

City of Hart, Michigan
CITY COUNCIL AGENDA
August 26th, 2025, 7:30 PM
407 State St. – Council Chamber
NOTICE OF PUBLIC MEETING
REGULAR COUNCIL MEETING

1. Call to Order
2. Roll Call – Burillo, Cunningham, Hodges, Mullen, Root, Thomson, Klotz
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 August 12, 2025
 - b. Bills, Claims, Payroll
 - c. Reports of Boards, Commissions, and Committees
 - d. Department Reports – Police/BioPure/Public Works/Energy/♥C&E Dvlp./Parks & Rec
7. Action Items
 - a. Resolution 2025-28 Acquisition of Irrigation Water Well
 - b. Resolution 2025-29 Approve Amended Bylaws for TIFA
 - c. Resolution 2025-30 MMPA Commissioner Appointment
 - d. Resolution 2025-31 Designate Interim City Manager as Member Rep.
8. Discussion Items
 - a. Special Event Permit Request – Veterans Parade on November 8, 2025
 - b. Personnel & Finance Proposed Recommendation: City Manager Search/Salary Range
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
AUGUST 12th, 2025
MINUTES – Draft**

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 judgements, 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

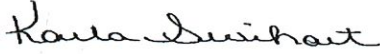
COMMUNICATIONS FROM THE MAYOR AND COUNCIL:

- 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, appearing to read "Karla Swihart".

