



City of *Hastings* Michigan

(269) 945-2468
FAX (269) 948-9544

201 E. State Street 49058

Regular Council Meeting
February 12, 2024
Executive Summary

Item #	Summary
9A-B	Description: Items for Action by Unanimous Consent Recommended Action: Motion to approve the consent agenda as presented.
10A	Description: Rotary/Kiwanis Club Concession and Beer/Wine Sales Agreements Recommended Action: Motion to approve agreements from Hastings Rotary and Hastings Kiwanis Clubs to operate the concession stand and sell beer and wine at Thornapple Plaza from April 1, 2024, to April 1, 2025.
10B	Description: WBCH St. Patrick's Day Parade Recommended Action: Motion to approve, under direction of staff, WBCH Radio to conduct the 18th annual St. Patrick's Day parade on Saturday March 16, 2024, starting at 4:30 PM.
10C	Description: 1500 Star School Road Industrial Property Recommended Action: Motion to authorize the Mayor and City Clerk to sign a listing agreement extension with Miller Real Estate from February 16, 2024, until August 16, 2024, for city-owned industrial property located at 1500 Star School Road.



City of *Hastings* Michigan

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201 E. State Street 49058

Item #	Summary
10D	<p>Description: Updated Title VI Plan</p> <p>Recommended Action: Motion to adopt the revised Title VI Plan as presented.</p>
10E	<p>Description: Prein & Newhof DWAM Grant Contract Increase</p> <p>Recommended Action: Motion to approve an increase in the contract amount for services associated with the DWAM grant performed by Prein and Newhof in the amount of \$23,400.</p>
16A	<p>Description: Closed Session</p> <p>Recommended Action: Motion to recess to a closed session as permitted by PA 267 of 1976, Section 15.268-8(h) to consider material exempt from disclosure by state or federal statute (to receive privileged attorney-client communication).</p>

City of Hastings
COUNTY OF BARRY, STATE OF MICHIGAN

City Council Agenda
February 12, 2024

1. Regular meeting called to order at 7:00 PM
2. Roll call
3. Pledge to the flag
- * 4. Approval of the agenda
- * 5. Approval of the minutes of the January 22, 2024, workshop and regular meetings
- ✓ 6. Public Hearings: (None)
7. Public Comment:
8. Formal Recognitions and Presentations:
 - A. Presentation from Dave Hatfield, Barry County Commissioner.
- ✓ 9. Items for Action by Unanimous Consent:
 - * A. Accept and place on file the 2023 Planning Commission Annual Report.
 - * B. Receive and place on file ten (10) invoices totaling **\$247,253.01** as detailed in attachments.
- ✓ 10. Items of Business:
 - * A. Consider approval of agreements from Hastings Rotary and Hastings Kiwanis Clubs to operate the concession stand and sell beer and wine at Thornapple Plaza from April 1, 2024, to April 1, 2025.
 - * B. Consider approval, under direction of staff, WBCH Radio to conduct the 18th annual St. Patrick's Day parade on Saturday, March 16, 2024, starting at 4:30 PM.
 - * C. Consider authorizing the Mayor and City Clerk to sign a listing agreement extension with Miller Real Estate from February 16, 2024, until August 16, 2024, for city-owned industrial property located at 1500 Star School Road.
 - * D. Consider adoption of the revised Title VI Plan as presented.
 - * E. Consider approval for an increase in the contract amount for services associated with the DWAM grant performed by Prein and Newhof in the amount of **\$23,400.**

11. Staff Presentations and Policy Discussions (None)

12. City Manager Report:

- * A. Public Services Director Tate Monthly Report
- * B. Fire Chief Jordan Monthly Report
- * C. Library Director Hemerling Monthly Report
- * D. Assessor Rashid Monthly Report

✓ 13. Reports and Communications:

- * A. Calendar Year 2024 Council Goals
- * B. DDA Draft Minutes from January 18, 2024
- * C. Riverside Cemetery Preservation Advisory Board Minutes from November 8, 2023
- * D. Library Board Minutes from February 5, 2024
- * E. February 2024 Calendar

14. Public Comment:

15. Mayor and Council comment:

✓ 16. Closed Session

- A. Consider recessing to closed session at the conclusion of regular business as permitted by PA 267 of 1976, Section 15.268-8(h) to consider material exempt from disclosure by state or federal statute (to receive privileged attorney-client communication).

17. Adjourn

* Items with enclosures.

✓ Motion under agenda heading requires roll call vote.

Guidelines for Public Comment

Public Comment is welcomed and appreciated. Please follow these simple guidelines to ensure all have an opportunity to be heard.

All comments and questions will be made through the chair. All comments will be made in a courteous and civil manner; profanity and personal attacks will not be tolerated. Please limit the length of your comments to 3 minutes. If you are a member of a group, please appoint a spokesperson to speak on behalf of the group (those speaking on behalf of a group may be provided additional time). Please state your name before offering comment.

City of Hastings
COUNTY OF BARRY, STATE OF MICHIGAN

City Council Workshop Minutes
January 22, 2024

1. Workshop called to order at 6:00 PM
2. Roll call

Present at roll call were Barlow, Brehm, Furrow, Jarvis, McLean, Nesbitt, Resseguie, and Tossava.

Motion by Barlow, with support from Resseguie, to excuse Councilmember Bowers.

All ayes. Motion carried.

City staff and appointees present: Moyer-Cale, Bever, Boulter, Tate, and King.
3. Pledge to the flag
4. Approval of the agenda

Motion by McLean, with support from Jarvis, to approve the agenda as presented.

All ayes. Motion carried.
5. Discussion: City Council goals for upcoming fiscal year

Presentation by City Manager Moyer-Cale.
6. Council Questions

Questions and Comments from Jarvis, Furrow, McLean, Barlow, Resseguie, and Tossava.
7. Open Public Discussion: None.
8. Adjourn

Motion by McLean, with support from Resseguie, to adjourn at 6:40 PM.

All ayes. Motion carried.

Read and Approved:

David J. Tossava, Mayor

Council Workshop Minutes

Christopher R. Bever, City Clerk

January 22, 2024

City of Hastings
COUNTY OF BARRY, STATE OF MICHIGAN

City Council Minutes
January 22, 2024

1. Regular meeting called to order at 7:02 PM

2. Roll call

Present at roll call were Barlow, Brehm, Furrow, Jarvis, McLean, Nesbitt, Resseguie, and Tossava.

Motion by Barlow, with support from Resseguie, to excuse Councilmember Bowers.

Ayes: Barlow, Brehm, Jarvis, McLean, Nesbitt, Resseguie, and Tossava.

Nays: Furrow.

Absent: Bowers.

Motion carried.

City staff and appointees present: Moyer-Cale, Bever, Boulter, Jordan, Tate, and King.

3. Pledge to the flag

4. Approval of the agenda

Motion by McLean, with support from Jarvis, to approve the agenda as presented.

All ayes. Motion carried.

5. Approval of the minutes of the January 8, 2024 workshop and regular meetings.

Motion by Furrow, with support from Barlow, to approve the minutes of the January 8, 2024 workshop and regular meetings.

Ayes: Barlow, Brehm, Furrow, Jarvis, McLean, Nesbitt, Resseguie, and Tossava.

Nays: None.

Absent: Bowers.

Motion carried.

6. Public Hearings: (None)

7. Public Comment: (None)

8. Formal Recognitions and Presentations:

- A. Dave Hatfield, Barry County Commissioner, was attending another meeting and did not present tonight.

9. Items for Action by Unanimous Consent:

- A. Consider a request from The Hastings Hardball/Softball Club to use the baseball fields at Fish Hatchery and Bob King Park as listed in the attachment when available.

Comment from Jarvis.

Motion by Resseguie, with support from McLean, to approve the request from The Hastings Hardball/Softball Club to use the baseball fields at Fish Hatchery and Bob King Park as listed in the attachment when available.

Ayes: Barlow, Brehm, Furrow, Jarvis, McLean, Nesbitt, Resseguie, and Tossava.

Nays: None.

Absent: Bowers.

Motion carried.

- B. Receive and place on file seven (7) invoices totaling **\$348,185.56** as detailed in attachments.

Comment from Tossava.

Motion by Barlow, with support from McLean, to receive and place on file seven (7) invoices totaling **\$348,185.56** as detailed in attachments.

Ayes: Barlow, Brehm, Furrow, Jarvis, McLean, Nesbitt, Resseguie, and Tossava.

Nays: None.

Absent: Bowers.

Motion carried.

10. Items of Business:

- A. Consider entering into the ground lease agreement with Barry County Central Dispatch as presented.

Motion by Nesbitt, with support from Brehm, to enter into the ground lease agreement with Barry County Central Dispatch as presented.

Ayes: Barlow, Brehm, Furrow, Jarvis, McLean, Nesbitt, Resseguie, and Tossava.

Nays: None.

Absent: Bowers.

Motion carried.

- B. Consider authorizing the City Manager to execute both the Memorandum of Understanding and Cooperative Programming Agreement with the Thornapple Arts Council as presented.

Motion by Brehm, with support from Nesbitt, to authorize the City Manager to execute both the Memorandum of Understanding and Cooperative Programming Agreement with the Thornapple Arts Council as presented.

Ayes: Barlow, Brehm, Furrow, Jarvis, McLean, Nesbitt, Resseguie, and Tossava.
 Nays: None.
 Absent: Bowers.
 Motion carried.

- C. Consider a request from the Thornapple Arts Council to hold the Jazz Festival April 25 - April 27, 2024 and approve the collection of donations and merchandise sales during both the Jazz Festival and the Hastings Live programming season running from June 5, 2024 through August 24, 2024.

Motion by Brehm, with support from McLean, to approve the request from the Thornapple Arts Council to hold the Jazz Festival April 25 - April 27, 2024 and approve the collection of donations and merchandise sales during both the Jazz Festival and the Hastings Live programming season running from June 5, 2024 through August 24, 2024.

Ayes: Barlow, Brehm, Furrow, Jarvis, McLean, Nesbitt, Resseguie, and Tossava.
 Nays: None.
 Absent: Bowers.
 Motion carried.

- D. Consider adoption of **Resolution 2024-02** for a workforce housing PILOT exemption and restrictive covenant for Meadowstone Phase III, LLC for property located at 710 Barfield Drive, in substantially the format attached subject to approval by the City Attorney.

Questions from Jarvis, Furrow, and Tossava.

Joel Kamstra addressed council.

Motion by Nesbitt, with support from Jarvis, to adopt **Resolution 2024-02** for a workforce housing PILOT exemption and restrictive covenant for Meadowstone Phase III, LLC for property located at 710 Barfield Drive, in substantially the format attached subject to approval by the City Attorney.

Ayes: Barlow, Brehm, Jarvis, McLean, Nesbitt, Resseguie, and Tossava.
 Nays: Furrow.
 Absent: Bowers.
 Motion carried.

- E. Consider approval of the proposal from MCSA Group for design, bidding, and construction oversight for the Fish Hatchery Restroom project in the amount of **\$47,614**.

Questions from Jarvis, Resseguie, Nesbitt, Furrow, and Tossava.

Comments from Police Chief Boulter.

Motion by Nesbitt, with support from McLean, to approve the proposal from MCSA Group for design, bidding, and construction oversight for the Fish Hatchery Restroom project in the amount of **\$47,614**.

Ayes: Brehm, Jarvis, McLean, Nesbitt, Resseguie, and Tossava.

Nays: Barlow and Furrow.

Absent: Bowers.

Motion carried.

- F. Consider approval a purchase order for diesel fuel from Kent Oil and Propane in the amount of **\$18,500**.

Motion by Brehm, with support from Jarvis, to approve a purchase order for diesel fuel from Kent Oil and Propane in the amount of **\$18,500**.

Ayes: Barlow, Brehm, Furrow, Jarvis, McLean, Nesbitt, Resseguie, and Tossava.

Nays: None.

Absent: Bowers.

- G. Consider approval of the purchase of four fire hydrants from East Jordan Iron Works in the amount of **\$11,443.92**.

Motion by Barlow, with support from Brehm, to approve the purchase of four fire hydrants from East Jordan Iron Works in the amount of **\$11,443.92**.

Ayes: Barlow, Brehm, Furrow, Jarvis, McLean, Nesbitt, Resseguie, and Tossava.

Nays: None.

Absent: Bowers.

- H. Consider authorizing the City Manager to negotiate terms of a one-time listing agreement, purchase agreement, and development agreement with GRE Holdings, LLC submitted by Pat Doezema representing Keller Williams Realty for a city-owned 8.36 +/- acre parcel of property north of Enterprise Drive on Star School Road.

Comments from City Manager Moyer-Cale and Community Development Director King.

Questions from Furrow, Jarvis, and Tossava.

Motion by Nesbitt, with support from Barlow to authorize the City Manager to negotiate terms of a one-time listing agreement, purchase agreement, and development agreement with GRE Holdings, LLC submitted by Pat Doezema representing Keller Williams Realty for a city-owned 8.36 +/- acre parcel of property north of Enterprise Drive on Star School Road and to authorize the Clerk and Mayor to transact the sale of the property.

Ayes: Barlow, Brehm, Furrow, Jarvis, McLean, Nesbitt, Resseguie, and Tossava.

Nays: None.

Absent: Bowers.

- I. Consider authorizing City staff to prepare a notice informing the public of the availability to purchase a vacant city-owned parcel (#08-55-240-105-00), and

upon expiration of the notice, authorize the City Manager to negotiate a land sale for the property.

Questions from Furrow and Tossava.

Comments from City Manager Moyer-Cale.

Motion by Jarvis, with support from Nesbitt, to authorize City staff to prepare a notice informing the public of the availability to purchase a vacant city-owned parcel (#08-55-240-105-00), and upon expiration of the notice, authorize the City Manager to negotiate a land sale for the property.

Ayes: Barlow, Brehm, Furrow, Jarvis, McLean, Nesbitt, Resseguie, and Tossava.

Nays: None.

Absent: Bowers.

- J. Consider approval of an increase in engineering fees associated with Green Street and Market Street improvements for work to be performed by Moore & Bruggink in the amount of **\$18,300**.

Questions from Nesbitt and Tossava.

Comments from City Manager Moyer-Cale.

Motion by Brehm, with support from Nesbitt, to approve an increase in engineering fees associated with Green Street and Market Street improvements for work to be performed by Moore & Bruggink in the amount of **\$18,300**.

Ayes: Barlow, Brehm, Furrow, Jarvis, McLean, Nesbitt, Resseguie, and Tossava.

Nays: None.

Absent: Bowers.

11. Staff Presentations and Policy Discussions (None)

12. City Manager Report:

- A. Library Director Hemerling's report was presented.

Comments from Jarvis, McLean and Tossava.

- B. Police Chief Boulter presented his monthly and annual reports.

Question from Furrow.

Comments from Police Chief Boulter.

- C. City Clerk/Treasurer Bever presented his monthly financial reports

Question from Tossava.

Comments from City Clerk/Treasurer Bever.

- D. Community Development Director King presented his monthly and annual reports.
13. Reports and Communications:
- A. Library Board Minutes
 - B. Thank you letter from Carl Schoessel

Motion by Brehm, with support from Resseguie, to accept and place on file items A-B.

All ayes. Motion carried.

14. Public Comment:

Stephanie Lehman, Director, Barry County 9-1-1 Director.
Kevin Wilks, Hastings Resident, E. Mill Street.

15. Mayor and Council comment:

Comments from Brehm and Tossava.

16. Adjourn

Motion by McLean, with support from Barlow, to adjourn at 8:15 PM.

All ayes. Motion carried.

Read and Approved:

David J. Tossava, Mayor

Christopher R. Bever, City Clerk



Regular Council Agenda Item Memorandum

To: Mayor Tossava and City Council

From: Dan King

Subject: 2023 Planning Commission Annual Report

Meeting Date: February 12, 2024

Recommended Action:

Motion to accept and place on file the 2023 Planning Commission Annual Report

Background Information:

Per Chapter 2, Article 2-IV Boards and Commissions, Division 2-IV-3 Planning Commission, Section 2-149 (d), the Planning Commission is to prepare an annual report to City Council concerning operations and the status of planning activities, including recommendations regarding legislative actions related to planning and development. The powers and duties of the Planning Commission are bestowed as per P.A. 33 of 2008, as amended being the Michigan Planning Enabling Act, MCL 125.3801 et seq; and P.A. 110 of the Public Acts 2006, as amended, being the Michigan Zoning Enabling Act, MCL 125.3101 et seq.

Financial Implications:

None

Attachments:

- 2023 Planning Commission Annual Report

CITY OF HASTINGS
Year in Review Synopsis of Activity
PLANNING COMMISSION 2023

DATE	APPLICANT/PROJECT	REQUEST	ACTION
Jan. 03	Planning Commission	Preliminary site plan review for Whitewater Car Wash at 1105 West State Street.	Commission set a public hearing for the February 6, 2023 meeting for site plan review and special use permit consideration.
	Planning Commission	Commission held election of officers for 2023	Commission elected Hatfield as Chair, Maurer as Vice Chair, and Moyer-Cale as Secretary.
	Planning Commission	Commission discussed Food Truck draft text amendment.	Commission to further review text amendment at the February 6, 2023 meeting.
Feb 06	Planning Commission	Public hearing to review and consider site plan and special use permit for Whitewater Car Wash at 1105 West State Street.	Commission approved the site plan and special use permit for Whitewater Car Wash with conditions.
	Planning Commission	Public hearing regarding text amendments to Child Care Homes was reopened.	Commission approved the text amendments and forwarded on to City Council with an approval recommendation.
	Planning Commission	2022 Planning Commission annual report was reviewed	Planning Commission approved forwarding the 2022 Planning Commission annual report to City Council.
	Planning Commission	King presented an administrative site plan approval for Johnny's at 135 East Green Street regarding an accessory structure.	No action required by Planning Commission.
	Planning Commission	Planning Commission reviewed draft text amendment regarding food trucks.	Planning Commission requested further work be done on the text amendment. Staff to present revisions at the March meeting.
Mar. 06	Planning Commission	Commission reviewed draft food truck text.	Commission set a public hearing for the April 3, 2023 meeting for the food truck text amendment.

