City of Hart, Michigan
CITY COUNCIL AGENDA
July 23, 2019 7:30 PM
City Hall, 407 State Street, Hart, Michigan

1. Call to Order
2. Roll Call – LaPorte, Frontiera, Hegedus, La Fever, Martin, Platt, Splane
3. Pledge of Allegiance
4. Approval of Agenda
5. Approval of Minutes from July 9, 2019
6. Public Comments, Correspondence, Events, Presentations
7. Department Reports
   a. Police b. BioPure c. Public Works d. Hydroelectric e. Hart Main Street
8. Reports of Boards, Commissions, and Committees (Minutes Attached***)
   1. Cemetery
   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. Hart Main Street
   21. Hart Lake Board
   22. Election Commission
   23. Starting Block Kitchen Incubator
9. Bills, Claims, Payroll
10. Action Items
    a. Resolution 19-43 Accept bid and authorize City Manager to sign documents for replacement of roof on DPW building
    b. Resolution 19-44 Waive bidding requirements and authorized initiating emergency repairs
    c. Resolution 19-45 To reschedule the December Board of Review
    d. *Special Event Permit – Hart Hills Gravel Bike Race*
    e. *Special Event Permit – State Farm Ribbon Cutting and Open House*
11. Discussion Items
    a. Discussion regarding necessity of adopting a Fair Housing Ordinance
    b. Discussion regarding proposed amendments to Section 670.04 of the Code of Ordinances – Noxious Weeds
    c. FY 2019 Audit Preliminary Governance letter
    d. Discussion regarding SHPO letter and Pocket Park Design
12. City Manager Report
13. City Attorney Report
14. Communications from the Mayor and Council
15. Closed Session: MCL 15.268 Sec. 8 (a) To consider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought against, or to consider a periodic personnel evaluation of, a public officer, employee, staff member, or individual agent, if the named person requests a closed hearing.
16. Adjournment - Next regular meeting Tuesday, August 13, 2019, 7:30 PM

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CITY OF HART
407 S. STATE ST.
HART, MI 49420
COUNCIL PROCEEDINGS
JULY 9, 2019, 7:30 P.M.
MINUTES

PRESENT: Mayor Ron LaPorte, Councilors: Patrice Martin, Vicki Platt, Rob Splane, and Steve Hegedus.
ABSENT: Joe Frontiera and Jason La Fever
OTHERS PRESENT: City Manager – Lynne Ladner, Main Street Manager – Julie Kreilick, BioPure Superintendent – Paul Cutter, DPW Superintendent – Brad Whitney, City Attorney – Mark VanAllsburg, and Deputy City Clerk - Cheri Eisenlohr. See attached list for others in attendance.

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

A motion was made by Mr. Hegedus to approve the 1st amended agenda and supported by Ms. Martin. The minutes from June 25, 2019, regular meeting, were approved motioned by Mr. Hegedus and supported by Ms. Martin. All ayes, both motions were carried.

PUBLIC COMMENTS, CORRESPONDENCE, EVENTS, PRESENTATIONS:

- None

DEPARTMENT REPORTS:

- BioPure Superintendent, Paul Cutter: No report
- Police Chief, Juan Salazar: Absent
- DPW Superintendent, Brad Whitney: No report
- Energy Superintendent, Mike Schiller: Absent
- Mainstreet Manager, Julie Kreilick: No report

REPORTS OF BOARDS, COMMISSIONS, AND COMMITTEES:

- None

BILLS, CLAIMS, PAYROLL:

Bills totaled: $229,344.30 Payroll totaled: $68,359.23 Grand Total: $301,297.32
A motion was made by Mr. Splane and supported by Ms. Platt to approve bills, claims, and payroll in the amount stated.
Ayes: 5 Nay: 0 Absent: 2

ACTION ITEMS:

City Manager, Lynne Ladner presented the following:

RESOLUTION 19-40
City Council
City of Hart, Michigan
Oceana County

Supply and Delivery of Propane

WHEREAS, the City of Hart owns, and operates the Energy Department building located at 3907 Oceana Dr.; and

WHEREAS, the building utilizes propane gas to fuel the heating systems; and

WHEREAS, Energy Department staff requested that a request for bids take place to ensure that they remain good stewards of the utility resources by initiating the competitive bidding process for services provided consistently to the city; and

WHEREAS, the RFP was delivered to five local propane gas suppliers and advertised publicly, and

WHEREAS, the City received bids from two companies for propane Blarney Castle at $1.219 per gallon, and Fischer LP Gas at $1.189 per gallon or pre-purchase price of $1.09/ gallon with all prices set for one contract year

NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL:

Approves, authorizes and accepts the bid from Fischer LP Gas for the supply and delivery of propane for the Energy Department Building and any other City locations at a price of $1.189/gallon with the option to pre-purchase at a price of $1.09 per gallon

Approves, authorizes and directs the City Manager to sign the one-year contract for propane services with Fischer LP Gas

Moved by Ms. Martin, supported by Ms. Platt, and thereafter adopted at the regular City of Hart City Council meeting on July 9, 2019.

Ayes: 5 Nays: 0 Absent: 2

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 City Clerk

RESOLUTION 19-41
City Council
City of Hart, Michigan
Oceana County

Sale of Surplus Equipment – Tree Truck

WHEREAS, the City of Hart owns, and operates a 1999 GMC C5700 Bucket Truck used by the Energy Department; and

WHEREAS, the Energy Department has limited use for this vehicle in their current operations; and

WHEREAS, retention of the vehicle for such limited use incurs annual costs of insurance, maintenance and certification; and

WHEREAS, the vehicle has been deemed Surplus Property and invitations to bid were solicited from three local agencies that may have a use for the vehicle, and the invitation was posted publicly with a reserved minimum bid amount

NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL:

Approves, authorizes and accepts the bid Dubois Tree Service, Mike Dubois in the amount of $20, 226; and

Approves, authorizes and directs the City Manager and City Clerk/Treasurer to complete the necessary paperwork to transfer ownership.

Moved by Ms. Martin, supported by Ms. Platt, and thereafter adopted at the regular City of Hart City Council meeting on July 9, 2019.

Ayes: 5 Nays: 0 Absent: 2

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 City Clerk

Discussion: It was agreed that Mr. DuBois pay a 10% deposit on the truck upfront and then have 60% of future work payments placed toward the truck and only receive 40% payable to his company. Ms. Martin stated that he could take immediate possession of the vehicle.

RESOLUTION 19-42
City Council
City of Hart, Michigan
Oceana County

Authorize MOU with County and HMS for Commemorative Plaque

WHEREAS, the residents and business owners in the Downtown area worked diligently to submit an application to have the Downtown District placed on the National Register; and

WHEREAS, the United States Department of the Interior placed the Hart Downtown on the national register of historic places on November 24, 2015; and

WHEREAS, the Hart Main Street program, City of Hart and Oceana County want to recognize this achievement with the placement of a commemorative plaque in the Downtown District; and

WHEREAS, the three organizations have identified and agreed to the location and process for erecting the commemorative plaque;

NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL:

Approves and authorizes the City Manager to sign the Memorandum of Understanding with Hart Main Street and Oceana County for the placement and on-going maintenance of the commemorative plaque.

Moved by Mr. Splane, supported by Ms. Platt, and thereafter adopted at the regular City of Hart City Council meeting on July 9, 2019.

Ayes: 5 Nays: 0 Absent: 2

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 City Clerk

SPECIAL EVENTS PERMIT:

- Music on the Commons Amendment:
  - One of the music events had to be rescheduled due to an illness of a performer, it was agreed via a motion made by Ms. Martin and supported by Ms. Platt to allow the project manager to reschedule events such as this without having to come back to Council. All ayes, the motion carried.
- Walk to Remember:

- This walk was created to bring about suicide awareness. Ms. Steffes, the sponsor of the event, was advised that she would have to discuss this event with the County as she has requested that it run the full length of State St., from the fairgrounds to the Hart Commons. There was also discussion about whether or not the name of the event is a copyright infringement on the Alzheimer's organization. This will be looked into. A motion was made by Mayor LaPorte and supported by Ms. Platt to give tentative approval for the permit. All ayes, the motion carried.

DISCUSSION ITEMS:

- FERC Recreation Improvements and compliance schedule:
  - Ms. Ladner discussed the road improvements for John Gurney Park and that the City will not require an engineer to comply with this mandate.
  - The grant for the Veteran's park will be applied for in the spring of 2020; this will provide the extended boardwalk that was in the FERC requirements.
  - Drawings for Point Park need to be completed by the end of the year.
- Proposed Annual Performance Evaluation forms for Annual City Manager Evaluation:
  - Ms. Ladner's one year anniversary will be on July 16th. Evaluation forms were given to Council as well as superintendents and office staff. All documents are due back by July 18th.

CITY MANAGER REPORT:

- Ms. Ladner reported that Gray and Co. would be paying for the cost of the new transformer that was installed at their facility. She suggested that a procedure be put in place for major equipment purchases that do not in generated revenue for the City to specify who is to responsible for buying the equipment.
- A webinar regarding Marijuana will be presented in the Community Center next Tuesday; the Council is invited to attend.
- Ms. Ladner will be attending a luncheon next Wednesday in Muskegon with Barbara Marczak, of Prein & Newhof, the guest speaker will be the Governor.

CITY ATTORNEY'S REPORT:

- None

COMMUNICATIONS FROM THE MAYOR AND COUNCIL:

- None

1st 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 Solar Project Easements.

- Entered into at 8:22 pm, via motion made by Mr. Splane and supported by Ms. Martin – all ayes, motion carried.
- Returned to open session at 8:30 pm, via motion made by Ms. Martin and supported by Mr. Splane, all ayes, motion carried.

2nd Closed Session: MCL 15.268 Sec. 8 (d) to consider the purchase or lease of real property up to the time an option to purchase or lease that real property is obtained.

- Entered into at 8:30 pm via motion made by Mr. Splane, supported by Mr. Hegedus, all ayes, motion carried.
  - Ms. Martin made a motion to give the City Manager the authority to act on behalf of the City as previously discussed in closed session, supported by Mr. Splane, all ayes, the motion carried.
- Returned to open session at 9:17 pm via a motion made by Ms. Martin and supported by Mr. Hegedus, all ayes, motion carried.

3rd 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 Creeks Condominium.

- Entered into at 9:18 pm via a motion made by Mr. Splane, supported by Mr. Hegedus, all ayes, motion carried.
- Returned to open session at 9:41 pm via a motion made by Ms. Martin and supported by Mr. Splane, all ayes, motion carried.

There being no further business to come before the Council, the meeting adjourned at 9:41 p.m., upon motion by Ms. Martin and supported by Mr. Splane. The next regular meeting is July 23, 2019, at 7:30 p.m.

Respectfully Submitted

Deputy City Clerk

CITY MEETING - SIGN IN SHEET		
MEETING NAME: City Council		DATE: 7-9-11
PRINTED NAME		SIGNATURE
Kirbey Kendra-Dubois		K. Kendra-Dubois
Mike Dubois		Mike Dubois
Brad Whitney		Brad Whitney
Paul Cuber		Paul Cuber
Bill Volpi		Bill Volpi
Julie Kreilick		Julie Kreilick
Sharon Hallack	OHS	S Hallack

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: July 23rd, 2019

RECENT EVENTS

From Thursday, July 4th, 2019, through Wednesday, July 17th, 2019, the Hart Police Department received 91 complaints ranging from Well-Being Checks, Harassment Complaints, Vehicle Violations, Medical Assists, Family Trouble, Larcenies, Property Damage Accidents, Hit and Run Accidents, Noise Complaints, Animal Complaints, Suspicious Situations, Assist to Other Agencies, Attempt to Locate Complaint, Trespassing Complaints, Malicious Destruction of Properties, Suspected Child Neglect, Lost/Found Property Complaints and a Felonious Assault.

On Thursday, July 4th, 2019, the Hart Police Department was patrolling the area of Hart Street near Wood Street when a motorcycle was noted operating without a Michigan Registration. The operator of the vehicle was identified as being a 29year-old Hart man. A traffic stop was conducted in the 100 block of Wood Street. The man was advised by the officer that he was being placed under arrest for Operating an Unregistered Motorcycle. The man resisted the officer during the arrest; pulling away from the officer. The man was taken into custody without incident. The man was lodged at the Oceana County Jail for Operating an Unregistered Motorcycle and Resisting and Obstructing.

On Friday, July 5th, 2019, the Hart Police Department was dispatched to the 10 block of Park Street in regards to a Noise Complaint. During the investigation, a 58year-old Hart man was noted to have two (2) valid/active warrants for his arrest out of Muskegon County. The man was arrested and lodged at the Oceana County Jail on these outstanding warrants.

On Tuesday, July 9th, 2019, the Hart Police Department was dispatched to the 10 block of Park Street in reference to a Malicious Destruction of Property complaint. A 74year-old male resident of Broken Arrow, Oklahoma, witnessed a vehicle damage a site marker within a park area. The site marker was noted to have been damaged by a vehicle. Management was advised of this incident. An investigation is ongoing.

On Thursday, July 11th, 2019, the Hart Police Department was dispatched to the 400 block of Union Street in regards to a suspected Felonious Assault. A 40year-old Hart man alleges a 49year-old Hart woman had attempted on two (2) separate occasions in the last week to run the man over with her vehicle. A report will be forwarded to the Oceana County Prosecutor's Office for his review.

On Friday, July 12th, 2019, the Hart Police Department was conducting well-being check at the Hart Park-N-Ride due to a man being noted sleeping in his vehicle. The man was run through LEIN, Law Enforcement Information Network, and showed to have two (2) valid warrants for his arrest out of the Oceana County Sheriff's Office. The man was arrested and lodged at the Oceana County Jail reference these warrants.

On Friday, July 12th, 2019, the Hart Police Department initiated a traffic stop on Oceana Drive near East Main Street referencing a vehicle violation. A 41year-old Hart woman was cited for Operating a Motor Vehicle While License Expired.

On Saturday, July 13th, 2019, the Hart Police Department was dispatched to the City of Hart Playground in regards to a well-being check. Subsequently, A 24year-old Rothbury man was arrested and lodged at the Oceana County Jail on an outstanding warrant for his arrest out of the Oceana County Friend of the Court.

On Saturday, July 13th, 2019, the Hart Police Department was dispatched to the 4000 block of Polk Road about a Criminal Sexual Conduct. A 53year-old Ludington woman alleges she had been sexually assaulted by a 41year-old Hart man within the City of Hart and left in the above-mentioned area on Polk Road An investigation is ongoing.

On Tuesday, July 16th, 2019, the Hart Police Department initiated a traffic stop in the 400 block of Union Street referencing a vehicle violation. A 17year-old Hart man was cited for Operating a Motor Vehicle Without a License.

Respectfully,

J. Salazar,
Chief of Police

CITY OF HART

407 S. STATE ST.
HART, MI 49420

TAX INCREMENT FINANCE AUTHORITY (TIFA)

July 11, 2019, at 1:00 pm
Notes – No Quorum

Members Present: Chair – Patrice Martin, Gale Goldberg, and Steve Bruch
Members absent: Bill Hegg, Tom Drenth, Tracey Lipps, and Garth Larson
Also present: City Manager – Lynne Ladner, and Deputy City Clerk - Cheri Eisenlohr

Chair Martin called the meeting to order; roll call was taken.

