CITY OF HART
407 S. STATE ST.
HART, MI 49420
COUNCIL PROCEEDINGS
MARCH 26, 2019, 7:30 P.M.

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

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

A motion was made by Mr. La Fever to approve the agenda and supported by Mr. Hegedus. The minutes from March 12, 2019, regular meeting, were approved motioned by Mr. Frontiera and supported by Mr. La Fever. All ayes, both motions were carried.

PUBLIC COMMENTS, CORRESPONDENCE, EVENTS, PRESENTATIONS:
DEPARTMENT REPORTS:

- BioPure Superintendent, Paul Cutter: Absent
- Police Chief, Juan Salazar: Absent
- DPW Superintendent, Brad Whitney:
  - 2018 Water Quality Report – PFAS results were negative.
  - Water leak on State & Johnson – 2 dead end water lines froze and broke.
  - Water leak on Plum Street – repaired.
  - Gravel roads within the City need to dry out further before grading can take place.
  - Union Street has received a temporary fix to allow for traffic.
  - There have been 24 Miss Dig reports.
  - Reading meters.
  - Tending to wells.
  - Valve repairs at the water tower.
  - Water meter repairs.
  - First season yard waste pick up is scheduled for 4/1, with an additional April pick up date of 4/15.
  - Street sweeping should start Monday.
- Energy Superintendent – Mike Schiller: Absent
- Mainstreet Manager, Julie Kreilick: Absent

REPORTS OF BOARDS, COMMISSIONS, AND COMMITTEES:
None
BILLS, CLAIMS, PAYROLL:
Bills totaled: $220,702.43 Payroll totaled: $59,570.46 Grand Total: $280,271.89
A motion was made by Mr. Splane and supported by Ms. Platt to approve bills, claims and payroll in the amount stated.
Ayes: 6 Nay: 0 Absent: 1
ACTION ITEMS:
City Manager, Lynne Ladner presented the following:

Memo
To: Mayor and City Council
From: Lynne Ladner
Date: 3/22/19
Re: Res 19-21 Establish a request for funding, designate an agent, attest to the existence of funds and commit to implementing a maintenance program for the reconstruction of Lincoln St. and Hanson St. funded by the Transportation Economic Development Fund Category B Program

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During the March 12th meeting the Council approved moving forward with the grant application process for the street reconstruction project on Lincoln St. and Hanson St. however MDOT is requiring that the enabling resolution have specific language designating the agent for the project and committing that the city will continue to maintain the streets after the project is completed. Resolution 19-21 is the resolution approving the same projects as approved in 19-12 but with the required MDOT language
It is my recommendation that the council adopt resolution 19-21 requesting Category B funding, designate an agent, attest to the existence of city funds for the project and commit to maintaining Lincoln St and Hanson St.
Lynne

CITY OF HART
RESOLUTION NO. 19-21

A RESOLUTION TO ESTABLISH A REQUEST FOR FUNDING, DESIGNATE AN AGENT, ATTEST TO THE EXISTENCE OF FUNDS AND COMMIT TO IMPLEMENTING A MAINTENANCE PROGRAM FOR RECONSTRUCTION OF LINCOLN STREET AND HANSON STREET FUNDED BY THE TRANSPORTATION ECONOMIC DEVELOPMENT FUND CATEGORY B PROGRAM.

WHERAS, the City of Hart is applying for $244,500 in funding through MDOT from the Transportation Economic Development Category B Program to construct reconstruction of Lincoln Street between Dryden to Griswold and reconstruction and paving of Hanson Street between State Street and Hart Street.

WHEREAS, MDOT requires a formal commitment from the public agency that will be receiving these funds and will be implementing and maintaining these infrastructure projects.

NOW, THEREFORE, BE IT RESOLVED THAT, the City has authorized Lynne Ladner, City Manager, to act as agent on behalf of the City to request Transportation Economic Development Fund Category B Program funding, to act as the applicant's agent during the project development, and to sign a project agreement upon receipt of a funding award.