	Planning Commission	Commission reviewed Harvey memo regarding parking of trailers and RVs.	Commission consensus to move forward with approach to text modifications.
	Planning Commission/City Council Joint Meeting	Joint Workshop with City Council to discuss amendments relating to two-family dwellings	Commission scheduled a joint workshop with City Council for Monday June 13 to discuss amendments relating to two-family dwellings
April 03	Planning Commission	Public hearing for text amendments to Food Truck ordinance.	Commission approved ordinance and referred to City Council with an approval recommendation.
	Planning Commission	Commission reviewed and discussed driveway width at residential property lines.	Commission tabled the discussion until a later meeting.
	Planning Commission	Barry County Central Dispatch communication tower discussion.	Commission set a public hearing for the May 1, 2023 meeting for site plan and special use permit review.
	Planning Commission	Stormwater standards review.	Director Tate reviewed the revised storm water standards.
	Planning Commission	Trailers and RV memo from Harvey was presented for discussion.	Commission requested draft text be presented at the May 1, 2023 meeting for review.
May 1	Planning Commission	Public hearing to review and consider site plan and special use for Central Dispatch Communications Tower at 1037 E. State	Commission approved the site plan and special use permit with conditions.
	Planning Commission	Rezoning request for 1117 S. Michigan from R-S to R-2.	Commission set a public hearing for June 5, 2023.
	Planning Commission	Conditional rezoning request for 1107 N. Ferris from R-1 to R-2.	Commission set a public hearing for June 5, 2023.
	Planning Commission	Review text amendment regarding ZBA variance criteria.	Commission set a public hearing for June 5, 2023 to reivew and consider text amendment.

	Planning Commission	Harvey provided a memo regarding driveway width in residential districts.	Commission deferred action and recommended placement on the Work Task List with low priority.
June 5	Planning Commission	Public hearing for rezoning 1117 S Michigan from R-S to R-2.	Commission approved rezoning and referred to City Council with an approval recommendation.
	Planning Commission	Public hearing for conditional rezoning 1107 N Ferris from R-1 to R-2.	Commission approved conditional rezoning with conditions and referred to City Council with an approval recommendation.
	Planning Commission	Public hearing to review and consider text amendment to ZBA variance criteria.	Commission approved text amendment and referred to City Council with an approval recommendation.
	Planning Commission	Public hearing to review and consider text amendment for tractor/trailer/RV parking.	Commission approved text amendment with edits and referred to City Council with an approval recommendation.
	Planning Commission	Preliminary site plan review for 328 and 420 E Mill Street for CopperRock Construction.	Commission set a public hearing for July 3, 2023 for PUD amendment and site plan review.
July 03	Planning Commission	Public hearing for site plan review and PUD amendment for CopperRock Construction at 328 and 420 East Mill.	Commission approved site plan and PUD amendment with conditions and referred to City Council with an approval recommendation.
	Planning Commission	Preliminary site plan review for Meadowstone Apartment at 710 Barfield Drive.	Commission set a public hearing for site plan review and PUD amendment on August 7, 2023.
Aug. 07	Planning Commission	Public hearing to review final site plan and PUD amendment for Meadowstone Apartments at 710 Barfield Drive.	Commission approved the site plan and PUD amendment with conditions and referred to City Council with and approval recommendation.
Nov. 07	Planning Commission	King reviewed an Administrative Site Plan approval for T-Mobile regarding co-location of equipment on an existing tower.	No action required by Planning Commission.
	Planning Commission	King reviewed an Administrative Site Plan approval for Spectrum Health Corewell	No action required by Planning Commission.

regarding a mobile MRI docking station.

Planning Commission

King reviewed and Administrative Site Plan approval for Matt and Jenny Haywood for construction of an accessory building.

No action required by Planning Commission.

Dec. 04 Planning Commission

Planning Commission conducted a workshop regarding Complete Streets.

Planning Commission will add to Work Task List and review in 2024.

Planning Commission

Planning Commission reviewed extensive recommended edits and additions to the Work Task List.

Planning Commission discussed the Work Task List and will begin working on action items in January 2024.

Summary - City of Hastings Invoices
City Council Meeting
February 12, 2024

9.B

No.	Vendor	Amount	Description (with date paid)
1	Lunghamer Ford	\$111,346.00	1/25/2024 Two 2024 Ford F550 Chassis Cab Pickups
2	Lunghamer Ford	\$46,085.00	1/25/2024 2023 Ford Police Interceptor Utility
3	Gabridge & Company, PLC	\$29,090.00	1/25/2024 Fiscal year ending June 30, 2023, Annual Audit
4	Interphase Interiors	\$14,171.62	1/25/2024 City Hall Renovations
5	Wickham Cemetery Care, LLC	\$9,537.50	1/25/2024 Riverside Cemetery Sexton Services Invoice 12/31/23
6	Rutland Charter Township Treasurer	\$8,675.54	1/25/2024 2023 Rutland Urban Services Area Property Tax Share
7	Rutland Charter Township Treasurer	\$8,403.77	1/25/2024 2022 Rutland Urban Services Area Property Tax Share
8	Wickham Cemetery Care, LLC	\$7,237.50	1/25/2024 Riverside Cemetery Sexton Services Invoice 1/19/24
9	Detroit Salt Company	\$6,666.33	1/25/2024 Rock Salt
10	360 Fire and Flood Grand Rapids, LLC	\$6,039.75	1/25/2024 Completed ER Water Mitigation - City Hall Water Damage
10	Invoices	\$247,253.01	

FISCAL

23-24-

YEAR

**Lunghamer Ford**

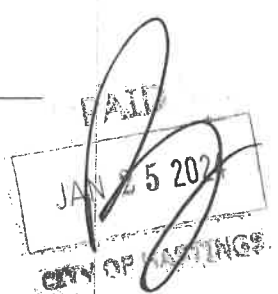
1960 E. Main Street
Owosso, MI 48867
888-92-FLEET fax 517-625-5832

Invoice No. BD577

INVOICE**Customer**

Name City of Hastings
Address 201 East State Street
City Hastings State MI ZIP 49058
Phone 269-838-8395 Attn: Robert Neil

Date 12-5-2023
Order No. **LETTER**
Rep Bill Campbell
FOB Owosso, MI

Qty	Description	Unit Price	TOTAL
	Bid requires payment within 10 days of delivery or \$8.00 a day from 10th day from delivery date will be Charged.		
2	2024 FORD F550 4X4 CHASSIS CAB PICKUP VIN:1FDUF5HN7REC05419 # 80 1FDUF5HN0REC05956 # 350	\$55,673.00	\$111,346.00
RECEIVED BY AND DATED: 			

Payment Details

- ☐ Cash
☒ Check
☐ Credit Card

Name _____

CC # _____

Expires _____

SubTotal	\$111,346.00
Shipping & Handling	\$0.00
Taxes MI	\$0.00
TOTAL	\$111,346.00

Office Use Only

*1.5% due if not paid within 10 days from delivery of vehicle**Thank You for you order*

FISCAL

23-24

5441

**Lunghamer Ford of Owosso**

1960 E. Main Street
Owosso, MI 48867
888-92-FLEET fax 517-625-5832

Invoice No. 2180Z

INVOICE**Customer**

Name City of Hastings
Address 201 East State Street
City Hastings State MI ZIP 49058
Phone 269-945-5744 Attn: Deputy Chief Dale Boulter

Date 1-10-2024
Order No. 70709
Rep Bill Campbell
FOB Owosso, MI

Qty	Description	Unit Price	TOTAL
1	Bid requires payment within 10 days of delivery or \$8.00 a day from 10th day from delivery date will be Charged. 2023 FORD POLICE INTERCEPTOR UTILITY VIN:1FM5K8AB1PGC20601	\$46,085.00	\$46,085.00
RECEIVED BY AND DATED			
		SubTotal	\$46,085.00
		Shipping & Handling	\$0.00
		Taxes MI	\$0.00
		TOTAL	\$46,085.00

Payment Details

- ☐ Cash
☒ Check
☐ Credit Card

Name _____
CC # _____
Expires _____

SubTotal	\$46,085.00
Shipping & Handling	\$0.00
Taxes MI	\$0.00
TOTAL	\$46,085.00

Office Use Only

1.5% due if not paid within 10 days from delivery of vehicle

Thank You for you order

5495

FISCAL

23-24-

Gabridge & Company, PLC

3940 Peninsular Dr SE Ste 200 ■ Grand Rapids, MI 49546

Phone: (616) 538-7100 ■ www.gabridgeco.com

YEAR

Invoice: 7343651

Date: 12/31/2023
Due Date: 01/30/2024

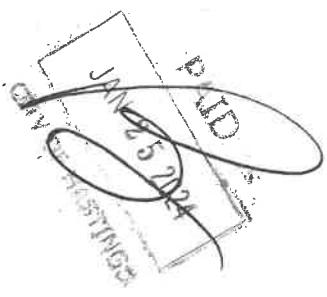
CHRISTOPHER BEVER
201 E. STATE STREET
HASTINGS, MI 49058

For professional service rendered as follows:

Billing for June 30, 2023 financial statement report.

Billed Time & Expenses	\$29,090.00
Invoice Total	\$29,090.00

<u>12/31/2023</u>	<u>11/30/2023</u>	<u>10/31/2023</u>	<u>09/30/2023</u>	<u>08/31/2023+</u>	<u>Total</u>
29,090.00	0.00	0.00	0.00	0.00	\$29,090.00





INTERPHASE INTERIORS

415 LEONARD ST. NW
SUITE 110
GRAND RAPIDS, MI 49504

PH: 616.245.0800
FX: 616.245.3974

2636 GARFIELD RD. N
SUITE 32
TRAVERSE CITY, MI 49686

PH: 231.941.4454
FISCAL

INVOICE

INVOICE #: 10309

INVOICE DATE: 1/17/2024

DUE DATE: 1/27/2024

PROPOSAL 73-001068

2024-

YEAR

BILL TO:

CITY OF HASTINGS
201 E. STATE STREET
HASTINGS, MI 49058

SHIP TO:

CITY OF HASTINGS
201 E. STATE STREET
HASTINGS, MI 49058

CUSTOMER P/O #

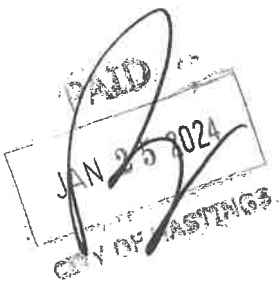
Sarah Moyer-Cale

SALESPERSON

SL

TERMS:

NET 10

Description	Amount
PRODUCT	10,281.61
PRODUCT	1,012.86
INSTALLATION	2,877.15
	

Subtotal \$14,171.62

Sales Tax (6.0%) \$0.00

Total \$14,171.62

Payments/Credits \$0.00

Balance Due \$14,171.62

NEW REMIT TO

PLEASE REMIT TO:
INTERPHASE INTERIORS
415 LEONARD ST. NW,
SUITE 110
GRAND RAPIDS, MI 49504

E-mail:

INFO@INTERPHASEINC.COM

INVOICE

Wickham Cemetery Care, LLC wickhamcemeterycare@gmail.com
3590 E Barnum Rd +1 (269) 589-9816
Hastings, MI

FISCAL
23 - 24 -
YEAR



Riverside Cemetery - City Of Hastings

Bill to
Riverside Cemetery - City Of Hastings

Invoice details

Invoice date: 12/31/2023

#	Date	Product or service	SKU	Amount
1.		Cemetery Contract		✓ \$6,937.50
2.	12/09/2023	Cremation - Weekend ✓ Helen Prah		\$300.00
3.	12/09/2023	Cremation - Weekend ✓ Phillip Waldorff 12/16/2023		\$300.00
4.	12/16/2023	Full Burial - Weekend ✓ Larry Baum		\$800.00
5.		Foundation Foundation Repairs		✓ \$1,200.00

Total

1400 ✓
\$9,537.50

Checks can be made payable to Wickham Cemetery Care, LLC.
Thank you!





City of Hastings

71576

201 East State Street • Hastings, Michigan 49058

269.945.2468 • FAX 269.948.9544

FEIN 38-6004562

PURCHASE ORDER

JANUARY 24, 2024
DATE

Vendor Name RUTLAND CHARTER
TOWNSHIP TREASURER
2461 HEATH RD
HASTINGS MI 49058

Department _____

Ship To Address _____

Vendor Number _____

Item Description	Account Number	Price	Project Number	Received Y or N
2023 USEDA PROPERTY	101-275-905-000	\$8,675.54		
PAY SHARE				
TOTAL		\$8,675.54		

Special Instructions

2023 PAYMENT

Requested by CAS

Department Head Approval [Signature]

City Manager Approval [Signature]
(IF OVER \$300)

1-24-24
DATE

City Council Approval _____
(IF OVER \$5000)

MEETING DATE



City of Hastings

72575

201 East State Street • Hastings, Michigan 49058

269.945.2468 • FAX 269.948.9544

FEIN 38-6004562

PURCHASE ORDER

JANUARY 24, 2024
DATEVendor Name RUTLAND CHARTER
TOWNSHIP TREASURER

Department _____

Ship To Address _____

2461 HEATH RD
HASTINGS, MI 49058

Vendor Number _____

Item Description	Account Number	Price	Project Number	Received Y or N
2022 USDA PROPERTY TAX SHARE	101-275-905-000	\$8,403.77		
CITY OF HASTINGS TOTAL		\$8,403.77		

Special Instructions

2022 PAYMENTRequested by CRBDepartment Head Approval 1-24-24City Manager Approval [Signature]
(IF OVER \$300)1-24-24
DATECity Council Approval _____
(IF OVER \$5000)

MEETING DATE

INVOICE

Wickham Cemetery Care, LLC
3590 E Barnum Rd
Hastings, MI

wickhamcemeterycare@gmail.com
+1 (269) 589-9816

FISCAL

23 - 24 -

YEAR



Riverside Cemetery - City Of Hastings

Bill to

Riverside Cemetery - City Of Hastings

Invoice details

Invoice date: 01/19/2024

#	Date	Product or service	SKU	Amount
1.		Cemetery Contract		\$6,937.50
2.	01/09/2024	Cremation ✓ Kevin Hughes		\$300.00

Total

\$7,237.50

Checks can be made payable to Wickham Cemetery Care, LLC.
Thank you!



1827
FISCAL

23 - 24

YEAR

12841 Sanders Street
Detroit, MI 48217
Phone No. 313-841-5144
Fax No. 313-841-0466
ar@detroitsalt.com

Sell-to

HASTINGS CITY
BETTY HARTMAN
201 E STATE ST
Hastings, MI 49058
UNITED STATES

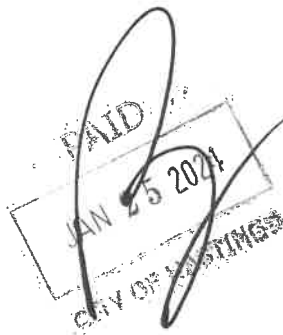
Ship-to

HASTINGS CITY
HASTINGS
301 E COURT ST
HASTINGS, MI 49058

Invoice No. SI24-23722
Posting Date 01/12/24
Payment Terms NET 30
Due Date 02/11/24
P.O.
Customer No. MIHAS02

Ticket No.	Date	Order	Location	Product	Qty	Rate	Amount	Tax Amount	Total
871655	01/12/24	SO24-13420	007	ROCK SALT	49.50	\$66.59	\$3,296.21		\$3,296.21
871656	01/12/24	SO24-13420	007	ROCK SALT	50.61	\$66.59	\$3,370.12		\$3,370.12
Invoice Total					100.11		\$6,666.33		\$6,666.33

Total Invoice

\$6,666.33

QUESTIONS? PLEASE CALL 313-841-5144

FEDERAL ID 38-3341484

PLEASE NOTE: OUR REMITTANCE ADDRESS HAS CHANGED

Please remit payment to: Detroit Salt Company, PO Box 874127 Kansas City, MO 64187-4127



Remit To:

360 Fire & Flood Grand Rapids, LLC

PO Box 604

Caledonia, MI 49316

FISCAL

23-24-

YEAR

5274

Invoice

Date

1/10/2024

Invoice #

1812

Bill To

City Of Hastings
Sarah Moyer
201 East State St
Hastings, MI 49058
USA

Loss Address

City Of Hastings
Sarah Moyer
201 East State St
Hastings, MI 49058
USA

P.O. No.

Terms

Project

Net 30

GR23-0226-WTR

Description

Quantity

Rate

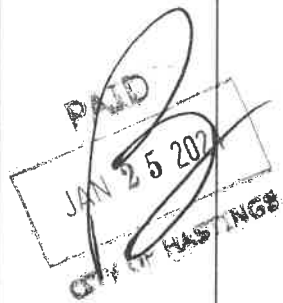
Total

Amount

Final invoice for completed ER water mitigation

6,039.75

6,039.75



Phone: 616-900-6999

Office:
4740 Talon Ct., STE 4, Grand Rapids, MI 49512

Total

\$6,039.75



Regular Council Agenda Item Memorandum

To: Mayor Tossava and City Council

From: Dan King

Subject: Hastings Rotary and Kiwanis Club Concession and Beer and Wine Sales Agreements

Meeting Date: February 12, 2024

Recommended Action:

Motion to approve agreements from Hastings Rotary and Hastings Kiwanis Clubs to operate the concession stand and sell beer and wine at Thornapple Plaza from April 1, 2024 to April 1, 2025.

Background Information:

The Hastings Rotary and Kiwanis Clubs have been operating the concession stand for Hastings Live events at Thornapple Plaza since 2018. The clubs submit applications to the Michigan Liquor Control Commission for beer and wine sales on specific dates during the Hastings Live event season. Beer and wine sales at the Thornapple Plaza have been approved by City Council since 2018. Rotary and Kiwanis do an outstanding job of organizing volunteers for concession staffing as well as providing volunteers at entry points to validate that no outside alcohol is brought into the Plaza area during the events.