Agenda Approval: No quorum
May 9, 2019, Minutes Approval: No quorum
Public comments were made at this time:

- None

Financial Report:

- **Project Improvement Program:**
  - The City Attorney has not responded yet in regards to the application.
  - Balance in the account is $67,698.00
  - Board would like to roll out the program in September
  - Informational meetings will be held as follows:
    - September 12, 2019, and November 14, 2019 – 5:30 pm to 6:00 for a regular meeting, informational meeting to follow.
    - Promote the meetings via social media, website, and the City sign. May print the information on the back of utility bills.
- **Sidewalk Improvement Program:**
- **Property Owner (George Sadler) Requests:**

Action Items:

- None – no quorum

Communications from Members:

- None

The meeting ended at 2:05 p.m.

The next meeting will be Thursday, August 8, 2019, at 1:00 p.m. at City Hall.

CITY OF HART – ENERGY DEPARTMENT
POWER BOARD @ CITY HALL
407 STATE STREET, HART, MICHIGAN
MONDAY, JULY 1, 2019
8:00 AM – MINUTES

Present: Chair, Mike Powers, Members: Gayle Forner, Nick Wadel, Steve Bruch, and Joe Frontiera,
Absent: Mayor La Porte, Jason La Fever,
Others present: City Manager – Lynne Ladner, Deputy Clerk - Cheri Eisenlohr, and Hydro Superintendent - Mike Schiller
Chair Mike Powers, called the meeting to order at 9:00 am.
Mr. Wadel made a motion to approve the current agenda, supported by Mr. Bruch. Mr. Bruch made a motion to accept the minutes from the April 8, 2019 meeting, Mr. Wadel supported, all ayes, the motions carried.
Public Comment: None
MPPA and MMEA: None
ELGL: None
MPSC: None
MDNR: None
FERC: None
City Manager Report:

- Lynne Ladner reported on the following items:
  - Electric Utility Rate Study Update
    - The study should be done by the end of the month.
  - MMEA logo wear
    - The City will pay up to $15.00 for a shirt w/logo; the board member is responsible for the balance.
  - FY2020 Budget update
    - A brief overview was given.
  - Update on FERC letter of June 17, 2019, regarding Recreation Improvements
    - John Gurney Park roads must be paved and plans drawn for Point Park by the end of the calendar year.
  - Update on AOC meeting with ELGL, Lawson-Fisher, Prein & Newhof and Varnum Law
    - A letter with the update was given to board members.

Superintendents Report:

- Mike Schiller reported on the following items:
  - The "old" tree truck is out for bids.
  - DuBois is doing an excellent job trimming and removing trees for the City.
  - Lawson-Fisher has been made aware of the rip-rap issue at the dam.
  - Electric service has been upgraded into John Gurney Park.
  - Gray & Co., work is finished – with a
  - The shutdown time of 1.75 hours for the new lines was less than the original estimate.
  - Removing the overhead lines from the lake project is almost completed.
  - Wastegates at the dam need to be repaired as they are bent.
  - All power line poles near the County Farm have been replaced.
  - Recent power outages are due to Consumers Power having issues.

Comments from the Power Board:

- Ms. Ladner made the board aware that the easements with the Solar company will need to be corrected and will be presented to the Council at their next meeting. A public hearing needs to be held as per the City Charter; this was not done when the contracts were originally drawn up.

Adjournment: Meeting adjourned at 8:50 am.
Next Meeting: Monday, August 5, 2019, at 8:00 am

Payables Date: 7/23/19	Description	Total	General +	DPW	Energy	BPTF	Water
Allshred Services	Monthly Recycle Fee	$ 44.35	$ 44.35				
Ceres	Chemicals	$ 100.63				$ 100.63	
Ceres	UPS	$ 13.00				$ 13.00	
Ceres	Chemicals	$ 525.10				$ 525.10	
Ceres	UPS	$ 66.00		$ 66.00			
Ceres	Weed n' Feed	$ 440.00				$ 440.00	
Charter	Starting Block	$ 149.97			$ 149.97		
Charter	Historic District Phones	$ 114.97	$ 114.97				
Charter	JGP Internet	$ 104.99			$ 104.99		
Consumers Energy	Utilities - Energy Dept	$ 130.15			$ 130.15		
Delia's Tree Stump Removal	Stump Removal city wide	$ 2,076.11			$ 2,076.11		
Delta Dental	Aug. Ins. Prem.	$ 1,366.96	$ 551.04	$ 180.81	$ 429.35	$ 135.16	$ 70.60
Dillingham, Dave	Fuel Tank	$ 250.00				$ 250.00	
Emergency Services	Radar Repairs	$ 421.06	$ 421.06				
Freed Management	JGP Mgmt	$ 3,570.00	$ 3,570.00				
Frontier	Dam #1	$ 102.89			$ 102.89		
Galeton	Parts/Supplies	$ 131.70				$ 131.70	
GHSP	Energy Efficiency Incentive	$ 111.65			$ 111.65		
Gracon	Cloud Backup Services	$ 1,240.00	$ 413.34	$ 206.67	$ 206.67	$ 206.67	$ 206.65
Hart Cemetery Commission	3rd Quarter Contribution	$ 4,250.00		$ 4,250.00			
Hart Cemetery Commission	Summer Taxes	$ 1,249.76	$ 1,249.76				
Hart Main Street	July Installment 19/20	$ 13,080.00	$ 1,760.00		$ 7,695.00	$ 3,085.00	$ 540.00
Hart Preservation Group	Repairs/Maintenance Historic District	$ 1,031.69	$ 1,031.69				
Jons to Go	Portable Restrooms	$ 210.00			$ 210.00		
JR Accounting	Accounting Svcs	$ 90.00	$ 90.00				
Kendall	Parts/Supplies	$ 26.02			$ 26.02		
Kennedy Ind.	Parts/Supplies/SCADA	$ 136,005.00				$136,005.00	
LA DOCSA	BioPure Blower Replacement	$ 65,367.90				$ 65,367.90	
Lawson-Fisher	MI2019 Licensing Requirements	$ 5,275.32			$ 5,275.32		
LEAF	Police Copier - Contract Fee	$ 39.00	$ 39.00				
Medler Electric	Parts/Supplies - JGP	$ 49.04	$ 49.04				
Mike's City Service	Patrol Unit - Oil Change	$ 40.00	$ 40.00				
Model First Aid	Supplies	$ 131.80				$ 131.80	
MPPA	Purchased Power	$ 158,058.07			$ 158,058.07		
MWEA	Membership Renewal - Whitney	$ 75.00					$ 75.00
Oceana County Treasurer	Chargeback due to July 2019 BOR	$ 11.82	$ 11.82				
Office Machines Co	Police Copier - Overage Fee	$ 30.37	$ 30.37				
Pixel Graphix	Printing	$ 266.00	$ 266.00				
Pixel Graphix	Service Slips	$ 75.00	$ 75.00				
Power Line	Parts/Supplies	$ 378.78			$ 378.78		
Pranger Property Mgmt	Cleaning Svcs	$ 168.00	$ 168.00				
Quill	Office Supplies	$ 78.97	$ 78.97				
Southeast Publications	Advertising - JGP	$ 299.00	$ 299.00				
State of Michigan	License Plate - Police	$ 13.00	$ 13.00				
Tri-Berry	plates/flats/metal	$ 200.00			$ 75.00	$ 125.00	
TruGreen	Lawn Service	$ 43.26	$ 43.26				
Verizon	Cell phones	$ 493.71	$ 38.03		$ 286.10	$ 108.46	$ 61.12
Vibration Analysis Ltd.	Field Service	$ 1,882.00				$ 1,882.00	
Vista Outdoor Sales	Bike Helmets - Police Dept Grant	$ 2,257.00	$ 2,257.00				
Weesies	Plants - City Hall	$ 32.38	$ 32.38				
Wells Fargo	Copier Fee	$ 143.20	$ 143.20				
		$ -					
	Subtotal	**$ 402,310.62**	**$ 12,830.28**	**$ 4,703.48**	**$ 175,316.07**	##########	**$ 953.37**
Additional Bills							
		$ -					
		$ -					
		$ -					
	Subtotal	$ -	$ -	$ -	$ -	$ -	$ -
	Subtotal Reg and Additional	***$ 402,310.62***					
HAND CHECKS							
Alerus - ACH	***City Share 401 Retirement***	$ 3,105.41	$ 3,105.41				
US Postmaster	Postage Utility Bills	$ 135.86			$ 88.31	$ 40.75	$ 6.80

--OVER--

Payables Date: 7/23/19	Description	Total	General +	DPW	Energy	BPTF	Water
MMRMA	Retention Fund Contribution	$ 9,000.00	$ 2,970.00		$ 3,870.00	$ 1,440.00	$ 720.00
Michigan Municipal League	Membership Dues	$ 1,558.00	$ 1,558.00				
CBCS	Collections - VanAgtmael	$ 10.00			$ 10.00		
		$ -					
	TOTAL HAND CHECKS	**$ 13,809.27**	**$ 7,633.41**	**$ -**	**$ 3,968.31**	**$ 1,480.75**	**$ 726.80**
Sub-Total Regular Bills/Additional Bills/Hand Checks		***$ 416,119.89***	***$ 20,463.69***	***$ 4,703.48***	***$ 179,284.38***	###########	***$ 1,680.17***
Gross Payroll	463						
	Sub-Total	$ -					
	GRAND TOTAL	$ 416,119.89	$ 20,463.69	$ 4,703.48	$ 179,284.38	###########	$ 1,680.17

City of Hart

Memo

To: Mayor and City Council

From: Lynne Ladner

cc:

Date: 6/19/1919

Re: Accept bid and authorize City Manager to sign documents for replacement of roof on DPW building

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As part of the FY 2020 budget replacement of the roof on the Public Works building was scheduled for completion. In keeping with the desire to have the work completed sooner rather than later due to leaks which allow water to enter the building during rain events and allowing heat to escape the building during the winter increasing utility costs for maintaining the building during the winter bids have been solicited from local contractors.

Bids were solicited from Blackmer Construction, Empire Contractors and Stovall Construction. The City received bids from Blackmer Construction in the amount of $30,480 and from Empire Contractors in the amount of $39,814.

It is my recommendation that the Council adopt Resolution 19-43 accepting the bid from Blackmer Construction in the amount of $30,480 and authorize the City Manager to sign documents for the replacement of the roof on the DPW building.

Lynne

BLACKMER CONSTRUCTION
A Division of MIKE BLACKMER ELECTRIC, INC.
3910 W. MONROE RD
HART, MI 49420-8485

(231) 873-4361

Estimate

DATE	ESTIMATE #
4/16/2019	4515

NAME / ADDRESS:

DEPARTMENT OF PUBLIC WORKS
ATTN: BRAD WHITNEY
1010 STATE STREET
HART, MI 49420

JOB NAME

DESCRIPTION	TOTAL
LABOR AND MATERIAL ESTIMATE FOR THE FOLLOWING SCOPE OF WORK	30,480.00

NEW ROOF AT HART HYDRO
REMOVE EXISTING NAILED DOWN ROOF
INSTALL NEW PURLINS
INSTALL NEW WHITE MCELROY MAC RIB STEEL ROOFING, SCREWED DOWN WITH STEEL RIDGE CAP
FLUSH GABLES AND EAVES
EAVE STEEL TO EXTEND 6" PAST BUILDING

DISPOSE OF ALL OLD STEEL AND DEBRIS

THIS BID IS GOOD FOR 20 DAYS. E-Mail: blackmerconstruction@casair.net

TOTAL **$30,480.00**

Empire Contractors LLC
79 First Street
Shelby, MI 49455 US
(231) 861-7221
office.empirecontractors@gmail.com
www.roofsbyempire.com

Estimate

Empire CONTRACTORS

ADDRESS
Brad Whitney Hart DPW 1010 State St Hart, MI 49420

SHIP TO
Brad Whitney Hart DPW 1010 State St Hart, MI 49420

ESTIMATE #	DATE	EXPIRATION DATE
2588	07/13/2019	08/13/2019

SALES REP
Andy Near

ACTIVITY	QTY	RATE	AMOUNT
02 Steel Roof:Cen States, Panel Loc plus We propose to supply all materials tools and labor to install new roof system to building. Product proposed: Central States, Panel-Loc Plus profile, 26 GA, steel panel. Exposed fastener system. Manufacturer includes a 40 year warranty on panel. See warranty for specifics. Area: Entire building, about 11600 sq ft (including waste) 1 We are to tear off and dispose of existing roof panels. Upon inspection we found multiple spots with rotten or compromised purlin boards underneath. We anticipate replacing many of these boards, however it is not reflected in this price. Additional wood wood work is listed below as an extra. 2 Prep purlins for new panels. Pound down or pull any existing nails. 3 Install new 26 GA panels to roof, using 1" galvanized screws with neoprene washer. 4 Install necessary trims and accessories, including pipe boots, drip edge, and rake trims. 5 Includes solid profile closure on ridge, and profile closures on bottom of panels. 6 Rental of Skytrack lift to assist in lifting panels and material. 6 Includes all clean up and disposal of debris into state approved landfill.	1	39,814.00	39,814.00
Warranty/5 yr Empire provides 5 year workmanship warranty on this system against any leaks or wind damage under 70 mph. We do not cover damage as a result of ice backup.	1	0.00	0.00

Theres quite a bit of equipment on the south side of building. We would need most of this moved so we can access the roof with equipment.
This job will take 7-8 days (summer)

TOTAL **$39,814.00**

Accepted By

Accepted Date

STOVALL
CONSTRUCTION, INC.

"Our Reputation is Building"

(https://www.stovallconstructioninc.net)

Contact

Stovall Construction, Inc.

308 State St.
Shelby, MI 49456
(231) 861-2652

Name

Please enter your name.

Brad Whitney/City of Hart

Email

Please enter a valid email.

dpw@ci.hart.mi.us

Your Message

Please enter a message.

We need a quote to replace the metal roofing on our 11600 sq ft DPW building. Please give me a call at 231-638-2052. I am trying to get all quotes in by Friday, 7/20/19.

Send

Message Sent!
Message failed. Please try again.

RESOLUTION 19-43
City Council
City of Hart, Michigan
Oceana County

Accept bid and authorize City Manager to sign documents for replacement of roof on DPW building

WHEREAS, it is in the City's interest to maintain buildings and infrastructure owned by the City, and

WHEREAS, the Public Works building roof is in need of replacement due to deteriation and leaks; and

WHEREAS, the City has solicited bids for the roof replacement from three local contractors and received the following: Blackmer Construction - $30,480, Empire Contractors - $39,814 and no response from Stovall Construction;

NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL:

Approves, accepts the bid from Blackmer Construction to replace the roof on the Public Works building in the amount of $30,480 and authorizes the City Manager to sign the necessary paperwork.

Moved by_____, supported by_____, and thereafter adopted at the regular City of Hart City Council meeting on July 23, 2019.

Ayes: Nays: Absent:

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

Cheri Eisenlohr, Deputy City Clerk

City of Hart

Memo

To: Mayor and City Council

From: Lynne Ladner

cc:

Date: 6/19/1919

Re: Waive bidding requirements and authorize initiating emergency repairs to the sewer system

---

As part of the SAW grant the City's sewer system infrastructure was videotaped to assist in identifying areas that need attention. During a routine review of the tapes by Prein & Newhoff the City's Engineering firm an area of sewer pipe 440 ft in length was identified as having failed and is structurally compromised. The failed pipe has created a void above the pipe that due to the extent of the damage and the location of the sewer being under State Street, could result in sewer back-ups and eventual roadway collapse.

It is the recommendation of the engineers that the City waive the bidding requirements and negotiate for emergency repairs using the cured in place pipe lining process to repair the failed section with Insituform to expedite the repairs.

