



CITY OF HART
407 S. STATE ST.
HART, MI 49420
REGULAR MEETING OF CITY COUNCIL - COUNCIL PROCEEDINGS
AUGUST 12th, 2025
MINUTES – Approved

PRESENT: Mayor Amanda Klotz, Councilors, Catalina Burillo, Jim Cunningham, Dean Hodges, Andrew Mullen, Betty Root and Karen Thomson

ABSENT: None

OTHERS PRESENT: Interim City Manager Nichole Kleiner, Clerk/Treasurer – Karla Swihart, BioPure Superintendent – Paul Cutter, DPW Superintendent – Brad Whitney, Hart Energy Superintendent – Mike Schiller, Hart Police Chief – Juan Salazar, JGP – Beth Hill, Sharon Hallack, Cristina Juska, Jim Kleiner, Rolando Salgado, and Emily Sigler

APPROVAL OF AGENDA:

- B. Root motioned to approve the Agenda and was supported by K. Thomson
 - Ayes: 7 Nays: 0 Absent: 0

PUBLIC COMMENTS:

- None

CORRESPONDENCE, EVENTS, PRESENTATIONS:

- None

CONSENT AGENDA:

- Approval of minutes from July 22nd, 2025
- Bills, Claims, Payroll
- Reports of Boards, Commissions, and Committees
- Department Reports – Police/BioPure/Public Works/Energy/C&E Dvlp
 - J. Cunningham motioned to approve Consent Agenda and supported by B. Root
 - Ayes: 7 Nays: 0 Absent: 0

ACTION ITEMS:

- Resolution 2025-25 Appointment of Interim City Manager
WHEREAS, the Hart City Council recognizes the need for stable, experienced administrative leadership following the unexpected vacancy in the City Manager position;
WHEREAS, Nichole Kleiner brings significant experience in municipal administration, economic development, and community leadership, including prior service to the City of Hart; and
WHEREAS, the City Council desires to appoint Nichole Kleiner as Interim City Manager, effective immediately, to ensure continuity of City operations during the search for a permanent City Manager; and
WHEREAS, the terms and conditions of employment for the Interim City Manager are set forth in the Interim City Manager Employment Agreement, including provisions for a remote work period, transition to full-time on-site service, hourly and salaried compensation, full benefits, and an initial vacation bank of two weeks with continued accrual consistent with City personnel policy;
NOW THEREFORE BE IT RESOLVED THAT:

1. *The Hart City Council hereby appoints Nichle Kleiner as Interim City Manager of the City of Hart, effective August 12th, 2025*
 2. *The appointment shall be governed by the terms outlined in the Interim City Manager Employment Agreement, attached to and incorporated into this resolution by reference.*
 3. *The Mayor and/or City Clerk are authorized to execute the employment agreement and take any necessary actions to carry out this appointment.*
 4. *This resolution shall take immediate effect.*
- C. Burillo motioned to approve Resolution 2025-25 and supported by A. Mullen

• Ayes: 7 Nays: 0 Absent: 0

- Resolution 2025-26 Approve the Amended and Restated Restrictive Covenants
WHEREAS, in 1990, the City of Hart (the “City”) recorded the plat establishing Hart Industrial Park (the “Industrial Park”) with the Oceana County Register of Deeds; and
WHEREAS, in 1990, the City recorded Restrictive Covenants for the Industrial Park (the “Restrictive Covenants”); and
WHEREAS, in 1993 the City further amended the Restrictive Covenants and recorded the Restrictive Covenants, as amended with the Oceana County Register of Deeds; and
WHEREAS, in the years following, several businesses have purchased and sold lots within the Industrial Park; and
WHEREAS, in order to promote the Industrial Park as a desirable industrial area with uniform and suitable architectural designs and uses, the City has prepared Amended and Restated Restrictive Covenants for the Industrial Park (the “Amended Covenants”) in the form on file with the City Clerk; and
WHEREAS, the Restrictive Covenants may be amended with the written and recorded consents from seventy-five percent (75%) of the owners of the parcels and lots within the Industrial Park; and
WHEREAS, the Amended Covenants have been presented to the City Council in the form on file with the City Clerk.

NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL HEREBY:

1. Approves the Amended Covenants in the form on file with the City Clerk.
2. The fact of approval of the Amended Covenants shall be endorsed on the Amended Covenants where indicated by the signature of the Mayor and the City Clerk.
3. The Mayor and City Clerk are hereby authorized to execute and deliver copies of a consent form, in the form on file with the City Clerk, to the current lot and parcel owners within the Industrial Park as evidence of the City’s approval of and consent to the Amended Covenants.
4. Following execution of the Amended Covenants and written consent from seventy-five percent (75%) of the current lot and parcel owners within the Industrial Park, the Amended Covenants shall be recorded with the Oceana County Register of Deeds.
5. All resolutions and parts of resolutions in conflict herewith shall be and the same are hereby rescinded.
 - A. Mullen motioned to approve Resolution 2025-26 and supported by K. Thomson

• Ayes: 7 Nays: 0 Absent: 0

- Resolution 2025- 27 DPW Service Truck Purchase
WHEREAS, the DPW and Water Department have in their current fiscal year budget, the purchase of a new service pickup truck, and
WHEREAS, the DPW superintendent has performed due diligence in obtaining quotes for the replacement vehicle both locally and on the state purchasing consortium known as MiDeal; and
WHEREAS, the DPW and Water Department require dependable and functional equipment to ensure the proper delivery of services to residents and customers, and
WHEREAS, in order to secure the benefits of efficient self-government and to promote and protect our common interests and welfare, the City Council hereby declares:

NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL

*Accepts the submitted pricing of available inventory; and
Authorizes the purchase of a new truck not to exceed price of \$47,000
plus, delivery fee.*

Directs City staff to sign the purchase agreement and accept delivery of the vehicle.

- J. Cunningham motioned to approve Resolution 2025-27 and supported by B. Root

• Ayes: 7 Nays: 0 Absent: 0

- **Ordinance 25-01** Proposed Chapter 1245 A-Residential Zoning amendments (2nd Reading)
 - (a) Corner Lots. The setback along the principal street shall be the minimum required by this section while the setback along the secondary street shall be at least fifteen feet. The Zoning Administrator shall determine

which is the principal and which is the secondary street. Generally, the principal street will have a greater volume of traffic than the secondary street. Corner lots shall have two front lot lines and two side lot lines and no rear lot line.

(b) Maximum height – 35 feet.

(c) Minimum floor area:

1. One story ~~720~~ 400 square feet.
2. Two story ~~600~~ 500 square feet on the ground floor
3. Split level, bi-level and raised ranch – ~~800~~ 700 square feet total.
4. Two-family dwelling – ~~720~~ 600 square feet per dwelling.

(Ord.182. Passed 5-12-98; Ord. 184. Passed 5-25-99; Ord. 06-02. Passed 11-28-06; Ord. 2007-04. Passed 11-13-07.)

1245.05 ADDITIONAL REGULATIONS.

(a) Off-street parking shall be regulated by [Chapter 1260](#)

(b) Signs shall be regulated by [Chapter 1259](#)

(c) Site Plan review as regulated by [Chapter 1258](#) is required for all special land uses.

(d) Site condominiums shall be regulated by [Chapter 1257](#)

(Ord. 182. Passed 5-12-98; Ord. 184. Passed 5-25-99)

- Discussion from City Council with a roll call vote to send back to the Planning Commission for further review on Minimum floor area.
 - J. Cunningham motioned to send Ordinance 2025-01 (2nd reading) back to Planning Commission and supported by B. Root
 - Ayes: 6 Nays: 1 Absent: 0

▪ Ordinance 25-02 Proposed Chapter 1246 A1-Residential Zoning amendments (2nd Reading)

CHAPTER 1246

A-1, Residential Zone

[1246.01](#) Purpose.

[1246.02](#) Permitted uses.