Financial Implications:

The agreements allow for a percentage of net profits to be returned to the City of Hastings as consideration for the granting of the concession rights.

Attachments:

- Concession Stand Agreement
- Sale of Beer and Wine Agreement

Agreement for the operation of the Thornapple Plaza Concession Stand

Between

The City of Hastings

And

The Hastings Rotary Club and Hastings Kiwanis Club

This agreement is from April 1, 2024 to April 1, 2025, by and between the Hastings Rotary Club and Hastings Kiwanis Club and the City of Hastings.

For and in consideration of the payment of the fees the City of Hastings (City) does hereby grant to the Concessionaire (Hastings Rotary Club and Hastings Kiwanis Club) the exclusive right to operate the concession stand and surrounding grounds, for food and beverage concession purposes, at the Thornapple Plaza for the term of the agreement. Non-food and alcohol concessions will be coordinated with the Concessionaire prior to the event date.

The Concessionaire insures that the concession stand will be staffed and open for all events that have been scheduled by the start of the agreement. Any event that is added after the start of the season will need two week notice for the concession stand. As long as two week notice is given for added events the concession stand will be staffed and open. For any event that does not have a two week notice every effort will be made to have the concession stand open for any event that is added after the start of the agreement. Should the Concessionaire not be able to staff an event, the City will have the ability to staff the concession stand.

The Concessionaire will determine food and beverage items available for sale at each event and will maintain the appropriate health department license. The Concessionaire will also provide the necessary staff and training of the personal. The Concessionaire will follow health department food safety and worker health guidelines. Both the Hastings Rotary Club and Hastings Kiwanis Club are covered by liability insurance and Certificates can be provided upon request.

The concessionaire will have the responsibility for the concession stand area regarding turning off all equipment and lights as well as making sure the door and window are secure following

each event. The concessionaire will be responsible for personal injury, damage or loss/occasioned by fire, theft, and accident or otherwise to the supplies, materials and equipment. The concessionaire will report any personal injury or physical damage to the building or equipment to the city within 24 hours of such occurrence. The concessionaire also agrees to indemnify the City for any loss resulting from conduct of the concessionaire.

As part of the consideration for granting the concession rights herein above set forth, Concessionaire shall pay the City a revenue sharing fee as follows:

- 15% of the first \$5,000 profit.
- 10% of all profit over the first \$5,000.

Profit will be calculated after all expenses have been subtracted from gross sales. Expenses shall include but not be limited to any licenses or permits, food or beverage supplies, necessary equipment, and supplies for the operation of the concession stand. The Concessionaire will provide a detailed accounting of all revenue, expenses, and profit at the end of the agreement along with payment to the City.

All equipment and materials purchased by the Concessionaire will remain the property of the Concessionaire at the end of the agreement. If upon termination of the agreement, Concessionaire shall have the right to remove its own equipment, furnishings and supplies from the premises and shall be allowed a period of 15 days to complete such removal. No equipment provided by the City shall be removed or replaced by Concessionaire without the prior written consent of the City.

Concessionaire at its own expense will keep the concessions stand, excluding restrooms, clean and sanitary at all times. Concessionaire will assist with restocking restrooms during events, should the need arise, with supplies provided by responsible party.

Signage and advertising shall be the responsibility of the Concessionaire. Concessionaire will not permanently attached signs or banners without the written permission of the City. Concessionaire shall place a sign at the concession stand in a prominent place stating that the concession is operated under a concession agreement issued by the City.

This agreement has been executed on this ____ day of _____, 2024 by:

Mayor, City of Hastings

Date

Clerk, City of Hastings

Date

President, Hastings Rotary Club

Date

President, Hastings Kiwanis Club

Date

**Agreement for the Sale of Beer and Wine at the
Thornapple Plaza Concession Stand
Between
The City of Hastings
And
The Hastings Rotary Club and Hastings Kiwanis Club**

This agreement is from April 1, 2024 to April 1, 2025, by and between the Hastings Rotary Club and Hastings Kiwanis Club and the City of Hastings.

The City of Hastings (City) has entered into a separate agreement with the Concessionaire (Hastings Rotary Club and Hastings Kiwanis Club) granting the Concessionaire exclusive right to operate the concession stand and surrounding grounds, for food and beverage concession purposes, at the Thornapple Plaza for a term concurrent with the proposed term of this agreement. The Concessionaire wishes to enter into this supplemental agreement to allow the Concessionaire to sell beer, wine and canned spirits during events under the following terms and conditions:

Serving Time: Serving times will comply with the liquor license approved by the City of Hastings Police Chief and the State of Michigan Liquor Control Commission.

Identification: Wristbands will be used to identify persons over age 21 wishing to purchase and consume alcohol.

Training: Two volunteers have completed the ServSafe Michigan Alcohol Server Online Course.

Licensing: The Hastings Rotary Club and Hastings Kiwanis Club will obtain all necessary licenses from the state of Michigan.

Security: The Concessionaire will provide additional security for events when alcohol is served.

Signage: Signage will be posted for the alcohol boundaries.

Boundaries: Boundaries for the consumption of alcohol will be coordinated with City Staff and the Michigan Liquor Control Commission. The boundary will be a temporary fence with signage for the designated area. Volunteers will be stationed at key points to monitor the area for compliance with the licensing.

Outside Alcohol: No outside alcohol will be allowed into the area. All coolers will be checked for alcohol.

This agreement may be rescinded by the Hastings City Council due to violations issued by the Michigan Liquor Control Commission.

This agreement has been executed on this _____ day of _____, 2024 by:

Mayor, City of Hastings

Date

Clerk, City of Hastings

Date

President, Hastings Rotary Club

Date

President, Hastings Kiwanis Club

Date



Regular Council Agenda Item Memorandum

To: Mayor Tossava and City Council

From: Dan King

Subject: WBCH St. Patrick's Day Parade

Meeting Date: February 12, 2024

Recommended Action:

Motion to approve, under direction of staff, WBCH Radio to conduct the 18th annual St. Patrick's Day parade on Saturday March 16, 2024, starting at 4:30 PM.

Background Information:

WBCH Radio has been conducting the annual South Jefferson Street St. Patrick's Day parade since the parade was established by Ken Radant and Dave Jasperse. Generally, the parade is held on St. Patrick's Day, but due to the 17th falling on a Sunday, the parade organizers intend on holding the parade on Saturday March 16th to benefit retailers and restaurants in downtown Hastings.

Please see Department of Public Services comments on the special event application.

Financial Implications:

There are no significant financial implications to the City.

Attachments:

- Request Letter from WBCH
- Special Event Application



119 W. State Street • P.O. Box 88 • Hastings, Michigan 49058
Phone (269) 945-3414 • Fax (269) 945-3470
wbch@wbch.com

January 23, 2024

Honorable Mayor and City Council:

WBCH Radio requests permission from the city to hold the 18th South Jefferson Street St. Patrick's Parade on Saturday, March 16, 2024 beginning at 4:30pm.

We will work with City Staff and the Chief of Police as usual, with the parade route to be the same as in previous years on Jefferson, Center, and Church Streets in downtown Hastings.

Normally held annually on March 17th, the parade is moved to Saturday the 16th this year in order to benefit downtown merchants and restaurants who are not open on Sundays. The parade was established in 2005 by Ken Radant and Dave Jasperse to celebrate the holiday and the coming of spring with "the Merry Merchants of South Jefferson Street". The parade could not be held due to covid in '20 or '21 but made a big comeback the last two years! It has become a much welcomed and well attended tradition in the City of Hastings.

Please invite all elected officials, department heads and city employees to wear their green and join in the St. Patrick's Day community fun on March 16th!

Sincerely,

A handwritten signature in black ink that reads 'Steve Radant'. The signature is fluid and cursive, with the first name 'Steve' being more prominent.

Steve Radant

General Manager – WBCH Radio
President – Barry Broadcasting Co.



City of Hastings
Special Event Application

The City of Hastings values the unique events and gatherings that make our community special. The City has created this application form to help organizations provide adequate information for their requests to be considered. Please contact the Community Development Department with any questions or concerns about this form.

Section 1: Applicant/Organization Information

WBCH Radio 945-3414
Applicant/Organization Name Phone

Steve Radant 945-3414 steve@wbch.com
Contact Name Phone Email

119 W. State St. Hastings Mi 49058
Street City State Zip

Steve Radant 838-1066
Contact person on day of event (if different than above) Phone

Section 2: Event Information

St. Patrick's Day Parade
Name of Event

18th annual South Jefferson Street St. Patrick's Parade
Description of Event

Saturday March 16, 2024 430pm - 530pm
Event Dates Time (From/To)

3/16/24 400pm 3/16/24 530pm
Set up Date(s) and Time(s) Clean Up Date(s) and Time(s)

Downtown Hastings on Jefferson, Center, and Church Streets.
Location(s) of Event

5
Estimated number of volunteers

3,000 (est.)
Estimated daily attendance (if known)

Section 3: Event Details

Please indicate if any of the following will be a part of your event area:

- ☐ Road closure
 - If checked, please provide a proposed detour route.
- ☐ Closure of public parking area
- ☐ Use of park area
- ☐ Firepits/open flame
- ☐ Fireworks or pyrotechnics
 - If yes, provide a copy of liability insurance listing the City as an additional insured party.
- ☐ Food and/or non-alcoholic beverage service or sales (if yes, contact Barry County Health Department)
 - If yes, provide copy of Health Department Food Service License
- ☐ Temporary structures (including tents or pavilions)
- ☐ Music
 - If yes, what time will music begin and end? _____
 - If yes, what type of music is proposed? Live – Acoustic Live - Amplification Recorded Loudspeakers or public address system
- ☒ Parade
- ☐ Race (ex: 5K)
- ☐ Vendors/sale of goods
- ☐ Carnival rides
 - If yes, provide a copy of liability insurance listing the City as an additional insured party.
- ☐ Signs or banners
- ☐ Animals/petting zoo
- ☐ Portable restroom facilities
- ☐ Donation collection/free will offering
- ☐ Other _____
- ☐ Alcohol
 - If yes, provide copy of liquor liability insurance with the City listed as an additional insured.
 - If yes, provide a copy of Michigan Liquor Control License.
 - If yes, describe measures to be taken to prohibit the sale of alcohol to minors (use separate pages if necessary).
 - If the alcohol is being served in the Social District, a Council Resolution suspending the district is required.

Please describe how garbage will be managed?

Downtown City Trash Cans

Section 4: Site & Event Plan

Please prepare a site plan that includes the following information:

Location of all temporary structures, food/concessions, booths, portable restrooms, road closures, barricades, music, event signage, garbage cans, and other event locations. Include location of exit pathways.

Parade forms and steps off from Alley behind WBCH Radio station, travels South on Jefferson Street to Center, West on Center Street to Church, then North on Church Street returning to the starting point.

Section 5: Acknowledgements and Hold Harmless Agreement

The Applicant understands and agrees to the following:

1. This application is subject to review by various city departments and must be approved by the City Council. Failure to submit this application in a timely manner may delay approval or result in the denial of the application. Submission of the application does not guarantee an approval. The City may require conditions on the approval of any application.
2. The applicant must comply with all local and applicable state laws and policies. The Applicant acknowledges that approval of the special event does not relieve the applicant from meeting any requirements of law or those of other bodies or agencies applicable to the event.
3. The Applicant agrees to clean up and restore the area in the condition it was found prior to the event. The City is not responsible for equipment or personal items left on public property.
4. The Applicant acknowledges that they shall not discriminate against any employee or applicant for employment because race, color, religion, sex, national origin, age, disability, or any other applicable status protected by federal, state, or local law. The Applicant further agrees that it will comply with the Civil Rights Act of 1973, as amended, and the Michigan Civil Rights Act of 1976 (78. Stat 252 and 1976 PA 453) and will require the same of any consultant or sub-contractor involved in hosting the event.
5. Upon approval of the event, the Applicant agrees to fully defend, indemnify and hold harmless the City, its City Council, its officers, employees, agents, volunteers, and contractors from any and all claims, demands, losses, obligations, costs, expenses, verdicts, and settlements (including but not limited to attorney fees and interest) resulting from any act or omission by the applicant, its agents, employees, contractors, and volunteers, and violation of state or federal law, and any other acts of the applicant or attendees causing personal injury or property damages in connection with this event.
6. A breach in any of the above may result in the denial of the application or revocation of an approval by the City.

Steven Radant, WBCN Radio
Printed Name of Applicant & Name of Organization

Steven K. Radant 2/23/24
Signature Date

Section 6: City Review – For Office Use Only

A. Police Department Review:

Will this event require additional officers and/or equipment? If yes, please describe:

Other Comments:

B. Public Services Director Review

Will this event require the use of any of the following municipal equipment?

☐ Trash receptacles ☐ Barricades ☐ Traffic cones ☐ Restroom Cleaning
☐ Fencing ☐ Water or Electric ☐ Other

Will this event require additional staff? If yes, please describe:

Other Comments:

C. Fire Chief Review

Comments:

D. Community Development Department Review

Comments:

Date of Meeting for Council Approval _____ Approved? ☐ Yes ☐ No



Regular Council Agenda Item Memorandum

To: Mayor Tossava and City Council

From: Dan King

Subject: 1500 Star School Road Industrial Property

Meeting Date: February 12, 2024

Recommended Action:

Motion to authorize the Mayor and City Clerk to sign a listing agreement extension with Miller Real Estate from February 16, 2024, until August 16, 2024, for city-owned industrial property located at 1500 Star School Road.

Background Information:

City Council adopted Resolution 2023-04 on February 13, 2023, allowing the Mayor and City Clerk to enter into a sales listing agreement with Miller Real Estate and authorized the Mayor and City Clerk to enter into a purchase agreement upon receipt of an acceptable offer. The listing agreement expires February 16, 2024 and is subject to extension. Miller Real Estate has submitted two purchase offers that were unacceptable. Miller Real Estate has provided periodic listing updates and has continued to market the parcel. Staff is recommending that Council approve allowing the Mayor and City Clerk to execute a listing extension agreement from February 16, 2024, to August 16, 2024.

Financial Implications:

Sale of the subject property will result in a non-recurring revenue source for the City's General Fund.

Attachments:

- Listing Extension Agreement



WEST MICHIGAN REGIONAL AMENDMENT TO LISTING AGREEMENT OR BUYER AGENCY CONTRACT

(Complete only one section below)



SECTION 1: AMENDMENT TO LISTING AGREEMENT

MLS# 23004969

Property Address (or description) 1500 Star School Rd, Hastings, MI 49058

☐ Change price from _____ to _____

☐ Change terms from _____ to _____

☒ Change expiration date from 02/16/2024 to 08/16/2024

☐ Change the status on the MLS to Withdrawn as of _____ (date). A withdrawal is not a termination of the Listing Agreement.

☐ Change the status on the MLS from Withdrawn to Active as of _____ (date).

☐ Other: _____

The undersigned hereby request that the present Listing Agreement, reference to which is hereby made, be amended in the foregoing respects and specifically agreed that said Listing, as herein amended, shall continue for the remainder of its original term, or its term as amended.

SECTION 2: AMENDMENT TO BUYER AGENCY CONTRACT

Name of Buyer on Buyer Agency Contract _____

☐ Change expiration date from _____ to _____

☐ Other: _____

The undersigned hereby request that the present Buyer Agency Contract, reference to which is hereby made, be amended in the foregoing respects and specifically agreed that said Contract, as herein amended, shall continue for the remainder of its original term, or its term as amended.

Date: _____

The undersigned hereby acknowledges receipt of a copy of this contract.

☐ Buyer ☒ Seller ☐ Landlord (check one)

☐ Buyer ☒ Seller ☐ Landlord (check one)

Justin Peck

Broker (or licensed, authorized office manager) Signature

dotloop verified
01/27/24 1:25 PM EST
LJH4H2VW-AH4Q-6375



Regular Council Agenda Item Memorandum

To: Hastings City Council

From: Sarah Moyer-Cale, City Manager

Subject: Adoption of Updated Title VI Plan

Meeting Date: February 12, 2024

Recommended Action:

Motion to adopt the revised Title VI Plan as presented.

Background Information:

The City is required to have a Title VI Plan, primarily due to federal funding we receive through MDOT. I received a notice that the Federal Highway Administration has changed the procedure they would like us to follow for investigations and I have updated the plan accordingly. In addition, minor changes have been made to contact information, the organization chart, and introductory text. I also updated population and language data that had been based on information from 2012. The plan follows the template provided by MDOT. Once approved, our plan will be submitted to MDOT for their records.

Financial Implications:

None.