BE IT FURTHER RESOLVED THAT, the City attests to the existence of, and commits to, providing at least $244,500 toward the roadconstruction costs of the project(s), at least $351,000 for sanitary sewer, water main, and parking improvements, and all costs for design, permit fees, administration costs, and cost overruns.

BE IT FURTHER RESOLVED THAT, the City commits to owning operating, funding and implementing a maintenance program over the design life of the facilities constructed with Transportation Economic Development Fund Category B Program funding.

Moved by Frontiera, supported by Platt and thereafter adopted at the regular City of Hart City Council meeting on March 26, 2019

Ayes: 6 Nays: 0 Absent: 1

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

Cheri Eisenlohr

Cheri Eisenlohr, Deputy City Clerk

Memo
To: Mayor and City Council
From: Lynne Ladner
Date: 3/22/19
Re: Res 19-22 Amending WW membrane purchase authorization

In January the City Council authorized the purchase of new membrane diffusers for the WWTP in the amount of $39,828. Since then and prior to ordering the membranes it was brought to the attention of Paul Cutter that the suppling company had an alternative membrane option that while being slightly more expensive has the ability to extend and possibly double the useful life of the membranes that had been previously spec'd and authorized for purchase. Wanting to provide the City with the best possible solution and the potential for a significant long-term cost savings the membrane purchase was delayed until additional information could be gathered. Mr. Cutter has spoken to representatives of other Michigan communities that have made the change to Polyurethane membranes vs rubber membranes and is satisfied that the polyurethane operates as good or better than the rubber and would like authorization to move forward with the purchase of new polyurethane membranes raising the total cost of the purchase to $43,158.08 an increase of $3,330.08.
It is my recommendation that the council adopt Resolution 19-22 Amending Res 19-07 authorizing the purchase of membrane diffusers for the WWTP in the amount of 43,153.08
Lynne

RESOLUTION 19-07 (19-22)
City Council
City of Hart, Michigan
Oceana County

AMEND RESOLUTION 19-07 FOR MEMBRANE DIFFUSER REPLACEMENT WASTEWATER TREATMENT PLANT

WHEREAS, the City of Hart owns, operates and maintains a municipal wastewater treatment plant and aeration facilities therein; and

WHEREAS, the Council approved in Resolution 19-07 the purchase of rubber membranes from Environmental Dynamics International (EDI) in the amount of $39,828.00; and

WHEREAS, through due diligence, BioPure Superintendent Paul Cutter has learned that the purchase of polyurethane membranes while costing slight more can extend the life of the membranes twice as long; and

NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL:

Amend Resolution 19-07 authorizing the purchase of membrane diffusers for the WWTP in the amount of $43,158.08.

Moved by Ms. Platt, supported by Mr. Frontiera, and thereafter adopted at the regular City of Hart City Council meeting on March 26, 2019.

Ayes: 6 Nays: 0 Absent: 1

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

Cheri Eisenlohr, Deputy City Clerk

CITY OF HART
ORDINANCE NO. 19-01
AN ORDINANCE TO AMEND THE CITY OF HART ZONING MAP AND PUD APPROVAL
COTTAGES AT GRISWOLD PUD

Section 1. Planned Unit Development. The City of Hart Zoning Map is hereby amended to rezone the following described lands from the A-2 Apartment District to the Planned Unit Development "PUD" District in accordance with the PUD Development Plan (the "Plan") of Cottages at Griswold, subject to all of the terms and conditions of this Ordinance. The property is legally described as follows:

Block 116 of Plat "A" EXCEPT the West 250 feet of the North 230 feet thereof. Standard Map of the Village (now city) of Hart, according to the recorded plat thereof, City of Hart, Oceana County, Michigan. TOGETHER WITH the following: Beginning at the Southeast corner of Block 116, Plat "A" Standard Map of the Village (now city) of Hart,

said corner being 24 rods East of the center of Griswold Street and 10 rods South of the center of Johnson Street; thence running North along the East line of said Block 116 for 20 rods; thence East along the North line of Block 115 of the same plat 8 rods; thence South 20 rods parallel with the West side; thence West parallel with the North side 8 rods to the point of beginning.