Karla Swihart, City Clerk

Payables Date 08.27.2025	Description	Total	General +	DPW	Energy	BPTF	Water
Absopure	Water - Energy Dept	\$ 60.85			\$ 60.85		
ACE 1 Port-A-Potties	Portable Restroom - Vet's Park	\$ 175.00			\$ 175.00		
ACE 1 Port-A-Potties	Portable Restroom - Hart Hydro Disc Golf	\$ 100.00			\$ 100.00		
ACE 1 Port-A-Potties	Portable Restroom - JGP Boat Launch	\$ 100.00	\$ 100.00				
Berger Chevrolet	2025 Chevy Silverado 1500 - DPW	\$ 41,454.00		\$ 41,454.00			
Blue Cross Blue Shield	Retirees Medicare Advantage	\$ 3,202.80	\$ 2,001.75	\$ (400.35)	\$ 1,601.40		
Brickley DeLong	Accounting/Audit Assistance	\$ 120.00	\$ 30.00		\$ 30.00	\$ 30.00	\$ 30.00
Charter Communications	Internet	\$ 88.95			\$ 88.95		
Charter Communications	Phone/Fax - CH/DPD	\$ 97.49	\$ 97.49				
Charter Communications	Phone/Internet - Starting Block	\$ 175.00			\$ 175.00		
Charter Communications	Phone/Internet - Hart Commons	\$ 125.00			\$ 125.00		
Cintas	Bathroom Supplies - JGP 7/29	\$ 78.63	\$ 78.63				
Cintas	Bathroom Supplies - JGP 8/5	\$ 210.36	\$ 210.36				
Cintas	Bathroom Supplies - JGP 8/12	\$ 78.63	\$ 78.63				
Cintas	Bathroom Supplies - Hart Commons 8/5	\$ 63.17	\$ 63.17				
Compton, Clarice	MPPA Appliance Recycling	\$ 50.00			\$ 50.00		
Consumers Energy	Utilities	\$ 257.76			\$ 257.76		
Dacott	Power Purchase Report	\$ 650.00			\$ 650.00		
Dave's Party Store	Fuel - Parks & Rec	\$ 371.75	\$ 371.75				
Dave's Party Store	Fuel - DPW	\$ 872.96		\$ 872.96			
Environmental Resource Associates	Lab Supplies - Past Due Invoice	\$ 1,065.89				\$ 1,065.89	
Environmental Resource Associates	Lab Supplies - Past Due Invoice	\$ 245.66				\$ 245.66	
Environmental Resource Associates	Lab Supplies - Past Due Invoice	\$ 272.87				\$ 272.87	
Environmental Resource Associates	Lab Supplies - Past Due Invoice	\$ 1,258.78				\$ 1,258.78	
Environmental Resource Associates	Lab Supplies - Past Due Invoice	\$ 274.84				\$ 274.84	
Environmental Systems Research Inst.	GIS Basic Use Primary Maintenance - Annual	\$ 858.60			\$ 858.60		
F & J Signs	Historic District Museum Sign	\$ 1,000.00	\$ 1,000.00				
FirstNet	Dept. Hotspots	\$ 302.68	\$ 43.24		\$ 172.96	\$ 43.24	\$ 43.24
Fish Window	Window Cleaning - City Hall	\$ 105.00	\$ 105.00				
Frontier	Phone - Diesel Plant	\$ 157.87			\$ 157.87		
Frontier	Phone - DAM Auto Dialer	\$ 122.65			\$ 122.65		
Frontier	Internet - JGP	\$ 108.16	\$ 108.16				
GRA Benefits Group	Employee Navigator Benefits Program -Annual Fee	\$ 900.00	\$ 225.00		\$ 225.00	\$ 225.00	\$ 225.00
Great Lakes Cleaning Services	Cleaning Services - CH/Comm. Center	\$ 1,200.00	\$ 1,200.00				
Great Lakes Energy	Utilities	\$ 47.17				\$ 47.17	
Hansen Foods	Postage/Shipping	\$ 55.49			\$ 55.49		
Hart Cemetery Commission	Tax Disbursement	\$ 1,980.55	\$ 1,980.55				
Hart Cemetery Commission	2019 Winter - Delinquent Personal Property	\$ 3.96	\$ 3.96				
Hart Cemetery Commission	2020 Summer/Winter - Delinquent Personal Property	\$ 3.74	\$ 3.74				
Hart Cemetery Commission	2021 Summer/Winter Delinquent Personal Property	\$ 3.46	\$ 3.46				
Hart Cemetery Commission	2022 Summer/Winter Delinquent Personal Property	\$ 3.18	\$ 3.18				
Huntington Bank	CC Statement - July 2025	\$ 9,083.86	\$ 6,607.13	\$ 238.17	\$ 1,715.77	\$ 295.91	\$ 226.88
Hydrocorp	Cross Connection Program	\$ 764.00					\$ 764.00
Kelley, Stephen	Expense/Training/Mileage Reimbursement	\$ 415.76			\$ 415.76		
Keystone Cooperative	Fuel	\$ 1,177.18				\$ 1,177.18	