Attachments:

- Title VI – 2024 Revised Plan

CITY OF HASTINGS

TITLE VI

NON-DISCRIMINATION PLAN

**201 East State Street
Hastings, MI 49058
Phone: 269-945-2468
Fax: 269-948-9544
Website: www.hastingsmi.gov**

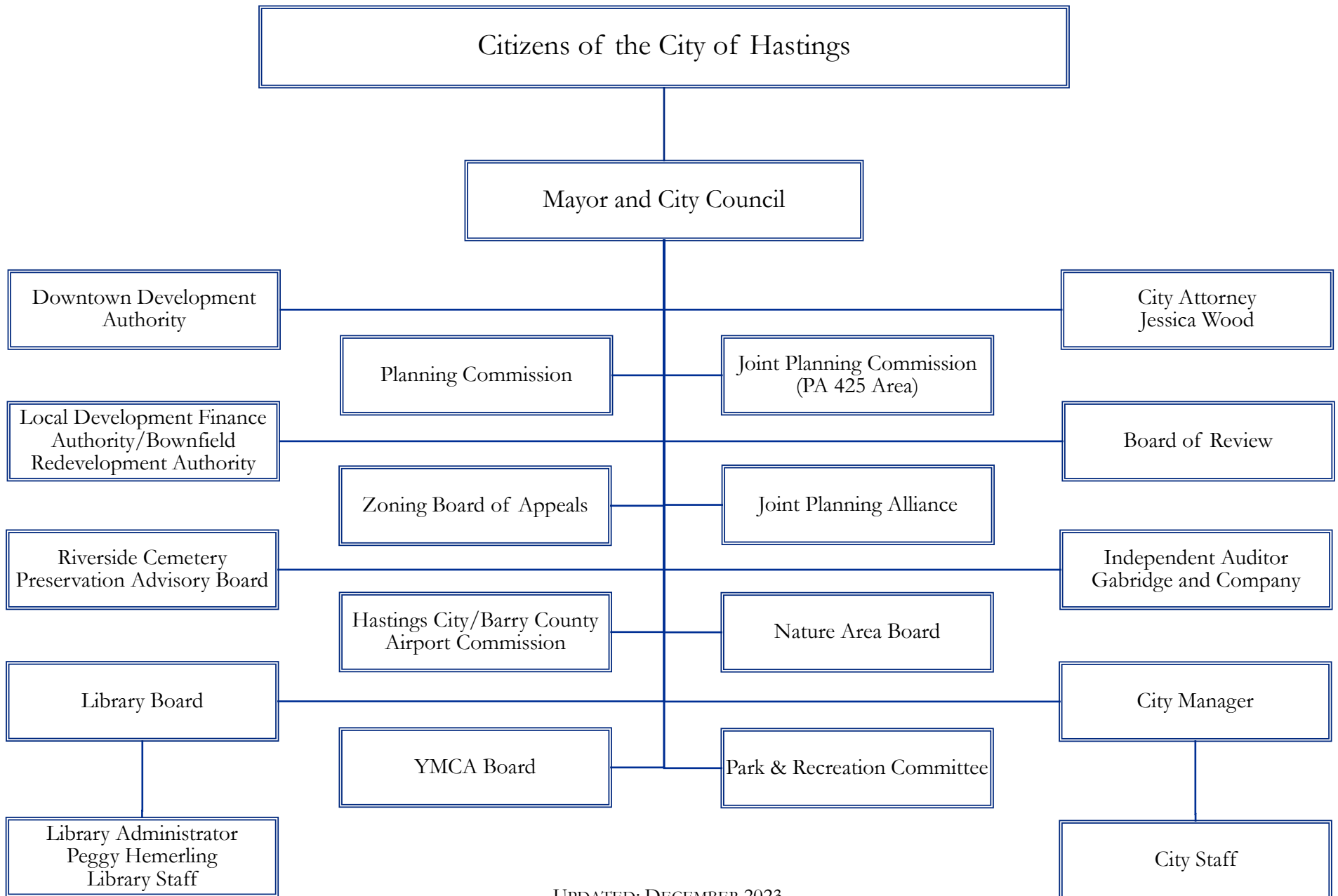
**Title VI Coordinator:
Sarah Moyer-Cale
Phone: 269-945-2468
Fax: 269-948-9544
Email: smoyer-cale@hastingsmi.gov**

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LEADERSHIP ORGANIZATION CHART

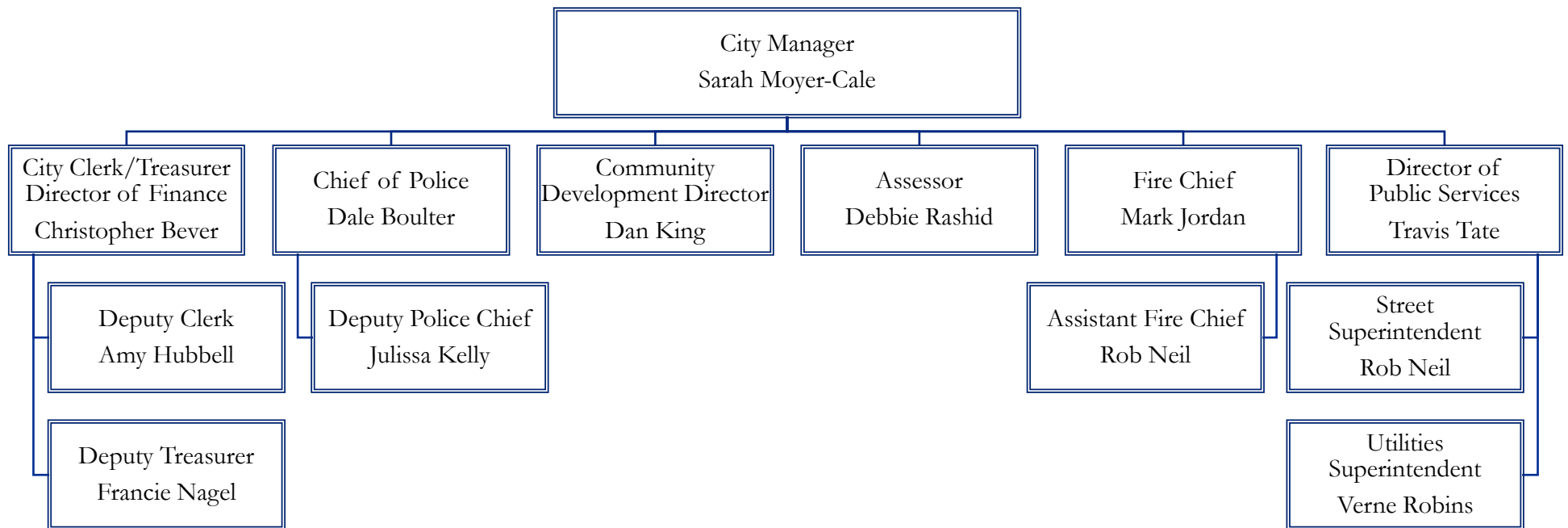
CITY OF HASTINGS FY 2024



UPDATED: DECEMBER 2023

ADMINISTRATIVE ORGANIZATION CHART

CITY OF HASTINGS FY 2023/2024



UPDATED: DECEMBER 2023

INTRODUCTION

Hastings was incorporated as a village in 1855, with a population of around 300, and on March 11, 1871, officially become a city. The city grew slowly and consistently over time, today reaching 7,514 residents. Hastings covers 5.28 square miles and is the county seat of Barry County.

The City of Hastings serves all people of the City, including minority populations, low-income populations, the elderly, persons with disabilities, and those who traverse the state of Michigan. The City of Hastings recognizes its responsibility to provide fairness and equity in all of its programs, services, and activities, and that it must abide by and enforce federal and state civil rights legislation.

Title VI of the Civil Rights Act of 1964, is the overarching civil rights law which prohibits discrimination based on race, color, or national origin, in any program, service or activity that receives federal assistance. Specifically, Title VI assures that, “No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under any program or activity receiving federal assistance.” Title VI has been broadened by related statutes, regulations and executive orders. Discrimination based on sex is prohibited by Section 324 of the Federal-Aid Highway Act, which is the enabling legislation of the Federal Highway Administration (FHWA). The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 prohibit unfair and inequitable treatment of persons as a result of projects which are undertaken with Federal financial assistance. The Civil Rights Restoration Act of 1987 clarified the intent of Title VI to include all programs and activities of federal-aid recipients and contractors whether those programs and activities are federally funded or not.

In addition to statutory authorities, Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” signed in February of 1994, requires federal agencies to achieve Environmental Justice as part of its mission by identifying disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations. Environmental Justice initiatives are accomplished by involving the potentially affected public in the development of transportation projects that fit within their communities without sacrificing safety or mobility. In 1997, the U.S. Department of Transportation (USDOT) issued its DOT Order to Address Environmental Justice in Minority Populations and Low-Income Populations to summarize and expand upon the requirements of Executive Order 12898 on Environmental Justice. Also, Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency (LEP),” provides that no person shall be subjected to discrimination on the basis of race, color, or national origin under any program or activity that receives Federal financial assistance.

As a recipient of federal financial assistance, the City of Hastings must provide access to individuals with limited ability to speak, write, or understand the English language. The City will not restrict an individual in any way from the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under its programs or

projects. Individuals may not be subjected to criteria or methods of administration which cause adverse impact because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program because of race, color or national origin. Therefore, the primary goals and objectives of the City of Hastings' Title VI Program are:

1. To assign roles, responsibilities, and procedures for ensuring compliance with Title VI of the Civil Rights Act of 1964 and related regulations and directives;
2. To ensure that people affected by the City's programs and projects receive the services, benefits, and opportunities to which they are entitled without regard to race, color, national origin, age, sex, or disability;
3. To prevent discrimination in the City of Hastings' programs and activities, whether those programs and activities are federally funded or not;
4. To establish procedures for identifying impacts in any program, service, or activity that may create illegal adverse discrimination on any person because of race, color, national origin, age, sex, or disability; or on minority populations, low-income populations, the elderly, and all interested persons and affected Title VI populations;
5. To establish procedures to annually review Title VI compliance within specific program areas within the City;
6. To set forth procedures for filing and processing complaints by persons who believe they have been subjected to illegal discrimination under Title VI in the City's services, programs or activities.

As a sub-recipient of federal transportation funds, the City of Hastings must comply with federal and state laws, and related statutes, to ensure equal access and opportunity to all persons, with respect to transportation services, facilities, activities, and programs, without regard to race, color, national origin, sex, socio-economic status, or geographical location. Every effort will be made to prevent discrimination in any program or activity, whether those programs and activities are federally funded or not, as guaranteed by the Civil Rights Restoration Act of 1987.

The City of Hastings shall also ensure that their sub-recipients adhere to state and federal law and include in all written agreements or contracts, assurances that the sub-recipient must comply with Title VI and other related statutes. The City of Hastings, as a sub-recipient who distributes federal transportation funds, shall monitor their sub-recipients for voluntary compliance with Title VI. In the event that non-compliance is discovered, the City will make a good faith effort to ensure that the sub-recipient corrects any deficiencies arising out of complaints related to Title VI; and that sub-recipients will proactively gauge the impacts of any program or activity on minority populations and low-income populations, the elderly, persons with disabilities, all interested persons and affected Title VI populations.

Discrimination under Title VI

There are two types of illegal discrimination prohibited under Title VI and its related statutes. One type of discrimination which may or may not be intentional is “disparate treatment.” Disparate treatment is defined as treating similarly situated persons differently because of their race, color, national origin, sex, disability, or age.

The second type of illegal discrimination is “disparate impact.” Disparate impact discrimination occurs when a “neutral procedure or practice” results in fewer services or benefits, or inferior services or benefits, to members of a protected group. With disparate impact, the focus is on the consequences of a decision, policy, or practice rather than the intent.

The City of Hastings’ efforts to prevent such discrimination must address, but not be limited to, a program’s impacts, access, benefits, participation, treatment, services, contracting opportunities, training, investigation of complaints, allocation of funds, prioritization of projects, and the overarching functions of planning, project development and delivery, right-of-way, construction, and research.

The City of Hastings has developed this Title VI Plan to assure that services, programs, and activities of the City are offered, conducted, and administered fairly, without regard to race, color, national origin, sex, age, or disability of the participants or beneficiaries of federally funded programs, services, or activities (see Title VI Assurances).

**CITY OF HASTINGS
NON-DISCRIMINATION POLICY STATEMENT**

The City of Hastings reaffirms its policy to allow all individuals the opportunity to participate in federal financially assisted services and adopts the following provision:

“No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” In applying this policy, the City and its sub-recipients of federal funds shall not:

1. Deny any individual with any service, opportunity, or other benefit for which such individual is otherwise qualified;
2. Provide any individual with any service, or other benefit, which is inferior (in quantity or quality) to, or which is provided in a different manner from that which is provided to others;
3. Subject any individual to segregated or disparate treatment in any manner related to such individual's receipt of services or benefits;
4. Restrict an individual in any way from the enjoyment of services, facilities or any other advantage, privilege or other benefit provided to others;
5. Adopt or use methods of administration, which would limit participation by any group of recipients or subject any individual to discrimination;
6. Address any individual in a manner that denotes inferiority because of race, color, or national origin;
7. Permit discriminatory activity in a facility built in whole or in part with federal funds;
8. Deny any segment of the population the opportunity to participate in the operations of a planning or advisory body that is an integral part of a federally funded program;
9. Fail to provide information in a language other than English to potential or actual beneficiaries who are of limited English speaking ability, when requested and as appropriate;
10. Subject an individual to discriminatory employment practices under any federally funded program whose objective is to provide employment;
11. Locate a facility in any way, which would limit or impede access to a federally-funded service or benefit.

The City of Hastings will actively pursue the prevention of any Title VI deficiencies or violations and will take the necessary steps to ensure compliance. If irregularities occur in the administration of the program's operation, procedures will be promptly implemented to resolve Title VI issues all within a period not to exceed 90 days.

The City of Hastings designates Sarah Moyer-Cale, City Manager as the Title VI Coordinator. The City Manager will be responsible for initiating and monitoring Title VI activities and other required matters, ensuring that the City of Hastings complies with the Title VI regulations and pursues prevention of Title VI deficiencies or violations. Inquiries concerning the City of Hastings and Title VI may be directed to the City Manager, 201 E. State St, Hastings, MI 49058, 269-945-2468, smoyer-cale@hastingsmi.gov.

David Tossava
Mayor

Sarah Moyer-Cale
City Manager/Title VI Coordinator

CITY OF HASTINGS TITLE VI ASSURANCES

The City of Hastings(hereinafter referred to as the “Recipient”) hereby agrees that as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d-42 USC 2000d-4 (hereinafter referred to as the “Act”), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-Assisted Programs for the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the “Regulations”) and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient received Federal financial assistance from the Department of Transportation, including the Federal Highway Administration, and hereby gives assurances that it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7 (a) (1) and (b) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurance with respect to the Federal Aid Highway Program:

1. That the Recipient agrees that each "program" and each "facility" as defined in subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with all Federal Aid Highway Programs and, in adapted form in all proposals for negotiated agreements:

“The (Recipient), in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, SubTitle A, Office the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.”

3. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Regulations.
4. That the Recipient shall insert the clauses of Appendix B of this assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.

6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over or under such property.
7. That the Recipient shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the Federal Aid Highway Program; and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under the Federal Aid Highway Program.
8. That this assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property or interest therein or structures or improvements thereon, in which case the assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.
9. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom it delegates specific authority to give reasonable guarantee that it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this assurance.

This assurance is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Recipient under the Federal Aid Highway Program and is binding on it, other recipients, sub-grantees, contractors, sub-contractors, transferees, successors in interest and other participants in the Federal Aid Highway Program. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient.

City of Hastings

David Tossava, Mayor

Date

AUTHORITIES

Title VI of the Civil Rights Act of 1964, 42 USC 2000d to 2000d-4; 42 USC 4601 to 4655; 23 USC 109(h);

Title VI of the Civil Rights Act of 1964 provides that no person in the United States shall, on the grounds of race, color, or national origin (including Limited English Proficiency), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance (please refer to 23 CFR 200.9 and 49 CFR 21). Related statutes have broadened the grounds to include age, sex, low income, and disability.

The Civil Rights Restoration Act of 1987 also broadened the scope of Title VI coverage by expanding the definition of terms “programs or activities” to include all programs or activities of Federal Aid recipients, sub-recipients, and contractors, whether such programs and activities are federally assisted or not (Public Law 100-259 [S. 557] March 22, 1988).

Federal Aid Highway Act of 1973, 23 USC 324: No person shall on the ground of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance under this title or carried on under this title.

Age Discrimination Act of 1975, 42 USC 6101: No person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving federal financial assistance.

Americans With Disabilities Act of 1990 PL 101-336: No qualified individual with a disability shall, by reason of his/her disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination by a department, agency, special purpose district or other instrumentality of a state or local government.

Section 504 of the Rehabilitation Act of 1973: No qualified individual with a disability shall, solely by reason of his/her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity that receives or benefits from federal financial assistance.

USDOT Order 1050.2: Standard Title VI Assurances

EO12250: Department of Justice Leadership and coordination of Non-discrimination Laws.

EO12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.

28 CFR 50.3: Guidelines for the enforcement of Title VI of the Civil Rights Act of 1964.

EO13166: Improving Access to Services for Persons with Limited English Proficiency.

DEFINITIONS

Adverse Effects – The totality of significant individual or cumulative human health or environmental effects including interrelated social and economic effects, which may include, but are not limited to: (See Appendix E for additional discussion of “significant”)

- Bodily impairment, infirmity, illness or death
- Air, noise and water pollution and soil contamination
- Destruction or disruption of man-made or natural resources
- Destruction or diminution of aesthetic values
- Destruction or disruption of community cohesion or community’s economic vitality
- Destruction or disruption of the availability of public and private facilities and services
- Adverse employment effects
- Displacement of person’s businesses, farms or non-profit organizations
- Increased traffic congestion, isolation, exclusion or separation of minority or low-income individuals within a given community or from the broader community
- Denial of, reduction in, or significant delay in the receipt of benefits of the City programs, policies and activities

Federal Assistance – Includes grants and loans of federal funds; the grant or donation of federal property and interests in property; the detail of federal personnel, federal property or any interest in such property without consideration or at a nominal consideration or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient; and any federal agreement, arrangement or other contract which has, as one of its purposes, the provision of assistance.

Limited English Proficiency - Individuals with a primary or home language other than English who must, due to limited fluency in English, communicate in that primary or home language if the individuals are to have an equal opportunity to participate effectively in or benefit from any aid, service or benefit provided by the City.

Low-Income – A person whose median household income is at or below the Department of Health and Human Service Poverty guidelines (see <http://aspe.hhs.gov/poverty/>).

Low-Income Population – Any readily identifiable group of low-income persons who live in geographic proximity and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed City program, policy or activity.

