

*City of Hart, Michigan*  
CITY COUNCIL AGENDA  
**March 26, 2024, 7:30 PM**  
*407 State St. – Council Chamber*  
NOTICE OF PUBLIC MEETING  
REGULAR COUNCIL MEETING

1. Call to Order
2. Roll Call – Adams, Burillo, Evans, Hodges, Klotz, Trygstad, Platt
3. Pledge of Allegiance
4. Approval of Agenda
5. Public Comments – **Public comment on any matter other than a scheduled public hearing.**  
**We ask that you please limit your comments to 3 minutes.**
  - a. Correspondence, Events, Presentations
6. Consent Agenda:
  - a. Approval of Minutes from March 12, 2024 Council meeting.
  - b. Bills, Claims, Payroll
  - c. Reports of Boards, Commissions, and Committees
  - d. Department Reports – Police/BioPure/Public Works/Energy/♥C&E Dvlp.
7. Action Items
  - a. Resolution 2024-07 Approve and submit the language of proposed amendment to the charter of the City of Hart, Michigan
  - b. Resolution 2024-08 Accept PUD amendment and Approve Creeks Subdivision Master Deed Amendment
8. Discussion Items
9. City Manager Report
10. Communications from the Mayor and Council (Including board and committee updates.)
11. Adjournment –

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**CITY OF HART**  
**407 S. STATE ST.**  
**HART, MI 49420**  
**REGULAR MEETING OF CITY COUNCIL - COUNCIL PROCEEDINGS**  
**March 12<sup>th</sup>, 2024**  
**MINUTES – Draft**

**PRESENT:** Mayor Vicki Platt, Councilors Justin Adams, Catalina Burillo, Dean Hodges, Amanda Klotz, and Kris Trygstad

**ABSENT:** Jim Evans

**OTHERS PRESENT:** City Manager – Rob Splane, City Clerk – Karla Swihart, BioPure Superintendent – Paul Cutter, Energy Superintendent – Mike Schiller, HEART Superintendent – Nichole Kleiner, Cheri Eisenlohr, Steve Freed, Mike Killehsen, and Melanie Wightman

Mayor Platt called the meeting to order; following the roll call, then led the Council in the pledge of allegiance.

**APPROVAL OF AGENDA:**

- C. Burillo motioned to approve the agenda and was supported by J. Adams
  - Ayes: 6 Nays: 0 Absent: 1

**PUBLIC COMMENTS:**

- Cheri Eisenlohr 507 S. State St. I have been employed with the City of Hart for the last 7 years and in November 2023 I had an ankle replacement surgery that has kept me from working, unfortunately I have had several complications with my recovery, I have kept the City Manager apprise after each of my surgeon's visits. I filed for FMLA prior to my surgery to protect my job for 12 weeks. I recently discovered when the City Manager completed a long-term disability form that I have been terminated effective 01/25/2024 as my FMLA has run out. The City Manager did not indicate that I have been terminated in pervious correspondence. In looking at a prior short-term disability form I discovered that the City Manager did indicate that I was terminated, but I did not catch it. In addition, I found that he told the staff that I resigned, I never received a formal termination letter, nor did I submit a resignation letter. I'm hoping that his terminating me does not keep me from receiving long term disability that I applied for which is offered by the City. I am making this statement because I want the City records and personal file to reflect this situation correctly. Thank you!
- Steve Freed 88<sup>th</sup> Ave Hart, Representing Freed Management company, I'd like to thank the City for the last 10 years of managing John Gurney Park, we enjoyed every minute of it. Id like to share a couple of facts with you all tonight, during those 10 years we've made a lot of improvements in the park, in which the City paid nothing towards. Which of was 28 sewer installations with my equipment, my money, and updates done to the pavilion, an also know that it took Freed Management Company just a little under \$100,000 to run John Gurney Park. Freed Management was only getting paid \$74,000 from the City, to make up the extra cost we invested in an ice machine to sell ice, Cut and sold firewood, etc. to make up the difference. I believe that the residents of that park deserve a little bit better of a hand off than what they received. There should have been an exit strategy in place. We understand things took a little bit longer than expected but in the end the City did hire a really good developer to run the park, City employees are City employees, when it comes to spending taxpayer's money, before you do turn our historic property into a Silve Lake resort, think of the customers of the park. Freed Management put our hearts and soles into John Gurney Park. It costs a lot of money and more than what the City is willing to put into it, Thank you for your time.
- Mike Killehsen, Coopersville Mi, summer resident of John Gurney Park, we've been coming to John Gurney Park for the last 6 years, drove up on behalf of Steve and Jen to show support for the work they have done in the years we've been there. We were displeased on how the handling of new management went but we found out through a message from Jen that our seasonal camp spot was up for a nightly rental, so just a little unhappy about having to find out that way but did get a call from Chris and was able to get our shop reserved. Just want to give Steve and Jen credit for how the park has been run these past years, Thank you.

