. An officer shall further be entitled to reimbursement of actual, reasonable and necessary expenses incurred on behalf of the corporation or otherwise in his or her capacity as a director or officer.

Section 3. *Budgets and Grant Proposals.* All budgets and grant proposals must be approved by the affirmative vote of a majority of the directors entitled to vote at a regular meeting or a special meeting called for this purpose.

Section 4. *Excess Benefit Transactions.* The corporation shall maintain compliance with Section 4958 of the Internal Revenue Code regarding excess benefit transactions.

Section 5. *Excess Tax-Exempt Organization Executive Compensation.* The corporation shall not pay any compensation which would subject it to tax under Section 4960 of the Internal Revenue Code.

Section 6. *Income.* The corporation shall cause its income to be distributed on an annual basis to the extent necessary to avoid any tax obligations pursuant to the Internal Revenue Code.

Article 9
Amendment of Bylaws

The bylaws may be amended only by the affirmative vote of two thirds (2/3) of the directors entitled to vote at a regular meeting or a special meeting called for this purpose. In this case, the notice of the meeting must state that this is a purpose of the meeting, the notice must describe the proposed amendment, and the notice must be given at least ten (10) days before the meeting.

Article 10
Notices

All written notices required or permitted to be given to a director shall be deemed to have been given when mailed by first class U.S. mail, postage pre-paid, to the director at his mailing address, when sent by facsimile to the director at his facsimile number, when sent by e-mail to the director at his e-mail address, or when personally delivered to the director. The addresses and numbers used for this purpose shall be those set forth in records maintained by the secretary of the corporation; and each director shall be responsible for informing the secretary of any changes.

End of Bylaws

Memo

To: Mayor and Council

From: Lynne Ladner

cc:

Date: 02/21/2020

Re: Res. 2020-17 Authorize sale of public land

In the Fall of 2019, the City acquired 227 E Main St. with the intention of working to redevelop the property. The property includes ownership of all of Lot 5 and Lot 5 and an undivided 1/2 interest in Lot 7 and the east 6 feed of Lot 4, Block 9, City of Hart, Oceana County, Michigan, Section 17, Town 15 North, Range 17 West. The undivided ½ interest in Lot 7 is shared with Austin and Brooke Bechtel who have expressed an interest in purchasing from the City the remaining ½ interest in Lot 7.

At the February 11th Council meeting after Mrs. Bechtel addressed the Council with her request the Council directed the City Manager to work with Mrs. Bechtel and to take the necessary steps to hold a public hearing on the possible sale of public land. 1 met with Brooke and though unfortunately other items took priority over my continued communication with her over the past two weeks I was able during that meeting to explain what steps I was going to take to develop a price to recommend to the Council to consider.

The attached spreadsheet shows a breakdown of the costs associated with the City's acquisition of 227 E Main St and the associated lots. This includes the purchase cost, survey cost, all of the environmental assessments and filings, the legal fees, the delinquent utility bills that the city wrote off and the delinquent property taxes that the city paid as part of the purchase. This brought the total acquisition cost to $81,233.40. I then calculated the square footage of the property that the city obtained in the purchase which came to 21,780 sq. ft with a cost of $3.73/sq ft to acquire, ½ of the sq. ft of lot 7 is 4,356 sq ft. so if I were to use the square footage of what our half interest in the lot would break down to times the cost/sq ft to acquire it could be calculated to say that the City has invested $16,247.88 in acquiring the ½ undivided interest in Lot 7.

While considering the amount that the City has invested in acquiring this property it is also important to recognize other factors that should be considered in setting a pricing recommendation for the City's interest in Lot 7. Lot 7 is undeveloped and has previously not

had permanent structures built on it. Additionally, in the course of completing the environmental assessment for the purchase which covers all of the property not just the portion of Lot 7, the only issues with contamination existed associated with Lot 7. Based upon these to items, the goal of the council to return property to a productive state which is the purpose of redevelopment it is my recommendation to the Council that they sell the City's ½ undivided interest in Lot 7, Block 9, City of Hart, Oceana County, Michigan, Section 17, Town 15 North, Range 17 West for a price between $10,000 and $12,000 and that the Council entertain doing the sale as a land contract sale.