KS State Bank	2025 Volvo Wheel Loader Payment	\$ 7,124.13		\$ 7,124.13			
Lighthouse Car Care	Parts/Services/Repairs	\$ 20.00			\$ 20.00		
Ludington Daily News	BOR 2025 AD	\$ 101.10	\$ 101.10				
Medler Electric Co.	Parts/Supplies	\$ 324.56			\$ 324.56		
Medler Electric Co.	Parts/Supplies	\$ 41.01				\$ 41.01	
Michigan Electric Transmission Co	Allocated Flatcost-2024 Charge	\$ 52.78			\$ 52.78		
Michigan Municipal League	Workman's Comp Premium 2nd Installment	\$ 3,918.00	\$ 979.50		\$ 979.50	\$ 979.50	\$ 979.50
Michigan Municipal Treasurers Association	Fall 2025 Conference - K. Swihart	\$ 539.00	\$ 539.00				
MPPA	Purchased Power 8/12	\$ 113,564.54			\$ 113,564.54		
MPPA	Aug 2025 Summary	\$ 136,846.12			\$ 136,846.12		
MPPA	Purchased Power 8/19	\$ 30,248.08			\$ 30,248.08		
Napa Auto Parts	Parts/Supplies	\$ 102.48			\$ 52.51	\$ 49.97	
Nutrien AG Solutions	Chemicals	\$ 127.30				\$ 127.30	
NYE Uniform	Uniforms - J. Hoekstra	\$ 30.50	\$ 30.50				
Oceana County	Assessing Services Sept, Oct, Nov 2025	\$ 9,600.00	\$ 9,600.00				
Power Line Supply	Parts/Supplies	\$ 847.30			\$ 847.30		
Power Line Supply	Parts/Supplies	\$ 90.00			\$ 90.00		
Power Line Supply	Parts/Supplies	\$ 1,990.55			\$ 1,990.55		
Power Line Supply	Parts/Supplies	\$ 1,655.00			\$ 1,655.00		
Power Line Supply	Parts/Supplies	\$ 128.00			\$ 128.00		
Power Line Supply	Parts/Supplies	\$ 198.00			\$ 198.00		
Power Line Supply	Parts/Supplies	\$ 1,257.56			\$ 1,257.56		
Power Line Supply	Parts./Supplies	\$ 2,150.45			\$ 2,150.45		
Power Line Supply	Parts/Supplies	\$ 127.59			\$ 127.59		
Power Line Supply	Parts/Supplies	\$ 379.14			\$ 379.14		
Power Line Supply	Credit Memo	\$ (355.00)			\$ (355.00)		
Power Line Supply	Parts/Supplies	\$ 365.40			\$ 365.40		
Prein & Newhof	2200777 Drinking Water Asset Mgmt Grant	\$ 16,234.75					\$ 16,234.75
Prein & Newhof	2221059 BioPure Facility Construction Phase	\$ 9,529.65				\$ 9,529.65	
Prein & Newhof	2250631 Downtown Streetscape	\$ 15,000.00	\$ 15,000.00				
Prein & Newhof	2221057 SRF Wastewater Improvements	\$ 1,387.00				\$ 1,387.00	
Prein & Newhof	2221070 Dryden & Wood St Reconstruction	\$ 587.60		\$ 587.60			
Prein & Newhof	2250758 Plum St Survey	\$ 1,923.60			\$ 1,923.60		
Quill	Office/Operating Supplies	\$ 371.74	\$ 371.74				
Swihart's Septic Service	Pumped/Removed Roots from Sewer	\$ 500.00				\$ 500.00	
T & R Electric	Single Phase Pad Mounts	\$ 9,759.15			\$ 9,759.15		
T & R Electric	Single Phase Pad Mounts	\$ 3,917.38			\$ 3,917.38		
T & R Electric	Single Phase Pole Mounts	\$ 7,472.38			\$ 7,472.38		
T & R Electric	Single Phase Pad Mounts	\$ 20,242.77			\$ 20,242.77		
T & R Electric	Single Phase Pole Mounts	\$ 9,619.77			\$ 9,619.77		
T & R Electric	9 Transformers Disposal	\$ 3,117.00			\$ 3,117.00		
T & R Electric	Single Phase Pole Mounts	\$ 2,667.38			\$ 2,667.38		
T & R Electric	Single Phase Pole Mounts	\$ 4,294.77			\$ 4,294.77		
Team Life	AED Case	\$ 273.00	\$ 273.00				
TerHaar, Chris	Reimbursement	\$ 103.87	\$ 103.87				
Trace Analytical Labs	Water Testing	\$ 1,175.55				\$ 1,175.55	
Tractor Supply	Tools/Parts & Supplies	\$ 389.02	\$ 389.02				
TruGreen	Lawn Service - CH	\$ 54.65	\$ 54.65				
Verizon	Office Phones	\$ 484.01	\$ 395.96	\$ 29.35	\$ 29.35	\$ 29.35	
Verizon	Department Phones	\$ 545.89	\$ 82.20	\$ 205.53	\$ 175.96	\$ 82.20	
VitalShred	Recycling/Shredding Services - City Hall	\$ 71.10	\$ 71.10				
Wadel Stabilization	Asphalt Patching Washington & Water	\$ 1,200.00		\$ 1,200.00			