**CORRESPONDENCE, EVENTS, PRESENTATIONS:**

- Letter from Matt Larman that is in front of Council this evening.  
Thank you again for the privilege (and joy!) of facilitating Saturday's leadership retreat for the City Council – and especially for the courage you all displayed in inviting the community in for a joint visioning exercise. I couldn't

agree more with the words of a friend on my Facebook post, “ How heartening that a small town would invest in such change- making work.”

Thank you for the photos. Grateful to you for such a wonderful visit to Hart!

- Hart Economic and Redevelopment Team Activity Report and 4-year snapshot.

**CITY OF HART**

# Economic Development & TIFA

**FEB 2020- FEB 2024 ACTIVITY REPORT**

*MISSION STATEMENT to develop and implement creative community-based strategies to enhance economic opportunity through educational partnerships, a consolidated infrastructure system, regional collaboration, business retention and attraction, high quality of life, and a strong sense of community.*

## FOUR-YEAR SNAP SHOT

<p><b>NEW BUSINESSES</b></p> <ul style="list-style-type: none"> <li>Charlie's II</li> <li>Birch &amp; Blossom</li> <li>Morningside Pallet Merchandise</li> <li>Great Lakes Pet Fencing</li> <li>Stellas</li> <li>Dogwood Community Development</li> <li>5-Star Realty</li> <li>Lakeside Bagel &amp; Smoothie Bar</li> <li>Tractor Supply</li> <li>Auto Zone</li> <li>Biggby</li> <li>Pixel Grafix Studio</li> </ul> <p><b>BUSINESS EXPANSIONS</b></p> <ul style="list-style-type: none"> <li>Pink Elephant</li> <li>Gray &amp; Co Expansion</li> <li>Lakeside Family Fitness</li> </ul> <p><b>SPECIAL PROJECTS</b></p> <ul style="list-style-type: none"> <li>Downtown Streetscape Conceptual Plans</li> <li>Congregational United Church Acquisition</li> <li>Partnership with WSCC   Oceana College Campus</li> <li>Downtown Speaker System</li> <li>Annual Artwalk &amp; Hartprize Event (new)</li> <li>Tin Man Sculpture &amp; Wall Mural</li> <li>Main Street Market   Pop-up Shop Chalets</li> <li>Wayfinding Directional Signs</li> <li>Downtown Beautification/Annual Flowers</li> <li>Social District</li> <li>The Creeks Development</li> <li>Walkers Demo - 20+ Addtl Pkg Spaces</li> <li>Ceres Acquisition &amp; Development Plan</li> <li>New TIFA Development Plan</li> <li>Discover Oceana</li> <li>Expanded Summer Music Series from 6 to 12 Concerts. Added a Makers Market</li> <li>Certified Redevelopment Ready Community</li> </ul>	<p><b>INCOME GENERATED</b></p> <ul style="list-style-type: none"> <li>TIFA Property Improvement Grant Investments ..... \$ 117,450</li> <li>MEDC RRC Ceres Development Grant..... \$35,000</li> <li>MI Arts &amp; Cultural Council Grant (mural)..... \$12,500</li> <li>Match on Main Grant ('20,'21,'22,'23)..... \$100,000</li> <li>USDA Grant (Walker Demo/Pop-ups)..... \$98,337</li> <li>Optimize Main Grant ('22, '23)..... \$10,000</li> <li>Consumers Put Your Town on The Map..... \$10,000</li> <li>Great Lakes People Fund..... \$3,500</li> <li>SHPO Lakeshore Heritage Grant..... \$33,000</li> <li>Gift Card Incentive ('20, '21)..... \$ 82,800</li> <li>MCACA Grant for Music on Commons..... \$ 4,000</li> <li>HEART, John Gurney Park, Historic District, NAF Websites ..... \$ 40,000</li> <li>Shop Local Video reaching over 41,000 \$ 5,000</li> <li>First Impression Tourism Grant..... \$ 4,000</li> <li>Donations &amp; Sponsorships..... \$ 63,000</li> </ul> <p style="text-align: right;"><b>TOTAL</b> <b>\$543,987</b></p> <p><b>ASSETS</b></p> <ul style="list-style-type: none"> <li>Ceres   3 E Main St (value)..... \$350,000</li> <li>Congregational United Church (value)..... \$385,000</li> </ul> <p style="text-align: right;"><b>TOTAL</b> <b>\$735,000</b></p> <p><b>COST SAVINGS (4 YEAR TOTAL)</b></p> <ul style="list-style-type: none"> <li>Downtown Office Rent &amp; Utilities Savings..... \$ 25,000</li> <li>Reduced Wages (Part-Time Director)..... \$ 40,000</li> <li>Corrected TIFA Annual Capture..... \$350,000</li> </ul> <p style="text-align: right;"><b>TOTAL</b> <b>\$415,000</b></p>
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# \$544K