It is my recommendation that the Council adopt Resolution 19-44 Waiving the bidding requirements and authorized initiating emergency repairs to the sewer system.

Lynne

Prein&Newhof
Engineers ▪ Surveyors ▪ Environmental ▪ Laboratory

July 18, 2019
2190497

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

RE: State Street Sanitary Sewer Repair

Dear Ms. Ladner:

Recently while reviewing sewer videos for the City's SAW project a significant defect was discovered in the State Street sanitary sewer at the northeast side of the Polk Road intersection. A location map of the sewer in question is enclosed for reference.

This section of sewer receives flow from customers west of State Street including the Polk Road Lift Station and sends the flow north up State Street. The failed section of sewer is 440 ft. long and is constructed of concrete pipe. From review of the video this section of pipe has severe corrosion over the entire length. The structural integrity of the pipe has been compromised. The most significant damage to the pipe is a four foot long section of pipe just north of the manhole in Polk Road where the top of the pipe is completely gone. A void has formed above the pipe in this area. It is difficult to assess the size of the void, but it is estimated to be two to three feet long, two feet wide and extends approximately 18-inches above the pipe towards the road surface. We have enclosed a couple of photos of this area for your reference.

Concrete pipe is highly susceptible to corrosion from hydrogen sulfide gas which is very common in sanitary wastewater. The sewer downstream is constructed of clay and the sewer upstream is PVC, both of which are resistant to corrosion. The corrosion damage is only isolated to this run of pipe. The solution to the failed pipe is to either replace the sewer with PVC pipe by digging State Street up or to line the sewer with a Cured in Place Pipe (CIPP) liner. Due to the location of this sewer under State Street we are recommending to line the pipe.

Pipe lining is a trenchless technology which is done without digging up the roadway. The sewer flow is bypassed around the pipe being repaired, the pipe is cleaned, and then the liner is extended up the pipe and inflated up against the existing pipe using pressurized hot water. The liner is flexible during install and cures from the hot water and becomes a rigid structural pipe taking the shape of the existing pipe. After the pipe has cured, the hot water is removed and the service laterals are cut open from inside the pipe. The entire process typically takes a single day. Following lining the void would be filled with grout injected through the adjacent manhole wall.

Due to the extent of the damage, the location of the sewer being under State Street, and the significant consequences of a full pipe collapse at this location we recommend initiating a lining project as soon as possible. This pipe will continue to corrode if not addressed and could collapse at any time. A collapse could result in sewer back-ups and eventual roadway collapse.

This type of work is very specialized and there are a limited number of contractor's in the Midwest that can do this work well. One of the leading and more respected lining companies is Insituform. We have worked successfully with them on many projects of similar nature. We have contacted them regarding this project to inquire if they thought lining would be effective, and if so, what their availability would be to complete the work. They have indicated that the pipe in question can be lined. They also believe they have availability to complete the work in the next few weeks. Due to the condition of the pipe and timing we recommend forgoing the typical bid process for this work and obtaining a proposal from Insituform to complete the work. The typical bidding process will require approximately 6 to 9 weeks to develop bid documents, advertise, review bids and award the contract. Once the contract is awarded it could be up to another 3 weeks before the work is completed.

At our request, Insituform has provided us with a cost to complete the lining work of $33,800 and $5,000 to complete the grouting. This cost is based on very basic traffic control. Since this is an MDOT right-of-way, the required traffic control may be more involved than what is included in the price. We are working to verify the level of signage that MDOT will require at this time. Once that is determine the cost can be finalized but we do not expect it to increase by more than a few thousand dollars. This cost appears reasonable when considering the quick turn around and the location of the work.

Please let us know how the City would like to move forward. If an emergency lining project is approved we will contact Insituform immediately and begin the process of obtaining a formal quote and agreement from them. If you have any questions regarding this recommendation and the sewer failure in general please do not hesitate to ask.

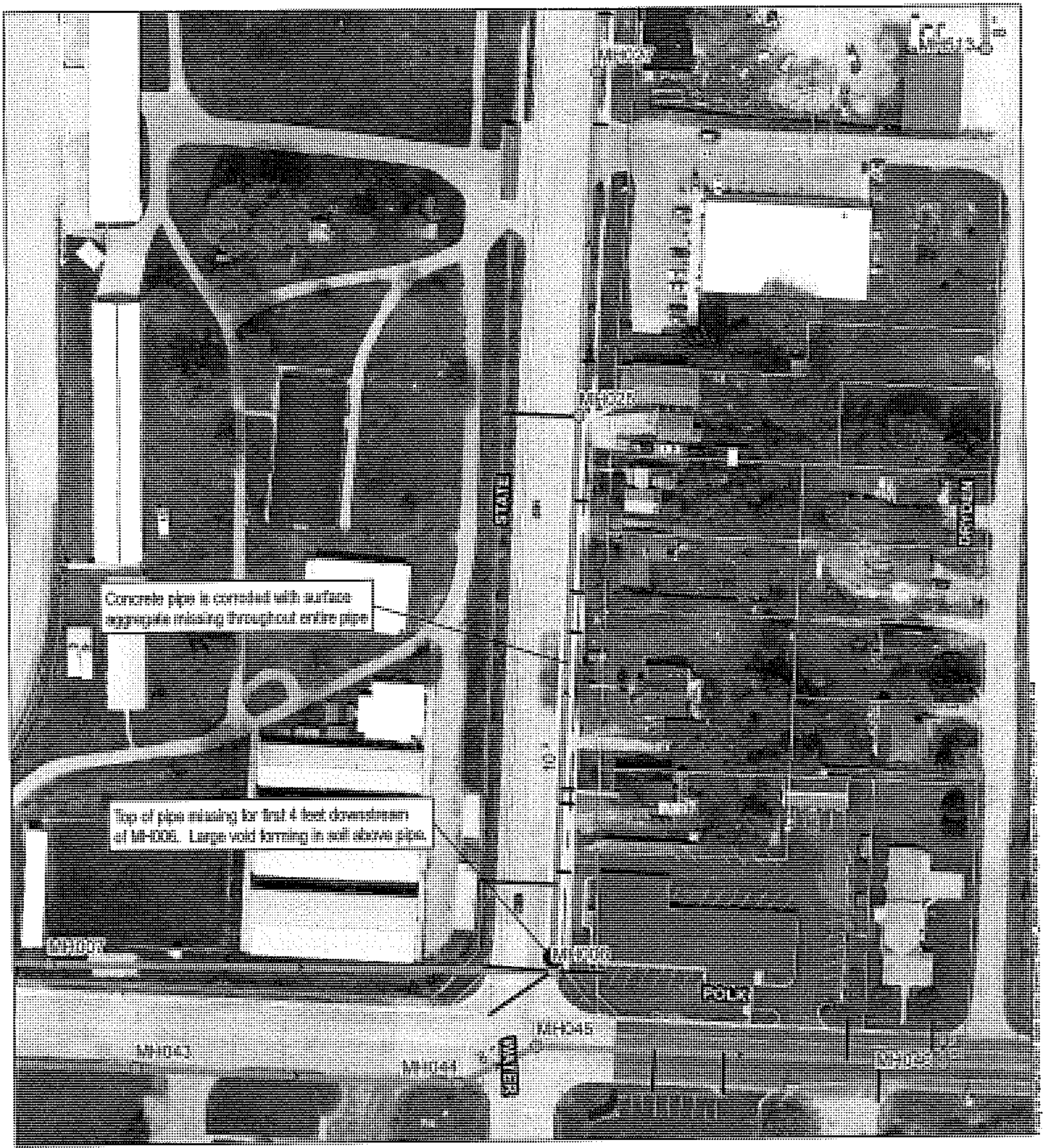
Sincerely,

Prein&Newhof

Matthew R. Hulst, P.E.

MRH/mh

Enclosure(s): Sewer Failure Location Map
CCTV Photos

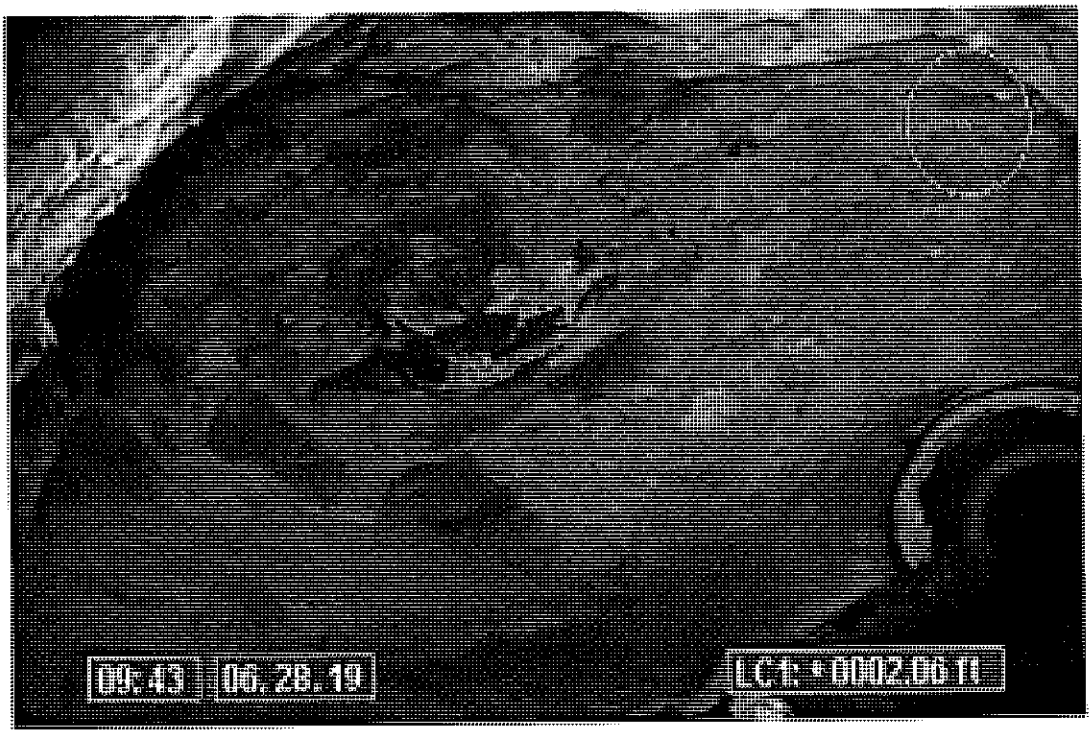


SCALE: 1 " = 100 '

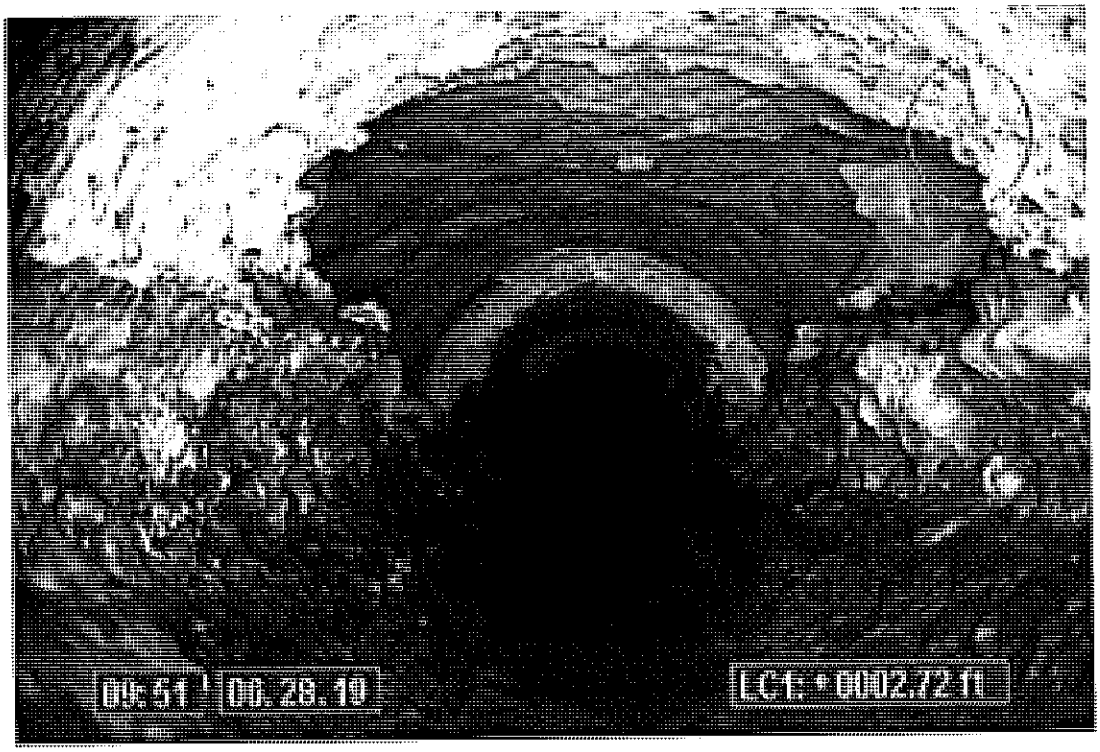
Legend

- Sanitary Manhole
- Sanitary Gravity Main
- Sanitary Lateral
- Proposed Lining - 440 feet

CITY OF HART
OCEANA COUNTY, MI
STATE STREET
SEWER REPAIR
Prein&Newhof
2190497



Void above pipe from 0 to 2 feet downstream of manhole.



Top of pipe is missing from 2 to 4 feet downstream of manhole. Surface aggregate is missing on concrete pipe due to corrosion.

RESOLUTION 19-44
City Council
City of Hart, Michigan
Oceana County

Waive bidding requirements and authorized initiating emergency repairs

WHEREAS, during the course of reviewing the videos of the City of Hart sewer system a significant defect was discovered in the State Street sanitary sewer at the northeast side of the Polk Road intersection., and

WHEREAS, The failed section of sewer is 440 ft. long and is constructed of concrete pipe. The most significant damage to the pipe is a four foot long section of pipe just north of the manhole in Polk Road where the top of the pipe is completely gone andwhere a void has formed above the pipe in this area. and

WHEREAS, Pipe lining is a trenchless technology which is done without digging up the roadway and the process typically be completed in less than a day reducing traffic disruption and preventing possible additional damage; and

WHEREAS, this type of work is very specialized and there are a limited number of contractor's in the Midwest that can do this work well and the typical bidding process will require approximately 6 to 9 weeks to develop bid documents, advertise, review bids and award the contract. Once the contract is awarded it could be up to another 3 weeks before the work is completed.

NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL:

Agrees to waive the normal bidding process for the emergency repairs to the sewer collection system underneath State St. at the northeast side of the Polk Rd. intersection and authorize the City Manager to work with Prein & Newhoff, the City Engineers to begin the process of obtaining a formal quote and agreement from Insituform for the emergency repairs and sign the necessary documents to initate the repairs.

Moved by_____, supported by_____, and thereafter adopted at the regular City of Hart City Council meeting on July 23, 2019.

Ayes: Nays: Absent:

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

Cheri Eisenlohr, Deputy City Clerk

City of Hart

Memo

To: Mayor and City Council

From: Lynne Ladner

cc:

Date: 6/19/1919

Re: Reschedule the December Board of Review

Each year the Board of Review meets in July and December for the purposes of correcting a clerical error or a mutual mistake of fact relative to the correct assessment figures, the rate of taxation, or the mathematical computation relating to the assessing of taxes on Tuesday following the second Monday in December and, for summer property taxes, on Tuesday following the third Monday in July.