Minority – A person who is:

- a. Black – A person having origins in any of the black racial groups of Africa;
- b. Hispanic – A person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race;
- c. Asian American – A person having origins in any of the original people of the Far East, Southeast Asia, the Indian sub-continent, or the Pacific Islands; or

- d. American Indian and Alaskan Native – A person having origins in any of the original people of North America and who maintains cultural identification through tribal affiliation or community recognition.

Minority Population – Any readily identifiable groups of minority persons who live in geographic proximity and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed City program, policy or activity.

Non-Compliance – A recipient has failed to meet prescribed requirements and has shown an apparent lack of good faith effort in implementing all the requirements of Title VI and related statutes.

Persons – Where designation of persons by race, color or national origin is required, the following designation ordinarily may be used; “White not of Hispanic origin”, “Black not of Hispanic origin”, “Hispanic”, “Asian or Pacific Islander”, “American Indian or Alaskan Native”. Additional sub-categories based on national origin of primary language spoken may be used, where appropriate, on either a national or a regional basis.

Program – Includes any road or park project including planning or any activity for the provision of services financial aid or other benefits to individuals. This includes education or training, work opportunities, health welfare, rehabilitation, or other services, whether provided directly by the recipient of federal financial assistance or provided by others through contracts or other arrangements with the recipient.

Recipient - Any state, territory, possession, the District of Columbia, Puerto Rico, or any political subdivision, or instrumentality thereof, or any public or private agency, institution, or organization, or other entity, or any individual, in any state, territory, possession, the District of Columbia, or Puerto Rico, to whom Federal assistance is extended, either directly or through another recipient, for any program. Recipient includes any successor, assignee, or transferee thereof, but does not include any ultimate beneficiary under any such program.

Significant Adverse effects on Minority and Low-Income Populations – An adverse effect that:

- a. is predominantly borne by a minority population and/or a low-income population, or
- b. will be suffered by the minority population and/or low-income population and is shown to be appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the non-minority population and/or non-low-income population.

Sub-Recipient – Any agency such as a council of governments, regional planning agency, or educational institution, for example, that received Federal Highway Administration (FHWA) funds through the State DOT and not directly from the FHWA. Other agencies, local governments, contractors, consultants that receive these funds are all considered sub-recipients.

ADMINISTRATION – GENERAL

The City of Hastings designates Sarah Moyer-Cale, City Manager as the Title VI Coordinator (hereinafter referred to as the “Title VI Coordinator”). The City Manager shall have lead responsibility for coordinating the administration of the Title VI and related statutes, programs, plans, and assurances.

Complaints: If any individual believes that he/she or any other program beneficiaries have been the object of unequal treatment or discrimination as to the receipt of benefits and/or service, or on the grounds of race, color, national origin (including Limited English Proficiency), sex, age or disability, he/she may exercise his/her right to file a complaint with the City. Complaints may be filed with the Title VI Coordinator. Every effort will be made to resolve complaints informally at the lowest level.

Data Collection: Statistical data on race, color, national origin, English language ability and sex of participants in and beneficiaries of the City programs; e.g., impacted citizens and affected communities will be gathered and maintained by the City. The gathering procedures will be reviewed annually to ensure sufficiency of the data in meeting the requirements of the Title VI program.

Program Reviews: Special emphasis program reviews will be conducted based on the annual summary of Title VI activities, accomplishments, and problems. The reviews will be conducted by the Title VI Coordinator to assure effectiveness in their compliance of Title VI provisions. The Title VI Coordinator will coordinate efforts to ensure the equal participation in all their programs and activities at all levels. The City does not have any special emphasis programs at this time.

Title VI Reviews on Sub-Recipients: Title VI compliance reviews will be conducted annually by the Title VI Coordinator. Priority for conducting reviews will be given to those recipients of federal (U.S. Department of Transportation) funds with the greatest potential of impact to those groups covered by the Act. The reviews will entail examination of the recipients’ adherence to all Title VI requirements. The status of each review will be reported in the annual update and reported to relevant U.S. Department of Transportation (USDOT) modes upon request.

Annual Reporting Form: The Title VI Coordinator will be responsible for coordination, compilation, and submission of the annual reporting form data to the Michigan Department of Transportation (MDOT), Civil Rights Program Unit via the Sub-Recipient Annual Certification Form (MDOT form #0179) by October 5th.

Title VI Plan Updates: If updated, a copy of Title VI Plan will be submitted to the MDOT, Civil Rights Program Unit, as soon as the update has been completed, or as soon as practicable, and no later than 30 days if significant changes are made.

Public Dissemination: The City will disseminate Title VI Program information to the City employees and to the general public. Title VI Program information will be submitted to sub-recipients, contractors and beneficiaries. Public dissemination will include inclusions of Title VI

language in contracts and publishing the City's Title VI Plan within 90 days of approval on the main page of the City of Hastings' internet website, at www.hastingsmi.gov.

Remedial Action: The City, through the Title VI Coordinator, will actively pursue the prevention of Title VI deficiencies and violations and will take the necessary steps to ensure compliance with all program administrative requirements. When deficiencies are found, procedures will be promptly implemented to correct the deficiencies and to put in writing the corrective action(s). The period to determine corrective action(s) and put it/them in writing to effect compliance may not exceed 90 days from the date the deficiencies are found.

LIMITED ENGLISH PROFICIENCY (LEP)

On August 11, 2000, President William J. Clinton signed an executive order, Executive Order 13166: Improving Access to Service for Persons with Limited English Proficiencyⁱ, to clarify Title VI of the Civil Rights Act of 1964. It had as its purpose, to ensure accessibility to programs and services to otherwise eligible persons who are not proficient in the English language.

This executive order stated that individuals who do not speak English well and who have a limited ability to read, write and speak, or understand English are entitled to language assistance under Title VI of the Civil Rights Act of 1964 with respect to a particular type of service, benefit, or encounterⁱⁱ. These individuals are referred to as being limited in their ability to speak, read, write, or understand English, hence the designation, “LEP,” or Limited English Proficient. The Executive Order states that:

“Each federal agency shall prepare a plan to improve access to its federally conducted programs and activities by eligible LEP persons. Each plan shall be consistent with the standards set forth in the LEP Guidance, and shall include the steps the agency will take to ensure that eligible LEP persons can meaningfully access the agency’s programs and activities.”

Not only do all federal agencies have to develop LEP plans as a condition of receiving federal financial assistance, recipients have to comply with Title VI and LEP guidelines of the federal agency from which funds are provided as well.

Federal financial assistance includes grants, training, use of equipment, donations of surplus property, and other assistance. Recipients of federal funds range from state and local agencies, to nonprofits and organizations. Title VI covers a recipient’s entire program or activity. This means all parts of a recipient’s operations are covered, even if only one part of a recipient’s organization receives the federal assistance. Simply put, any organization that receives federal financial assistance is required to follow this Executive Order.

The City of Hastings receives funds from the US Department of Transportation via the Federal Highway Administration.

The US Department of Transportation published *Policy Guidance Concerning Recipients’ responsibilities to Limited English Proficient Person* in the December 14th, 2005 Federal Register.ⁱⁱⁱ

The Guidance implies that the City of Hastings is an organization that must follow this guidance:

This guidance applies to all DOT funding recipients, which include state departments of transportation, state motor vehicle administrations, airport operators, metropolitan planning organizations, and regional, state, and local transit operators, among many others. Coverage extends to a recipient’s entire program or activity, i.e., to all parts of a recipient’s operations.

This is true even if only one part of the recipient receives the Federal assistance. For example, if DOT provides assistance to a state department of transportation to rehabilitate a particular highway on the National Highway System, all of the operations of the entire state department of transportation—not just the particular highway program or project—are covered by the DOT guidance.

Elements of an Effective LEP Policy

The US Department of Justice, Civil Rights Division has developed a set of elements that may be helpful in designing an LEP policy or plan. These elements include:

1. Identifying LEP persons who need language assistance
2. Identifying ways in which language assistance will be provided
3. Training Staff
4. Providing notice to LEP persons
5. The recommended method of evaluating accessibility to available transportation services is the Four-Factor Analysis identified by the USDOT.

These recommended plan elements have been incorporated into this plan.

Methodology for Assessing Needs and Reasonable Steps for an Effective LEP Policy

The DOT guidance outlines four factors recipients should apply to the various kinds of contacts they have with the public to assess language needs and decide what reasonable steps they should take to ensure meaningful access for LEP persons:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient or grantee.
2. The frequency with which LEP individuals come in contact with the program.
3. The nature and importance of the program, activity, or service provided by the recipient to the LEP Community.
4. The resources available to the City of Hastings and overall cost.

The greater the number or proportion of eligible LEP persons, the greater the frequency with which they have contact with a program, activity, or service and the greater the importance of that program, activity, or service, the more likely enhanced language services will be needed. The intent of DOT's guidance is to suggest a balance that ensures meaningful access by LEP persons to critical services while not imposing undue burdens on small organizations and local governments.

Smaller recipients with more limited budgets are typically not expected to provide the same level of language service as larger recipients with larger budgets.

The DOT guidance is modeled after the Department of Justice’s guidance and requires recipients and sub-recipients to take steps to ensure meaningful access to their programs and activities to LEP persons. More information for recipients and sub-recipients can be found at <http://www.lep.gov>.

The Four-Factor Analysis

This plan uses the recommended four-factor analysis of an individualized assessment considering the four factors outlined above. Each of the following factors is examined to determine the level and extent of language assistance measures required to sufficiently ensure meaningful access to City of Hastings services and activities that may affect their quality of life. Recommendations are then based on the results of the analysis.

Factor 1: The Proportion, Numbers and Distribution of LEP Persons

The Census Bureau has a range for four classifications of how well people speak English. The classifications are: ‘very well,’ ‘well,’ ‘not well,’ and ‘not at all.’ For our planning purposes, we are considering people that speak English less than ‘very well’ as Limited English Proficient persons.

As seen in Table #1, the 2022 American Community Survey 1-Year Data for the City of Hastings shows that approximately none of the population speaks English less than ‘very well.’

TABLE #1

Population 5 years and over	# of Individuals	Percentage
English only	6986	97.6%
Language other than English	174	2.4%
Speak English less than "very well"	0	0.0%
Spanish	50	0.7%
Speak English less than "very well"	0	0.0%
Other Indo-European languages	56	0.8%
Speak English less than "very well"	0	0.0%
Asian and Pacific Islander languages	51	0.7%
Speak English less than "very well"	0	0.0%
Other languages	0	0.0%
Speak English less than "very well"	0	0.0%

Factor 2: Frequency of Contact with LEP Individuals

The City has conducted an informal survey of our employees with regard to whether they have had encounters with LEP individuals in the performance of their job functions and found that they have not had encounters with LEP individuals. We have offices accessible to the public and therefore accessible to LEP individuals. We also have staff that work in the field that could encounter LEP individuals. Additionally, regular council and board meetings are held routinely throughout the year which would potentially bring LEP individuals to these meetings. Given the number of LEP individuals, as displayed in Table #1 (above), the probability of our employees to encounter an LEP individual is low.

Factor 3: The Nature and Importance of the Program, Activity, or Service to LEP

The City of Hastings serves individuals throughout the City in a variety of ways including managing roads, water, sewer, police, fire, elections, and other services to residents and other individuals, such as visitors and those traversing the state. The nature of the services that the City provides is very important to an individual's day-to-day life. Therefore the denial of services to an LEP individual could have a significant detrimental effect. Given the number of LEP individuals in the City, we will ensure accessibility to all of our programs, services, and activities.

Factor 4: The Resources Available to the City of Hastings and Overall Cost

US Department of Transportation Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons published in the Federal Register: December 14, 2005 (Volume 70, Number 239) states:

"Certain DOT recipients, such as those serving very few LEP persons or those with very limited resources, may choose not to develop a written LEP plan."

The City of Hastings serves very few LEP persons and has very limited resources. However, it has decided to include a LEP section in its Title VI Plan in order to comply with the Executive Order and to ensure access and reasonable accommodations for LEP persons who may be unknown at this time.

Safe Harbor Stipulation

Federal law provides a "Safe Harbor" situation so that recipients can ensure with greater certainty that they comply with their obligation to provide written translations in languages other than English. A "Safe Harbor" means that if a recipient provides written translation in certain

circumstances, such action will be considered strong evidence of compliance with the recipient's written-translation obligations under Title VI.

The failure to provide written translations under the circumstances does not mean there is non-compliance, but rather provides a guide for recipients that would like greater certainty of compliance than can be provided by a fact-intensive, four factor analysis. For example, even if a Safe Harbor is not used, if written translation of a certain document(s) would be so burdensome as to defeat the legitimate objectives of its program, it is not necessary. Other ways of providing meaningful access, such as effective oral interpretation of certain vital documents, might be acceptable under such circumstances.

Strong evidence of compliance with the recipient's written translation obligations under "Safe Harbor" includes providing written translations of vital documents for each eligible LEP language group that constitutes 5% or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. Translation of other documents, if needed, can be provided orally.

This "Safe Harbor" provision applies to the translation of written documents only. It does not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable.

Given the small number of LEP language group members, the City of Hastings's budget and number of staff, it is deemed that written translations of vital documents would be so burdensome as to defeat the legitimate objectives of our programs. It is more appropriate for the City of Hastings to proceed with oral interpretation options for compliance with LEP regulations.

Providing Notice to LEP Persons

USDOT LEP guidance says:

Once an agency has decided, based on the four factors, that it will provide language service, it is important that the recipient notify LEP persons of services available free of charge. Recipients should provide this notice in languages LEP persons would understand.

The guidance provides several examples of notification including:

1. Signage, in languages that an LEP individual would understand that free language assistance is available with advance notice.
2. Stating in outreach documents that free language services are available from the agency.

3. Working with community-based organizations and other stakeholders to inform LEP individuals of the recipient's services, including the availability of language assistance services.

Statements in languages that an LEP individual would understand will be placed in public information and public notices informing LEP individuals that those requiring language assistance and/or special accommodations will be provided the requested service free of charge, with reasonable advance notice to the City of Hastings.

Options and Proposed Actions

Options:

Federal fund recipients have two (2) main ways to provide language services: oral interpretation either in person or via telephone interpretation service and written translation. The correct mix should be based on what is both necessary and reasonable in light of the four-factor analysis.^{iv}

The City of Hastings is defining an interpreter as a person who translates spoken language orally, as opposed to a translator, who translates written language or who transfers the meaning of written text from one language into another. The person who translates orally is not a translator, but an interpreter.^v

Considering the relatively small size of the City, the small number of LEP individuals in the service area, and limited financial resources, it is necessary to limit language aid to the most basic and cost-effective services. However, when requested appropriate assistance will be provided.

What the City of Hastings will do. What actions will the City of Hastings take?

- Notify the public that interpreter services are available upon request, with seven day advance notice.
- With advance notice of seven calendar days, the City will provide interpreter services at public meetings, including language translation and signage for the hearing impaired.
- The City will utilize the *Translators Resource List* as provided by MDOT for translation services and verbal interpretation.
- The Census Bureau "I-speak" Language Identification Card will be distributed to all employees that may potentially encounter LEP individuals.
- Once the LEP individual's language has been identified, an agency from the *Translators Resource List* will be contacted to provide interpretation services.

- Publications of the City's complaint form will be made available online and upon request.
- In the event that a City employee encounters a LEP individual, they will follow the procedure listed below:

OFFICE ENCOUNTER

1. Provide an I-speak language identification card to determine the language spoken by the LEP individual.
2. Once the foreign language is determined, provide information to Title VI Coordinator who will contact an interpreter from MDOT's *Translators Resource List*.
3. If the need is for a document to be translated, the Title VI Coordinator will have the document translated and provided to the requestor as soon as possible.

ROAD ENCOUNTER

1. Road crew employee will immediately contact the Title VI Coordinator for assistance, and provide an I-speak language identification card to the LEP individual to determine the language spoken by the individual.
2. Once the foreign language is determined, provide information to Title VI Coordinator who will contact an interpreter from MDOT's *Translators Resource List* to provide telephonic interpretation.
3. If the need is for a document to be translated, the Title VI Coordinator will have the document translated and provided to the requestor as soon as possible.

IN WRITING

1. Once a letter has been received it will be immediately forwarded to the Title VI Coordinator.
2. The Title VI Coordinator will contact a translator from the MDOT's *Translators Resource List* to determine the specifics of the letter request information.
3. The Title VI Coordinator will work with the selected agency to provide the requested service to the individual in a timely manner.

OVER THE PHONE

1. If someone calls into our office speaking another language, every attempt will be made to keep that individual on the line until an interpreter can be conferenced into the line, and if possible, determine the language spoken by the caller.

2. Once the language spoken by the caller has been identified, we will proceed with providing the requested assistance to the LEP individual.

The City of Hastings's Staff Training

The City of Hastings's staff will be provided training on the requirements for providing meaningful access to services for LEP persons.

ENVIRONMENTAL JUSTICE (EJ)

Compliance with Title VI includes ensuring that no minority or low income population suffers "disproportionately high and adverse human health or environmental effect" due to any "programs, policies and activities" undertaken by any agency receiving federal funds. This obligation will be met by the City in the following ways:

- When planning specific programs or projects, identifying those populations that will be affected by a given program or project.
- If a disproportionate effect is anticipated, follow mitigation procedures.
- If mitigation options do not sufficiently eliminate the disproportionate effect, discussing and, if necessary, implementing reasonable alternatives.

Disproportionate effects are those effects which are appreciably more severe for one group or predominantly borne by a single group. The City will use U.S. Census data to identify low income and minority populations.

Where a project impacts a small number or area of low income or minority populations, the City will document that:

- Other reasonable alternatives were evaluated and were eliminated for reasons such as the alternatives impacted a far greater number of people or did greater harm to the environment; etc.
- The project's impact is unavoidable;
- The benefits of the project far out-weigh the overall impacts; and
- Mitigation measures are being taken to reduce the harm to low income or minority populations.

If it is concluded that no minority and/or low income population groups are present in the project area, the City will document how the conclusion was reached. If it is determined that one or more of these population groups are present in the area, the City will administer a potential disproportionate effects test.