Income generated since March 2020

# \$735K

In assets

# 15

New and expanding businesses

**CONSENT AGENDA:**

- Approval of minutes from February 13<sup>th</sup>, 2024.
- Bills, Claims, Payroll
- Reports of Boards, Commissions, and Committees
- Department Reports – Police/BioPure/Public Works/Energy/C&E Dvlp
  - J. Adams motioned to approve Consent Agenda and supported by C. Burillo
    - Ayes: 6 Nays: 0 Absent: 1

## **ACTION ITEMS:**

- Resolution 2024-04 Declare Surplus Equipment and authorize sale  
WHEREAS, the City of Hart owns, legacy equipment at the Hart BioPure Department and at City Hall; and  
WHEREAS, BioPure blowers were replaced with variable frequency blowers as part of an efficiency saving effort leaving the old units as legacy surplus equipment; and  
WHEREAS, City Hall continues to eliminate decades old documents and transitioning to digital formats with new documents reducing the need for square footage available for document storage; and  
WHEREAS, the City Council desires to secure the benefits of efficient self-governance and to promote and protect our common interests and welfare; and  
NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL:

*Designates the used BioPure Blowers and approximately 16 file cabinets as surplus  
Equipment and authorizes the City Manager to take the necessary steps to offer the equipment  
For sale to the highest bidder.*

- J. Adams motioned to approve resolution 2024-04 and supported by A. Klotz
  - Ayes: 6 Nays: 0 Absent: 1

- Resolution 2024-05 Waive Bidding requirements and authorize emergency repairs  
WHEREAS, the City of Hart operates and maintains water, sewer, and road infrastructure; and  
WHEREAS, as part of maintaining underground infrastructure that is frequently decades old, some aging equipment is vulnerable to unexpected failure; and  
WHEREAS, a water main at the intersection of East Main Street and Hart Street ruptured on February 5<sup>th</sup> 2024 and required an immediate response using inventory on hand by the City water department to save the roadway and prevent serious damage to the surrounding area; and  
WHEREAS, it has been determined that the site is still leaking at some reduced rate and requires the replacement of a significant section of water main including three key valves surrounding the intersection; and  
WHEREAS, the typical bidding process will require approximately 6 to 9 weeks to develop bid documents, advertise, review bids and award the contract. Once the contract is awarded, additional time may be needed to order materials to complete the work; and  
WHEREAS, the City Council desires to secure the benefits of efficient self-governance and to promote and protect our common interests and welfare; and  
NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL:

*Agrees to waive the normal bidding process for the emergency repair to the water system  
In the area of East Main Street and Hart Street and authorize the City Manager to work with  
the City Engineers to obtain formal competitive quotes from qualified contractors and execute a contract to  
perform the work as soon as possible.*

- C. Burillo motioned to approve Resolution 2024-05 and supported by K. Trygstad
  - Ayes: 6 Nays: 0 Absent: 1