Due to scheduling conflicts the City Assessor has requested that the City reschedule the December Board of Review meeting from December 10, 2019 to December 12, 2019.

It is my recommendation that the Council adopt Resolution 19-45 to reschedule the December Board of Review meeting.

Lynne

RESOLUTION 19-45
City Council
City of Hart, Michigan
Oceana County

To reschedule December Board of Review meeting

WHEREAS, the board of review is charged with holding a meeting for the purposes of correcting a clerical error or a mutual mistake of fact relative to the correct assessment figures, the rate of taxation, or the mathematical computation relating to the assessing of taxes on Tuesday following the second Monday in December and, for summer property taxes, on Tuesday following the third Monday in July, and

WHEREAS, the date may be changed during those weeks with a resolution by the City. and

WHEREAS, due to scheduling conflicts the City Assessor has requested that the Council reschedule the December Board of Review date from December 10m 2019 to December 12, 2019;

NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL:

Authorizes changing the date of the December 2019 Board of Review meeting from Tuesday December 10, 2019 to Thursday December 12, 2019.

Moved by_____, supported by_____, and thereafter adopted at the regular City of Hart City Council meeting on July 23, 2019.

Ayes: Nays: Absent:

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

Cheri Eisenlohr, Deputy City Clerk

PUBLIC NOTICE
CITY OF HART
2019 DECEMBER BOARD OF REVIEW

The December Board of Review will meet at the City Hall – 407 State St, Hart MI 49420

Thursday - December 12th, 2019 - 9:00 A.M.

The purpose of this meeting is to correct a clerical error or a mutual mistake of fact relative to the correct assessment figures, the rate of taxation, or the mathematical computation relating to the assessing of taxes, the clerical error or mutual mistake of fact shall be verified by the local assessing officer and approved by the board of review at a meeting held for the purposes of this section on Tuesday following the second Monday in December and, for summer property taxes, on Tuesday following the third Monday in July. Date may be changed during those weeks with a resolution by the City.

Edward VanderVries
Assessor

Clerk

CITY OF HART

407 S. State St., Hart, MI 49420
Ph: 231-873-2488 Fax: 231-873-0100

SPECIAL EVENTS PERMIT

THE CITY IS NOT RESPONSIBLE FOR BY-STANDERS AT YOUR EVENT.

DATE OF APPLICATION: July 8, 2019

NAME OF EVENT: Hart HS/16 Gravel Bike race

DATE OF EVENT: October 5, 2019. TIME: 10 am TO 2 PM

RAIN DATE OF EVENT: MUST PROVIDE None

LOCATION AND/OR ROUTE OF EVENT: Same as last year

DESCRIPTION OF EVENT: 25 and 50 mile bike race starting and finishing in front of Hart pizza.

SPECIAL NEEDS:

NAME OF ORGANIZATION OR SPONSOR: Raymond Passchier

ADDRESS: 1545 airlie St SE.
Grand Rapids, MI 49507

CONTACT PERSON: Raymond Passchier

PHONE: 616-821-3948 FAX:

EMAIL: RAYMOND@EPICRACETIMING.COM

X _____ 7-8-19
SIGNATURE OF EVENT COORDINATOR/SPONSOR DATE

IT IS YOUR RESPONSIBLITY TO SCHEDULE THE LOGISTICS MEETING WITH THE CITY DEPARTMENTS INDICATED IF YOUR APPROVED PERMIT INDICATES THAT A MEETING IS NEEDED. PLEASE NOTE THAT A 7 - 10 DAY ADVANCE NOTICE WILL BE NEEDED TO SCHEDULE THE MEETING.

POLICE: 873-2488, DPW: 873-3100, HYDRO: 873-5367, EMS: 873-8240

SECTIONS BELOW TO BE COMPLETED BY THE CITY

PROOF OF LIABILITY INSURANCE FOR STREET SOLICITATION: YES OR NO

LOGISTICS MEETING NEEDED: YES OR NO

DEPT. ATTENDING: DPW POLICE EMS HYDRO

PERMIT NUMBER: APPROVED BY CITY COUNCIL/CITY MANAGER

DATE OF APPROVAL/DENIAL: YES OR NO

CONDITIONS:

CITY REPRESENTATIVE'S SIGNATURE:

CITY OF HART

407 S. State St., Hart, MI 49420
Ph: 231-873-2488 Fax: 231-873-0100

SPECIAL EVENTS PERMIT

THE CITY IS NOT RESPONSIBLE FOR BY-STANDERS AT YOUR EVENT.

DATE OF APPLICATION: 20190717

NAME OF EVENT: State Farm Ribbon Cutting + Open House

DATE OF EVENT: 9/7/2019 TIME: 1200 TO 1600

RAIN DATE OF EVENT: MUST PROVIDE N/A

LOCATION AND/OR ROUTE OF EVENT: City Parking Lot 2

DESCRIPTION OF EVENT: The opening of a business, the growing of downtown + the showcase of a community

SPECIAL NEEDS:

NAME OF ORGANIZATION OR SPONSOR: Jake Tufts - State Farm

ADDRESS: 215 E Main St Hart, MI 49420

CONTACT PERSON: Jake Tufts

PHONE: 231-955-9090 FAX: 231-873-3889

EMAIL: Jake@morethaninsurance.net

X _____ 20190

SIGNATURE OF EVENT COORDINATOR/SPONSOR DATE

IT IS YOUR RESPONSIBLITY TO SCHEDULE THE LOGISTICS MEETING WITH THE CITY DEPARTMENTS INDICATED IF YOUR APPROVED PERMIT INDICATES THAT A MEETING IS NEEDED. PLEASE NOTE THAT A 7 - 10 DAY ADVANCE NOTICE WILL BE NEEDED TO SCHEDULE THE MEETING.

POLICE: 873-2488, DPW: 873-3100, HYDRO: 873-5367, EMS: 873-8240

SECTIONS BELOW TO BE COMPLETED BY THE CITY

PROOF OF LIABILITY INSURANCE FOR STREET SOLICITATION: YES OR NO

LOGISTICS MEETING NEEDED: YES OR NO

DEPT. ATTENDING: DPW POLICE EMS HYDRO

PERMIT NUMBER: APPROVED BY CITY COUNCIL/CITY MANAGER

DATE OF APPROVAL/DENIAL: YES OR NO

CONDITIONS:

CITY REPRESENTATIVE'S SIGNATURE:

City of Hart

Memo

To: Mayor and City Council

From: Lynne Ladner

cc:

Date: 6/19/1919

Re: Fair Housing Ordinance

As part of the City's application and receipt of the CDBG grant for the construction of the Downtown Pocket Park the City is required to have adopted an ordinance addressing Fair Housing which prohibits discrimination in housing under the federal housing guidelines.

The proposed draft ordinance language comes from the MEDC and this or something similar needs to be adopted by the City in order for the City to receive the grant funding for the Downtown Pocket Park. I would like the Council to review and discuss the proposed language from the MEDC and provide feedback regarding any requested changes so that an ordinance can be drafted and presented to the Council for adoption.

Lynne

FAIR HOUSING ORDINANCE

ORDINANCE NO. _____

AN ORDINANCE PROHIBITING AND MAKING UNLAWFUL DISCRIMINATION IN HOUSING AND/OR REAL PROPERTY BECAUSE OF RACE, COLOR, RELIGION, CREED, NATIONAL ORIGIN, ANCESTRY, SEX, OR DISABILITY IN THE VILLAGE/CITY OF _____

WHEREAS, the Village/City of _____, Michigan desires to assure equal opportunity to all residents regardless of race, color, religion, creed, national origin or ancestry, sex, or disability, to live in decent, sanitary, and healthful living quarters; and,

WHEREAS, the 1963 Constitution of the State of Michigan provides as follows in Article I (Section 2) "...no person shall be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his civil or political rights or be discriminated against in the exercise thereof because of religion, race, color or national origin..." (Section 4) "...The civil and political rights, privileges and capacities of no person shall be diminished or enlarged on account of his religious belief..." (Section 9) "...Neither slavery, nor involuntary servitude unless for the punishment of crime, shall ever be tolerated in this state..." and,

WHEREAS, the Congress of the United States has provided that "it is the policy of the United States to provide, within constitutional limitations, for fair housing throughout the United States" and has established by law the following provisions:

"... it shall be unlawful:

a. To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make available or deny, a dwelling to any person because of race, color, religion, sex, or national origin.

b. To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith because of race, color, religion, sex, or national origin ..."

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE PRESIDENT/MAYOR AND VILLAGE BOARD/CITY COUNCIL OF THE VILLAGE/CITY OF _____, MICHIGAN, AS FOLLOWS:

SECTION 1. DECLARATION OF POLICY:

a. In furthering the policy of the State of Michigan as expressed in its Constitution and other Laws; in order that the safety and general welfare, peace and health of all the inhabitants of the Village/City may be ensured, it is hereby declared the policy of the Village/City of _____, Michigan, to assure equal opportunity to all residents, regardless of race, color, religion, national origin

or ancestry, sex, creed, or physical disability to live in decent, sanitary, healthful, standard living quarters.

b. It is the policy of the Village/City of _____ that no owner, lessee, sub-lessee, assignee, managing agent, or other person, firm or corporation having the right to sell, rent, lease (or otherwise control) any housing accommodation and/or real property within the Village/City, or any agent of these shall refuse to sell, rent, lease, or otherwise deny to or withhold from any person or group of persons such housing accommodations and/or real property because of race, color, religion, national origin or ancestry, sex, creed, or disability of such person or persons or discriminate against any person or persons because of race, color, religion, national origin or ancestry, sex, creed or disability in the conditions, terms, privileges of the sale, rental or lease of any housing accommodation and/or real property or in the furnishing of facilities and/or services in connection therewith.

c. Relocation shall be carried out in a manner that will promote maximum choice within the community's total housing supply; lessen racial, ethnic, and economic concentrations; and facilitate desegregation and racially inclusive patterns of occupancy and use of public and private facilities.

SECTION 2. DEFINITIONS:

Unless a different meaning clearly appears from the context, the following terms shall have the meaning as described in this SECTION and as used in this Ordinance.

a. DISCRIMINATE - The terms "discriminate" or "discrimination" mean any difference expressed in any way toward a person or persons in the terms of the sale, exchange, lease, rental or financing for housing accommodation and/or real property in regard to such sale, exchange, rental, lease or finance because of race, color, religion, national origin or ancestry, sex, creed, or disability of such person.

b. HOUSING ACCOMMODATION - The term "housing accommodation" includes any building, structure, or portion thereof which is used or occupied, maintained, arranged or designed to be used or occupied as a home, residence or sleeping place of one or more human beings, or any real estate so used, designed or intended for such use.

c. REAL PROPERTY - The term "real property" means any real estate, vacant land, building, structure or housing accommodations within the corporate limits of the Village/City of _____, Michigan.

d. REAL ESTATE BROKER - The term "real estate broker" means any person, partnership, association, corporation and/or agent thereof, who for a fee or

other valuable consideration offers, sells, purchases, exchanges or rents, or negotiates for the sale, purchase, exchange or rental of a housing accommodation and/or real property of another, or collects rental for the use of housing accommodation and/or real property of another.

e. FINANCIAL INSTITUTION - The term "financial institution" means any person, institution or business entity of any kind which loans money to persons and receives as security for said loans a secured interest of any kind in the real property of the borrower.

f. OWNER - An "owner" means any person/persons who hold legal or equitable title to, or own any beneficial interest in any real property or who hold legal or equitable title to shares of, or hold any beneficial interest in any real estate cooperative which owns any real property and/or housing accommodations.

g. DECENT, SANITARY, HEALTHFUL STANDARD LIVING QUARTERS - "Decent, sanitary, healthful standard living quarters" is housing which is in sound, clean, and weather tight condition in conformance with applicable local, state, and national codes.

SECTION 3. PROHIBITED ACTS:

It shall be unlawful for any owner of real estate, lessee, sub-lessee, real estate broker or salesman, financial institution or employee of the financial institution, advertiser, or agent of any or all of the foregoing, to discriminate against any person or persons because of their race, color, religion, national origin or ancestry, sex, creed, or disability with regard to the sale, exchange or rental, or any dealing concerning any housing accommodation and/or real property.

SAMPLE

In addition to the foregoing, it shall also be unlawful for any real estate broker or employee thereof, owner or other person, or financial institution dealing with housing or real property in the Village/City of _____, Michigan:

a. To discriminate against any person in the availability of or the price, terms, conditions, or privileges of any kind relating to the sale, rental, lease, or occupancy of any housing accommodation or real property in the Village/City or in furnishing of any facilities or services in connection therewith.

b. To publish or circulate, or cause to be published or circulated, any notice, statement or advertisement, or to announce a policy, or to use any form of application, for the purchase, lease, rental or financing of real property, or to make any record of inquiry in connection with the prospective purchase, rental or lease of such real estate, which expresses directly or indirectly any discrimination as to race, color, religion, national origin or ancestry, sex, creed or disability of any person.

c To discriminate in connection with lending money, guaranteeing loans, accepting mortgages or otherwise obtaining or making available funds for the purchase, acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation and/or real property.

d. To solicit for sale, lease, or listing for the sale or lease, of any housing accommodation and/or real property on the grounds of loss of value because of the present or prospective entry into any neighborhood of any person or persons of any particular race, color, religion, national origin or ancestry, sex, creed, or disability.

e. To distribute or cause to be distributed, written material or statements designed to induce any owner or any housing accommodation and/or real property to sell or lease his or her property because of any present or prospective change in the race, color, religion, national origin or ancestry, sex, creed, or disability of persons in the neighborhood.

f. To make any misrepresentations concerning the listing for sale or the anticipated listing for sale or the sale of any housing accommodation and/or real property for the purpose of inducing or attempting to induce the sale or listing for sale of any housing accommodation and/or real property by representing that the presence or anticipated presence of persons of any particular race, color, religion, national origin or ancestry, sex, creed, or disability in the area will or may result in the lowering of property values in the block, neighborhood or area in which the property is located.

g. For an owner to solicit any real estate broker to sell, rent or otherwise deal with such owner's housing accommodations and/or real property with any limitation on its sale based on race, color, religion, national origin or ancestry, sex, creed, or disability.

h. For an owner to refuse to sell, rent, or otherwise deal with any housing accommodation and/or real property because of race, color, religion, national origin or ancestry, sex, creed, or disability of the proposed buyer or tenant.

SECTION 4. PENALTY:

Any person convicted of violating any of the provisions of this Ordinance shall be punished by a fine of not less than one hundred dollars ($100.00) nor more than fifteen hundred dollars ($1,500.00). Each day a violation continues shall constitute a separate violation. This Section shall in no way abrogate or impair the right of the Village/City of _____, Michigan, to specifically enforce, by any legal means, any of the provisions of this Ordinance.

SECTION 5:

That all Ordinances and parts thereof in conflict herewith are expressly repealed and are of no other force and effect.

SECTION 6:

That it is the intention of the Village Board/City Council of the Village/City of _____, Michigan that this Ordinance and every provision thereof shall be considered separable, and the invalidity of any section, clause, or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

SECTION 7:

That this Ordinance shall be known as Ordinance No. _____ of the Village/City of _____, Michigan, and shall be in full force and effect from and after its passage, approval, recording, and publication in pamphlet form in accordance with law.

PASSED AND ADOPTED this _____ day of _____, _____ (year).

APPROVED BY ME this _____ day of _____, _____ (year).