[1246.03](#) Special uses.

[1246.04](#) District regulations.

[1246.05](#) Additional regulations

CROSS.REFERENCES

Zoning and planning in home rule cities – see M.C.L.A Sec. 117.4i

Regulation of location of trades, buildings and uses by local authorities – see M.C.L.A. Sec. 125.581

Regulation of buildings; authority to zone – see M.C.L.A Sec. 125.582

Regulation of congested areas – see M.C.L.A Sec. 125.583

Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property – see M.C.L.A 125.583a

Effect of zoning ordinance or zoning decision in presence of demonstrated need for certain land use – see M.C.L.A Sec. 125.592

1246.02 PERMITTED USES.

Land and structures in the A-1 Residential Zone may be used for the following purposes only.

- (a) Single family detached dwellings.
- (b) Child and adult day care homes with no more than six minor children and adults.
- (c) State licensed adult foster care family homes with no more than six adults. Such facilities shall be at least 1500 feet apart as measured between property lines.
- (d) Home occupations.
- (e) Private communication antenna not exceeding twenty-five feet in height as regulated by Section [1243.18](#).

- (f) Accessory uses, buildings and structures customarily incidental to any of the above uses as regulated by Section [1243.16](#).
 - (g) Essential public service equipment.
 - (h) Two-family dwellings (duplexes) including the conversion of single family dwellings into a two-family dwelling. Two off-street parking spaces for each dwelling shall be provided on the same parcel as the two-family dwelling. Such dwellings shall have the exterior appearance of a one-family dwelling.
 - (i) Churches, synagogues or other similar places of worship and customary related uses.
 - (j) Public and institutional uses.
 - (k) Public and private schools and school administration buildings.
- (Ord. 182. Passed 5-12-98; Ord. 184. Passed 5-25-99)

1246.03 SPECIAL USES.

The following uses may be permitted as special land uses subject to the applicable general and specific requirements and standards of [Chapter 1256](#).

- (a) Antennae and towers exceeding a height of twenty-five feet as regulated by Section [1243.18](#)
- (b) Non-commercial parks, playgrounds and play fields.
- (c) Essential public service buildings and structures.
- (d) Housing for the elderly, retired or those requiring assisted care including nursing homes.
- (e) Public and private golf courses.
- (f) Child day care homes which provide care to more than six but not more than twelve minor children.
- (g) Child day care centers.
- (h) Bed and breakfast establishments.
- (i) Accessory apartments as regulated by Section [1243.25](#).
- (j) Foster care group home for seven or more children or adults.
- (k) Domestic farm animals and fowls penned and housed more than 200 feet from any dwelling other than the dwelling occupied by the owner of the farm animals or fowls and located on a parcel of land containing three acres or more.
- (l) Boarding houses.

(m) Buildings containing 3 or 4 dwelling units.

(Ord. 182. Passed 5-12-98; Ord. 184. Passed 5-25-99; Ord. 2014-01. Passed 1-7-14.)

1246.04 DISTRICT REGULATIONS.

Buildings and structures shall not be erected or enlarged unless the following requirements are met and maintained.

- (a) Minimum lot area and width.
 - (1) Single family dwellings: 12,000 square feet and 100 feet of lot width.
 - (2) Non-residential uses: 15,000 square feet and 100 feet of lot width.
- (b) Minimum required building setbacks.
 - (1) Front yard – 25 feet.
 - (2) Side yard. For dwelling units a total of 30 feet provided no side setback shall be less than 10 feet. For all other uses 25 feet on each side.
 - (3) Corner lots. The setback along the principal street shall be a minimum of 25 feet while the setback along the secondary street shall be at least 15 feet. The Zoning Administrator shall determine which is the principal and which is the secondary street. Corner lots shall have two front lines and two side lot lines and no rear lot line.
 - (4) Rear yard – 25 feet.
- (c) Maximum building height – 35 feet.
- (d) Minimum floor area:
 - i. One Story – ~~720~~ 400 square feet.
 - ii. Two-Story – ~~600~~ 500 square feet on the ground floor.