The following steps will be taken to assess the impact of projects on minorities and/or low income population groups:

STEP ONE: Determine if a minority or low income population is present within the project area. If the conclusion is that no minority and/or low income population is present within the project area, document how the conclusion was reached. If the conclusion is that there are minority population groups and/or low income population groups present, proceed to Step Two.

STEP TWO: Determine whether project impacts associated with the identified low income and minority populations are disproportionately high and adverse. In doing so, refer to the list of potential impacts and questions contained in Appendix E. If it is determined that there are disproportionately high and adverse impacts to minority and low income populations, proceed to Step Three.

STEP THREE: Propose measures that will avoid, minimize and/or mitigate disproportionately high and disproportionate adverse impacts and provide offsetting benefits and opportunities to enhance communities, neighborhoods and individuals affected by proposed project.

STEP FOUR: If after mitigation, enhancements and offsetting benefits to the affected populations, there remains a high and disproportionate adverse impact to minority or low income populations, then the following questions must be considered:

Question 1: Are there further mitigation measures that could be employed to avoid or reduce the adverse effect to the minority or low income population?

Question 2: Are there other additional alternatives to the proposed action that would avoid or reduce the impacts to the low income or minority populations?

Question 3: Considering the overall public interest, is there a substantial need for the project?

Question 4: Will the alternatives that would satisfy the need for the project and have less impact on protected populations (a) have other social economic or environmental impacts that are more severe than those of the proposed action (b) have increased costs of extraordinary magnitude?

STEP FIVE: Include all findings, determinations or demonstrations in the environmental document prepared for the project.

FILING A TITLE VI COMPLAINT

I. Introduction

The Title VI complaint procedures are intended to provide aggrieved persons an avenue to raise complaints of discrimination regarding the City programs, activities, and services, as required by statute.

II. Purpose

The purpose of the discrimination complaint procedures is to describe the process used by the City for processing complaints of discrimination under Title VI of the Civil Rights Act of 1964 and related statutes.

III. Roles and Responsibilities

The Title VI Coordinator has overall responsibility for assuring that the discrimination complaint process and procedures adhere to FHWA's guidance.

IV. Filing a Complaint

The complainant shall make himself/herself reasonably available to the designated investigator, to ensure completion of the investigation within the timeframes set forth.

Applicability: The complaint procedures apply to the beneficiaries of City programs, activities, and services, including but not limited to: the public, contractors, sub-contractors, consultants, and other sub-recipients of federal and state funds.

Eligibility: Any person who believes that he/she has been excluded from participation in, denied benefits or services of any program or activity administered by the City or its sub-recipients, consultants, and contractors on the basis of race, color, national origin (including Limited English Proficiency), sex, age or disability may bring forth a complaint of discrimination under Title VI.

Time Limitation on Filing Complaints: Title VI complaints may be filed with the Title VI Coordinator's office. In all situations, the employees of the City must contact the Title VI Coordinator immediately upon receipt of Title VI related complaints. Within ten (10) days the City will acknowledge receipt of the complaint.

Complaints must be filed within 180 days of the alleged discrimination unless the time for filing is extended by Federal Highway Administration (FHWA.)

Complaints must be in writing and must be signed by the complainant and/or the complainant's representative. The complaint must set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In cases where the complainant is unable or incapable of providing a written statement, the complainant will be assisted in converting the verbal

complaint into a written complaint. All complaints, however, must be signed by the complainant and/or by the complainant's representative.

Items that should not be considered a formal complaint: (unless the items contain a signed cover letter specifically alleging a violation of Title VI) include but are not limited to:

1. An anonymous complaint that is too vague to obtain required information.
2. Inquiries seeking advice or information.
3. Courtesy copies of court pleadings
4. Newspaper articles
5. Courtesy copies of internal grievances

V. Investigation

All complaints investigations are delegated by FHWA. Allegations of discrimination are taken very seriously and will be investigated in a timely manner. The Title VI Coordinator will gather relevant information in a fair and impartial manner and will submit the complaint to MDOT's Statewide Title VI Coordinator who will forward the complaint to FHWA.

Timeframes for Investigations

For FHWA, there is no regulatory timeframe for completing investigations. However, FHWA strives to complete all tasks within 180 days from the date of acceptance.

For State DOTs that have been delegated an investigation from FHWA, 23 CFR § 200.9(b)(3) provides that State DOTs must complete investigations within 60 days of receipt (meaning the date it receives the delegated complaint from FHWA).

FHWA Investigation Potential Outcomes

First, at any time during the investigation, either FHWA or the respondent may initiate informal negotiations to resolve the issues. The FHWA always strives to resolve Title VI complaints informally, if possible.

In the absence of such negotiations, FHWA Headquarters Office of Civil Rights (HCR) (or an investigator State DOT) will draft a Report of Investigation, which should contain all relevant data and findings, with legal conclusions and potentially include recommendations for action. FHWA is responsible for the final disposition of all complaints, including initiation and conduct of informal negotiations and the issuance of Letters of Finding (LOFs).

There are five potential outcomes for concluding an investigation:

1. The FHWA makes a finding of no violation, and the case will be closed with no further action. The FHWA will issue an LOF stating in sufficient detail the reasons for the determination of no violation.

2. If, by a preponderance of the evidence, FHWA determines the respondent has failed to comply with its Title VI requirements or threatens to fail to comply by action or inaction, then FHWA will inform the respondent and the matter will be resolved by informal means whenever possible.
 - If FHWA informally resolves the matter with the respondent by agreement, then FHWA will hold the complaint in abeyance until the respondent completes its corrective actions. If the corrective actions are completed to the FHWA's satisfaction, then the complaint will be dismissed with no further action.
 - If FHWA cannot informally resolve the matter or the respondent does not complete agreed upon corrective actions, then FHWA may issue a LOF stating that the Recipient is in noncompliance with its Title VI obligations.
3. If FHWA issues a LOF of noncompliance to the respondent, the LOF will request that the respondent provide to FHWA, within 90 days, an action plan that implements the recommendations in the LOF.
4. If FHWA approves the action plan, then the respondent will be given a reasonable amount of time to implement the plan. At the end of the implementation period, FHWA will assess whether the respondent has sufficiently corrected the deficiencies.
5. If FHWA does not approve the action plan, or the respondent is nonresponsive/uncooperative, then FHWA may seek administrative sanctions, including, but not limited to, suspension or termination of Federal funds or any other means authorized by law such as referral to USDOJ for enforcement.
 - If USDOT seeks to suspend or terminate funds, it must provide the respondent with an opportunity for a hearing on the record. If the Secretary of Transportation determines that the respondent has not complied with Title VI and voluntary compliance cannot be secured, USDOT must notify Congress before that finding goes into effect. 49 CFR §21.13(c).

All LOFs issued by FHWA are administratively final.

Retaliation:

The laws enforced by this City prohibit retaliation or intimidation against anyone because that individual has either taken action or participated in action to secure rights protected by these

laws. If you experience retaliation or intimidation separate from the discrimination alleged in this complaint please contact:

Sarah Moyer-Cale, City Manager
City of Hastings
201 E. State Street
Hastings, MI 49058
Phone: 269-945-2468
Email: smoyer-cale@hastingsmi.gov

Reporting Requirements to an External Agency

A copy of the complaint, together with a copy of the investigation report and final decision letter will be forwarded to the MDOT, Civil Rights Program Unit within 60 days of the date the LOF was received.

Records

All records and investigative working files are maintained in a confidential area. Records are kept for three years.

APPENDIX A - [TO BE INSERTED IN ALL FEDERAL-AID CONTRACTS]

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the “contractor”) agrees, as follows:

1. **Compliance with Regulations:** The contractor shall comply with Regulations relative to nondiscrimination in Federally-assisted programs of the Department of Transportation, Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection, retention, and treatment of subcontractors, including procurements of materials in the discrimination prohibited by Section 21.5 of the Regulation, including employment practices when the contractor covers a program set for in Appendix B of the Regulations.
3. **Solicitation for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor’s obligations under the contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor shall provide all information and reports required by the Regulations, or directives issues pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the State Highway Department or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations or directives. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the State Highway Department or the Federal Highway Administration, as appropriate, and shall set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event the contractor’s noncompliance with the nondiscrimination provisions of this contract, the State Highway Department shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
 - a. Withholding payments to the contractor under the contract until the contractor complies and/or

- b. Cancellation, termination or suspension of the contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor shall include provisions of paragraphs (1) through (6) in every subcontract, including procurement of material and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the State Highway Department or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance: provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the State Highway Department to enter into such litigation to protect the interests of the State, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

APPENDIX B - TRANSFER OF PROPERTY

The following clauses shall be included in any and all deeds effecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

(GRANTING CLAUSE)

NOW THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that the State of Michigan, will accept title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code, the Regulations for the Administration of the Department of Transportation and, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. 2000d to 2000d-4) does hereby remise, release, quitclaim and convey unto the State of Michigan all the right, title and interest of the Department of Transportation in and to said lands described Exhibit "A" attached hereto and made a part hereof.

(HABENDUM CLAUSE)*

TO HAVE AND TO HOLD said lands and interests therein unto the State of Michigan, and its successors forever, subject, however, the covenant, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on the State of Michigan, its successors and assigns.

The State of Michigan, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of race, color, national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part, on, over, or under such lands hereby conveyed (,) (and)*(2) that the State of Michigan shall use the lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended (,) and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to re-enter said lands and facilities on said land, and

the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this deed.

*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI of the Civil Rights Act of 1964.

APPENDIX C - PERMITS, LEASES AND LICENSES

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the Michigan Department of Transportation, pursuant to the provisions of Assurance 7(a).

The grantee, licensee, lessee, permittee, etc., (as appropriate) for himself, his heirs, personal representative, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases, add, “as a covenant running with the land”) that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall remain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

(Include in licenses, leases, permits, etc.)*

That in the event of breach of any of the above nondiscrimination covenants, the Michigan Department of Transportation shall have the right to terminate the license, lease, permit, etc., and to re-enter and repossess said land and the facilities thereon, and hold the same as if said license, lease, permit, etc., had never been made or issued.

(Include in deeds)*

That in the event of breach of any of the above nondiscrimination covenants, the Michigan Department of Transportation shall have the right to re-enter lands and facilities hereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the State of Michigan Department of Transportation and its assigns.

*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of the Title VI of the Civil Rights Act of 1964 and the Civil Rights Act of 1987.

APPENDIX D - TITLE VI COMPLAINT FORM

CITY OF HASTINGS TITLE VI COMPLAINT FORM

Title VI of the Civil Rights Act of 1964 states that “No person in the United States shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefit of, or otherwise be subjected to discrimination in any program, service, or activity receiving federal assistance.”

This form may be used to file a complaint with the City of Hastings based on violations of Title VI of the Civil Rights Act of 1964. You are not required to use this form; a letter that provides the same information may be submitted to file your complaint. **Complaints should be filed within 180 days of the alleged discrimination. If you could not reasonably be expected to know the act was discriminatory within 180-day period, you have 60 days after you became aware to file your complaint.**

*If you need assistance completing this form, please contact **Title VI Coordinator/City Manager** by phone at 269-945-2468 or via e-mail at smoyer-cale@hastingsmi.gov.*

Name: _____ Date: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ (home) _____ (work)

Individual(s) discriminated against, if different than above (use additional pages, if needed).

Name: _____ Date: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ (home) _____ (work)

Please explain your relationship with the individual(s) indicated above: _____

Name of agency and department or program that discriminated:

Agency or department name: _____

Name of individual (if known): _____

Address: _____

City: _____ State: _____ Zip: _____

Date(s) of alleged discrimination:

Date discrimination began _____ Last or most recent date _____

ALLEGED DISCRIMINATION:

If your complaint is in regard to discrimination in the delivery of services or discrimination that involved the treatment of you by others by the agency or department indicated above, please indicate below the basis on which you believe these discriminatory actions were taken.

_____ Race	_____ Disability	_____ Sex
_____ Color	_____ Religion	_____ Income
_____ Age	_____ National Origin	_____ Retaliation

Explain: Please explain as clearly as possible what happened. Provide the name(s) of witness(es) and others involved in the alleged discrimination. (Attach additional sheets, if necessary, and provide a copy of written material pertaining to your case).

Signature: _____ Date: _____

Please return completed form to: Title VI Coordinator/City Manager, 201 E. State St, Hastings, MI 49058 or via e-mail at smoyer-cale@hastingsmi.gov.

Note: *The City of Hastings prohibits retaliation or intimidation against anyone because that individual has either taken action or participated in action to secure rights protected by policies of the City. Please inform the person listed above if you feel you were intimidated or experience perceived retaliation in relation to filing this complaint.*

APPENDIX E - DETERMINE/DISTINGUISH SIGNIFICANT/NON-SIGNIFICANT EFFECTS

“Significant” requires considerations of both context and intensity:

- (a) *Context*. This means that the significance of an action must be analyzed in several contexts such as society as a whole (human, nation), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the local area rather than in the world as a whole. Both short-and long-term effects are relevant.
- (b) *Intensity*. This refers to the severity of impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action. The following should be considered in evaluating intensity:
 - (1) Impacts that may be both beneficial and adverse. A significant effect may exist even if, on balance, the effect would be beneficial.

“Non-significant effect” means no substantial change to an environmental component and this has no material bearing on the decision-making process.

Scientific, technical, institutional, the public’s value, and the local economic conditions influence the meaning of significant effect.

If an alternative would provide a beneficial effect, then the alternative would cause no significant adverse effect. If an alternative would provide an adverse effect, the effect might be significant or the effect might be non-significant.

Determinations of “significant” and “non-significant” effects will be made by the Title VI Coordinator.

APPENDIX F - PROGRAM COMPLIANCE/PROGRAM REVIEW GOALS FOR CURRENT PLAN YEAR

1. The City of Hastings' Title VI Plan will be communicated to each City Department Head who will review the plan with departmental employees. All City employees will be trained or made aware of the Title VI and LEP policies and complaint procedures.
2. The City of Hastings' Title VI Plan will be published on the main page of the City's website <http://www.hastings.mi.us/>, within 90 days of approval.
3. Appendix A will be included in all City contracts as outlined in the Title VI Plan.
4. The language in Number 2 of the City of Hastings' Title VI Assurances will be included in all solicitations for bids for work or material subject to the Regulations and in all proposals for negotiated agreements.
5. The procedure(s) for responding to individuals with Limited English Proficiency will be implemented.
6. A review of City facilities will be conducted in reference to compliance with the American Disabilities Act.
7. The following data will be collected and reviewed by the Title VI Coordinator and included, where appropriate, in the annual report submitted to MDOT.
 - a. **Boards and Commissions:** The number of vacancies; how vacancies are advertised and filled; the number of applicants; the representation of minorities will be evaluated.
 - b. **Public Meetings:** The number of open meetings; how meeting dates and times are communicated to the general public and to individuals directly affected by the meeting.
 - c. **Construction Projects:** The number of construction projects and minority contractors bidding and the number selected; verification that Title VI language was included in bids and contracts for each project.
 - d. **LEP Needs:** The number of requests for language assistance that were requested or required; the outcome of these requests.
 - e. **Complaints:** The number of Title VI complaints received; nature of the complaints; resolution of the complaints.
 - f. **Timeliness of Services:** The number of requests for services; amount of time from request to when service was delivered; number of requests denied.
 - g. **Right of Way/Eminent Domain:** The number of such actions and diversity of individual(s) affected.
 - h. **Program Participants:** Racial data of program participants where possible.

ⁱ The executive order verbatim can be found online at <http://www.usdoj.gov/crt/cor/Pubs/eolep.htm>.

ⁱⁱ Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons. Federal Register: December 14, 2005 (Volume 70, Number 239)

ⁱⁱⁱ The DOT has also posted an abbreviated version of this guidance on their website at <https://www.civilrights.dot.gov/civil-rights-awareness-enforcement/language-assistance/dots-lep-guidance>.

^{iv} <http://www.dotcr.ost.dot.gov/asp/lep/asp>

^v Department of Justice Final LEP Guidelines, Federal Register June 18, 2002-Vol. 67-Number 117.



Regular Council Agenda Item Memorandum

To: City Council

From: Travis J. Tate, P.E., Director of Public Services

Subject: Increase Prein & Newhof's Consulting Fee for DWAM Grant

Meeting Date: February 12, 2023

Recommended Action:

Motion to approve an increase in the contract amount for services associated with the DWAM grant performed by Prein and Newhof in the amount of \$23,400.

Background Information:

Prein & Newhof communicated to me that they needed additional funds to complete DWAM Grant. The City's portion of remaining funds (DSMI) is \$40,673. They propose transferring \$23,400 for their allotted use in DSMI (\$12,900) and AMP (\$10,500) activities, respectively. This will increase the contract amount from the original \$50,395 to \$73,795.

Financial Implications:

The fees are entirely reimbursable by the State of Michigan through the DWAM Grant.

Attachments:

Original Agenda Item

Original Proposal

Original Contract

Prein & Newhof Letter January 19, 2024

Prein & Newhof Email Letter January 26, 2024



City of *Hastings* Michigan

(269) 945-2468
FAX (269) 948-9544

201 E. State Street 49058

May 5, 2021

To: The Honorable Mayor, City Council Members, and City Manager Jerry Czarnecki

Subject: Prein & Newhof Proposal for Design Engineering Several Projects.

I am submitting for the Council's approval, a proposal from Prein & Newhof for engineering services for multiple projects as follows:

- Comprehensive Capital Improvement Plan = **\$13,400.00**
- DWAM Grant Distribution System Material Inventory = **\$14,895.00**
- DWAM Grant Asset Management = **\$35,500.00**
- USDA Rural Development Loan Application (Green Street Reconstruction) = **\$18,000.00**

The total fee for providing various engineering services for this project is **\$81,795.00**.