Lynne

Expenditures and Cost break down 227 E Main St. Property

Vendor	Expense	Cost
Advance Land Title	Purchase Price	$56,393.19
Prein Newhoff	Survey	$3,641.20
Dixon Environmental	Phase 1	$2,200.00
Dixon Environmental	Phase 2	$9,955.00
Dixon Environmental	EAS	$2,200.00
Mika Meyers	Legal	$3,445.00
City of Hart	Delinquent Utilities	$2,572.97
City of Hart	Delinquent Taxes	$826.04
Total Expenditures		$81,233.40
Total Square Feet of land purchased		21,780
Total Expenditures per square foot		$3.73
50% of Lot 7 square footage		4,356
Total Expenditure to purchase Lot 7		$16,247.88
Recommended price for City's 50% ownership		$10,000-$12,000

RESOLUTION 2020-17
City Council
City of Hart, Michigan
Oceana County

AUTHORIZE THE SALE OF PUBLIC LAND IDENTIFIED AS ½ UNDIVIDED INTEREST IN LOT 7, BLOCK 9, CITY OF HART, OCEANA COUNTY, MICHIGAN SECTION 17, TOWN 15 NORTH

WHEREAS, The acquired 227 E Main Street (parcel number 64-020-209-005-00) for the purpose of redevelopment; and

WHEREAS, a ½ undivided interest in Lot 7, Block 9, City of Hart, Oceana County, Michigan Section 17, Town 15 North; was part of that purchase and the adjacent property owners who own the remaining ½ undivided interest in Lot 7 have expressed and interest in purchasing the City's interest enhance their business by providing ownership of offstreet parking for their customers rather than a shared interest in the parking property; and

WHEREAS the City recognizes that the sale if the City's interest in this lot furthers the goal of seeing this area redeveloped by taking the first step to redevelop the lot 7 portion of their purchase;

THEREFORE, BE IT RESOLVED, that the City of Hart authorizes the sale of the ½ interest interest in Lot 7, Block 9, City of Hart, Oceana County, Michigan Section 17, Town 15 North to Austin and Brooke Bechtel for $_____

Moved by _____, supported by _____, and thereafter adopted at the regular City of Hart City Council meeting on February 25, 2020.

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 Council

From: Lynne Ladner

cc:

Date: 02/21/2020

Re: Res. 2020-18 Authorize application for Michigan Rural Community Demolition Grant

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In the Fall of 2019, the City acquired 227 E Main St. with the intention of working to redevelop the property. The property includes ownership of all of Lot 5 and Lot 5 and an undivided 1/2 interest in Lot 7 and the east 6 feed of Lot 4, Block 9, City of Hart, Oceana County, Michigan, Section 17, Town 15 North, Range 17 West. This property contains the former Walker's restaurant which though a fixture in the history of the City the structure is in a significantly dilapidated and blighted state. During the week of February 17th, the State Land Bank Authority announced the appropriation of $250,000 in their annual budget to continue the Michigan Rural Community Demolition Grant program. The grant program provides funding to assist rural communities with projects that meet the criteria of vacant and abandoned blighted commercial or residential structures, I believe that the restaurant building on the 227 E Main property is a good project site and I believe that an application to this program by the City of Hart would score very well and have a high chance of being funded. If Hart were to receive this grant it will provide a significant opportunity to essentially leapfrog the 227 E Main parcel several steps ahead on the redevelopment path and make the parcel even more desirable to people interested in building and owning a multi-use property in the downtown area.

I am asking the Council for authorization to take the necessary steps to complete and submit the grant application for the Michigan Rural Communities Demolition Grant 2020 by March 13, 2020 including developing a detailed budget estimate, project timeframes collect letters of support, and all other necessary or recommended documentation as outlined in the grant application requirements as can be see in the attached State Land Bank document.

It is my recommendation that the Council adopt Resolution 2020-18 authorizing the City Manager to complete and submit an application for the Michigan Rural Community Demolition Grant.

Lynne

RESOLUTION 2020-18
City Council
City of Hart, Michigan
Oceana County

AUTHORIZE THE CITY MANAGER TO COMPLETE AND SUBMIT AN APPLICATION FOR THE MICHIGAN RURAL COMMUNITY DEMOLITION GRANT

WHEREAS, The City acquired 227 E Main Street (parcel number 64-020-209-005-00) for the purpose of redevelopment and the former Walker's restaurant structure is significantly dilapidated and blighted; and

WHEREAS, State Land Bank Authority announced the appropriation of $250,000 in their annual budget to continue the Michigan Rural Community Demolition Grant program and if Hart were to receive this grant it will provide a significant opportunity to leapfrog the 227 E Main parcel several steps ahead on the redevelopment path and make the parcel even more desirable to people interested in building and owning a multi-use property in the downtown area; and

WHEREAS the City recognizes that seeking to partner with organizations such as the State Land Bank and the MEDC through the RRC program will allow for a larger pool of resources to assist with the redevelopment of this property.

THEREFORE, BE IT RESOLVED, that the City of Hart authorizes the City Manager to complete and submit an application for the Michigan Rural Community Demolition Grant.