- iii. Split level, bi-level and raised ranch – ~~800~~ 700 square feet total.
 - iv. Two – ~~four unit~~ family dwellings – ~~720~~ 600 square feet per dwelling unit.
- (Ord. 182. Passed 5-12-98; Ord. 184. Passed 5-25-99; Ord. 2007-04. Passed 11-13-07.)

1246.05 ADDITIONAL REGULATIONS.

- (a) Off-street parking shall be regulated by [Chapter 1260](#).
 - (b) Signs shall be regulated by [Chapter 1259](#).
 - (c) Site plan review as regulated by [Chapter 1258](#) is required for all special land uses.
 - (d) Site condominiums shall be regulated by [Chapter 1257](#).
- (Ord. 182. Passed 5-12-98; Ord. 184. Passed 5-25-99.)

- Discussion from City Council with a roll call vote to send back to the Planning Commission for further review.
 - J. Cunningham motioned to send Ordinance 2025-02 (2nd reading) back to Planning Commission and supported by B. Root
 - Ayes: 6 Nays: 1 Absent: 0

▪ **Ordinance 25-03** Proposed Chapter 1243 Landscaping Zoning Regulations amendments (2nd Reading)
GENERAL PROVISIONS RELATING TO ALL DISTRICTS:

1243.22 LANDSCAPING REGULATIONS.

- (a) The intent of this section is to set forth minimum standards for landscaping. Landscaping areas are intended to maintain or improve air quality, stabilize soils, increase groundwater infiltration, decrease wind velocity, reduce noise, and create zones of privacy.
- (b) For site plans requiring Planning Commission review, buffer strips shall be required where an industrial use abuts any other nonindustrial use or where any parking lot exceeding fifteen parking spaces abut residential, public, or religious use. Where landscape requirements shall be observed.
 - (1) Two trees plus one additional tree for each twenty-five feet in length of the buffer strip measured along the outer periphery of the required landscape area.
 - (2) One shrub for every twenty feet in length of the buffer strip measured along the outer periphery of the required landscape area.
 - (3) All plantings in the buffer strip shall be maintained in a neat and orderly manner. Dead plant materials shall be replaced within a reasonable period of time but no longer than one growing season.
- (c) Landscaping shall be located so it does not obstruct the vision of drivers or pedestrians entering or leaving a site.
- (d) Parking area landscaping
 - (1) All parking areas more than 5,000 square feet in area, except those parking areas for industrial use which are located in the rear yard, shall be landscaped with one canopy and one evergreen tree for every ten parking spaces, with a minimum of two trees shall be planted, adjacent to the parking area.
 - (2) Landscape islands or peninsulas shall be installed at the end of those parking rows which are more than twenty spaces long. Within such rows a landscaped island shall be installed every twenty spaces.
 - (3) Landscape islands or peninsulas at the end of parking rows shall be a minimum of ten feet in width by the length of the parking space or spaces, with an appropriate curb radius. Islands within parking rows shall be a minimum of six feet wide by the length of the parking space and spaces. Islands shall be separated from the parking area by a rolled or stand-up curb.
 - (4) Each island or peninsula within a parking area shall contain a minimum of one canopy tree.
 - (5) Landscaping in and adjacent to parking areas shall be of a height and location which will not block the vision of drivers or pedestrians.
- (e) Limitations on Removing Existing Trees.
 - (1) Applicability. The tree removal regulations in this Section shall apply when compliance with other landscaping standards is required under Section 1243.22. The regulations of this section shall not apply to any

construction project that does not require approval from the Planning Commission or Administrative Site Plan Review Committee. Lots containing one single family home shall also be exempt from this section.

(2) Exempt Activities. The following activities shall be exempt for this section.

A. Tree trimming and other routine maintenance that does not result in the destruction, relocation, or cutting of a tree so that no portion larger than a stump remains intact on the site, or the mutilation of a tree to the point of near certain death.