- Resolution 2024-06 Excessive Force Policy  
WHEREAS, the Congress of the United States has passed the Armstrong/Walker "Excessive Force" Amendment (Section 104 (L)(1) of Title 1 of the Housing and Community Development Act of 1974 as amended) prohibiting the use of excessive force by a local law enforcement agency against any individual engaged in nonviolent civil rights demonstration within its jurisdiction; and  
WHEREAS, the City of Hart has received a Michigan Community Development Block Grant is and is required to comply with the Armstrong/Walker Amendment; and  
WHEREAS, the sue of excessive force against demonstrators may cause the CITY to lose its grant or eligibility for future federal grants; and  
WHEREAS, the City Council desires to secure the benefits of efficient self-governance and to promote and protect our common interests and welfare; and  
NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL:

*It is POLICY of the CITY that the use of excessive force is prohibited by local law enforcement  
agencies against individuals engaged in nonviolent civil rights demonstrations within the City.  
The City will adopt and enforce a policy of enforcing applicable State and local laws against  
physically barring entrance to or exit from a facility or location which is the subject of such  
nonviolent civil rights demonstrations within jurisdictions.*

*The City Council directs the Police Chief to implement this Resolution by amending applicable*

*police department procedures.*

- J. Adams motioned to approve Resolution 2024-06 and supported by C. Burillo
  - Ayes: 6 Nays: 0 Absent: 1

**DISCUSSION ITEMS:**

- Special Event Permit – Zumba Class, Super Fitness (Rosario Mendoza) – John Gurney Park
- Mayoral Appointment – Andrew Mullen to HEART Board.

**CITY MANAGER'S REPORT:**

**Updates:**

- The new Parks and Recreation Superintendent started Monday February 26<sup>th</sup> and is off and running. Chris TerHaar of Mears has spent almost 30 years working in property management and most recently for vehicle rental management in Silver Lake. His skill set makes him perfect to run our campground and his enthusiasm for his new position is infectious. He will be doing a short presentation at the upcoming council meeting.
- Wadel stabilization tested the Riverside lift station with all systems working properly.
- Frontier Communications is going a City-wide fiber internet to the home project in Q2 2024.
- HydroCorp began cross-connection inspections and meter reading upgrades March 4<sup>th</sup>.
- Plummers environmental will begin water service line verifications in late April.
- Creeks Subdivision amendments still being prepared for planned execution in March.
- While MDOT was performing cold patch work on State Street, they discovered a large cavity under the roadway that required an emergency repair for safety. The cavity was caused by MDOT owned infrastructure and they contracted with Hallack to perform the work. The road was re-opened the same day, but some additional work may be required, and the road will be remediated by MDOT.
- SRTS update – communication from Fleis and Vanderbrink indicated that they were able to have a productive discussion with MDOT and the project will likely move forward.
- Asparagus day was March 7<sup>th</sup> at the New Era Reformed Church. The NAF and representatives will run a booth showcasing the festival and Hart Michigan. A short presentation will be given seeking support from industry businesses.
- Veteran's Memorial Park project – (EGLE approved!)

**Legacy Topics:**

- The City Attorney is working on City Charter amendment verbiage to be approved by Council, the attorney general, and the governor. The amendments will be processed for ballot approval at the next general election.
- Safe Routes to School trail project – pending State Approval projected bid spring 2024.

**Upcoming Topics:**

- Adoption of 5-year Park and Rec Master Plan (Currently back and forth negotiation with MDOT)
- Council review of rental inspection policies, procedures, and implementation. Chief Salazar is delayed due to 2 employee resignations and 2 employees parental leave)

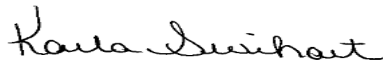
**COMMUNICATIONS FROM THE MAYOR AND COUNCIL:**

- Board of Review scheduled for March 14<sup>th</sup> and 15<sup>th</sup> at City Hall from 1pm-7pm

**ADJOURN:**

- There being no further business to come before the Council, the meeting adjourned upon a motion by J. Adams and supported by K. Trygstad. The next regularly scheduled meeting will be on March 26<sup>th</sup>, 2024, at 7:30 pm.