Moved by _____, supported by _____, and thereafter adopted at the regular City of Hart City Council meeting on February 25, 2020.

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

Michigan Rural Community Demolition Grant

In Fiscal Year 2020, the State Land Bank Authority (SLBA) received an appropriation of $250,000 in their annual budget to continue the Michigan Rural Community Demolition Grant in counties with populations under 50,000. Each awarded grant is to be used to demolish vacant and abandoned structures and promote public safety, stabilize property values and enhance economic development opportunities throughout the state of Michigan.

Maximum Award: The maximum award per proposal will be $50,000.00.



Eligible Applicants: County Land Banks or local units of government such as counties, cities, townships, or villages located in counties with a population less than $50,000 reported in the 2010 census data. There is a limit of one proposal per applicant; however, multiple applicants from one county can apply.

Eligible Projects: Only vacant and abandoned blighted commercial or residential structures may be demolished.

A structure is blighted if it meets any of the following criteria:

- Public nuisance according to local codes or ordinances.
- Fire hazard or otherwise dangerous to the safety of persons or property.
- Has had utilities, plumbing, heating or sewerage disconnected, destroyed, removed, or rendered ineffective so that the property is unfit for the intended use.

Privately-owned structures may be demolished with grant funds, but there will be a lien placed on the property. The eligible community must submit the application and accept the grant dollars. Any privately-owned structure must be deemed a dangerous building and/or condemned with a demolition order on it following local, established ordinances.

Publicly-owned blighted structures are automatically eligible for demolition.

Evaluation: Proposals will be evaluated based on their anticipated impact in promoting public safety, stabilizing property values, enhancing economic development, public and private investment in the project and their alignment with a local place plan or other placemaking effort.

Scoring:

SCORE	***CRITERIA***
9 TO 10	application demonstrates that the project meets the criterion exceptionally well
7 TO 8	the project serves the goal to a high degree
4 TO 6	the project serves the stated goal
1 TO 3	the project marginally serves the goal
0	the project does not meet the stated goal

Administration of Project Funds: An applicant has two options in applying for project funds. It may apply for direct demolition by the SLBA or for a local-level grant. For direct demolition, the SLBA will procure contractors and manage the demolition process in cooperation with the successful applicant. Alternatively, an applicant with the experience and capacity to undertake demolition projects may apply for a local-level grant. Applicants for a local level grant must demonstrate the capacity to administer the grant funds in a cost-efficient manner and to meet applicable deadlines including specific information on staffing, status of procured demolition contractors and ability to procure and manage onsite work. Applicants may be asked for additional information and documentation. A direct demolition may be awarded in lieu of a local-level grant.

All recipients receiving a local-level grant **must** attend SLBA training on demolition project management. These will be held via conference call or potentially in local areas when multiple recipients are geographically close. Topics include identifying and handling environmental issues, hiring qualified contractors, how to verify state required licenses and notifications, and documentation needed.

Allowable Costs: No funds may be expended on project administration including project management. This applies to all projects, whether direct demolition by the SLBA or grant funds. All of the funds shall be spent on demolition-related activities including but not limited to title work, utility disconnect fees, demolition costs, permit fees, abatement of hazardous materials, air-monitoring at demolition sites, the replacement of damaged sidewalk and/or re-curbing at the street, and seeding. Only reasonable and necessary costs that are directly related to demolition and are supported by the solicitation of multiple bids are eligible. Funds may not be used for property acquisition, redevelopment, or soil/groundwater contamination remediation.

Reporting: Grantees will be required to provide written monthly progress reports to the State Land Bank detailing work completed by address, a detailed accounting of the project, project milestones and other relevant information.

Reallocation of Funds: Funding commitments will be revoked and the funds reallocated if the applicant fails to provide necessary information, fails to meet deadlines, fails to secure the necessary agreements and approvals within the established timeframes, or otherwise fails to cooperate with State partners in a manner sufficient to all for the satisfactory completion of the project. Remaining funds will be reallocated according to scores of unfunded proposals, or parts of proposals, submitted as part of this application process. Use of unlicensed or unqualified contractors will result in loss of funding commitment.

Contact Information:
State Land Bank Authority
PO Box 30766
Lansing, MI 48909
Main Phone: (517) 335-8212

Grant Managers:
- Linda Horak, Property Analyst, (517) 241-6741, horakl@michigan.gov
- Jeff Huntington, Property Manager, (517) 335-8430, huntingtonj@michigan.gov

APPLICATION REQUIREMENTS

Applications must be submitted in PDF format by **e-mail to landbank@michigan.gov** by 5:00 p.m. on March 13, 2020. Late applications will not be considered. Applications will be evaluated by the Michigan Land Bank. Decisions on selected projects are expected by April 3, 2020. Demolition work will begin as soon as possible during the 2020 construction season.