B. Removal or trimming is made necessary by emergency caused by natural events, such as tornado, windstorm, flood, or other natural disaster, in which the removal of the tree would prevent injury or damage to persons or property.

C. The removal or trimming of dead trees, diseased trees or discouraged species.

(3) Exempt Organizations. The following organizations shall be exempt for this section.

A. Public Utilities. The removal or trimming of trees necessitated by the installation, repair or maintenance work performed in a public utility easement or approved private easement for public utilities grants such permission.

B. Public Agencies. The removal or trimming of trees if performed by or on behalf of the City, County, State or other public agencies in a public right-of-way, on public property or on an easement for public utilities in connection with a publicly awarded construction project, such as the installation of public streets or public sidewalks.

C. Tree Farms, where the primary purpose of the operation is to grow trees for wholesale or retail.

(4) Tree Removal Restriction. Any tree greater than twelve (12) inches in Diameter at Breast Height (DBH), except those exempted by Sections 1243.22e(2-3), shall be replaced in accordance with Section 1243.22(5) if it is removed from a site. "Removed" shall mean the destruction, relocation, or cutting of a tree so that no portion larger than a stump remains intact on the site, or the mutilation of a tree to the point of near certain death.

(5) Replacement Requirement. Replacement Trees shall be provided to replace each tree to be removed in accordance with the following schedule. When the number of Replacement Trees results in a fraction, any fraction up to one-half shall be disregarded, and any fraction over and including one-half shall require one Replacement Tree. The minimum size at planting for Replacement Tree is 8 feet in height for coniferous trees and 2.5 inches DBH for deciduous trees.

A. If the replacement trees are coniferous trees:

(i) A replacement tree under 6 feet tall replaces 0.5 removed trees.

(ii) A replacement tree between 6 and 8 feet tall replaces 1 removed tree.

(iii) A replacement tree between 8 and 10 feet tall replaces 1.5 removed trees.

(iv) A replacement tree between over 10 feet tall replaces 2 removed trees.

B. If the replacement trees are deciduous trees:

(i) A replacement tree under 2.5 inches DBH replaces 0.5 removed trees.

(ii) A replacement tree between 2.5 and 3.5 inches DBH replaces 1 removed tree.

(iii) A replacement tree between 3.5 and 4.5 inches DBH replaces 1.5 removed trees.

(iv) A replacement tree over 4.5 inches DBH replaces 2 removed trees.

(6) Standards for Replacement Trees. Replacement trees must meet the requirements of Section 1243.22b-c.

(7) Relationship to Landscaping Requirements. Replacement trees may be counted as required trees for other requirements of this section, provided they are located in such a way as to fulfill the requirement in question.

~~(f)~~ Landscape modifications. The landscape requirements of this section may be modified by the Planning Commission or Zoning Administrator in consideration of existing trees on site, proposed building setbacks, existing and proposed uses on adjacent lands, topographical elevations on a site and on adjacent lands. In deciding whether to modify the landscape regulations of this section the Planning Commission or Zoning Administrator shall determine that the intent of the regulations will still be met if modifications are allowed. (Ord. 182. Passed 5-12-98.)

- **Ordinance 25-04** Proposed Chapter 870 Food Truck Zoning (2nd Reading)

THE CITY OF HART ORDAINS:

Section 1. Purpose

The purpose of this Ordinance is to establish a policy to regulate and manage Transitory Food Service Units in the City of Hart (the “City”); to permit and regulate Transitory Food Service Units in the City; to reduce vehicular and pedestrian traffic congestion; to encourage new business; and to protect the health, safety, and welfare of the City’s business district and the City’s people.

Section 2. Definition

Transitory Food Service Unit means a motorized vehicle, including pulled mobile trailer, a temporary food service station, cart, smoker, grill, freezing or cutting unit, or similar apparatuses that engages in the storage, preparation, service, sale, or distribution of ready-to-eat or immediately consumable food items to the public directly from the unit. Transitory Food Service Unit includes a “special transitory food unit” and a “temporary food establishment” as defined under the Michigan Food Law, MCL 289.1111.