Comprehensive Capital Improvement Plan scope includes: Review all utilities and road deficiencies, group utilities in same locations for future project, prioritize capital project list, create cost estimates for each project, ect.

USDA Rural Development Loan Application (Green Street Reconstruction) includes: Determine final scope of loan application, develop a preliminary engineering report for proposed improvements, coordinate application requirements, provide project estimates and schedule, complete the required USDA standard form, ect.

I would like to submit this to the Council for approval, so the purchase order can be finalized.

I will gladly answer any questions that Council members have at the meeting.

Respectfully,

Travis Tate, P.E.

Director of Public Services

City of Hastings

April 21, 2021

Mr. Travis Tate, P.E.
Director of Public Services
201 E State Street
Hastings, MI 49058

RE: City of Hastings Drinking Water Asset Management Grant

Dear Travis:

Congratulations on being awarded one of the new Drinking Water Asset Management (DWAM) grants from the Michigan Department of Environment, Great Lakes, and Energy (EGLE). We assisted the City with the preparation and submittal of the grant application this past December and we understand that EGLE has now signed the DWAM Grant contract with the City.

The grant request was for a total of \$214,870. Of that amount, \$179,370 was designated for Drinking Water Service Inventory (lead service line investigation) and \$35,500 for Asset Management Planning. Our portion of the work is broken down as follows:

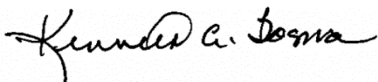
- Distribution System Material Inventory - \$14,895
 - Project Meetings/Coordination/Administration
 - Service line verification/location - field and office review
 - Water service mapping update based on field work
 - Asset Information GIS integration
 - City staff orientation with new GIS and field data collector
- Asset Management - \$35,500
 - Capital Improvement Planning
 - Revenue Structure Development
 - Asset Management Plan

The remaining \$164,475 of the grant is intended to cover lead service investigation by a contractor and a nominal amount of City staff time.

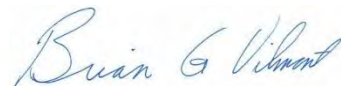
The DWAM grant is a 100% reimbursement grant so all proposed costs are covered by the grant. We propose to provide our services for a lump sum amount of \$50,395 in accordance with our standard service contract which is attached for your signature.

Thank you for partnering with us on this grant for the City and congratulations again on the award.

Prein&Newhof



Kenneth A. Bosma, P.E.
Team Leader



Brian G. Vilmont, P.E.
Team Leader

Professional Services Agreement

This Professional Services Agreement is made this 21st day of April, 2021 (“Agreement”) by and between Prein & Newhof, Inc. (“P&N”), of 3355 Evergreen Drive NE, Grand Rapids, Michigan, 49525, and City of Hastings (“Client”), of 201 E State Street, Hastings, Michigan, 49058.

WHEREAS Client intends to:

Utilize Prein&Newhof for General Consulting Services and on a project by project basis for specific projects.

NOW THEREFORE, for and in consideration of the terms and conditions contained herein, the parties agree as follows:

ARTICLE 1 – DESIGNATED REPRESENTATIVES

Client and P&N each designate the following individuals as their representatives with respect to the Project.

For Client

Name: Mr. Travis Tate
Title: Public Services Director
Phone Number: 269-945-2468
E-Mail Address: ttate@hastingsmi.org

For P&N

Name: Mr. Ken Bosma
Title: Team Leader
Phone Number: 616-394-0200
E-Mail Address: kbosma@preinnewhof.com

ARTICLE 2 – GENERAL CONDITIONS

This Agreement consists of this Professional Services Agreement and the following documents which by this reference are incorporated into and made a part of this Agreement.

- ☒ P&N Standard Terms and Conditions for Professional Services
- ☐ P&N Proposal dated,
- ☐ P&N Standard Rate Schedule
- ☐ P&N Supplemental Terms and Conditions
- ☐ Other:

ARTICLE 3 – ENGINEERING SERVICES PROVIDED UNDER THIS AGREEMENT:

Client hereby requests, and P&N hereby agrees to provide, the following services:

- ☐ P&N Scope of Services per Proposal dated,

- ☒ Scope of Services defined as follows:

Prein&Newhof shall provide the City of Hastings with General Consulting Services on a time and materials basis, unless otherwise agreed, and by written submittal of scope, schedule, and budget on a project by project basis when requested by the City.

ARTICLE 4 – COMPENSATION:

- ☐ Lump Sum for Services Described in Article 3 above - \$.
Additional services to be billed per P&N's Standard Rate Schedule in effect on the date the additional service are performed.
- ☒ Hourly Billing Rates plus Reimbursable Expenses per P&N's Standard Rate Schedule in effect on the date services are performed, unless otherwise agreed.
- ☐ Other:

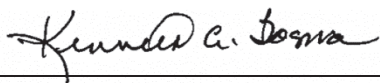
ARTICLE 5 – ADDITIONAL TERMS (If any)

NONE

This Agreement constitutes the entire Agreement between P&N and Client and supersedes all prior written or oral understandings. This Agreement may not be altered, modified or amended, except in writing properly executed by authorized representatives of P&N and Client.


Accepted for:

Prein&Newhof, Inc.

By: 
Printed Name: Kenneth A. Bosma
Title: Team Leader
Date: April 21, 2021

Accepted for:

City of Hastings

By:  **Travis Tate**
Printed Name: Travis Tate
Title: Director of Public Services
Date: 06/01/2021

Digitally signed by Travis Tate
DN: cn=Travis Tate, o=City of Hastings, ou=DPS,
email=ttate@hastingsmi.org, c=US
Date: 2021.06.01 07:55:10 -04'00'

January 19, 2024
2210635

Mr. Travis Tate, P.E.
Director of Public Services
201 E State Street
Hastings, MI 49058

RE: City of Hastings Drinking Water Asset Management Grant – Budget Update

Dear Travis:

This letter is an update to the letter sent October 9, 2023 with regard to the budget amendment recommendation. Our office has been working on some of the items referenced in that letter based on a verbal approval. As we noted, we are currently on hold until written approval is obtained from the City.

Following are the items that still need be completed from our proposal in our October 9, 2023 letter. The items that remain are highlighted in yellow:

1. P&N DSMI Budget

a. Review Results & Prepare CDSMI-draft

- i. P&N is currently working to review and reconcile the random sample results per EGLE guidance. Remaining work includes GIS review, documenting assumptions, applying assumptions to all remaining non-verified lines in GIS, coordinating questions with the City, and preparing the CDSMI-draft.

*The CDSMI work is an addition to the original contract due to EGLE guidance coming out after the grant was awarded.

- ii. P&N will provide a short narrative to document assumptions made in developing the Complete DSMI. Notes will also be kept in GIS and assumed (or “inferred”) GIS fields will be organized separate from verified results.
- iii. EGLE’s Complete DSMI guidance documents will be used as a basis for assumptions including house age, water main age, and patterns or conflicts in verified results. The deliverable will be a draft spreadsheet/table of all services lines (generated from GIS) that can be used as the CDSMI submittal.

b. Additional GIS Support and Meetings - The City can utilize grant funds for GIS that support inventory and tracking efforts of the water system. We have included 20 hours of general GIS support to assist the City outside of the CDSMI-draft.

*Additional GIS work includes cleaning up water service discrepancies between the City’s spreadsheet and City billing data.

2. P&N AMP Budget

a. Amend the City’s Water Asset Management Plan (WAMP)

- i. P&N will prepare a memo that can be used as an amendment to the City's current May 2020 WAMP Plan. The memo will account for grant work such as CIP development and Rate Studies done in 2021 and 2022.
 - ii. The memo will summarize the results of the CDSMI-draft and comment on how currently identified CIP projects may be affected by these results.
- b. DWAM Final Project Summary
 - i. P&N will provide a project summary memo that can be submitted to EGLE to close out the DWAM grant. The grant agreement requires a summary of work completed with grant funds, total number of services lines verified, lessons learned during the project, and future plans/anticipated needs.
 - ii. We recommend also providing a table of verified results and an overview map to assist in visualizing the effort and breadth of data collected.

Table 1 below is a summary of the original budget, proposed change and amended budget to submit to EGLE, amount spent to date, and the remaining funds need to complete the tasks highlighted above. (The City portion was from the October 9, 2023 letter. This table does not include the expenses for Baker Tilly (\$10,000) and Equipment (\$1582) as shown in the October 9, 2023 letter as these have already been completed phases. The total grant was for \$214,870.)

Table 1: Budget Recommendation

	Original Budget	Proposed Change	Amended Budget	Spent	Remaining
P&N DSMI	\$ 14,895	\$ 12,900	\$ 27,795	\$ 22,713	\$ 5,082
P&N AMP	\$ 25,500	\$ 10,500	\$ 36,000	\$ 25,108	\$ 10,892
<u>City DSMI</u>	<u>\$ 162,893</u>	<u>(\$ 23,400)</u>	<u>\$ 139,493</u>	<u>\$ 122,220</u>	<u>\$ 17,273</u>
Total	\$ 203,288	\$ 0	\$ 203,288	\$ 170,041	\$ 33,247

These previously recommended tasks for the use of the City budget:

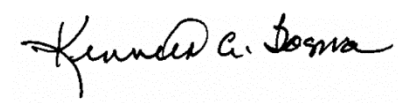
City DSMI Budget - Additional Potholing & Grant Agreement Update

- a. EGLE has confirmed the City may use remaining grant funding for additional potholing. Potholing may be targeted specifically to verify suspected lead lines prior to replacement. The number of lines will be determined by the City's available DSMI budget and ability to do the work within the grant period.
- b. EGLE requested the City submit their desired budget changes and request a grant extension if necessary. The current grant agreement ends April 1, 2024.

Travis Tate
January 19, 2024
Page 3

Please let me know if have questions and how you would like to proceed. Please note that we will need 4 weeks to from the time of your approval to complete the highlighted work. We will hold on any additional work until we receive your response.

Sincerely,
Prein&Newhof

A handwritten signature in black ink, reading "Kenneth A. Bosma". The signature is written in a cursive, flowing style.

Kenneth A. Bosma, P.E.

KAB/kb

Travis Tate

From: Ken Bosma <KBosma@preinnewhof.com>
Sent: Friday, January 26, 2024 11:13 AM
To: Travis Tate
Cc: Nicole Dyer; Verne Robins; Sarah Moyer-Cale
Subject: RE: [External] RE: DWAM Budget Update

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: External Email

Travis, I apologize for not getting this to you sooner, but it has been a very busy week. Based on the information I have for the project, the additional amounts are based on the following:

DSMI (Budget change from \$14,895 to \$27,795 – net increase of \$12,900)

- There were issues with the linked record drawings that took more time to research.
- Data discrepancies between the City spreadsheet and billing data that took more time to resolve.
- CDSMI was added to the project; material assumptions assigned to all water services. EGLE guidance came out after the original budget was made making this change.

AMP (Budget change from \$25,500 to \$36,000 – net increase of \$10,500)

- Several additional meetings and correspondence with client than anticipated.
- CIP process was more extensive than anticipated. Cost estimating is increased with additional projects. This is an unknown at the time of proposal.

Travis, please note that from the information we have, discussions about budget began in May of 2023 noting the extra effort P&N was putting in due to the reasons above. Our office has continued to work on items requested by the City based on verbal discussions.

We appreciated the City's consideration in this request.

Kenneth A. Bosma, P.E.

Prein&Newhof

t. 616-394-0200 d. 616-432-6691

f. 616-364-6955

[Website](#) | [Blog](#) | [LinkedIn](#)

From: Travis Tate <ttate@hastingsmi.gov>
Sent: Tuesday, January 23, 2024 9:03 AM
To: Ken Bosma <KBosma@preinnewhof.com>
Cc: Nicole Dyer <ndyer@preinnewhof.com>; Verne Robins <VRobins@hastingsmi.gov>; Sarah Moyer-Cale <smoyer-cale@hastingsmi.gov>
Subject: [External] RE: DWAM Budget Update

Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. When in doubt, contact your IT Department.

Good Morning Ken,

Thank you for the letter you sent last week about the need for additional funds to be transferred for Prien & Newhof's use for the DWAM grant.

However, I need more clarity on what additional work or tasks you will be doing in comparison the original proposal you and Brian Vilmont worked on nearly 3 years ago.

Is it possible to itemize the services and deliverable in this way?

Or is it more of a factor that the time and effort was more than anticipated for the originally budgeted?

Either way I will need to justify an additional \$23,400 on top of the original proposal from P & N of \$40,395, to the City Manager and Council.

I will be available for a discussion this afternoon if that is preferable.

Thank you,

Travis Tate, P.E.

Director of Public Services

City of Hastings

201 E. State Street

Hastings, MI 49058

Office: (269) 945-2468

"Plan.Build.Maintain. . . Improving for the future."



From: Ken Bosma <KBosma@preinnewhof.com>

Sent: Friday, January 19, 2024 10:52 AM

To: Travis Tate <ttate@hastingsmi.gov>

Cc: Nicole Dyer <ndyer@preinnewhof.com>

Subject: DWAM Budget Update

CAUTION: External Email

Travis, please find an updated letter for DWAM budget as you requested of Nicole. Please call with any questions.

Kenneth A. Bosma, P.E.

Prein&Newhof

t. 616-394-0200 d. 616-432-6691

f. 616-364-6955

[Website](#) | [Blog](#) | [LinkedIn](#)



12.A

2024 February Council Report

To: The City Council

From: Travis J. Tate, P.E., Director of Public Services

Subject: DPS Monthly Council Report

Meeting Date: February 12, 2024

DDA Streetscape Project Project:

Katerberg VerHage should start the streetscape back up in March.

Green and Market Street Improvements Project:

Moore & Bruggink, Inc. was approved for design engineering for the Green Street and Market Street improvements project in the amount of \$165,500 and an additional \$18,300 for roundabout design.

Small Meter Replacement Program:

DPS installed eight (8) small meters and forty-one (41) R900's in January to add to our radio read count.

DWAM Lead Line Investigation:

DPS will continue investigating in March. The program will be complete this Spring.

DDA Parking Lot 8 Improvements:

Parking was approved by the DDA and will be complete by Katerberg VerHage this spring.

DWSRF and USDA Loan Applications:

Moore & Bruggink, the consulting engineer is preparing USDA RD Loan applications and DWSRF Plan application this Spring.

Capital Improvement Plan:

Working on adding or modifying existing Capital Improvement Plan.

Budget:

Working on budget for fiscal year 2025.



2024 February Council Report

Upcoming Spring Projects:

- **WWTP Various Projects and RR Street Lift Station Engineering**
- **Lead Line Replacement Program**
- **Valve Exercising Program**
- **WTP Generator Wall**
- **Elevated Storage Tank Security System**
- **PASER Ratings**
- **Cemetery Memorial Design-Bid**
- **Small Urban Project – East State Road – Preliminary Design**
- **Compost Facility Opening**
- **Leaf and Brush Pick-up**

I will gladly answer any questions that Council members have at the meeting.

Respectfully,

Travis Tate, P.E.

DPS Director



2024 February Council Report





City of *Hastings* Michigan

(269) 945-2468
FAX (269) 948-9544

201 E. State Street 49058

Fire Department Report for January 2024

The department responded to a total of 93 calls for service in January: 37 in the city, 54 in the townships and 1 mutual aid. 43 were medical/rescue related. Total calls for service in 2024 93

Training

For training in 2024 we are focusing on making sure each member gets the continued education credits needed to maintain their Fire Fighter I and II certifications as prescribed by the State. We are also holding monthly medical Continuing Education credits. Our goal is to achieve more credits than are needed each year.

Smoke/ CO detector installations

We installed a total of 8 smoke detectors and 3 carbon monoxide detectors in January. We will be starting a new initiative in March to push smoke and CO detectors.

Department activities

The month of January became a very busy month, getting the year off to a busy start; even with Mercy maintaining 2 ASLS trucks most of the time we kept busy.

Chief's comments

During the heavy snows, we received 19 calls over a 48-hour period. This kept us busy for a couple of days. During this period, we had two (2) confirmed lifesaving CO alarms where the alarm woke the residents up due to the CO being present in the home. One case was from running a generator close to a window with the second too close to an open dryer vent. In one (1) case, an infant in the home was taken to the hospital by the parent for evaluation.

You will notice a new report format for our call for service log. This is due to our new reporting software package we placed into service January 1. We can manage all department activities through this software to meet all reporting metrics needed for the State of Michigan and FEMA. We are also able to log permits and inspections using this new software.

Respectfully,

Chief Mark Jordan

City of Hastings Fire Department

Incident Analysis

1/1/2024 - 1/31/2024

INCIDENT TYPE CATEGORY BREAKDOWN AND COMPARISON

Code	Incident Type Series	1/1/2024 - 1/31/2024		1/1/2023 - 12/31/2022
		Occurrences	Percentage	Occurrences
100-199	Fire/Explosion	5	5.4%	0
200-299	Overpressure Rupture	1	1.1%	0
300-399	Rescue Call	43	46.2%	0
400-499	Hazardous Condition	19	20.4%	0
500-599	Service Call	4	4.3%	0
600-699	Good Intent Call	11	11.8%	0
700-799	False Call	10	10.8%	0
800-899	Severe Weather/Natural Disaster	0	0.0%	0
900-999	Special Type/Complaint	0	0.0%	0
	Undetermined Incident Series	0	0.0%	0
	Total	93	100.0%	0

MUTUAL AID DISTRICT BREAKDOWN

District	Fire	EMS	Other	Total	Percentage
Mutual Aid	1	0	0	1	1.1%
Total	1	0	0	1	1.1%

FIRE DISTRICT BREAKDOWN

District	Occurrences	Percentage
Baltimore Twp	10	10.8%
Carlton Twp	2	2.2%
Hastings Twp	15	16.1%
Irving Twp	12	12.9%
Rutland Twp	15	16.1%
Ward 1	8	8.6%
Ward 2	9	9.7%
Ward 3	12	12.9%
Ward 4	8	8.6%
Total	91	97.8%

City of Hastings Fire Department

Apparatus Summary

1/1/2024 - 1/31/2024

Total Runs for Date Period 93

RESPONSE TOTALS PER APPARATUS

831	34.....	36.6 %
832	0.....	0 %
833	10.....	10.8 %
8331	1.....	1.1 %
834	1.....	1.1 %
835	53.....	57 %
836	1.....	1.1 %
837	39.....	41.9 %
Air Trailer	0.....	0 %
EM82	1.....	1.1 %
Haz1	1.....	1.1 %
LT1	0.....	0 %
POV	45.....	48.4 %

Library Director's Report for the February 5, 2024 Board Meeting

It's hard to believe the first month of 2024 is already gone. It was full of programs, activities and working things around due to the weather.