Site control for all properties submitted for demolition must be established in 45 days from preliminary award date. Failure to gain site control within this timeframe will result in the preliminary award being revoked and the funds reallocated. Site control means one of the following: 1) owned by applicant; 2) owned by local governmental entity and a written agreement has been executed allowing applicant to undertake the demolition activity; 3) there is a court order for demolition by the applicant; 4) a executed and notarized agreement with a private owner allowing applicant to undertake the demolition activity. If the owner is NOT the applicant or a governmental entity, the applicant must place a demolition lien on the property.

Unless otherwise approved in advance and in writing by the State Land Bank, demolition work must be completed and funds expended by September 30, 2020. Final reimbursement paperwork must be submitted by October 15, 2020.

The State Land Bank may approve a written request for an extension where the scope or complexity of the project supports the need for additional time or where other circumstances outside of the lead entity's control cause limited delays that will not jeopardize the success of the project.

Questions - Questions about the application may be **e-mail to landbank@michigan.gov** by March 6, 2020 at 5:00 pm. Answers to all questions will be posted on the State Land Bank's website (Michigan.gov/landbank) by 5:00 pm on March 9, 2020.

Application Format: A complete application must include all of the following information. Applicants are encouraged to prepare a simple, easy to read application.

- **Applicant Information:**
  - Applicant Name, Full Address, County
  - Point of Contact Name, Title, Address, Phone, Email
- **Project Summary:**
  - Provide a brief, but descriptive, narrative including a description of the project area and proposed demolitions.
  - State whether the request is for direct demolition through the State Land Bank or a local-level grant.
  - State the amount requested
- **Detailed Project Description:**
  - Provide a property list of proposed demolition(s). Include a condition assessment of each property, ownership information and current photos demonstrating its current condition.
  - Disclose any known environmental problems.
  - Identify any property slated for demolition that is in an historic district or listed in the National Register of Historic Places and attach appropriate approvals for demolition.
  - Provide a map of the project area.

- Land reuse: describe the plan for restoring the land after demolition and the planned post-demolition use of the land.

Meeting Project Criteria: Detail how your proposed demolition meets the following criteria.

- **Public Safety (10 possible points):** Explain how the project will promote public safety. For example, a project that targets demolition to eliminate unsafe structures near a school, hospital, business district, or core neighborhood institution increases public safety. Included additional information such as the condition of the property, any incidents of trespass or criminal activity at the site, etc.

- **Economic Development Opportunities (10 possible points):** Explain how the project will complement or enhance any existing economic development in or near the project area. An economic development opportunity may be any recent or current public or private investment project intended to have a positive economic effect within the community, such as downtown redevelopment. Include any details available about plan for redevelopment of the subject property or how existing or planned redevelopment on surrounding properties may be positively affected.

- **Local Support and Additional Investment (10 possible points):** Explain the degree of local government support, community engagement in the planning process and community support for the proposed demolition project. Describe any additional public or private investment including matching funds or other funding sources. Letters of support are highly suggested as a demonstration of this support.

- **Site Redevelopment Plans (5 points):** Demonstrate this property will become part of a brownfield plan in any, or all, of the following activities. It is SLBA's intent to encourage and assist local units in establishing their own local mechanism(s) to address blight removal/demolition using the Brownfield Redevelopment financing Act (Act 381 of 1996, as amended). Evidence to demonstrate each of the these points shall be a letter from the BRA chairperson attesting/committing to these actions. SLBA staff is prepared to guide/assist any applicant in these matters.
    - The municipal or county Brownfield Redevelopment Authority has identified the site as eligible and either has approved the site in a brownfield plan OR commits to designating the site in a brownfield plan (+2).

    - The demolition/related activities proposed in the grant request shall be included within the current/proposed brownfield plan (+1).

    - The municipal/county BRA agrees they will capture taxes from the proposed/future project – through the brownfield plan – of the amount requested for demolition/related activities in the grant application (+1).

    - The municipal/county BRA agrees they will deposit the captured taxes into a fund for use on future demolition project(s) (+1).

Priority: Rural communities with population losses since 2000 will also receive a priority score of 1 to 5. Communities with population gain will be awarded zero points in this area. State Land Bank has already gathered the data on losses and **the applicant is <u>not</u> required to include any information in their application on population loss.**

Budget: Applicants for local-level and direct grants must provide a detailed project budget estimate and narrative including other funding sources, as applicable. Assistance is available prior to grant submission in helping the community understand the budget items for their property. Contact Linda Horak for assistance.