Section 3. Permit Requirements

Except as otherwise authorized under this Ordinance, no Transitory Food Service Unit may engage in the preparation service, sale, or distribution of food in the City on public or private property without first obtaining a permit from the City in the manner prescribed in this ordinance. The application fee will be set from time to time by resolution of the City Council. All fees must be paid to the City Treasurer at the time the application is submitted. All permits issued pursuant to this Ordinance must be available on site for inspection upon request by the City Zoning Administrator or law enforcement officer. Permits must be conspicuously displayed on the premises or any cart, stand booth, motorized vehicle, mobile trailer, or similar apparatus used in the business at all times. No person may carry or display any expired, suspended, or revoked permit, or any license or permit for which a duplicate has been issued. Additionally, the Transitory Food Service Unit must comply with all applicable state licensing requirements, including but not limited to filing a Notification of Intent to Operate a Special Transitory Food Unit, and must further comply with all applicable requirements of the Oceana County Health Department. Failure to comply with all applicable licensing and regulatory requirements may result in revocation of the permit by the City.

Section 4. Permit Exceptions

A transitory Food Service Unit may engage in the preparation, service, sale, or distribution of food in the City on public or private property without a permit required under Section 3 of this Ordinance if:

1. Operating at a single location for less than 2 hours.
2. The operator is a USA Veteran licensed to sell goods under Mich. Public Act 359 of 1921 or is otherwise exempt from the permitting requirements of this Ordinance under State or Federal law.
3. The operator is operating under the invitation of a special event permit holder, or a special event held by the City of Hart, or one of its agencies.

The City reserves the right to request documentation in support of any exemption.

Section 5. Applications

1. A person requesting a Transitory Food Service Unit permit must submit a written application no more than 6 months in advance, and no less than 7 days prior to the proposed operation date.
2. Applications are to be on forms provided by the City and must state under oath such facts as may be required for, or applicable to, the granting of the permit. The City reserves the right to request additional information or documentation regarding the application to ensure proper compliance with this Ordinance and the safety of the general public.
3. The applicant must pay a fee of in an amount set by City Council from time to time by resolution. Fees must be made payable to “The City of Hart”. All payments must be made by cash, check, credit card, or electronic fund transfers.
4. The application fee is nonrefundable and does not guarantee approval by the City.

5. Permits are valid for 14 consecutive days. Each additional period of 14 days or less requires an additional application submitted in the same manner as an original application. Longer-term permits may be granted only by City Council resolution.
6. A Transitory Food Service Unit that is engaged in the business of selling prepared food that is cooked or heated with a device or appliance using any gas or liquid may not receive a permit until and unless the motor vehicle, conveyance, cart, stand, booth or other similar structure or fixture, device or appliance is reviewed or inspected by the Oceana County Health Department.
7. Application Process
 - a. Applications must be submitted to: City of Hart, 407 South State Street, Hart MI 49420 in accordance with the requirements of this Ordinance for approval by either the City Manager or the Chief of Police.
 - b. The City reserves the right to deny the application for incompleteness. No permit may be granted to any person owing any personal property taxes, money judgments, or any other indebtedness to the City, except for real property taxes and special assessments, or any person using any personal property in the operation of a business upon which personal property taxes are delinquent.
 - c. If, within 14 days from application submission, the applicant is unable to furnish any required or requested initial or supplemental documentation and/or delinquent payments, the application will be considered abandoned.