_____
Village President/Mayor

ATTEST:

_____
Village/City Clerk (SEAL)

City of Hart

Memo

To: Mayor and City Council

From: Lynne Ladner

cc:

Date: 6/19/1919

Re: Proposed ordinance amendments regarding Noxious Weeds

As the Code Enforcement has been working with property owners to gain compliance David and I have been reviewing the City's existing ordinances to ensure that there is clarity in the requirements, the steps that the City has at its disposal to remediate violations and potential consequences.

The proposed language that I am asking the Council to discuss and provide feedback is language provided by the City Attorney which has been adopted and put in place in another community in Michigan which he works with as City Attorney.

This is the first proposed language to the City Code to improve and clarify language for issues which are commonly handled through the code enforcement process.

Lynne

CITY OF HART

COUNTY OF OCEANA, MICHIGAN

At a regular meeting of the City Council of the City of Hart, held at 407 State Street, Hart, Michigan, on the ____ day of _____, 2019, at _____ __.m.

PRESENT: Members: _____

ABSENT: Members: _____

The following ordinance was offered by Member _____ and supported by Member _____:

ORDINANCE NO. _____

AN ORDINANCE TO PROVIDE FOR THE CONTROLLING AND REMOVING OF NOXIOUS GROWTH, INCLUDING GRASS AND CERTAIN GROUND COVER OF EXCESSIVE HEIGHT; TO REQUIRE GROUND COVER AND OTHER MEASURES FOR PROTECTION FROM DUST, INVASIVE PLANTS AND SOIL EROSION; TO PROVIDE FOR THE ABATEMENT OF DELETERIOUS OR HARMFUL CONDITIONS RELATED TO GROUND COVER; TO PROVIDE FOR THE ABATEMENT OF SUCH HARMFUL CONDITIONS AND THE REIMBURSEMENT TO THE CITY FOR ABATEMENT EXPENSES; AND TO PROVIDE FOR THE IMPOSITION OF PENALTIES FOR THE VIOLATION OF THIS ORDINANCE

THE CITY OF HART ORDAINS:

Section 1. **Title**. This Ordinance shall be known and may be cited as the City of Hart Noxious Growth, Ground Cover and Grass Maintenance Ordinance.

Section 2. **Definitions**.

A. Noxious Growth. Noxious Growth as stated in this Ordinance shall include Canada thistle (Circium arvense), dodders (any species of Cusuta), mustards (charlock, black mustard and Indian mustard, species of Brassica or Sinapis), wild carrot (Daucus carota), bindweed (Convolvulus arvensis), perennial sowthistle (Sonchus arvensis), hoary alyssum (Berteroa incana), ragweed (ambrosia elatior 1.) and poison ivy (rhus toxicodendron), poison sumac (toxicodeendron vernix), marijuana (Cannabis sativa), grass or other rank vegetation which grows to a greater average height than ten (10) inches, any accumulation of dead weed, grass or brush, and any such other noxious weeds or noxious vegetation.

B. Designated Planting Beds. Areas within the lands regulated by this Ordinance where native plantings, perennial gardens and wildflower meadows are contained; provided, however, such areas must have a width not greater than 15 feet, shall not occupy more than 25% of any front yard, must be regularly maintained to eliminate weeds, pests and nuisances (both flora and fauna from all such beds) and must not contain noxious growth or invasive species.

C. Ground Cover. Ground cover shall consist of lawn grasses planted in species normally grown as permanent lawns in Oceana County, when in compliance with the terms of this definition. Grasses may be plugged, sprigged, seeded or sodded. Rolled sod, erosion reducing net or suitable mulch shall only be used in swales or other areas susceptible to erosion and shall be staked where necessary for stabilization. When complete sodding or seeding is not used, nurse grass shall be sown and mulched for immediate protection until permanent coverage is achieved. Grass sod and seed shall be free of weeds and noxious pests or disease. In areas where grass is dying, or is dead or diseased, it shall be removed and replaced within one growing season. It shall be maintained, and if necessary, replaced, thereafter so as to provide continuous healthy plant growth in each required area.

Section 3. **Exceptions**. This Ordinance shall not prohibit or discourage the planting and maintenance of natural ground-cover areas, prairie yards, gardens or lawns using generally accepted plantings and techniques which do not include or result in grass or other grassy plants at an average height greater than ten (10) inches. Weeds growing in flower or vegetable gardens, plots of shrubbery and in fields devoted to growing grain crops and cultivated fields on bona fide farms, to the extent the weeds are not the predominant growth in such areas, are exempt from the terms of this Ordinance. In addition, publicly owned lands, lands located within the traveled portion of a street right-of-way, or lands described in a county drain easement are exempt from the terms of this Ordinance.

Section 4. **Scope**. This Ordinance pertains to and applies to the following non-exempt land, unless the land is otherwise exempt:

A. Lands located in any subdivision, condominium or site condominium, to the extent it lies within the City, and in which buildings are located on at least 60 percent of the lots or units; and

B. Lands located within 165 feet of a public street or private street within the City.

Section 5. **Required Removal of Noxious Growth**. The persons, owners, occupants, lessees and other parties having responsibility for maintaining any non-exempt land within the scope of this Ordinance shall eradicate and remove all noxious growth on the land. It shall be unlawful for any such person, owner, occupant, lessee, or other responsible person to cause or permit noxious growth to be and remain on any such land. All noxious growth growing or located on any land to which this Ordinance applies are hereby declared to be a nuisance.

Section 6. **Required Ground Cover**. The persons, owners, occupants, lessees or other parties having responsibility for maintaining any non-exempt land within the scope of this Ordinance shall provide that all areas not covered by buildings, parking areas, driveways, sidewalks or other patios or improved pedestrian areas, shall be planted with living vegetation, including canopy trees, shrubbery and ground cover, except that in designated planting beds, bark or other customarily used mulch may be used at a minimum depth of two (2) inches. All such areas shall be stabilized and maintained with seed, sod, ground covers, mulches or other approved materials to prevent dust, invasive plantings and soil erosion and to allow rain water infiltration. No area shall be allowed to be devoid of ground cover or allowed to lay fallow with dead or dying ground cover for more than one (1) growing season. All ground cover shall be maintained in a substantially weed-free, healthy growing condition, and shall be orderly in appearance. All dead or diseased plants or ground cover shall be removed and replaced within one growing season.

Section 7. **Appointment of Commissioner of Noxious Weeds**. The City hereby appoints _____ as the initial Commissioner of Noxious Weeds, with all duties and powers provided in Act 359 of the Public Acts of 1941 and of this ordinance. Subsequent appointments may be made by resolution of the City Council.

Section 8. **Violation and Penalties**. A violation of this Ordinance is a municipal civil infraction, for which the fine shall be $100. As an additional penalty, the violator shall be subject to

all expenses of prosecution, including reasonable, actual attorney fees, and such fines and costs are in addition to all other costs, damages, expenses and other remedies to the extent permitted by law. Each day during which any violation continues shall be deemed a separate offense.

Section 9. **Abatement of Nuisance**. In addition to the other remedies provided for in this Ordinance, violations of this Ordinance are a public nuisance and may be abated by injunctive or other equitable relief. The imposition of a penalty does not prevent injunctive relief or civil or *quasi* judicial enforcement and the imposition of additional fines as to such nuisance of up to $1,000 or the imposition of expenses of prosecution (as described above) or other remedies as provided by law. The City may also enter the property and remedy the violation at the owner's expense.

Section 10. **Charge to Owner; Imposition of Lien**. In addition to the municipal civil infraction penalties provided herein, the City may, after providing ten (10) days notice by certified mail to the owner, agent, or occupant of the land on which the noxious growth are located, or after providing notice by publication as permitted by Act 359 of the Public Acts of Michigan of 1941, enter onto the property on which the violation exists and take appropriate action to remedy the violation, including the cutting and removal of noxious growth. All expenses incurred in remedying the violation shall be a debt of the property owner and shall be charged to the owner. If such expenses are not paid in full by the owner within thirty days after an invoice of such expenses is sent to the owner by first class U.S. mail, the expenses shall become a debt of the owner and may be imposed as a lien against the property, including interest thereon, until paid, and such lien may be enforced and collected in the same manner as a tax lien.

Section 11. **Fee Schedule**. The City hereby provides the following as an initial fee schedule:

(a) The Commissioner of Noxious Weeds, or other City enforcement officer, may exceed $25 as to the fees for a particular tract, according to the fees in schedule part b.

(b) The fee for cutting of lawns and weeds shall be $50 for the first half hour (or part thereof), and $50 per hour for every hour or portion of an hour incurred thereafter.

Section 12. **Other Ordinances and Laws**. The prohibitions and penalties provided in this Ordinance shall be in addition to, and not exclusive of, other regulations and penalties provided for by other applicable City ordinances or other applicable laws or regulations.

Section 13. **Severability**. Should any part of this Ordinance be held invalid by a court of competent jurisdiction, the remaining part shall be severable and shall continue in full force and effect.

Section 14. **Publication; Effective Date.** This Ordinance or a summary of its provisions shall be published in a newspaper of general circulation in the City within 30 days after adoption. This Ordinance shall become effective upon publication.

AYES: Members: _____

NAYS: Members: _____

ORDINANCE DECLARED ADOPTED.

_____
Cheryl Rabe, City Clerk
City of Hart

STATE OF MICHIGAN)
) ss.
COUNTY OF OCEANA)

I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Council of the City of Hart at a regular meeting held on the date first stated above, and I further certify that public notice of such meeting was given as provided by law.

_____
Cheryl Rabe, City Clerk
City of Hart

NOXIOUS WEEDS
Act 359 of 1941

AN ACT for controlling and eradicating certain noxious weeds within the state; to permit townships, villages, and cities to have a lien for expenses incurred in controlling and eradicating such weeds; to permit officials of counties and municipalities to appoint commissioners of noxious weeds; to define the powers, duties, and compensation of commissioners; to provide for sanctions; and to repeal certain acts and parts of acts.

History: 1941, Act 359, Eff. Jan. 10, 1942;—Am. 1956, Act 81, Eff. Aug. 11, 1956;—Am. 1994, Act 26, Eff. May 1, 1994.

The People of the State of Michigan enact:

247.61 Commissioner of noxious weeds; appointment, term, removal, report.

Sec. 1. The governing body of any city, village or township may appoint a competent person to be the commissioner of noxious weeds who shall take the oath required of township, city or village officers, and shall hold office for the term of 2 years and until a successor is appointed and qualified, and he shall receive for his compensation such sum as may be fixed by the appointing body. The body so appointing may, at any time, for good cause remove such commissioner from office and appoint his successor to serve the remaining portion of his term. The appointing body shall report the name and address of the person so appointed to the state department of agriculture within 10 days after making such appointment.

History: 1941, Act 359, Eff. Jan. 10, 1942;—CL 1948, 247.61;—Am. 1962, Act 10, Eff. Mar. 28, 1963.

247.62 Noxious weeds; definition.

Sec. 2. For the purpose of this act, "noxious weeds" includes Canada thistle (Cirsium arvense), dodders (any species of Cuscuta), mustards (charlock, black mustard, and Indian mustard, species of Brassica or Sinapis), wild carrot (Daucus carota), bindweed (Convolvulus arvensis), perennial sowthistle (Sonchus arvensis), hoary alyssum (Berteroa incana), giant hogweed (Heracleum mantegazzianum), ragweed (Ambrosia elatior l.), and poison ivy (Rhus toxicodendron), poison sumac (Toxicodendron vernix), or other plant which in the opinion of the governing body of any county, city, township, or village coming under the provisions of this act is regarded as a common nuisance.

History: 1941, Act 359, Eff. Jan. 10, 1942;—Am. 1947, Act 114, Eff. Oct. 11, 1947;—CL 1948, 247.62;—Am. 2010, Act 358, Imd. Eff. Dec. 22, 2010.

247.63 Noxious weeds; eradication; duty of commissioner.

Sec. 3. The commissioner of noxious weeds shall diligently inquire concerning the introduction and existence of noxious weeds in his township, city or village and if any are found growing therein, he shall take charge of all such growing and take care that they do not go to seed or otherwise spread, or become a detriment to the public health, and he shall carefully seek and learn, so far as practicable, the best methods of their destruction, and he shall persistently apply in proper time such remedy or treatment as shall be best calculated to prevent their spread and to eradicate the same.

History: 1941, Act 359, Eff. Jan. 10, 1942;—Am. 1947, Act 114, Eff. Oct. 11, 1947;—CL 1948, 247.63.

247.64 Destruction of noxious weeds; duty of owner, commissioner, agent, and department of natural resources and environment; notice; ordinance; resolution; expenses; lien; penalty; exceptions; action in court of claims.

Sec. 4. (1) The owner of land on which noxious weeds are found growing shall destroy the weeds before they reach a seed bearing stage and prevent their regrowth, or shall prevent them from becoming a detriment to public health. The commissioner shall notify by certified mail with return receipt requested the owner, agent, or occupant of land on which noxious weeds are found growing. The notice shall describe methods of treating and eradicating the noxious weeds and a summary of the provisions of this section. Failure of the commissioner to give the notice does not, however, constitute a defense to an action to enforce the payment of a fine provided for or debt created under this act. If the owner, agent, or occupant refuses to destroy the noxious weeds, the commissioner shall enter upon the land and destroy the noxious weeds. Expenses incurred in the destruction shall be paid by the owner of the land, and the township, city, or village of which the commissioner is an officer shall have a lien against the land for the amount of the expense. The lien shall be enforced in the manner provided by law for the enforcement of construction liens.

(2) A village, city, or township may, whether or not provided in its charter, provide by ordinance enacted for the purpose of controlling and eradicating noxious weeds in subdivided land that if the owner, agent, or

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occupant of subdivided land in a subdivision in which buildings have been erected on 60% of the lots, or the owner, agent, or occupant of a lot along an improved street in common usage, has failed, after 10 days' notice as provided in this section, to destroy the weeds, for a depth of 10 rods or the depth of the lot, whichever is less, then an agent authorized by the governing body of the township, village, or city may enter upon the lot and destroy noxious weeds by cutting. Mechanical equipment that will not damage the property or the adjacent sidewalk, may be used to cut the noxious weeds. Expenses incurred in the destruction shall be paid by the owner of the lot. The township, village, or city shall have a lien upon the lot for the amount of the expense. The lien shall be enforced in the manner prescribed by charter, by the laws of this state providing for the enforcement of tax liens, or by ordinance passed by the governing body of the township, village, or city.

(3) An owner who refuses to destroy noxious weeds as provided in this section is subject to a fine of not more than $100.00. When collected, the fine shall become a part of the "noxious weed control fund" of the township, village, or city. By ordinance, the township, city, or village may designate the refusal to destroy noxious weeds as provided in this section as a municipal civil infraction, in which case the fine shall be a civil fine. If the city establishes an administrative hearings bureau pursuant to statute to adjudicate and impose sanctions for blight violations, the city by ordinance may designate the refusal to destroy noxious weeds as provided in this section as a blight violation and any fine imposed shall be a civil fine.

(4) This act does not apply to weeds in fields devoted to growing any small grain crop such as wheat, oats, barley, or rye. In the case of an easement, property such as an abandoned subdivision, strip mine, or gravel pit, public property such as a forest preserve, and all other land as to which definite ownership is not known to the commissioner and cannot be established, the county board of commissioners shall cause the destruction of noxious weeds in accordance with this act.

(5) If the county board of commissioners of a county passes a resolution to participate under this act, the commissioner of noxious weeds shall notify the department of natural resources and environment, which shall determine whether there is land in the county belonging to this state under the jurisdiction of the department. The department of natural resources and environment shall cut noxious weeds growing on that land within 10 rods of any privately owned improved property, upon receipt of the notification. If the department of natural resources and environment fails to cut the weeds, the commissioner of noxious weeds shall enter upon the land and destroy the weeds. The expense shall be a charge against the department of natural resources and environment and may be recovered in an action in the court of claims.