Projected timeframes: Estimated work start and finish dates, and other project timeframes.

Local-Level Grant Applicants Only:

- Identify the entity responsible for procuring contractors.
- Provide a copy of policies and procedures for procuring contractors, including required credentials and other selection criteria.

Memo

To: Mayor and Council

From: Lynne Ladner

cc:

Date: 02/21/2020

Re: Res. 2020-19 Adopt Traffic Control Order #315

The DPW Department received correspondence from a resident concerned with the increase in traffic at the intersection of Mason Ave and Hilltop Dr about the lack of traffic control device to provide for the safety and welfare of travelers. Brad brought this concern to Chief Salazar and after a drive by verification it was determined that the intersection was in need of a traffic control device.

Chief Salazar is recommending that a stop sign be erected on the North / West corner of the intersection of Mason Ave and Hilltop Dr. to avoid any collisions of vehicle(s) failing to stop for oncoming traffic and has written that recommendation in to a traffic control order.

It is my recommendation that the Council adopt Resolution 2020-19 Adopting Traffic Control Order #315 which will erect a stop sign on the North / West corner of the intersection of Mason Ave and Hilltop Dr.

Lynne

RESOLUTION 2020-19
City Council
City of Hart, Michigan
Oceana County

ADOPT TRAFFIC CONTROL ORDER #315 TO ERECT A STOP SIGN ON THE NORTH/WEST CORNER OF THE INTERSECTION OF MASON AVENUE AND HILLTOP DRIVE

WHEREAS, The City of Hart Police Department have reviewed the road width, and traffic patterns on Mason Avenue and Hilltop Drive, and

WHEREAS, the recent construction has highlighted the lack of traffic control signage at the intersection of Mason Avenue and Hilltop Drive and

WHEREAS, to avoid any collisions of vehicle(s) failing to stop for oncoming traffic

THEREFORE, BE IT RESOLVED, that the City of Hart adopts Traffic Control Order #315 Erecting a Stop Sign on the North / West corner of the intersection of Mason Avenue and Hilltop Drive.

Moved by _____, supported by _____, and thereafter adopted at the regular City of Hart City Council meeting on February 25, 2020.

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

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: February 11th, 2020

TRAFFIC CONTROL ORDER
MASON AVENUE / HILLTOP DRIVE

It has been brought to my attention, there is not a stop sign or yield sign erected at the intersection of Mason Avenue and Hilltop Drive within the City of Hart.

A letter will be attached to this order from resident, Joan Smith, for your review.

It is my recommendation to approve a City of Hart Traffic Control Order; Order #315; which would erect a stop sign on the North / West corner of the intersection of Mason Avenue and Hilltop Drive to avoid any collisions of vehicle(s) failing to stop for oncoming traffic.

If you have any questions feel free to contact me.

Respectfully,

Chief of Police, J. Salazar

CITY OF HART
TRAFFIC CONTROL ORDER

ORDER NO. 315 DATE OF FILING: February 11th, 2020

In accordance with Ordinance: 410 as amended, we have made an investigation of traffic conditions on:

Mason Avenue near Hilltop Drive within the City of Hart and as result of said investigation, do herby direct that:

A regulatory stop sign be placed on the North / West corner of the intersection of Mason Avenue and Hilltop Drive. Currently, no stop sign or yield sign is erected in the area.

Juan Salazar, Chief of Police
Hart Police Department

Date of Filing with City Clerk

Received for Filing (date) by: City Clerk

Approved by: (Legislative Body)

Date:

Municipal Supply Co.

MUNICIPAL SUPPLY COMPANY

Friday - 2/7/20
8:30 AM

Mailing Address
P.O. Box 470
Portland, MI 48875

Phone: 517-647-6597
Fax: 517-647-2007
info@municipalsupply.com

Warehouse
Industrial Drive, Building #1
Portland, MI 48875

Dear DPW, Brad Whittney,

Please instal a street sign and a "Yield" sign on the corner of my street. I live at 385 Mason Ave, off of Hilltop. Also a street sign is needed at the corner of 72nd Ave. and Polk. Polk has a sign for 72nd but 72nd does not have a sign for Polk.

Thank You, Jean Smith
(810) 280-7702
Hart Resident for 5yrs.

Memo

To: Mayor and Council

From: Lynne Ladner

cc:

Date: 02/21/2020

Re: First reading Ordinance authorizing and regulating off-road vehicles and golf carts on city streets.

Early this fall it was presented to the Council the question as to whether the City would entertain the idea of authorizing ORV's and golf carts on city streets. At the time, the Council felt that it was a question that they would like to receive public input on so their referred the matter to the Planning Commission.