Wadel Stabilization	Water Service 302 Washington	\$ 6,250.00					\$ 6,250.00
Wells Fargo Vendor	Copier Renewal - City Hall	\$ 143.20	\$ 143.20				
Wilbur-Ellis	Chemicals	\$ 77.87				\$ 77.87	
Windridge	Shirts - JGP	\$ 408.00	\$ 408.00				
	Sub-total	\$ 499,018.39	\$ 42,858.04	\$ 51,311.39	\$ 361,179.65	\$ 18,915.94	\$ 24,753.37
HAND CHECKS/ACH/EFT							
Alerus	City Share 401 Retirement	\$ -	\$ -				
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	\$ -	\$ -				
	TOTAL HAND CHECKS	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	Sub-Total Regular Bills/Hand Checks	\$ 499,018.39	\$ 42,858.04	\$ 51,311.39	\$ 361,179.65	\$ 18,915.94	\$ 24,753.37
Gross Payroll	PR241	\$ 83,380.56					
Gross Payroll							
Gross Payroll							
	Sub-Total	\$ 83,380.56					
	GRAND TOTAL	\$ 582,398.95	\$ 42,858.04	\$ 51,311.39	\$ 361,179.65	\$ 18,915.94	\$ 24,753.37

RESOLUTION NO. 2025-28
City Council
City of Hart, Michigan
Oceana County

**RESOLUTION TO APPROVE THE ACQUISITION OF AN IRRIGATION WATER
WELL FOR THE CITY'S WASTEWATER TREATMENT PLANT HEADWORKS
BUILDING AND MATTERS RELATED THERETO**

WHEREAS, the real property located at 2252 W. Polk Road, Hart, MI (Parcel No. 64-007-015-300-09) (the "Forner Property") contains an approximately 270' deep irrigation well (the "Well"); and

WHEREAS, the Forner Property is located adjacent to the City's wastewater treatment plant; and

WHEREAS, as part of the City's wastewater treatment plant improvement project, it is necessary for the City to have access to an irrigation well to provide non-potable water to the headworks building; and

WHEREAS, Forner Farms LLC, the owner of the Forner Property, has expressed an interest in selling the Well, including but not limited to the existing pumps, controls and fittings, and related appurtenances, and the right to withdraw water from the Forner Property to the City for use by the City at the wastewater treatment plant; and

WHEREAS, it is necessary and in the best interest of the City to acquire the Well on the Forner Property.

NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL HEREBY:

1. Approves the acquisition of the Well on the Forner Property, including the existing pumps, controls and fittings, and related appurtenances, and the right to withdraw water from the Well for the sum of \$10,000.

2. The Mayor and City Clerk/Treasurer are hereby authorized and directed to enter into, execute, and deliver any and all necessary documents for the acquisition of the Well including, but not limited to, a purchase agreement for the purchase of the Well in accordance with this resolution and in consultation with and as recommended by the City Attorney.

3. The Mayor and City Clerk/Treasurer are hereby authorized and directed to enter into, execute, and deliver any and all necessary documents, including the acceptance of an easement in favor of the City, as recommended by the City Attorney, to provide the City with access to the Well on the Forner Property

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

Moved by _____, and supported by _____ and thereafter adopted by the Hart City Council at a regular council meeting held on August 26th, 2025

Karla Swihart, City Clerk/Treasurer
City of Hart

STATE OF MICHIGAN)
)ss.
CITY OF HART)

I, the undersigned, the duly qualified and acting Clerk/Treasurer 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 public meeting on August 26, 2025, 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 publication or posting at least eighteen (18) hours prior to the time set for the meeting.

IN WITNESS WHEREOF, I have hereunto affixed my official signature on the _____ day of August, 2025.