Section 2. Terms and Conditions of the PUD. The rezoning of the above-described lands to the PUD District, in accordance with the Plan for the Cottages at Griswold, is expressly subject to all of the following terms and conditions:

a. Plan. The development shall comply in all respects with the Plan, with the last revision date of January 7, 2019, except where the Plan has been changed based on subsequent review by the City Engineer and City Departments, in which case such modification or subsequent review shall control.

b. Land Uses. The development shall consist of five (5) duplex residential buildings for seniors. One (1) building shall also include a community room and office.

c. Ownership and Occupancy. The development, land, and buildings shall be under the control of one (1) owner.

d. Zoning Requirements. The building placements, setbacks, and separations shall be as shown on the Plan. The following zoning modifications are authorized per Section 1254.02 (a):

    1. Section 1243.07. More than one (1) dwelling on a lot.
    2. Section 1243.12. Less than a 20-foot setback from the top of the stream bank.
    3. Section 1243.19 (f). No private street easement.
    4. Section 1247.04. (a)(1). Comparable lot widths less than 100 feet.
    5. Section 1247.04. (b)(1). Front yard setbacks:
        i. Building A- 12 feet from curb.
        ii. Building B- 12 feet from curb.
        iii. Building C- 15 feet from curb.
        iv. Building D- 5.6 feet from curb.
        v. Building E- 12 feet from curb.
    6. Section 1247.04. (b)(2). A total of 14 feet between buildings with comparable side setbacks of seven (7) feet.
    7. Section 1247.04. (b)(4). Rear yard setback of 10 feet with a two (2) foot roofline projection.

e. Private Streets and Access to the Development. Access to the development shall be by a privately maintained street from Griswold Street, as shown on the Plan. The final location and configuration of the intersection of the private street with Griswold Street shall be approved by the City of Hart.

f. Sidewalks. The dwellings shall be served by a sidewalk along the south side of the private street and around the cul-de-sac, as shown on the Plan.

g. On-Street and Off-Street Parking. On-street parking is restricted to one (1) side of the street and shall be restricted by signage and curb paint, subject to the approval of the Fire Department. The street shall be installed as shown on the Plan. Off-street parking shall be accommodated by driveway and garage spaces. Vehicle parking shall not encroach onto sidewalks and shall not impede pedestrian use in any manner.

h. Utilities. Electricity, water, and sewer service will be provided to each dwelling unit in accordance with City of Hart requirements.

i. Stormwater, Soil Erosion, and Sediment Control. Three (3) stormwater retention areas will retain and treat the increase of stormwater runoff due to land development. In the construction and use of the development, the applicant shall comply in all respects with any required soil erosion and sedimentation control permit.

j. Landscaping. Landscaping and plantings shown on the Plan shall be installed within six (6) months of PUD approval and shall be continuously maintained. Dead or dying plants and trees shall be replaced within one (1) season.

k. Open Space. The open space areas shown on the Plan shall remain open, undeveloped, and maintained. No constructed of outside amenity areas, such as decks or patios, shall be established in open space areas.

l. Lighting. Outdoor lighting shall comply with the Plan, and any replacement fixtures shall be consistent with the originally approved lighting specifications.

m. Signage. The monument sign shall be approved administratively before establishment.

n. Fire Protection and Public Safety. The Fire Department shall review the design, layout, and construction of the development as to all matters of public safety, emergency access, and sufficiency of the fire protection water supply. The recommendations, if any, of the Fire Department on these matters shall be satisfied by the applicant.

o. City Department and Outside Agency Approvals. Site work shall not commence until all applicable City Department and outside agency approvals are secured, as applicable.