The Planning Commission at their January 2020 meeting held a public hearing and a subsequent discussion on the issue. There was input from the public both in person and submitted in writing. As this was not an issue that could be addressed through zoning the board voted to submit the draft ordinance and accompanying resolution to the Council with no recommendation.

Before the Council this evening for a first reading is the ordinance which would authorize and regulate the operation of off-road vehicles on city streets. At this point the council can amend the ordinance as presented, accept the ordinance as presented and direct the City Manager to place it on the next agenda for 2nd reading or chose to take no more action

Lynne

CITY OF HART
COUNTY OF OCEANA
STATE OF MICHIGAN

Ordinance No. _____

ORV ORDINANCE

AN ORDINANCE AUTHORIZING AND REGULATING THE OPERATION OF OFF-ROAD VEHICLES (ORVs) ON CITY STREETS, , OCEANA COUNTY, MICHIGAN, PROVIDING PENALTIES FOR THE VIOLATION THEREOF, AND FOR THE DISTRIBUTION OF FINES AND COSTS RESULTING FROM THOSE PENALTIES PURSUANT TO 2009 PA 175, MCL 324.81131.

THE CITY OF HART ORDAINS:

Section 1. Definitions. For the purpose of this Ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

a. "Direct Supervision" means the direct visual observation of the operator with the unaided or normally correct eye, where the observer is able to come to the immediate aid of the operator.

b. "Driver's License" means any driving privileges, license, temporary instruction permit or temporary license issued under the laws of any state, territory or possession of the United States, Indian country as defined in 18 USC 1151, the District of Columbia, and the Dominion of Canada pertaining to the licensing of persons to operate motor vehicles.

c. "Maintained Portion" means that portion of road, improved, designated, and/or ordinarily used for vehicular traffic, including the gravel shoulder or paved shoulder of the road.

d. "Operate" means to ride in or on and be in actual physical control of the operation of an ORV/ATV.

e. "Operator" means a person who operates or is in actual physical control of the operation of an ORV/ATV.

f. "ORV" or, unless the context implies a different meaning, A vehicle means a motor-driven off-road recreation vehicle capable of cross-country travel without benefit of a road or trail, on or immediately over land, snow, ice, marsh, swampland, or other natural terrain. A multitrack or multiwheel drive vehicle, a motorcycle or related 2-wheel vehicle, a vehicle with 4 or more wheels, a golf cart, an amphibious machine, a ground effect air cushion vehicle, or other means of

transportation may be an ORV. An ATV is an ORV. "ORV" or "vehicle" does not include a registered snowmobile, a farm vehicle being used for farming, a vehicle used for military, fire, emergency, or law enforcement purposes, a vehicle owned and operated by a utility company or an oil or gas company when performing maintenance on its facilities or on property over which it has an easement, a construction or logging vehicle used in performance of its common function, or a registered aircraft. An "ORV" does not include a three-wheeler, dune buggy, or a sandrail.

"

g. "Safety Certificate" means a certificate issued pursuant to 1994 PA 451, as amended, MCL 324.1129, or a comparable ORV safety certificate issued under the authority of another state or a province of Canada.

h. "Street" means a city major street or city local street as described in section 9 of 1951 PA 51, MCL 247.659, or a segment thereof.

i. "City" means the City of Hart.

Section 2. Operation of ORVs on City Streets. An individual may operate an ORV on all streets located within the City provided that the ORV is operated only with the flow of traffic, on the far right of the maintained portion, of the road, subject to the following regulations:

a. A person shall not operate an ORV at a speed greater than 25 miles per hour, or a lower posted ORV speed limit or in a manner that interferes with traffic on the road or street.

b. ORVs shall travel single file, except when passing or being passed by another ORV.

c. All ORVs operating shall display a lighted headlight and taillight when equipped.

d. Unless a person possesses a driver's license, a person shall not operate an ORV on a road or street if the ORV is registered as a motor vehicle under the Michigan Vehicle Code and the ORV is either more than 65 inches wide or has three wheels.

e. A person under the age of 12 shall not operate an ORV on a street.

f. A person under the age of 18 shall not operate an ORV on a road or street unless the person is in possession of a valid driver's license or is under the direct supervision of a parent or guardian and the person has in his or her possession an ORV safety certificate issued by Michigan or another state or province of Canada.

g. All operators must, upon demand by a law enforcement officer, present either an ORV safety certificate or driver's license.

h. An owner or person in control or charge of an ORV shall not allow an ORV to be operated by an individual who is incompetent to operate a vehicle because of a mental or physical disability.

i. A child less than 16 years of age shall not operate a 3-wheeled ORV or ATV.