Karla Swihart, City Clerk/Treasurer
City of Hart





RESOLUTION 2025-29
City Council
City of Hart, Michigan
Oceana County

**RESOLUTION TO APPROVE AMENDED BYLAWS FOR THE HART TAX
INCREMENT FINANCE AUTHORITY OF THE CITY OF HART**

WHEREAS, the City of Hart (the “City”) previously established the Hart Tax Increment Finance Authority (the “Authority”) and established the Authority’s development district (the “Development Area”) in accordance with former Act 450 of the Public Acts of Michigan of 1980, as amended, (“Act 450”), now Part 3 of Act 57 of the Public Acts of Michigan of 2018, as amended (“Act 57”); and

WHEREAS, acting in accordance with Act 450 (now Act 57), the Authority Board and the City Council previously approved Bylaws for the Authority (the “Bylaws”); and

WHEREAS, the Authority Board of Directors has prepared and reviewed further amendments to the Bylaws, in the form on file with City Clerk (the “Amended Bylaws”); and

WHEREAS, Act 57 requires that the City Council approve such rules of procedure.

NOW, THEREFORE, BE IT HEREBY RESOLVED AS FOLLOWS:

1. The City Council hereby approves the Amended Bylaws in the form on file with the City Clerk.

2. All resolutions or portions thereof inconsistent with the provisions of this resolution are hereby rescinded.

Moved by _____, and supported by _____, and thereafter adopted by the Hart City Council at a regular council meeting held on August 26th, 2025

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 _____ 2025 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, 4506, 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 _____, 2025.

Karla Swihart, Clerk
City of Hart

CITY OF HART
Tax Increment Finance Authority
BYLAWS

A. PURPOSE

The role and focus of the Tax Increment Finance Authority (TIFA) is to correct and prevent deterioration in the TIFA district; to encourage the historical preservation of buildings in the district; to create and implement future development plans in and for the district; to promote economic growth; and encourage the expansion of commercial enterprises in the TIFA District in accordance with the TIF Plan and Michigan Public Act 57 of 2018.

B. BOARD POWERS

The TIFA Board shall have the authority to:

1. Prepare an analysis of economic changes taking place in the TIFA District;
2. Study and analyze the impact of growth upon the TIFA District;
3. Plan and propose the construction, renovation, repair, remodeling, rehabilitation, restoration, preservation, or reconstruction of a public facility, an existing building, or a multiple-family dwelling unit which may be necessary or appropriate to the execution of a plan, which in the opinion of the Board of Directors of TIFA, aids in the economic growth of the TIFA District;
4. Develop long-range plans, designed to halt and prevent the deterioration of the property values, economic stagnation and decline, and competitive decline in the TIFA District; and to promote the economic growth of the TIFA District;
5. Implement any plan of promotions, development and financing in the TIFA District necessary to achieve the purpose of the TIF Plan and Michigan Public Act 57 of 2018, in accordance with the powers of the Authority as granted by Act;
6. Make and enter into contracts necessary or incidental to the exercise of its powers and the performance of its duties;
7. Acquire by purchase or otherwise, on terms and conditions and in a manner the Authority deems proper, or own, convey, or otherwise dispose of, or lease as lessor or lessee, any other property, real or personal, or rights or interest therein, which the Authority determines is reasonably necessary to achieve the purposes of the TIF Plan and Michigan Public Act 57 of 2018, and to grant or acquire licenses, easements and options with respect thereto with the consent of the City Council.
8. Improve land and construct, reconstruct, rehabilitate, restore and preserve, equip, improve, maintain, repair, and operate any building, including multiple-family dwellings and any necessary or desirable appurtenances thereto, within the TIFA District for the

use, in whole or in part, of any public or private person or corporation, or combination thereof;

9. Fix, charge and collect fees, rents, and charges for the use of any building or property under its control or any part thereof or facility therein;
10. Lease any building or property under its control, or any part thereof;
11. Accept grants and donations of property, labor or other things of value from public or private sources;
12. Acquire and construct public facilities;
13. Prepare its own budget for approval by the City Council;
14. Utilize Tax Increment Financing (TIF) or other revenue measures throughout the district;
15. To employ a full-time Administrator, administrative staff, consultants and other service providers;
16. Any other allowed actions approved by City Council as permitted by the laws of the State of Michigan.