Section 6. Regulations

All the following regulations must be followed at all times by any Transitory Food Service Unit operating in the City:

1. Transitory Food Service Units may operate in zoning districts B-1 and B-2, as designated by the current City of Hart Zoning Map on private property. Those applying for a permit to operate on public property may only operate in designated areas under an approved special event permit or otherwise approved by City Council.
2. No Transitory Food Service Unit may operate within the vicinity of a hospital entrance or within 100 ft of the main entrance of a brick-and-mortar food service establishment unless the unit is an accessory use of the restaurant.
3. Transitory Food Service Units may operate within the hours of 7:00am and 10:00pm on Sundays through Thursdays and 7:00am and 12:00am on Fridays and Saturdays unless the City Council approves additional permitted hours upon request of a Transitory Food Service Unit.
4. No Transitory Food Service Units may be left overnight, or unattended on public property, unless authorized by City Council by resolution or under an approved special event permit.
5. No Transitory Food Service Unit may block, obstruct, restrict, or otherwise interfere with the movement of vehicular traffic, or designated public parking.
6. No Transitory Food Service Unit may block, obstruct, restrict, or otherwise interfere with the flow of pedestrian food traffic, movement or access to public walkways, trails or public amenities.
7. No furnishings are allowed on curbs, sidewalks, trails, in roads, pedestrian or vehicular right of ways. This includes, but is not limited to, lights, signs, banners, chairs, tables, or external waste receptacles.
8. The City of Hart reserves the right to permit furnishings on any public lawn, lot, park, or space. All furnishings must be included on a site plan and submitted with application and must be in good quality condition. Furnishings are subject to approval by City Manager or Chief of Police.
9. No liquid, solid, or food waste, or debris will be permitted to emit from the Transitory Food Service Unit. The permittee must keep the premises whereon said Transitory Food Service Unit is located free from their own rubbish, waste products, cans, bottles and debris including napkins, straws, paper cups and plates and other waste material.
10. Only reasonable vapors, steam or exhaust will be permitted to emit from the Transitory Food Service Unit.
11. Use of generators may be prohibited if its use, location, or condition is anticipated to create a nuisance to neighbors or pedestrians.

12. The Transitory Food Service Unit must comply with all local, state, and federal laws set forth by the Michigan Food Code, Michigan Health Department, USDA, Michigan Department of Agriculture, Michigan Secretary of State, Michigan Liquor Control Code, Internal Revenue Service, Oceana County Health Department, or any agency or entity with lawful jurisdiction over the Transitory Food Service Unit, its operation and product sales.
13. Transitory Food Service Unit must comply with all regulations herein, and subsequent recommendations by the City of Hart. The Transitory Food Service Unit must furnish all documents as outlined, and any other proofs, or documents requested by Chief of Police.

Section 7. Indemnification

A Transitory Food Service Unit permit holder, and private property owner, agrees to hold harmless and indemnify the City of Hart, its agencies, its employees, or agents in all matters arising from the permitted application, and/or the operation of the Transitory Food Service Unit.

Section 8. Insurance

A Transitory Food Service Unit permit holder, operating on public property, must have no less than \$1,000,000.00 business liability insurance naming the City of Hart as an additional insured for approved dates of operation. Proof of business insurance must be submitted with permit application. Proof of insurance is due prior to the Transitory Food Service Unit permitted operation dates.

Section 9. Impoundment

Any equipment associated with a Transitory Food Service Unit that is not in compliance with this Ordinance and is left on public property may be impounded at the owner's sole expense.

Section 10. Non-Exclusivity

No provision in this chapter limits or intends to limit in any way the Transitory Food Service Unit, or its operator, the right to offer or sell its products to the general public, other business entities, municipalities, or agencies before, during or after the operation permitted herein. The permit does not limit the City of Hart from freely engaging other persons, organizations, or businesses to provide the same or similar products or services at any time. Approval of a permit does not constitute approval or agreement to approve future applications.