Respectfully Submitted



Karla Swihart, City Clerk

Payables Date 03.26.2024	Description	Total	General +	DPW	Energy	BPTF	Water
Blue Cross Blue Sheild	Retire Health Care	\$ 2,125.08	\$ 1,416.72		\$ 708.36		
Election Source	Election Equipment Testing	\$ 750.00	\$ 750.00				
Election Source	Repair to Ballot Machine	\$ 28.58	\$ 28.58				
Hart Township Treasurer	425 Amended Agreement 2023	\$ 6,844.80	\$ 6,844.80				
Jons to go	Portable Restrooms JGP	\$ 110.00	\$ 110.00				
Jons to go	Portable Restrooms Disc Golf	\$ 110.00			\$ 110.00		
Jons to go	Portable Restrooms Vets Park	\$ 110.00			\$ 110.00		
Leaf	Police Copier Lease fee	\$ 39.00	\$ 39.00				
MPPA	Power Purchase	\$ 13,999.20			\$ 13,999.20		
MPPA	Power Purchase	\$ 37,930.04			\$ 37,930.04		
Ocena Herald Journal	March Board of Review Add	\$ 758.25	\$ 758.25				
Pitney Bowes	Postage Machine Lease	\$ 162.00	\$ 162.00				
Pitney Bowes	Ink Cartage	\$ 182.58	\$ 182.58				
Power Line Supply	Parts/Supplies	\$ 390.00			\$ 390.00		
Power Line Supply	Parts/Supplies	\$ 625.25			\$ 625.25		
Power Line Supply	Parts/Supplies	\$ 119.63			\$ 119.63		
Power Line Supply	Parts/Supplies	\$ 1,596.68			\$ 1,596.68		
Prein & Newhof	2160076 NPDES Permit & Irrigation expansion	\$ 514.50				\$ 514.50	
Prein & Newhof	2160182 Hart Dam	\$ 511.00			\$ 511.00		
Prein & Newhof	2200777 Drinking Water Asset Phase 002	\$ 1,029.50					\$ 1,029.50
Prein & Newhof	2200777 Drinking Water Asset Phase 003	\$ 800.50					\$ 800.50
Prein & Newhof	2220218 Dam Monitoring 22-24	\$ 465.00			\$ 465.00		
Prein & Newhof	2221057 SRF Wastewater phase 1,2,3	\$ 6,943.25				\$ 6,943.25	
Prein & Newhof	2221059 Biopure Construction Phase	\$ 1,066.50				\$ 1,066.50	
Prein & Newhof	2221070 Dryden & Wood St	\$ 1,140.50	\$ 1,140.50				
Prein & Newhof	2240333 Main St Water Main Repair	\$ 1,308.50	\$ 1,308.50				
Pyrotecnico Fireworks	Deposit for 2024 Fireworks	\$ 7,750.00	\$ 3,875.00		\$ 3,875.00		
Quill	Office Supplies	\$ 210.55	\$ 210.55				
Silver Lake Area Chamber of Comm	2024 SLSD Visitor Guide Advertorial	\$ 2,499.00	\$ 2,499.00				
US Postmaster	Permit Renewal Fee	\$ 320.00	\$ 80.00		\$ 80.00	\$ 80.00	\$ 80.00
West Michigan Drain Solutions	Riverside Dr/Johnson St Sewer Plug	\$ 432.50				\$ 432.50	
West Michigan Drain Solutions	Strom Drain inspection state st	\$ 227.50				\$ 227.50	
	<b>Sub-total</b>	<b>\$ 91,099.89</b>	<b>\$ 19,405.48</b>	<b>\$ -</b>	<b>\$ 60,520.16</b>	<b>\$ 9,264.25</b>	<b>\$ 1,910.00</b>
<b>HAND CHECKS/ACH/EFT</b>							
Alerus	City Share 401 Retirement - PR 194	\$ -	\$ -				
US Postmaster	Postage/Tax Bills	\$ -	\$ -				
AFLAC	Insurance Premium	\$ -	\$ -				
Guardian	Insurance Premium	\$ -	\$ -				
Delta Dental	Insurance Premium	\$ -	\$ -				
MWG/Amfirst	Insurance Premium	\$ -	\$ -				
Blue Cross Blue Shield	Insurance Premium	\$ -	\$ -				
	<b>TOTAL HAND CHECKS</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
	<b>Sub-Total Regular Bills/Hand Checks</b>	<b>\$ 91,099.89</b>	<b>\$ 19,405.48</b>	<b>\$ -</b>	<b>\$ 60,520.16</b>	<b>\$ 9,264.25</b>	<b>\$ 1,910.00</b>
<b>Gross Payroll</b>	PR 199	\$ -					
	<b>Sub-Total</b>	<b>\$ -</b>					
	<b>GRAND TOTAL</b>	<b>\$ 91,099.89</b>	<b>\$ 19,405.48</b>	<b>\$ -</b>	<b>\$ 60,520.16</b>	<b>\$ 9,264.25</b>	<b>\$ 1,910.00</b>