C. BOARD MEMBERS

1. Responsibilities

The business affairs of the TIFA shall be managed by the TIFA Board.

2. Number, Tenure, and Qualifications

The TIFA shall consist of no less than 7 and no more than 11 members, including the acting mayor of Hart.

Not less than a majority of the members shall be persons having an interest in property located in the district or hold office in an entity which has an interest in property in the District.

3. Selection of Board Members

The mayor shall appoint the voting Members of the TIFA Board, upon consultation with the TIFA Board, subject to the approval of City Council. Subsequent voting TIFA Board members shall be appointed in the same manner at the expiration of each Board members term of office or if a vacancy on the TIFA Board is created by the death, resignation or removal of a Member. Candidates for the member position on the TIFA Board shall be identified through a recruitment application and selection process that will consider the needs of its programs. The mayor may ask for the assistance or advice

of the TIFA Board or TIFA staff in selecting voting TIFA Board Members candidates. A person so appointed by the mayor shall be declared a voting member of the "TIFA Board" upon taking the oath of office.

4. Board Member Attendance

When appointed, each Member should state his/her willingness and intention to attend each scheduled monthly meeting of the TIFA Board.

In the event of business trips, family vacation, changed job requirements, sickness or other personal matters that prohibit the Member from attending a TIFA Board Meeting, the Member shall notify TIFA staff or the TIFA Board Chairperson as early as possible of the inability to attend the scheduled meeting, thus ensuring that a quorum will be present for the meeting.

If a Member is absent from more than three (3) meetings in a 12-month period of time, the TIFA Board may recommend through the Mayor to City Council that the Member be removed.

5. Removal

Pursuant to notice and after having been given an opportunity to be heard, a Member of the TIFA Board may be removed for cause by the City Council, following the recommendation of the Executive Committee or whole TIFA Board.

6. Disclosure of Interests

Each Member shall be subject to the written Conflict of Interest document, if adopted by the Board.

A Member of the TIFA Board or an employee who has a direct interest in any matter before the TIFA Board shall disclose his or her interest prior to the TIFA Board taking any action with respect to the matter, which disclosure shall become a part of the official record of the proceedings. If the TIFA Board determines such a conflict of interest exists, they shall require that the Member involved in such conflict abstain from any vote pertaining to such conflict, and a majority present at the meeting shall be considered as deciding the matter.

7. Compensation of Members

Members of the TIFA Board shall serve without compensation and shall not profit directly or indirectly from any action taken by the TIFA Board but shall be reimbursed for actual and necessary expenses subject to authorization by a vote of the majority of the TIFA Board then eligible to vote.

D. MEETINGS

1. Annual Meeting

An annual meeting of the TIFA Board shall be held each year for the purpose of

installing new members, strategic planning, electing Board Officers, and assessing the prior year's achievements. Setting goals for the next year and for the transaction of such other business as may be placed on the agenda for the meeting. This organizational meeting shall coincide with the fiscal year of the City.

8. Regular Meetings

Regular meetings of the TIFA Board shall be held a minimum of once per month, unless the TIFA Board determines otherwise. The Chairperson shall determine the specific time and day of each month that regular meetings shall be held based on the availability of the Members of the TIFA Board. All meetings shall be held in accordance with the Open Meetings Act. The Hart City Council, the Board Chairperson, or by four or more Administrators may request a special meeting of the Board. The person(s) calling said special meeting shall designate its time and place, although any meeting so called shall be within the corporate limits of the City.

9. Special Meetings

Special meetings of the TIFA Board may be called at the request of the Mayor of the City of Hart or the TIFA Board Chairperson. The person calling the special meeting of the "TIFA Board" may fix the time and place for the holding of the special meeting, with no less than 48-hour's notice to all TIFA Board Members. Notice to Members shall be by email and posted on the TIFA Board website and posted outside of City Hall. All meetings shall be held in accordance with the Open Meetings Act.