Section 3. Findings. The Planning Commission and City Council find that the PUD implements the City of Hart Master Plan and satisfies the PUD Development Standards of Section 1254.07:

a. Utilities. All buildings shall be served by public sewers and water and shall comply with Municipal drainage requirements.

b. Streets. A PUD shall provide either unobstructed frontage on a public street or shall develop a public street to assure public access to the project site. The Planning Commission may require public street dedication within the site and, in any event, streets must be adequate for the provisions of routine and emergency services. Where a PUD includes or abuts an incomplete street, such street shall either be extended or properly terminated in an approved turnaround. When a PUD site is so located as to allow more than one means of ingress and egress, and where additional access has been recommended by the Police and/or Fire Departments to improve the safety of life and property, such additional access shall be provided. Drives and streets within the PUD shall discourage outside traffic to traverse the development and create unnecessary fragmentation of the development into small blocks.

c. Sidewalks. Sidewalks shall be required when developing a PUD, where appropriate, or when deemed necessary for public safety on any existing street adjacent to a PUD site. The planned unit development shall provide for public safety on any existing street adjacent to a PUD site. The planned unit development shall provide for pedestrian circulation within and adjacent to the site.

d. Building Restrictions. In an effort to allow the flexibility in a PUD, building restrictions should be kept to a minimum.

   1. Building setbacks shall be determined by the Planning Commission according to the use of the buildings and character of the neighborhood.
   2. All portions of the land not developed must be landscaped with trees, shrubs and suitable ground cover.
   3. Portions of a commercial structure or parking area must be screened from any abutting residential area by a wall or berm measuring not less than four feet in height.
   4. No portion of the off-street parking area shall be any closer than twenty-five feet to any property line adjoining a street or sidewalk where appropriate. The remaining twenty-five feet between the parking and property line shall be landscaped.

e. Environmental Quality. Any development within a PUD District shall be so designed as to reasonably protect residents of such development and residents or occupants of neighboring premises with respect to the emission and transmission of noise, smoke, dust, dirt, litter, odor or light glare and with respect to traffic congestion, ease of routine and emergency services, drainage, erosion, light and ventilation, surface and ground water quality, overcrowding of persons, sanitation, property values, general appearance and character and other similar considerations.

f. Signs. Signs shall be in accordance with the City Sign Ordinance.

Section 4. Effective Date. This Ordinance shall be effective seven (7) days after the publication of a summary of its provisions in a local newspaper of general circulation in the City of Hart.

AYES: _____
NAYS:_____

ORDINANCE DECLARED ADOPTED.

_____
Cheryl Rabe
City Clerk

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Hart City Council 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

Approved on Second Reading.

SPECIAL EVENTS PERMIT:

- Annual Unity March
  - Motion to approve by Mr. Splane, supported by Ms. Platt, all ayes, motion carried.
- Hispanic Heritage Celebration
  - Motion to approve by Ms. Platt, supported by Mr. Splane, all ayes, motion carried.

DISCUSSION ITEMS:

- None

CITY MANAGER REPORT:

- None

CITY ATTORNEY'S REPORT:

- None

COMMUNICATIONS FROM THE MAYOR AND COUNCIL:

- Ms. Platt asked when the Well's Bed and Breakfast building would be cleared out. Mr. Wells would like to rebuild but is waiting on insurance issues to be settled.
- Mr. Hegedus made a motion to accept Steve Bruch to the TIFA board; the motion was supported by Jason La Fever, all ayes, the motion carried.
- Mr. Frontiera passed on a request for the Board of Review members to receive a raise. Mayor LaPorte stated that he would discuss this with the City Manager.

There being no further business to come before the Council, the meeting adjourned at 7:54 p.m., upon motion by Mr. Frontiera and supported by Ms. Platt. The next regular meeting is April 9, 2019, at 7:30 p.m.

Respectfully Submitted

Deputy City Clerk