Battle Creek Glass (BCG) was aiming to have all the window installed by the end of the month, but Mother Nature had other ideas. Things really slowed down when the weather turned cold and then rainy. Work removing the windows in the Michigan room and children's areas was delayed by two weeks. I'm happy to report they were installed the last week of January and the trimming was finished on Friday, Feb. 2. Work on the north entrance will begin the first full week of February. The windows of the south entrance will be the last to be replaced. BCG projects they'll be done with the whole project by the end of February.

There has been a delay in BCG doing the finish work around the windows in the main part of the library. There were sizeable gaps between the interior window frames and the walls perpendicular to them. The gaps were anywhere from ½" to 1". The spaces could have been filled with caulk, but BCG was concerned the movement of the window frames as they expanded and contracted would pull the caulk away from the walls. It was decided to put drywall panels on the perpendicular walls to fill the gaps. It means the walls around the windows will need to be repainted. This was an unanticipated expense of \$10,960. Jeff Mansfield, David and I believe this was the best solution.

Since work on the windows slowed down it meant the painters couldn't move forward with their work. They were out of the building for two weeks in January and will probably not be back until the end of the first week of February. At that time, they will repaint areas of the main room and work on the other areas the drywallers have completed.

The new HVAC system is installed and working well. Staff training on it was done Feb. 2. It definitely worked hard while the windows were out of the MI room and children's areas. It was chilly in the building. It's also evident bigger roof top units were installed, because there is a definite increase in the sound of air moving through the building.

All in all, the project is going well.

As I prepared this report I went over the statistics for the December. I realized why it seemed so busy. We had almost twice as many people in the building over the course of the month than we did in December 2022. We also offered thirty programs with attendance of 1,272 people. That's over a third of the total attendance we've had at all programs during the first six months 2023-2024 fiscal year.

Assistant Director, David Edelman's report:

January has been an interesting month. One exciting update is that I have just begun work on my Master's Degree in Library & Information Science (MLIS). It's an online program through Wayne State where I know several people also went for their degrees, most recently Erin. My goal is to be complete by the end of 2025 and I anticipate no issues as that only requires 2 classes per semester. Aside from that, here are other significant updates:

- PDFs of the Sun & News are now live on the Barry County History Portal. The Maple Valley News is being uploaded now and will hopefully be ready in February.
- Beta testing is underway on a new version of our website. Our host has improved some functionality and improved the visuals and security. A specific ETA is unknown, but we may go live in Q1 2024.
- Hotspots: we continue to have challenges getting these back and are looking at options including requiring a deposit and/or not allowing checkout until an account is a certain number of months old. Other libraries in the Co-op also are experiencing this so we're having at a broader conversation to find solutions. We are also considering not renewing service on missing hotspots and reducing our inventory. If we do renew, we must buy a new hotspot.
- Along with two other libraries and the Co-op catalog manager, I presented about Library of Things after the January Co-op Board meeting. Attendance was good with over 20 people there to learn.

Circulation Supervisor, Tess Allarding's report:

In October 2023, I applied for a scholarship for the Public Library Association conference, and I was informed in January that I was chosen as a recipient! The conference will be held in Columbus from April 2 – April 5. My scholarship included full conference registration, a travel stipend, and a year membership to PLA. I am incredibly excited to see what the PLA Conference has to offer. While looking at the list of breakout sessions, I have already seen multiple that I think will be incredibly beneficial to the library, including How to Weather the Turbulence of a Video Auditor, Conducting Diversity Audits of Fairy Tale Collections and Beyond, and Rethinking Dewey (Dewey or Don't We?). The conference also has multiple breakout sessions on managing and employee retention, and I look forward to checking those out as well!

I also learned in January that I was accepted into Wayne State's Master of Library and Information Sciences program, and I will be starting classes in May. I'm excited to continue my education and apply what I learn in the program to my work at the library.

Here is some year end information:

- In 2023, we had almost 19,000 items from our collection circulate!
- We had 638 new patron cards created in 2023! Seventy-three percent were for adults, while 27% were for juveniles. One percent of these cards were for non-residents, 21% were for patrons in Hastings Charter Township, 23% were for patrons in Rutland Township, and 54% were for patrons in Hastings City.

Marketing & Adult Services, Barbara Haywood's report:

Marketing I created in January

- New outreach welcome pamphlet.
- New Friends of the Library bookmarks.
- New marketing with a new name for our puzzle exchange service. I changed it from "Puzzle Exchange" to "Little Free Puzzle Library" to use the "Little Free Library" social media phenomenon to better explain our free puzzle exchange collection.
- Created marketing for February's "Lift Every Voice" life stories program, which happens in February and book club starting in March. I'm a member of the "Lift Every Voice" committee.

Events:

- Six people joined Arm Chair Travel to pack their ears for Disney Fun and learn about the many different travel forms that Disney Travel now offers.
- The Murder Mystery Puzzle portion of January's National Puzzle Day celebration had eight attendees working on one murder mystery puzzle box. They plan to return for another Puzzle Night where Murder Mystery puzzle boxes are offered.
- January's National Puzzle Day's Jigsaw Puzzle Competition partnership with Jefferson Street General Store had one store volunteer (Jean Syswerda) and a store gift certificate prize. The first place table received Library tote bags & a gift certificate. The second place table received tote bags. Thirty-eight people competed on eleven teams. Each team put together a 500-piece jigsaw puzzles. Finish times ranged from 37 minutes to 2.75 hours, with attendees coming from Barry and Kent Counties. All participants were excited to have this opportunity available locally and several said that they needed the stress relief of friends and jigsaw puzzles. Other attendees offered suggestions and want to help facilitate a March 13th competition. Social media response to winning photos has heightened the interest in our Free Puzzle Library and future puzzle events.



- The Library is participating with the Barry County Earth Day Alliance to help recycle athletic shoes. The Got Sneaker Donation Box has continued to be a success and is sending more sneakers to recycling efforts of <https://gotsneakers.com/>. Shoes in landfills can take 30 to 40 years to decompose. Since Got Sneakers started in 2016, they have stopped 75 million pounds of CO2 from entering the atmosphere and recycled/reused 2.5 million pairs of shoes (and counting!).
- Calvin University's fifteen day January Speakers Series has had 65 attendees in our community room. The series concluded on Friday, February 2. HPL has been a January Series remote location since 2013.

Youth Services Librarian, Erin Quada's reports:

Hi, I'm Erin, the new Youth Services Librarian! January has been a fairly quiet month for youth services. My first couple weeks I did not hold storytimes so I could get on my feet and familiarize myself with HPL. Then the snow days hit and we had to cancel storytimes and LEGO Club to help ensure our patrons' safety. Storytimes did start back up with a cooperation between the YMCA, Great Start Collaborative, and the Library for Itsy Bitsy Book Club.

I was grateful to have some overlap with Paige to get up to speed on all the big events, how things are done, and who I should know. I was fortunate to be able to visit the elementary schools with her to meet the office staff and change out the Reach Out and Read (ROAR) books while collecting information about volunteer hours. Paige also introduced me to people who we work in partnership with on a regular basis, include folks from Peirce Cedar Creek Institute and Great Start Collaborative. I feel lucky to work in a community with such generous people and organizations.

The Tiny Art Show was a success, with our patrons returning 32 pieces of art which have been on display in the library showcase. We've received many compliments, as well as inquiries about participating next year, so clearly this is a popular program.

The books from the Young Author's program also arrived and were reviewed by the authors and their families. We had a few changes to make, but overall the kids were thrilled to see their works in print. The participation in the Rotary Club meeting on March 18th as well as the Young Author's Book Launch on March 19th are continuing as planned.





Regular Council Agenda Item Memorandum

To: City Council
From: Assessing Department
Subject: Assessing Report
Meeting Date: February 2024

Recommended Action:

Background Information:

Over the last month we have been working on the following:

- Finishing preparation of the assessment roll
- Preparing to mail out assessment notices
- Processing personal property statements
- Preparing for March Board of Review
- Organizing material for Equalization to review
- Looking at new laws on veterans exemptions

If you have any questions, please feel free to contact me.

Respectfully submitted,

Debbie Rashid

Financial Implications:

Attachments: None

2024 Council Goals

Goal: Fire Station and Fire Equipment

- Continue to review potential funding methods for new station
- Work with BIRCH on new agreement

Goal: Increase Park and Recreation Investment

- Continue to work on design and reconstruction of TangleTown
- Complete restroom reconstruction at Fish Hatchery Park
- Pursue Public/Private Partnerships for park improvements (ex, HARC)

Goal: Improve Street Infrastructure

- Use asset management principles (ex, “cut – once”)
- Complete PASER rating of major and local streets
- Advance the use of preventative maintenance strategies
- Continue work on planning major street improvements (including Market, Green, & E. State Street)

Goal: Improve Pedestrian Crossing

- Identify additional pedestrian crossing improvements
- Review Safe Routes to School evaluations from 2015
- Evaluate sidewalk conditions in high traffic areas and near public services

Goal: Review City Charter for Potential Updates

- Create ad hoc committee to review Charter for potential amendments
- Take additional steps as necessary

Goal: Citizen Education & Awareness

- Work with County & other local municipalities to create a “Citizen’s Academy”
- Use social media & public engagement plan to promote awareness of City programs and activities

City of Hastings
Downtown Development Authority
DRAFT Meeting Minutes
January 18, 2024

1. Meeting Call to Order and Roll Call—

The meeting was called to order at 8:02 a.m. by Woods.

Roll Call –

Present: Baker, Button, Hatfield, Peterson, Tossava, Ulberg, Woods

Absent: Albrecht, Wiswell

City Staff and Appointees: Hoke, King, Ponsetto, Resseguie

Others Present: Jackie Elliott

2. Pledge to the Flag

3. Approval/Additions/Deletions to Agenda –

Woods added Discussion of Billboards as Item C. under Old Business

Motion by Hatfield, seconded by Ulberg, to approve the agenda as amended.

All ayes, motion carried.

4. Approval of Minutes –

Motion by Tossava, seconded by Baker, to approve the minutes of the November 16, 2023, DDA meeting as presented.

All ayes, motion carried.

5. Financial Statements & Budget for Review –

King said the DDA budget has been updated through December 31, 2023.

6. Façade and BEIG Update-

King said the BEIG and Façade Grant spreadsheets have been updated through December 31, 2024.

7. Open Public Comment and Discussion – None

8. Old Business-

A. Streetscape Update-

King gave the DDA a brief update on the streetscape project, which will resume in the spring.

B. Streetscape Flower Bid Update-

King said Cotant's Greenhouse is still working on their bid and he will reach out to them soon.

C. Billboard Discussion-

King answered DDA members questions about the timing and current placement of the billboards.

9. New Business

A. Annual Election of Officers—

Motion by Tossava, seconded by Baker, to approve the re-election of the board's current officers: Woods, chair; Hatfield, vice-chair; Button, secretary.

All ayes, motion carried.

B. Façade Grant Reimbursement for Norm and Carole Barlow 109/111 W. State Street—

King said the rear façade work for 109/111 W. State Street has been completed, approved by staff, and the reimbursement is complete.

C. Façade Grant Requests from Jackie Elliott for 325 and 329 N. Broadway—

Motion by Tossava, seconded by Baker, to approve the façade grant application for 325 N. Broadway, totaling \$6,170.

Ayes: Baker, Button, Hatfield, Peterson, Tossava, Ulberg, Woods

Nays:

Absent: Albrecht, Wiswell

All ayes, motion carried.

Motion by Button, seconded by Baker, to approve the façade grant application for 329 N. Broadway, totaling \$3910,00.

Ayes: Baker, Button, Hatfield, Peterson, Tossava, Ulberg, Woods
Nays:
Absent: Albrecht, Wiswell

All ayes, motion carried.

10. DDA Member Comment –

Woods brought up discussion of the City allowing a student from the Hastings High School Youth in Government program join the DDA or City Council as a non-voting member.

Button expressed her gratitude and appreciation for the way City DPS crews cleared the downtown business district after the recent winter storm.

Baker said that a record number of children participated in cookies with Santa this year despite the rain.

King said that CopperRock is moving forward with its plans to develop the lot across the river from the Thornapple Plaza and they are hoping to begin work on the 134-unit project in the spring or early summer.

Hatfield asked staff about the empty storefronts in the downtown business district. King gave a brief update on new businesses that are expected to be opening soon.

11. Open Public Comment and Discussion – None

12. Adjournment

Motion by Tossava, seconded by Baker, to adjourn.

All ayes, motion carried.

The meeting was adjourned at 8:47 a.m.

Patty Woods, Chair

Deb Button, Secretary

Prepared by: Sandra Ponsetto, City of Hastings

City of Hastings
COUNTY OF BARRY, STATE OF MICHIGAN

**Riverside Cemetery Preservation Advisory Board Minutes
November 8, 2023**

1. Call to Order by Chair Huntley at 3:00PM in the City Hall Conference Room.
2. Present at Roll Call: Coleman, Huntley, Bever, Hubbell, Tossava and Tate. Absent: Buehl and Watson. Guests present: Bill Nesbitt and Jim Wiswell

3. Pledge of Allegiance

4. Approval of Agenda

Motion by Mayor Tossava and supported by Coleman to approve the agenda as presented. All ayes, motion carried.

5. Approval of the Minutes of the Meeting of October 11, 2023

Motion by Mayor Tossava and supported by Coleman to approve the minutes of the October 11, 2023, Riverside Cemetery Preservation Advisory Board meeting. All ayes, motion carried.

6. Public Comment and Communications

None

7. Sexton Update

None – Josh Wickham was not in attendance

8. Unfinished Business

- A. Cemetery Memorial Design – Presentation to City Council on November 13, 2023 (Bever)

Bever provided an overview of the agenda item that will be presented to City Council on November 13, 2023 as relates to the cemetery memorial design.

- B. Cemetery Fencing (Hubbell)

Hubbell gave an update on the progress of the replacement of the stolen fence section

C. Cemetery Chapel (Huntley)

Discussion tabled for now.

9. New Business

- A. Barry Community Foundation (BCF) Funds Report as of September 30, 2023 and October 31, 2023, and Donor Report for October 2023
- B. Fiscal Year 2024 Revenues and Expenditures through September 30, 2023
- C. Memorial Project Accounting as of November 3, 2023

Bever provided financial documents. Motion by Mayor Tossava supported by Coleman to accept reports. All ayes, motion carried.

10. Board Member Comments

None

11. Public Comment

Jim Wiswell asked questions and will be put on the email list.

12. Adjourn

Motion by Mayor and supported by Coleman to adjourn at 3:15PM. All ayes, motion carried. Next meeting is Wednesday December 13, 2023 in City Hall.

**Hastings Public Library Board of Trustees
Minutes
Date: February 5, 2024 – 4:30PM
Location: Hastings Public Library, 227 E. State St., Hastings, MI 49058
Community Room**

1. CALL TO ORDER

The Meeting was called to order by Chloe Kelly at 4:29 p.m.

- Board members present: Jane Cybulski, Bill Nesbitt, Carol Dwyer, Sam Cale, Brenda Stacy, Cloe Oliver, Chloe Kelly, and Kelli Newberry. Not present was Rebecca Lectka.
- Also present were Peggy Hemerling and David Edelman.

2. AGENDA: No changes.

3. MINUTES: Carol Dwyer motioned to approve the January 8, 2024, as amended for name spelling errors, seconded by Sam Cale. Motion approved.

4. FINANCIALS:

- a. December 2023 Invoices and Budget Report: Bill Nesbitt motioned to approve the financials, seconded by Carol Dwyer. Motion approved.

5. LIBRARY DIRECTOR REPORTS: December 2023

6. COMMITTEES

- a. Budget and Finance – Second meeting set for February 27, 2024.
- b. Building and Grounds –
- c. Personnel –
- d. Policy –
- e. Marketing-

7. NEW BUSINESS

- a. Kelli Newberry motioned that we approve the Capital Improvement Plan (CIP) for the next 5 years, seconded by Cloe Oliver. Motion passed.
- b. Kelly Newberry motioned that we close the building for cleaning, as deemed necessary by the Library Director, once the window construction is completed, seconded by Brenda Stacy. Motion passed.

8. NEXT MEETING DATE

- a. Next board meeting on Monday, March 6, 2024, at 4:30 p.m.

9. ADJOURNMENT: Meeting was adjourned at 4:43 p.m.



FEBRUARY

13.E

2024

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
28	29	30	31	01	02	03
04	05 7:00 PM PC 4:30 PM Library Board	06	07	08	09	10
11	12 7:00 PM Council	13	14 3:00 PM Cemetery	15 8:00 AM DDA	16	17
18	19	20 5:30 PM JPA (Rutland)	21 10:30 AM Parks 5:30 PM JPC (Rutland)	22 8:00 AM LDFA/BRA	23	24
25	26 7:00 PM Council	27	28 4:30 PM Airport	29	01	02
03	04	05	06	07 PC (Planning Commission) ZBA (Zoning Board of Appeals) DDA (Downtown Development Authority) LDFA/BRA (Local Development Finance Authority/ Brownfield Redevelopment Authority) JPA (Hastings/Rutland Joint Planning Alliance) JPC (Hastings/Rutland Joint Planning Commission)	08	09