History: 1941, Act 359, Eff. Jan. 10, 1942;—Am. 1947, Act 114, Eff. Oct. 11, 1947;—CL 1948, 247.64;—Am. 1956, Act 81, Eff. Aug. 11, 1956;—Am. 1962, Act 29, Eff. Mar. 28, 1963;—Am. 1984, Act 58, Imd. Eff. Apr. 12, 1984;—Am. 1994, Act 26, Eff. May 1, 1994;—Am. 2003, Act 321, Imd. Eff. Jan. 12, 2004;—Am. 2010, Act 118, Imd. Eff. July 13, 2010.

Compiler's note: For transfer of powers and duties of department of natural resources to department of natural resources and environment, and abolishment of department of natural resources, see E.R.O. No. 2009-31, compiled at MCL 324.99919.

For transfer of powers and duties of department of natural resources and environment to department of natural resources, see E.R.O. No. 2011-1, compiled at MCL 324.99921.

247.64a Cutting of weeds by township, city, or village; publication of notice; charging cost to owner; provisions inapplicable to railroads.

Sec. 4a. (1) Instead of the notice required by section 4, the township, city, or village may publish a notice in a newspaper of general circulation in the county during the month of March that weeds not cut by May 1 of that year may be cut by the township, village, or city and the owner of the property charged with the cost under the provisions of section 4. The publication shall also contaiu all other information required of the notice provided for in section 4. The township, city, or village may cut weeds as many times as is necessary and charge the cost to the property owner.

(2) The provisions of this act relative to entering on property for the cutting of weeds shall not apply to railroads which shall continue to be subject to the provisions of section 11.

History: Add. 1969, Act 172, Eff. Mar. 20, 1970;—Am. 1987, Act 210, Imd. Eff. Dec. 22, 1987.

247.65 Noxious weeds; means of eradication; limitation of expense.

Sec. 5. The commissioner shall apply the best known means, and use the utmost diligence, in eradicating noxious weeds; but he shall not have power to expend in work or materials more than $25.00 on any 1 infested tract, without the advice and consent, in writing, of the supervisor of the township.

History: 1941, Act 359, Eff. Jan. 10, 1942;—CL 1948, 247.65.

247.66 Noxious weeds; prosecution of violators of act.

Sec. 6. It shall be the duty of the commissioner to prosecute or complain to the proper authorities of any person or corporation who may violate any law now existing, or which may hereafter be passed, on the

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subject of noxious weeds.

History: 1941, Act 359, Eff. Jan. 10, 1942;—CL 1948, 247.66.

247.67 Commissioner; annual report, contents.

Sec. 7. The commissioner shall, annually, before the first day of December, make a written report to the department of agriculture and to the body by whom he was appointed, as the case may be. Said report shall be made out upon blank forms furnished by the department of agriculture and shall contain such information with reference to the existence and growth of noxious weeds as said department may require.

History: 1941, Act 359, Eff. Jan. 10, 1942;—CL 1948, 247.67.

247.68 Department of agriculture; duty to enforce law; cooperation with commissioners.

Sec. 8. The department of agriculture is authorized and it shall be its duty to assist in the enforcement of this law. The department shall cooperate with the various commissioners of noxious weeds in carrying out the provisions of this act and shall advise them from time to time of the most effective methods of treating and eradicating noxious weeds.

History: 1941, Act 359, Eff. Jan. 10, 1942;—CL 1948, 247.68.

247.69 Board of supervisors; auditing accounts of commissioner; payment.

Sec. 9. The board of supervisors or other official body appointing any commissioner shall audit the accounts of the commissioner, both for his services and for the money expended or labor employed by him; and they shall provide for their payment as they now do for other county or municipal expenses.

History: 1941, Act 359, Eff. Jan. 10, 1942;—CL 1948, 247.69.

247.70 County board of commissioners; appropriation; powers; penalties; jurisdiction.

Sec. 10. (1) The county board of commissioners may make an appropriation from the county treasury to aid in destroying the noxious weeds in a town or precinct of the county. The board of commissioners may assume control over the noxious weeds in all or part of the county. The county board of commissioners may adopt a noxious weed ordinance that it considers necessary. For each violation of the ordinance, the ordinance may do either of the following:

(a) Impose as a penalty for the violation a fine not exceeding $100.00.

(b) Designate the violation as a municipal civil infraction and impose a civil fine for the violation.

(2) The action for imposition of the fine shall be commenced in the name and for the use of the proper county, before the district or municipal court of the judicial district or municipality in which the weeds are located. If the board of commissioners assumes control, its jurisdiction is superior to that of the commissioner of noxious weeds so long as the board of commissioners exercises that control.

History: 1941, Act 359, Eff. Jan. 10, 1942;—CL 1948, 247.70;—Am. 1990, Act 218, Imd. Eff. Oct. 8, 1990;—Am. 1994, Act 26, Eff. May 1, 1994.

247.71 Railroads; failure to comply, penalty.

Sec. 11. If any company, association or person owning, controlling or operating a railroad shall refuse or neglect to dig up and destroy, or take other certain means of exterminating noxious weeds that may at any time be growing upon the right of way or other lands of such roads, or appertaining thereto, they shall be fined for each offense not less than $50.00 nor more than $200.00.

History: 1941, Act 359, Eff. Jan. 10, 1942;—CL 1948, 247.71.

247.72 Highways; noxious weeds; duty of officials to prevent growth.

Sec. 12. It shall be the duty of the state highway commissioner to prevent all noxious weeds as defined in this act from growing within the right of way of any highways under his jurisdiction. It shall be the duty of each county road commission to prevent all noxious weeds as defined in this act from growing within the right of way of any highways under their jurisdiction.

History: 1941, Act 359, Eff. Jan. 10, 1942;—CL 1948, 247.72.

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July 16, 2019

Mr. Stan Rickard, City Manager
City of Hart
407 State Street
Hart, MI 49420

Dear Stan:

Attached is a letter to the members of the City Council related to our audit being completed for the year ended June 30, 2019. Please distribute the letter to your board members.

This letter is being provided in accordance with auditing standards which establish requirements for communicating with those charged with governance. Please call if you should need any additional information or if you should have any questions.

Sincerely,

STEVEN R. KIRINOVIC, CPA
Principal

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Business & Technology Advisors

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To the Board of Commissioners
City of Hart, Michigan

We are engaged to audit the financial statements of the governmental activities, the business-type activities, the discretely presented component unit, each major fund, and the aggregate remaining fund information of the City of Hart (the City), Michigan, for the year ended June 30, 2019. Professional standards require that we provide you with the following information related to our audit. We would also appreciate the opportunity to meet with you to discuss this information further since a two-way dialogue can provide valuable information for the audit process.

Our Responsibility under U.S. Generally Accepted Auditing Standards

As stated in our engagement letter dated May 14, 2019, our responsibility, as described by professional standards, is to express opinions about whether the financial statements prepared by management with your oversight are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles. Our audit of the financial statements does not relieve you or management of your responsibilities.

Our responsibility is to plan and perform the audit to obtain reasonable, but not absolute, assurance that the financial statements are free of material misstatement.

As part of our audit, we will consider the internal control of the City. Such considerations will be solely for the purpose of determining our audit procedures and not to provide any assurance concerning such internal control.

We are responsible for communicating significant matters related to the audit that are, in our professional judgment, relevant to your responsibilities in overseeing the financial reporting process. However, we are not required to design procedures specifically to identify such matters.

Generally accepted accounting principles provide for certain required supplementary information (RSI) to supplement the basic financial statements. Our responsibility with respect to the management's discussion and analysis and budgetary comparison information, which supplement the basic financial statements, is to apply certain limited procedures in accordance with generally accepted auditing standards. However, the RSI will not be audited and, because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance, we will not express an opinion or provide any assurance on the RSI.

We have been engaged to report on other supplementary information, which accompany the financial statements but are not RSI. Our responsibility for this supplementary information, as described by professional standards, is to evaluate the presentation of the supplementary information in relation to the financial statements as a whole and to report on whether the supplementary information is fairly stated, in all material respects, in relation to the financial statements as a whole.

Planned Scope, Timing of the Audit, and Other

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested.

Our audit will include obtaining an understanding of the City and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. Material misstatements may result from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the City or to acts by management or employees acting on behalf of the City. We will generally communicate our significant findings at the conclusion of the audit. However, some matters could be communicated sooner, particularly if significant difficulties are encountered during the audit where assistance is needed to overcome the difficulties or if the difficulties may lead to a modified opinion. We will also communicate any internal control related matters that are required to be communicated under professional standards.

We expect to begin our audit procedures in July 2019 and issue our report on or before December 31, 2019. Steven R. Kirinovic is the engagement partner and is responsible for supervising the engagement and signing the report or authorizing another individual to sign it.

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

Maner Costerisan PC

July 16, 2019

STATE OF MICHIGAN
GRETCHEN WHITMER
GOVERNOR

MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY
STATE HISTORIC PRESERVATION OFFICE

GARY HEIDEL
ACTING EXECUTIVE DIRECTOR

July 15, 2019

MADELINE CLAPP
MICHIGAN ECONOMIC DEVELOPMENT CORPORATION
300 NORTH WASHINGTON SQUARE
LANSING MI 48913

RE: ER19-788 City of Hart Pocket Park, Water System Upgrades, Sec. 17, T15N, R17W, City of Hart, Oceana County (HUD)

Dear Ms. Clapp:

Under the authority of Section 106 of the National Historic Preservation Act of 1966, as amended, we have reviewed the above-referenced undertaking. Based on the information provided for our review, it is the opinion of the State Historic Preservation Officer (SHPO) that the proposed undertaking will have **no adverse effect** [36 CFR § 800.5(b)] on the Hart Downtown Historic District, which is listed in the National Register of Historic Places, **provided the following condition is met:**

- The current design is visually distracting, and would introduce visual, atmospheric or audible elements that would potentially diminish the integrity of the property's historic features. To avoid a determination of adverse effect [36 CFR § 800.5(a)(1)], the plans and specifications should be revised to simplify/scale down project, and eliminate vertical structural elements (gateway, pergola, light poles) as well as those that may be considered offensive or an example of cultural appropriation.

We remind you that federal agency officials or their delegated authorities are required to involve the public in a manner that reflects the nature and complexity of the undertaking and its effects on historic properties per 36 CFR § 800.2(d). The National Historic Preservation Act also requires that federal agencies consult with any Indian tribe and/or Tribal Historic Preservation Officer (THPO) that attach religious and cultural significance to historic properties that may be affected by the agency's undertakings per 36 CFR § 800.2(c)(2)(ii). **We specifically recommend that you consult with them on the design to ensure that it does not include elements that could be considered inappropriate or culturally insensitive.**

The State Historic Preservation Office is not the office of record for this undertaking. You are therefore asked to maintain a copy of this letter with your environmental review record for this undertaking. **If the scope of work changes in any way, or if artifacts or bones are discovered, please notify this office immediately.**

If you have any questions, please contact Brian G. Grennell, Cultural Resource Management Specialist, at 517-335-2721 or by email at GrennellB@michigan.gov. **Please reference our project number in all communication with this office regarding this undertaking.** Thank you for this opportunity to review and comment, and for your cooperation.

Sincerely,

Martha MacFarlane Faes
Deputy State Historic Preservation Officer

MMF:SAT:REM:bgg

Enclosure(s)

copy: Lynne Ladner, City of Hart
Mr. Lindsay Hager, Hager Consulting

STATE OF MICHIGAN

GRETCHEN WHITMER
GOVERNOR

MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY
STATE HISTORIC PRESERVATION OFFICE

GARY HEIDEL
ACTING EXECUTIVE DIRECTOR

MADELINE CLAPP
MICHIGAN ECONOMIC DEVELOPMENT CORPORATION
300 NORTH WASHINGTON SQUARE
LANSING MI 48913

RE: ACCEPTANCE LETTER

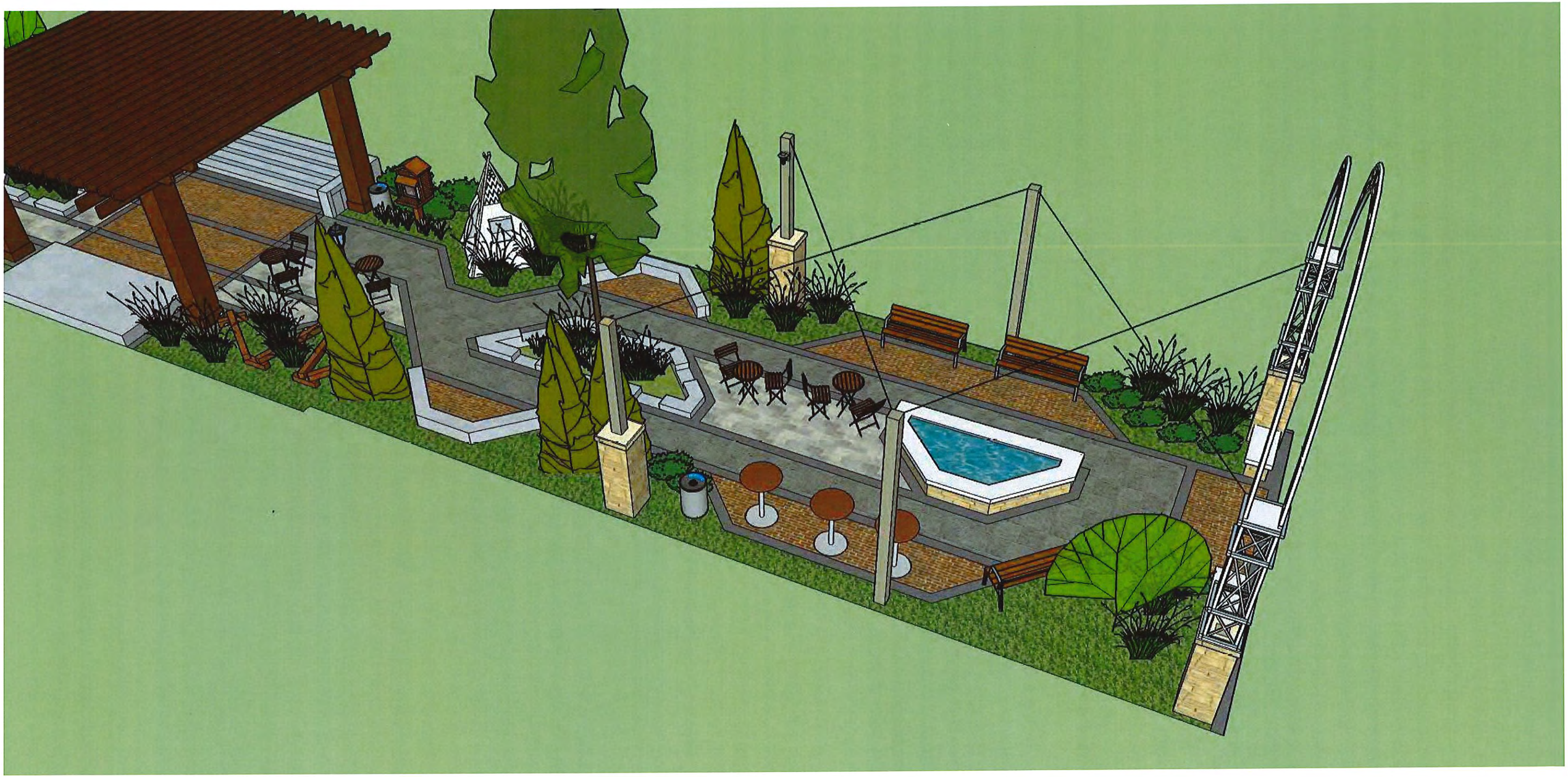
ER19-788 City of Hart Pocket Park, Water System Upgrades, Sec. 17, T15N, R17W, City of Hart, Oceana County (HUD)

We have received comments from the State Historic Preservation Office (SHPO) in regards to the above-cited undertaking at the location noted above. We intend to follow the conditions as specified by the SHPO.