**RESOLUTION 2024-07**  
**CITY COUNCIL**  
***City of Hart, Michigan***  
***Oceana County***

**RESOLUTION TO APPROVE AND SUBMIT THE  
LANGUAGE OF PROPOSED AMENDMENTS TO  
THE CHARTER OF THE CITY OF HART,  
MICHIGAN**

WHEREAS, the Home Rule City Act, Act 279 of the Public Acts of Michigan of 1909, as amended (“Act 279”), being MCL 117.1 *et seq.*, authorizes the City Council to propose amendments to the City Charter by a 3/5 vote of its members;

WHEREAS, the City Council finds that it is necessary, advisable and in the best interests of the residents of the City to amend Chapter IV, Section 4.1 of the Charter of the City of Hart (“Section 4.1”) to eliminate the requirement that the City Council hold regular meetings at least twice a month at 7:30 p.m. at the City Hall, which is no longer the practice;

WHEREAS, the City Council finds that it is necessary, advisable and in the best interests of the residents of the City to amend Section 4.1 to allow the City Council to reschedule regular meetings of the City Council by resolution if necessary and appropriate;

WHEREAS, Act 279 provides that charter amendments proposed by a city council shall be submitted to the electors of the city at the next regular municipal or general state election, or at a special election, held not less than 60 days after the proposal of the amendment.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. Pursuant to the authority granted to the City Council under Act 279, the Council hereby proposes that Section 4.1 of the Charter of the City of Hart, which now states as follows:

“Regular meetings of the Council shall be held at least twice in each calendar month commencing at 7:30 p.m. at the City Hall. If any time set by resolution of the Council for holding of a regular meeting of the Council shall be a holiday, then such regular meeting shall be held on the next following secular day which is not a holiday or on such other day as may be set by the Council.”

be amended so as to instead state as follows:

“Regular meetings of the Council shall be held in each calendar month at the City Hall or such other location designated by the Council. Prior to the first meeting in a calendar year, the Council shall, by resolution, establish the dates and times of the Council’s regular meetings for the next calendar year and may, when necessary or appropriate, change the date, time and place of any regular meeting.”

2. The question whether to amend Section 4.1, as set forth above, shall be submitted to the qualified electors of the City at a special election coinciding with the election to be held on Tuesday, November 5, 2024, pursuant to the provisions of Act 279 and the Michigan Election Law.

3. The ballot proposal to be submitted to the electors shall be in the form attached hereto as Exhibit A, and in such form the proposal is hereby certified to the County Clerk.

4. The attached **Exhibit B** shows the current City Charter language and with proposed amendments redlined.

5. The City Clerk is hereby authorized and directed to make the necessary arrangements to deliver a certified copy of this resolution to the Oceana County Clerk as soon as possible, but in no event later than 4:00 p.m. on August 13, 2024.

6. The City Clerk is hereby authorized and directed to transmit a certified copy of this resolution to the Governor of the State of Michigan, so that she may review and approve the proposed Charter amendment pursuant to MCL 117.22.

7. The City Clerk is hereby authorized and directed to transmit a certified copy of this resolution to the Attorney General of the State of Michigan, so that she may review and approve the proposed Charter amendment pursuant to MCL 117.22.

8. The City Clerk is hereby directed to give notice of such election as required by law. The notice shall include the proposed amendments to the City Charter with the existing Charter provisions that would be altered. The City Clerk shall also publish the Charter amendments as required by law.