10. Notice of Meetings

All meetings shall be preceded by public notice in accordance with the Open Meetings Act.

11. Quorum and Voting

A majority of the Members of the TIFA Board then in office shall constitute a quorum for the transaction of business. If the number of Members available to vote is reduced because of Disclosure of Interests, a majority of the remaining Members eligible to vote shall constitute a quorum for the transaction of business. The vote of majority Members present at a meeting at which a quorum is or was present shall constitute the action of the TIFA Board unless the vote of larger number of Members is required by statute or elsewhere in these Bylaws.

12. Public Meetings

The meetings of the TIFA Board shall be public and shall follow all provisions of the Michigan Open Meetings Act and for any "closed" sessions.

13. Minutes of All Meetings

The minutes of any meeting of the TIFA Board will be prepared by the Board Secretary or approved substitute and provided to all Members for their review prior to the next regularly scheduled meeting and to each Member of City Council. Minutes of executive

session meetings shall be maintained in conformity with and shall be subject to the provisions of the Open Meetings Act. "Closed" session minutes in accordance with the Open Meetings Act.

E. OFFICERS

1. Officers

The Officers of the TIFA Board shall be a Chairperson¹ Vice-Chairperson, Secretary and Treasurer.

2. Election and Term of Office

Officers of the TIFA Board shall be elected annually by the Members during the regular July TIFA Board meeting.

Each Officer shall hold office until his successor shall have been duly elected. An Officer shall serve one two-year term in the same office. No Member shall hold more than one office at a time. An Officer must be a current TIFA Board Member.

3. Removal

After notice and having been given an opportunity to be heard, the TIFA Board may remove any Officer from his or her Officer position for cause whenever the TIFA Board determines, by a majority vote, that it is in the best interest of the TIFA Board. The removed Officer shall continue to be a Member of the TIFA Board unless removed from his or her membership by the City Council.

4. Vacancies

A vacancy in office because of death, resignation, removal, disqualification or otherwise, may be filled by a current TIFA Board Member appointed by the Board Chairperson subject to City Council, subject to approval of the TIFA Board, for the unexpired portion of the term.

5. Chairperson

The Chairperson shall preside at all meetings of the TIFA Board and shall discharge the duties of the presiding officer. To be eligible a candidate for Chairperson must have served one full year on the TIFA Board.

6. Vice Chairperson

In the absence of the Chairperson, or in the event of his or her inability or refusal to act, the Vice-Chairperson shall perform the duties of the Chairperson. When so acting, the Vice-Chairperson shall have all the powers of and be subject to all the restrictions upon the Chairperson. The Vice-Chairperson shall perform such other duties as from time to time may be assigned by the Chairperson or the TIFA Board. To be eligible as a candidate for Vice-Chairperson, the member must have served one full year on the TIFA Board, with the exception of the first year after the adoption of the Bylaws.

7. Secretary

The Secretary shall record, review and present to the TIFA Board for approval all meeting minutes, committee reports and correspondence.

8. Treasurer

The City Clerk/Treasurer shall review and present to the "TIFA Board" for approval all TIFA fund and expense reports with the assistance of the TIFA staff.

F. EMPLOYMENT OF PERSONNEL

The TIFA Board may employ personnel it deems necessary to fulfill its mission. Personnel may include, but not be limited to, an Administrator, Treasurer, Secretary or Legal Counsel. The Administrator shall report directly to the Chairperson of the Board and shall supervise any other staff members. Compensation levels and performance appraisals of the Administrator and other staff, if any, shall be determined by the Board and reviewed at least annually.

The Administrator shall be responsible for the day-to-day operations of the Program and is expected to attend all regular and special Board meetings and report on the status of the program from time to time to City Council.