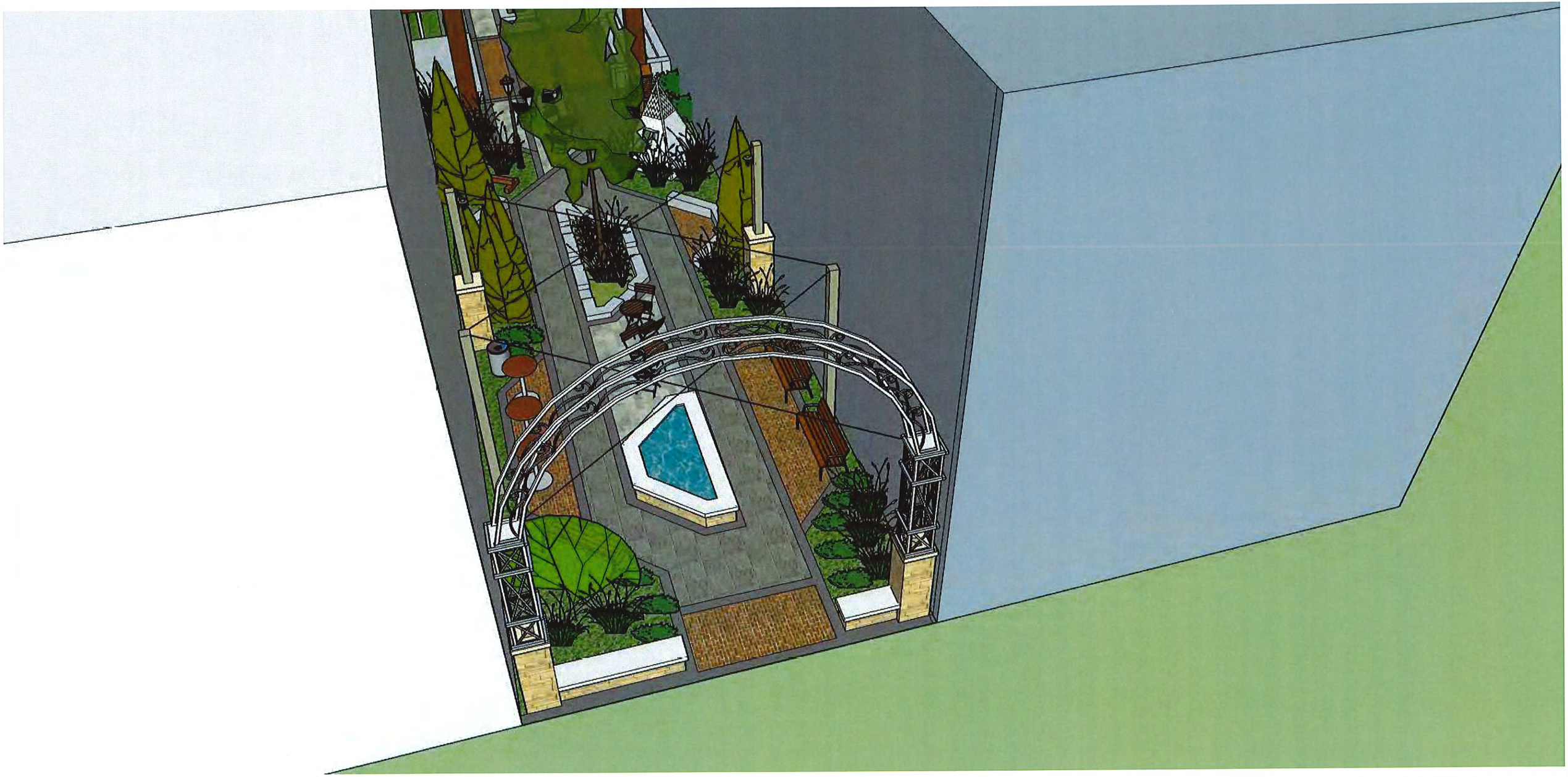
I concur: _____ Date: _____

Printed name and title of agency official: _____

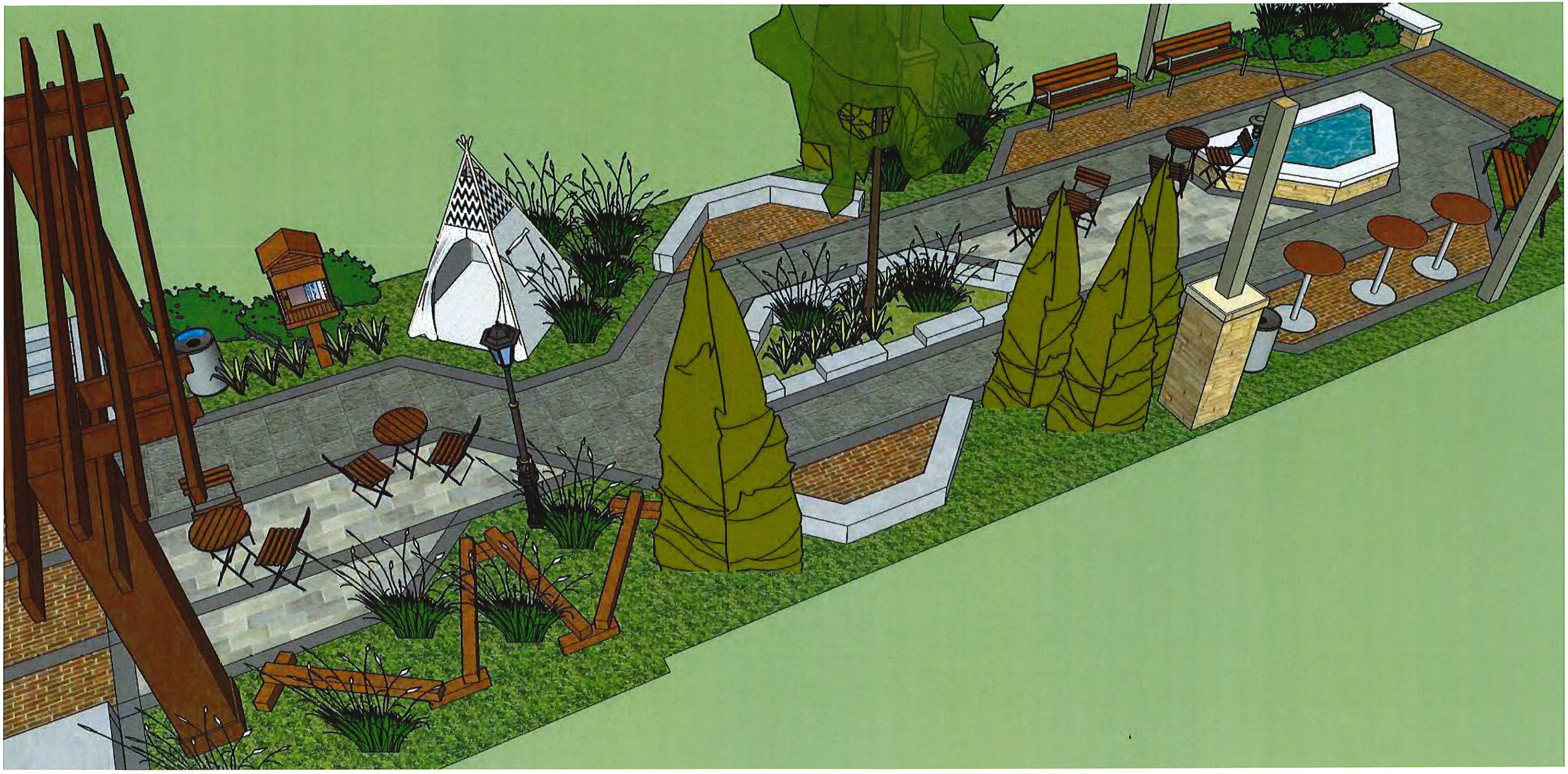
STATE HISTORIC PRESERVATION OFFICE
735 EAST MICHIGAN AVENUE • PO BOX 30044 • LANSING, MICHIGAN 48909
michigan.gov/shpo • 517-373-1630 • FAX: 517-335-0348