9. The City Clerk is hereby authorized and directed to follow all other procedures required by the Michigan Election Law for the special election.

10. If the proposed amendment to the City Charter is approved by a majority of the qualified City electors voting thereon, the City Clerk is hereby authorized and directed to file, within 30 days after the election, two printed copies thereof, together with the vote for and against as duly certified by the Clerk, with the Secretary of State and the Oceana County Clerk.

11. All resolutions or parts of resolutions in conflict herewith shall be and the same are hereby rescinded.

YEAS:       Members: \_\_\_\_\_

NAYS:       Members: \_\_\_\_\_

ABSTAIN:   Members: \_\_\_\_\_

RESOLUTION DECLARED ADOPTED.

\_\_\_\_\_  
Karla Swihart, Clerk  
City of Hart

STATE OF MICHIGAN   )  
  ) ss.  
COUNTY OF OCEANA   )

I, the undersigned, the duly qualified and acting Clerk of the City of Hart, Oceana County, Michigan (the “City”) do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council at a regular meeting on the \_\_\_\_ day of \_\_\_\_\_ 2024 the original of which is on file in my office. Public notice of said meeting was given pursuant to and in compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, including in the case of a special or rescheduled meeting, notice by posting at least eighteen (18) hours prior to the time set for the meeting.

IN WITNESS WHEREOF, I have hereto affixed my official signature on this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_

\_\_\_\_\_  
Karla Swihart, Clerk  
City of Hart

**RESOLUTION 2024-08**  
**City Council**  
***City of Hart, Michigan***  
***Oceana County***

**ACCEPT PUD CHANGES AND APPROVE CREEKS  
SUBDIVISION MASTER DEED AMENDMENT**

WHEREAS, beginning in 2003, the City of Hart entered into a public-private partnership with a local developer in pursuit of constructing new housing; and

WHEREAS, in years following, Shelby State Bank assumed ownership of the property through the developer's defaulted construction loan and afterwards attempted to sell the property for several years to recoup the loss; and

WHEREAS, the City of Hart purchased the property in 2017 for \$61,500 from Oceana County following tax default and has sought new parties to purchase and develop the stagnant project, finding little to no interest as it was originally designed; and

WHEREAS, the city council worked closely with the Creeks Homeowners Association, city planners, and the city attorney to agree upon mutually beneficial PUD and Master Deed amendments seeking new development in the subdivision; and

WHEREAS, on March 7, 2024, The City of Hart Planning Commission reviewed and approved the PUD amendment as suggested by council and the homeowners association; and

WHEREAS, in order to secure the benefits of efficient self-government and to promote and protect our common interests and welfare:

*NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL*

*Accpets City of Hart Planning Commission PUD amendment as approved on March 7, 2024.*

*Appoints and directs the Hart City Manager, as voting representative for the 42 units, specifically units 9-12, 21-56, 59, & 62 owned by the City of Hart comprising a 67.62 percentage of total units and value owned as defined in the Master Deed "Exhibit A – Schedule A" of The Creeks Condominium to sign the agreed upon Master Deed Amendment pursuant to the language and drawings as approved in the PUD Amendment approved by Planning Commission March 7, 2024.*

Moved by \_\_\_\_\_, supported by \_\_\_\_\_, and thereafter adopted by the Hart City Council at a regular council meeting held on March 26, 2023.

Ayes: \_\_\_\_ Nays: \_\_\_\_ Absent: \_\_\_\_



March 1, 2024

City of Hart Planning Commission  
6586 W M-21  
Bengal Township, MI

**Subject: City of Hart: Creek subdivision Planned Unit Development Agreement**

THIS PLANNED UNIT DEVELOPMENT AGREEMENT (the "Agreement") is made effective as of this day of March 7, 2024, between City of Hart, a Michigan general law City (referred to as the "City"), with offices at 407 S. State St. #1, Hart, Michigan 49420; and Creek Subdivision, located on Enterprize Dr. Hart, MI 49420 (referred to as "Creek Subdivision") and states the following:

**Recitals**

WHEREAS, the Zoning Ordinance of the City allows for a Planned Unit Development (PUD) zoning classification as an optional method of development whereby regulations may be provided for the conservation of natural resources and features, encourage innovation in land use planning, to enhance housing, employment, shopping, traffic circulation, and to ensure the compatibility of design and use between neighboring properties and encourage development that is consistent and compatible with the City's Master Plan; and