Section 11. Revocation, Suspension, or Refusal; Appeal

Once a permit has been issued, the Zoning Administrator may at any time revoke or suspend a license for failure to comply with the provisions of this Ordinance or any rules or regulations promulgated by the City included, but not limited to one or more of the following reasons:

1. Failure to pay all required fees:
2. Fraud, misrepresentation or false statement contained in the application for a permit:
3. Fraud, misrepresentation or false statement made in the operation of a business:
4. Any violation amounting to a felony, or misdemeanor involving moral turpitude, resulting from or related to the operation of a business in the City:
5. Conducting a business in an unlawful manner or in such manner as to constitute a breach of the peace or to constitute a nuisance per se to the health, safety or welfare of the public:
6. Failure to comply with a requirement of any authorized City official as it relates to the operation or business pertaining to the permit:
7. The failure of any applicant or permittee (including all employees, agents or representatives of the applicant or permittee) to meet and satisfy any provision of this Code or any other duly established rule or regulation of the City applicable to the business for which the permit has been requested or granted:
8. Failure to obtain any other required license or permit for the business from any federal, state or local agency or authority and lack of any evidence that such state license or permit has been obtained and proof that all fees pertaining thereto have been paid:

9. Failure to provide any information reasonably requested by the Zoning Administrator related to the application:
10. Failing to comply with this Ordinance.

The City must provide a permittee with reasonable notice and an opportunity to be heard before revoking or suspending a permit.

If a permit application is denied or a permit is revoked or suspended the aggrieved party may appeal to the City Council in writing within ten days. If no appeal is timely filed, then the denial, revocation, or suspension is final.

Section 12. Other Permits

A permit obtained does not relieve any Transitory Food Service Unit of its responsibility for obtaining any other permit or license or authorization required by any other ordinance, statute law or administrative rule promulgated by any entity with jurisdiction over the location or conduct considered within this Ordinance.

Section 13. Validity and Severability

Should any portion of this Ordinance be found invalid for any reason, such holding will not be construed as affecting the validity of the remaining portions of this Ordinance.

Section 14. Repealer Clause

Any Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 15. Violation

A violation of this Ordinance is a municipal civil infraction, and, in addition, the City of Hart is entitled to enforce this Ordinance by seeking injunctive relief or any other remedy allowed by law.

Section 16. Effective Date

This Ordinance is effective 30 days after publication.

- Discussion from City Council with a roll call vote to send back to the Planning Commission for further review.
 - J. Cunningham motioned to send Ordinance 2025-04 (2nd reading) back to Planning Commission and supported by B. Root
 - Ayes: 6 Nays: 1 Absent: 0

DISCUSSION ITEMS:

- Hart Energy – Diesel plant generation update
Superintendent M. Schiller regarding the diesel plant at the end of Water Street and wanted council to be aware that the MPPA is recommending as we need so much energy capacity for the City's portfolio, in going forward we've been trying to figure out what is going to be done with the Diesel engines. There are two that are operational, but do not meet the Rice Neshat rules, so we are looking into getting these updated, which will help with the City's energy capacity going forward. More to come regarding the Diesel Plant upgrades.
- Double Haul Solutions – Salary Range for City Manager
Mayor Klotz wanted this to get on the radar as the City was asked by Double Haul regarding the Salary Range the City is looking to offer a new City Manager. Recommendation from Council to start the conversation with Personal and Finance committee and bring it to City Council.

CITY MANAGER'S REPORT:

- None

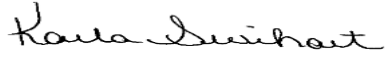
COMMUNICATIONS FROM THE MAYOR AND COUNCIL:

- Mayor Klotz – Thank you to our staff and the Council all of our department heads working so diligently though this change over. Thank you for keeping things rolling. The City has a great staff and Superintendents. It has not gone unnoticed, and we appreciate each and every one of you.
- B. Root – Please raise your voice when talking to the Council as it gets hard to hear up there.
- C. Burillo – Just wanted to make a comment with Chief Salazar being here, In reading your reports, one of the great things with our community is having local law enforcement involved, one of the events that happened where a resident was not doing their usual thing, upon a well-being check the resident was taken care of and got the help they needed.

ADJOURN:

- There being no further business to come before the Council, Mayor Klotz adjourned the meeting at 8:33pm. The next regularly scheduled meeting will be on August 26th, 2025, at 7:30 pm.

Respectfully Submitted

A handwritten signature in cursive script that reads "Karla Swihart".

Karla Swihart, City Clerk