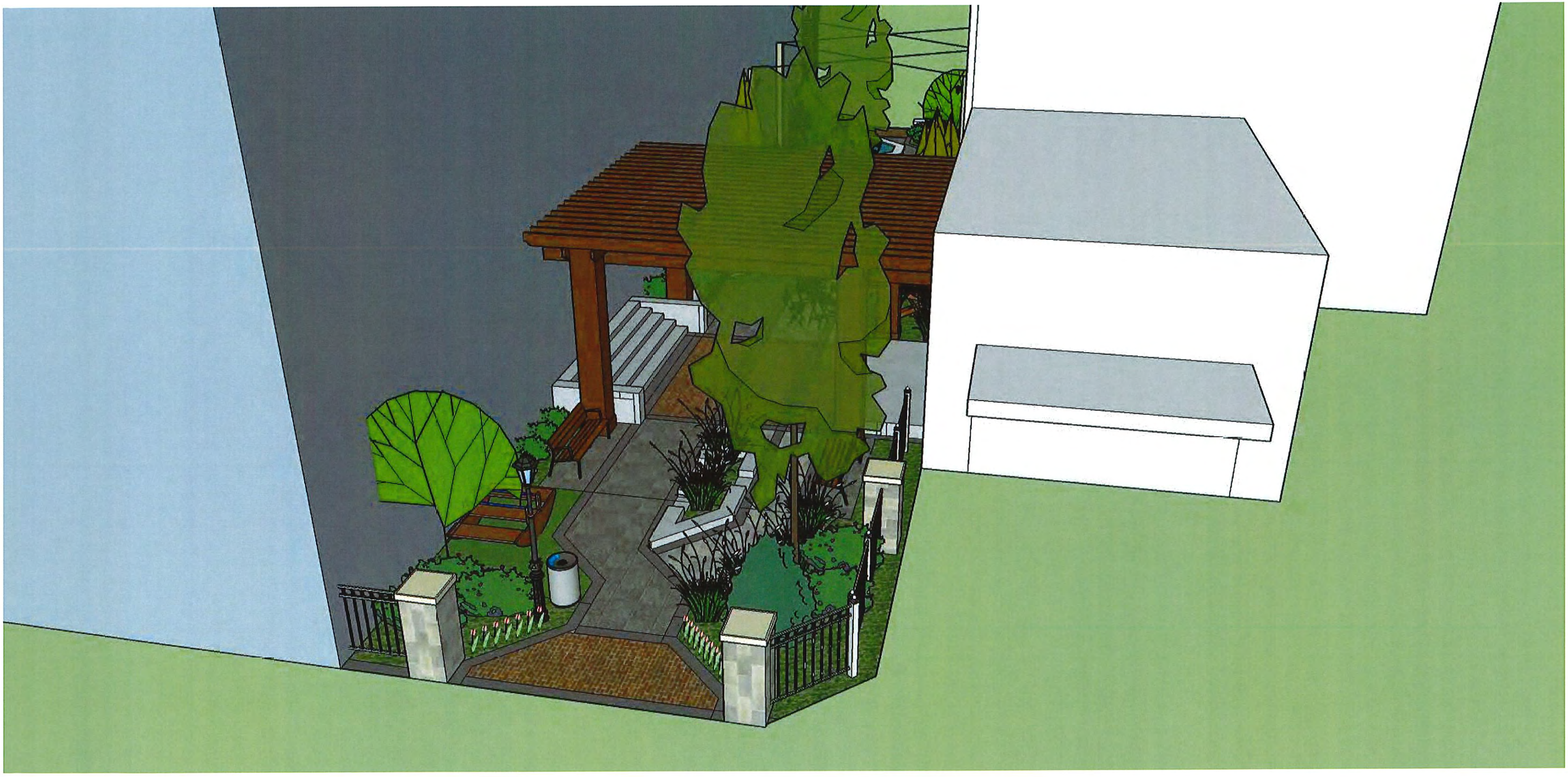


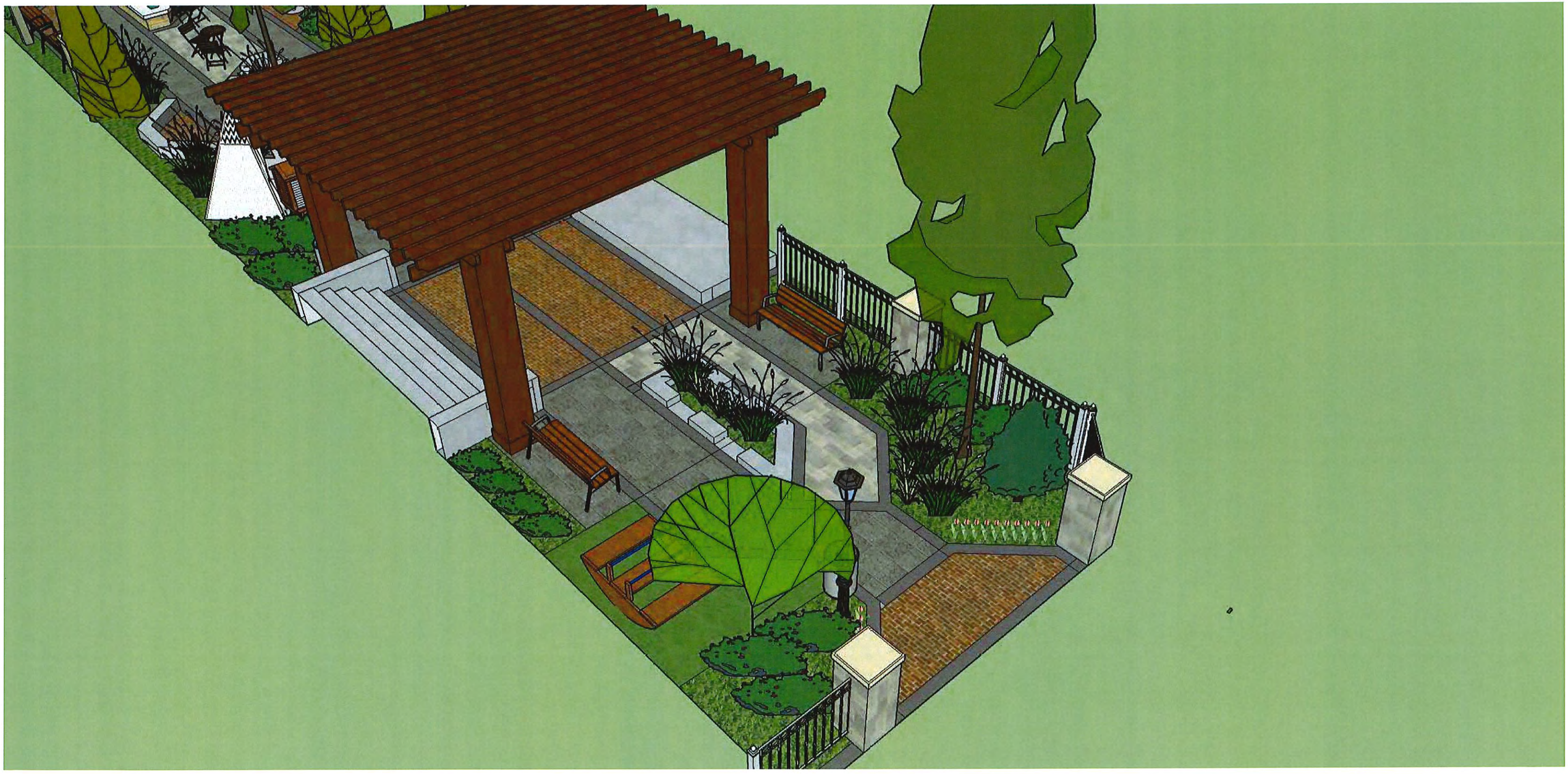


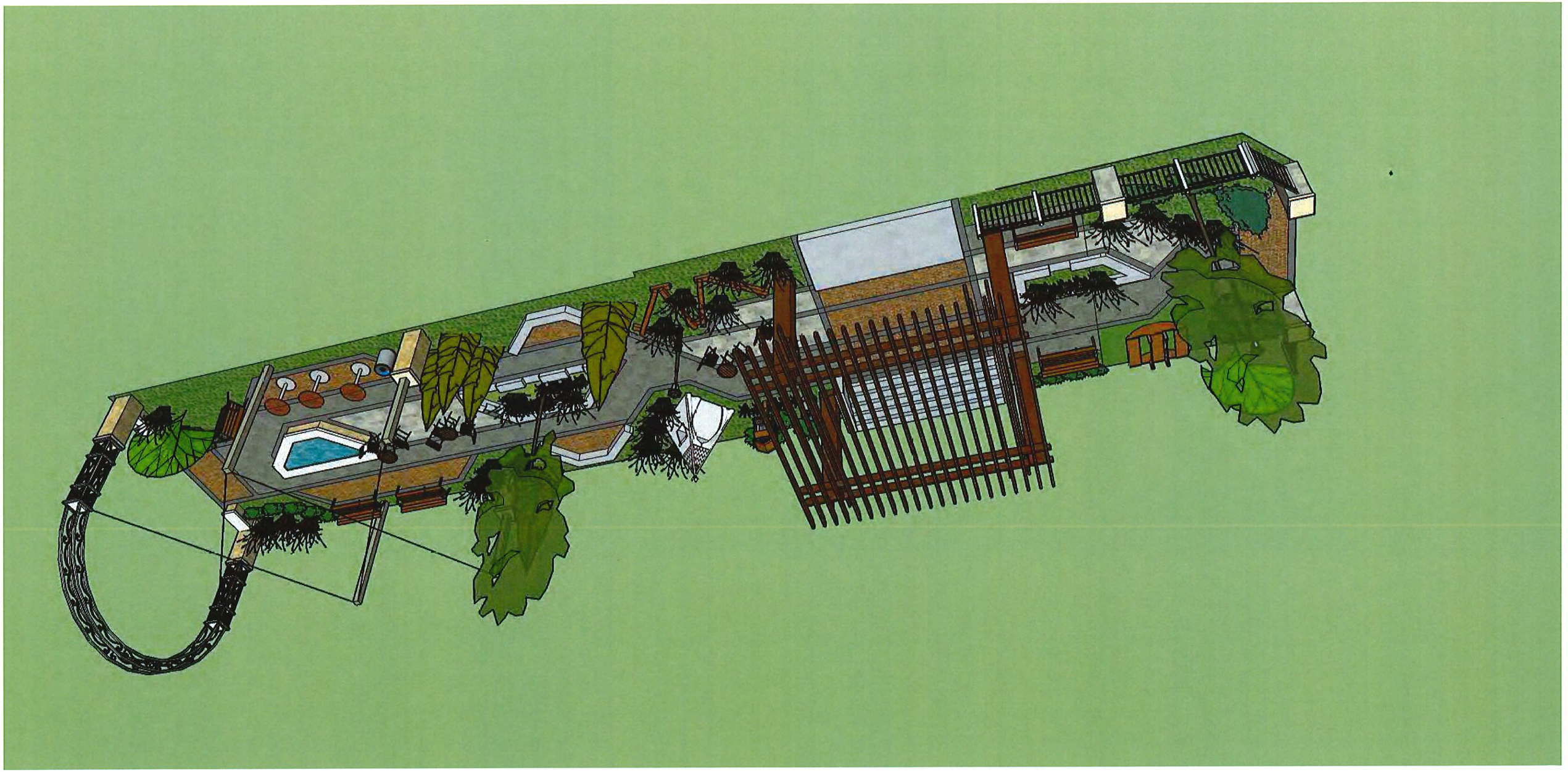


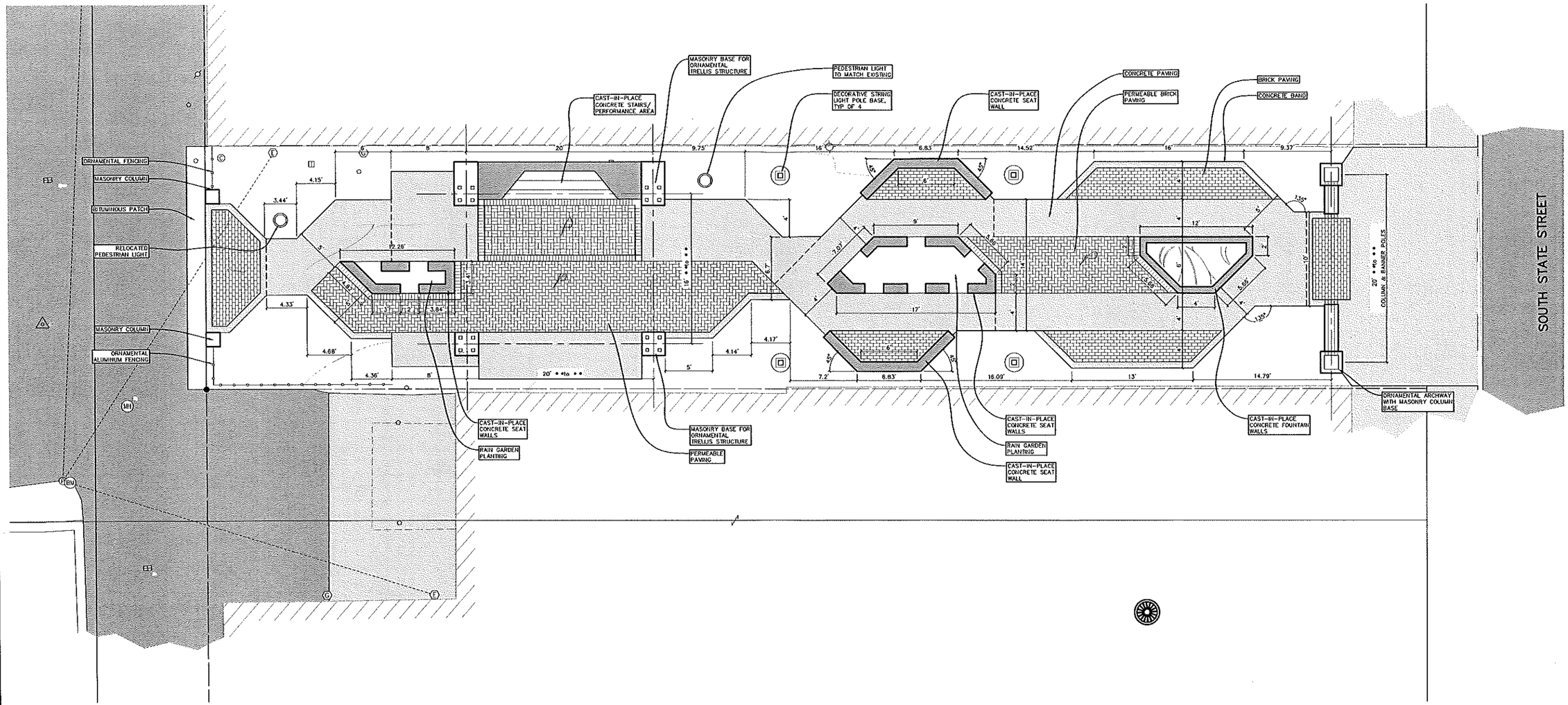












SITE PLAN
SCALE : 1" = 5'

North

NO.	REVISIONS	BY	DATE
1	FOR BID & CONSTRUCTION	MGL	6/19

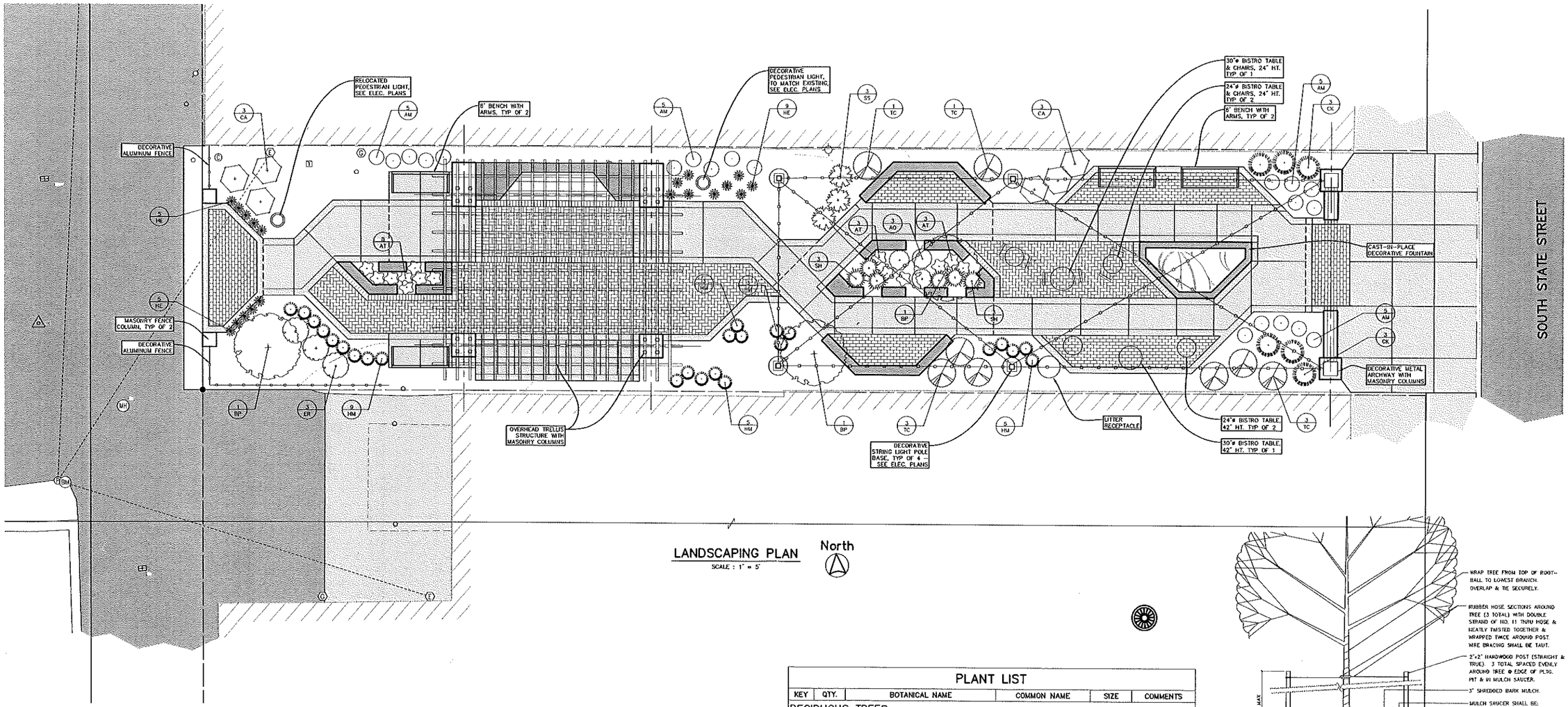
DRAWN CM
DATE JULY '19
CHECKED MGL
DATE JULY '19

Prein&Newhof
Engineers•Surveyors•Environmental•Laboratory

CITY OF HART
OCEANA COUNTY, MICHIGAN

2019 POCKET PARK IMPROVEMENTS
SITE PLAN

PROJECT NO. 2190300
SHEET NO. 3 OF X

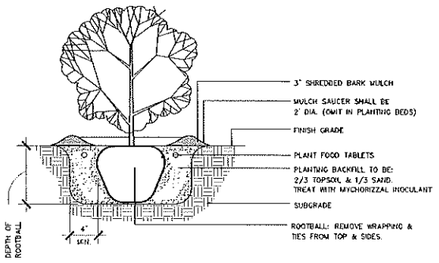


LANDSCAPING PLAN

SCALE : 1" = 5'

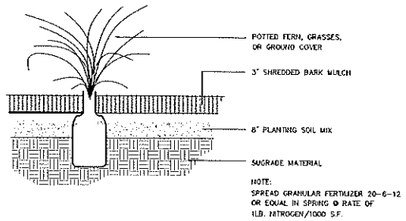
North

PLANT LIST					
KEY	QTY.	BOTANICAL NAME	COMMON NAME	SIZE	COMMENTS
DECIDUOUS TREES					
BP	1	BETULA PLATYPHYLLA 'FARGO'	JAPANESE WHITE BIRCH	3" CAL.	B&B
SHRUBS, PERENNIALS & GRASSES					
AM	20	AMSONIA 'BLUE ICE'	BLUE STAR	1 GAL.	
AT	11	ASCLEPIAS TUBEROSA	BUTTERFLY WEED	1 GAL.	
AO	3	ASTER OBLONGIFOLIOUS 'OCTOBER SKY'	AROMATIC ASTER	1 GAL.	
CA	6	CEANOTHUS AMERICANUS	NEW JERSEY TEA	1 GAL.	
CK	6	CALAMAGROSTIS X ACUTIFOLIA 'KARL FOERTSTER'	FEATHER REED GRASS	1 GAL.	
ER	3	EUPATORIUM RUGOSUM 'CHOCOLATE'	CHOCOLATE SNAKE ROOT	1 GAL.	
HE	19	HEMEROCALLIS 'STELLA DE ORO'	DAY LILY	1 GAL.	
HM	25	HACKENOCHLOA MACRA 'ALL GOLD'	JAPANESE FOREST GRASS	1 GAL.	
SS	3	SCHIZACHYRIUM SCOPARIUM	LITTLE BLUESTEM	1 GAL.	
SH	6	SPOROBOLUS HETEROLEPIS	PRAIRIE DROPSEED	1 GAL.	
TC	8	TSUGA CANADENSIS 'GENTSCH WHITE'	CANADIAN HEMLOCK	1 GAL.	



3/6 SHRUB PLANTING DETAIL

NOT TO SCALE



4/6 PERENNIAL/GRASS PLANTING DETAIL

NOT TO SCALE

NOTE: STAKING IS LIMITED TO 6 TREES

5/6 TREE PLANTING DETAIL

NOT TO SCALE

NO.	REVISIONS	BY	DATE
1	FOR BIDS & CONSTRUCTION	MGL	08/19

DRAWN CM
DATE JULY '19
CHECKED MGL
DATE JULY '19

Prein&Newhof
Engineers•Surveyors•Environmental•Laboratory

CITY OF HART
OCEANA COUNTY, MICHIGAN

2019 POCKET PARK IMPROVEMENTS
LANDSCAPE PLAN

PROJECT NO. 2190300

SHEET NO. 5 OF X