j. A person shall not operate an ORV at a rate of speed greater than is reasonable and proper, or in a careless manner having undue regard for conditions.

k. A person shall not operate or ride on an ORV unless they are wearing on their head a helmet and protective eyewear approved by the United States Department of Transportation. This section does not apply if the ORV is equipped with a roof that meets or exceeds standards for a crash helmet and the operator and each passenger is wearing a properly adjusted and fastened safety belt.

l. A person shall not operate an ORV during the hours of 1/2 hour before sunset and 1/2 hour after sunrise without a working brake light that is brighter than the taillight.

m. All ORVs shall conform to the noise emission levels established by the United States Environmental Protection Agency under the Noise Control Act of 1972, 42 USC 4901 to 4918.

n. No person who is an operator or passenger on an ORV shall transport or possess alcoholic liquor in a container that is open or uncapped or upon which the seal is broken.

o. An ORV shall be equipped with a spark arrester type United States Forest Service approved muffler in good working order and in constant operation.

p. An ORV shall otherwise be operated in full compliance with all applicable provisions of state law, including, but not limited to, Part 811 of the Natural Resources and Environmental Protection Act, MCL 324.81101, et seq.

q. An ORV shall not be operated upon any portion of a state highway unless specifically authorized by the Michigan Department of Transportation pursuant to MCL 324.81131(6) and (7).

r. An ORV shall not be operated upon any portion of a freeway.

s. The operation of three-wheels, dune buggies, and/or sandrails on roads or streets within the City is prohibited under this Ordinance.

Section 3. Careless or Reckless Operation. In a court action in this state where competent evidence demonstrates that a vehicle permitted to be operated on a street or highway pursuant to the Michigan Vehicle Code, 1949 PA 300, MCL 257.1 to 257.923, is involved in a collision with

an ORV, the operator of the ORV involved in the collision shall be considered prima facie negligent.

Section 4. Operation of ORV by Child. A parent or guardian of a child less than 16 years of age shall not permit or allow the child to violate any provision of this Ordinance.

Section 5. Enforcement.

a. A violation of this Ordinance is a municipal civil infraction, and a person responsible for a civil infraction under this Ordinance shall pay a fine of not less than $175.00 nor more than $500.00 plus costs and actual reasonable attorney fees incurred by the City in enforcing this Ordinance. In addition, the Court may order the defendant to pay the cost of repairing any damage to the environment, a road, street or public property damaged as a result of the violation.

b. Officers, deputies, members, and/or agents of the City of Hart Police Department are authorized to enforce this Ordinance and to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in Court.

c. The City Treasurer shall deposit fines and costs collected under this Ordinance under the applicable provisions of the Revised Judicature Act, MCL 600.8379, into a fund designated as the ORV Fund.

d. The City Treasurer shall appropriate revenue in the ORV Fund as follows:

   i. Fifty percent to the City of Hart Department of Public Works and Streets for repairing damage to streets and the environment that may have been caused by ORVs, and for posting signs indicating ORV speed limits or indicating whether streets are open or closed to the operation of ORVs.

   ii. Fifty percent to the City of Hart Police Department for ORV enforcement and training.

Section 6. Master Map. The City shall maintain a master map that conspicuously indicates those roads, streets and highways and parts or sections thereof where the operation of ORVs is permitted and prohibited pursuant to this Ordinance. The City shall make such master map available to the public. Nothing in this section requires the City to bear the costs or expenses associated with distributing copies of the map to the public.

Section 7. Severability. If any section, clause, or provision of this Ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the remainder of the Ordinance, which shall be given effect without the invalid portion or application.

Section 8. Effective Date. This Ordinance shall take effect and be in force upon the expiration of 10 days of the date when the notice of adoption of this Ordinance is published in a newspaper

of general circulation with the City. This Ordinance and any attached documents shall be codified, edited for typos and grammatical errors, and enumerated in accordance with the codification procedure of the City.

AYES: Members:_____.

NAYS: Members:_____

ABSENT: Members:_____.

ORDINANCE DECLARED ADOPTED.

We, Cheryl Rabe, City of Hart Clerk, and Ron LaPorte, City of Hart Mayor, do hereby certify that the above and foregoing Ordinance, known as Ordinance No. _____ of the City of Hart, Michigan, was introduced and passed at a regular meeting of the City Council, held on _____, 2020, by an affirmative vote of the majority of the City Council members.