WHEREAS, the City and Creek Subdivision wish to enter into this Agreement consistent with the applicable codes, ordinances, and regulations; and

WHEREAS, the City and Creek Subdivision each represent and warrant it has the requisite approvals and authority to enter into this Agreement to be bound accordingly;

WHEREAS, the Development known as Creek Subdivision under this Agreement shall be consistent with the terms of the Agreement and any violations may result in an immediate reversion of land back to the underlying zoning district, with all provisions of this agreement voided.

NOW, THEREFORE, in consideration of the mutual covenants and considerations herein contained and based on the approval of the Planned Unit Development (sometimes referred to as the "Project") and the City of Hart Zoning Ordinance, the parties to the Agreement hereby agree as follows:

1. The parent property with parcel number 020-665-000-00, at the intersection of Enterprize Dr. and Creek Dr., which is situated in City of Hart, Oceana County, Michigan, and is described in Exhibit A, hereinafter as "Project Site," will be amended and the number of permitted housing units will be reduced from 62 to 44. All other provisions and requirements of the Planned Unit Development (PUD) zoning district shall



- apply to the Project Site unless otherwise stated in this Agreement or unless otherwise set forth by this Agreement.
2. The land uses permitted by right on the Project Site are those presented in Exhibit A, and shall be single-family and multi-family housing, as defined in Chapter 1245 of the Hart Zoning Ordinance. Permitted uses include the following:
    - (a) Single family detached dwellings.
    - (b) Two-family dwellings (duplexes) including the conversion of single family dwellings to 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 dwelling shall have the exterior appearance of a one-family dwelling.
  3. Additional land uses may be permitted, subject to a determination by the Planning Commission (by majority vote) that they meet the requirements of the Zoning Ordinance. An amendment to this agreement shall be required to add a new permitted land use.
  4. There shall be no uses permitted by Special Land Use on the project site.
  5. **Prohibitions:** Only single-family detached dwellings and two-family dwellings are permitted on the site. All other uses are prohibited.
  6. Creek Subdivision shall be built out, as shown in Exhibit A (the approved Site Plan). This provision shall supersede any contradictory provision in the Zoning Ordinance.
  7. The approved Site Plan in Exhibit A shall be the governing Site Plan for the site. Exhibit A may be amended, if approved by a majority vote of the Planning commission. No amendment to this Agreement shall be required in order to amend Exhibit A. This provision shall supersede any contradictory Zoning Ordinance.
  8. For any zoning-related issue not specifically addressed in this agreement, the relevant provisions of the Zoning Ordinance shall apply.
  9. Creek Subdivision shall obtain all required City, State, and other governmental reviews, approvals, and permits, including but not limited to Site Plan Approval from the City and approvals by the Building Official, Fire Chief, and all County agencies with jurisdiction. All relevant Building codes shall be met prior to a Certificate of Occupancy being issued by the City.
  10. The provisions of this Agreement shall be considered interdependent such that invalidation of any one or more of these covenants by judgment or decree or order of any court results in the invalidation of this



entire Agreement unless the parties agree otherwise in writing. The covenants herein contained shall be binding upon the parties hereto and their respective successors and assigns and shall run with the title to the land, unless and until amended, altered or terminated pursuant to the Agreement between the City, Creek Subdivision, and its successors or assigns.

11. This Agreement shall be deemed to be mutually drafted and shall be construed under Michigan Law.
12. This Agreement is a fully integrated contract for all purposes under Michigan Law. This is the entire Agreement and supersedes any prior discussions or oral Agreements.
13. Each party herein reserves all legal rights, equitable and otherwise, to enforce the terms of this Agreement.

Signed:

\_\_\_\_\_

City of Hart by vote at a Planning Commission meeting on March 7, 2023

Creek Subdivision




\_\_\_\_\_ by its \_\_\_\_\_ on \_\_\_\_\_

# CREEK SUBDIVISION PLAN

City of Hart,  
Oceana County, MI.

March 5, 2024.

## LEGEND

-  Duplex Residential development.
-  Single Family Residential lots.
-  Site Condominium development