Date:_____, 2020

_____
Cheryl Rabe, Clerk

Date:_____, 2020

_____
Ron LaPorte, Mayor

Comparison information
from other Michigan Communities

Community	ORV's	Golf Carts	Insurance Req?	Proof of Reg	Permit/Reg Fee	Safety	State Road Permitting	Other Feedback
Ludington	Y	Y	N???		$0	None	N	passed originally as a one year ordinance after evaluation made permenant
North Muskegon	Y (UTV's)	Y	Y	Spec. Plate	$10	none	N	No major concerns accept compliance. We require annual registration with the PD
Reed City	Y (UTV's)	N	N	permit sticker	$0	no input	N	Currently in a one year experiment ends May 2020, Limit use on some city streets in addition to prohibitions on State roads. This could be cumbersome to identify and enforce
Milford	N	Y	Y	permit sticker	$0	None stated	N	They mostly get used for those heading downtown for dinner, parks, or to a parade, etc. Biggest issue has been kids driving them, but that was corrected pretty quickly. Mostly a non-issue.
Manistee	N	Y	Y	permit sticker	$0	too new to say	N	To date we have not experienced any safety/accidents, however the ordinance wasn't effective until early fall. Consequently we don't have enough experience to date to weigh in on the pros/cons.
Centerline	N	y	N	N	$0	none	N	Center Line does allow Golf Carts, and although our town has a very high volume we have had zero accidents, injuries or otherwise... There are no permits required and they are restricted to neighborhoods, secondary roads, but not the two main roads which are state and county trunk lines. At this point, there are only a handful of residents and businesses that use golf carts in the city. The City Parks and Recreation Department also uses a golf cart to move around the city.
Montrose	Y	Y	N	State ORV sticker	$0	too new to say	N	We just did one here in Montrose. Adopted it as an Ordinance. Will be enforcing it has things have gotten out of hand during Blueberry Festival.
Lexington	N	Y	N	permit sticker	$0	none	N	The Village of Lexington allows for golf cart use - they must get it police inspected for safety such as seat belts, blinkers, brakes, windshield, etc. if they pass inspection they get a sticker that is good for 2yrs. The Village office keeps track of those stickers and sends letters out when someone is due to come in and renew. Our Police department is pretty forgiving with golf-carts in that they don't drive around looking for people without stickers and honestly most people are pretty good about staying on side-streets away from the busy traffic areas. We also encourage people to avoid the M-roads as much as possible because the state police and sheriff can and will still pull them over. We do recommend (not require) they get an ORV from the state as well since we have M-90 & M25 running through town - this has helped a bit with the state and sheriff but its still not a guarantee.
Caledonia	Y	Y	Y	Annual Permit	$0	No adverse affects	N	If using a factory installed safety ORV's helmets may not be required. If in any situation make sure that when helmets are defined that they must be Dot cerfified helmets. As part of the permit application a Disclaimer/Release of Liability Waiver must be signed. To get annual permit a copy of homeowners liability insurance must be provided showing the golf cart.

OCEANA COUNTY ECONOMIC ALLIANCE
844 S. Griswold Street, Hart MI 49420

OCEANA COUNTY ECONOMIC ALLIANCE

MISSION
To create a diverse economic environment by strengthening talent, leveraging resources, and supporting the retention, expansion, attraction, and creation of Oceana County businesses.

BOARD OF DIRECTORS
Gayle Forner, President
Forner Insurance Agency

Rob Widigan, Vice-President
Village of Shelby

Robert J. Sobie, Ph.D.
Secretary / Treasurer
Oceana County

Larry Byl
Wickstra Realty

Tammy Carey
Community Foundation for Oceana County

Mishelle Comstock
Shelby State Bank

Dean Gustafson
Oceana County

Eric Gustad
Consumers Energy

Lynne Ladner
City of Hart

Eric Fox
Attorney at Law

Linda Kotzian
Great Lakes Energy

Scott Rumsey
Ed's Market

Therese Thill
Right Place, Inc.

CONTACT
Jodi Nichols
Business Development Coordinator
T 231-742-3328
E: nicholsj@rightplace.org
www.rightplace.org/for-local-business/oceana-county

February 18, 2020

Ms. Lynne Ladner
City of Hart
407 State Street
Hart, MI 49420

Dear Lynne:

On behalf of the Oceana County Economic Alliance (Alliance), we wish to sincerely thank you for your annual $5,000 contribution to support the activities of the Alliance. The city has been a long time financial supporter and with all of the exciting changes taking place we think the future looks bright for economic development activity occurring throughout Oceana County.

Our partnership with The Right Place, to bring much needed economic development resources into the county, is producing results such as business expansion, creation of new jobs, and recent assistance to your city with grant assistance.

The Board of Directors and I are truly excited to be part of a community of that values economic growth in our county.

Respectfully,

Gayle Forner

Gayle Forner
President