The Administrator shall have the authorization to make purchases that have been approved by the TIFA Board upon the adoption of the fiscal year budget; other non-budgeted expenses must first meet with the approval of the TIFA Board. For any expense in excess of \$1,000.00 sealed competitive bids must first be obtained as outlined in the Hart City Charter.

G. CONTRACTS, CHECKS, DEPOSITS AND FUNDS

1. Contracts

Under the authorization of the TIFA Board, contracts may be entered into or executed by an agent of the City of Hart in accordance with city policies and ordinances on behalf of the TIFA. Such authorization may be general or confined to specific instances. All employees shall be "at will" employees.

2. Checks, Drafts, Etc

All orders for the payment of money, notes or other evidence of indebtedness shall be signed by the Administrator and forwarded to the City Treasurer for issuance of payment through the TIFA account.

3. Deposits

All funds of the TIFA shall immediately be deposited into the appropriate fund or account to the credit of the TIFA in such banks, trust companies or other depositories as the utilized by the City of Hart for this purpose or as authorized by the TIFA Board.

4. Gifts

The TIFA Board may accept any contributions, gifts, bequests, or devises for the general

purposes or for any special purpose of the TIFA, as allowable by the General Accounting Standards Board, generally accepted accounting principles, the Internal Revenue Service or applicable regulations. The Administrator shall inform the City Council of the receipt of such gifts, identify of the donor need not be reported should the donor wish to remain anonymous.

5. Budget

The TIFA Board shall set goals and objectives annually during the 4th quarter of the fiscal year to develop and approve a budget for the fiscal year beginning the first day of July. The TIFA Board shall submit an annual budget to the City of Hart City Manager by March 1 for inclusion in the annual budget presentation to City Council.

H. BOOKS AND RECORDS

The TIFA shall keep correct and complete books and records of account and shall also keep minutes of TIFA Board meetings. The TIFA shall also keep at the principal office a record giving names and addresses of the Members entitled to vote. The books and records of the TIFA shall be open to the public at all times in accordance with the State of Michigan Freedom of Information Act. The Administrator shall provide the TIFA Board with financial reports of activity including revenues received and expenditures. All bank accounts maintained by the TIFA shall incorporate the words " Hart Tax Increment Finance Authority" in the title of such accounts. The Administrator shall notify City Council of the creation of any new accounts.

I. FISCAL YEAR

The fiscal year of the TIFA Board shall begin on the first day of July and end on the last day of June the following year.

J. AMENDMENT TO BYLAWS

Amendment(s) to these Bylaws may be proposed by the TIFA Board acting upon the vote of the majority of the Members present at the meeting provided a quorum is present.

Upon any such Amendment(s) being proposed, a meeting for consideration of the same shall be fully called in accordance with the provision of the Bylaws, or the Amendment(s) shall be considered at the Regular Meeting to be held within 30 days of such proposal.

These Bylaws may be amended by the TIFA Board at any Regular Meeting or a Special Meeting called for such purpose by an affirmative vote of not less than Sixty-Six and Two-Thirds (66 2/3%) Percent of all the Members present.

Written notice of proposed Bylaws Amendment(s) must be given to all Members at least 10 days prior to the meeting for consideration of the same.

All Amendment(s) to the Bylaws shall be subject to approval of the City Council and shall become effective upon approval unless stated in the Amendment(s).

RESOLUTION 2025-30
Hart City Council
City of Hart, Michigan
MICHIGAN PUBLIC POWER AGENCY COMMISSIONER APPOINTMENT

WHEREAS, the City of Hart (dba Hart Hydroelectric) is a Charter member of the Michigan Public Power Agency (MPPA, the 'Agency') in Lansing, Michigan that is governed by a Board of Commissioners consisting of one appointee from each member pursuant to MPPA by-laws as follows:

ARTICLE II
BOARD OF COMMISSIONERS

Section 2.1. Board of Commissioners and Alternate Commissioners. The Agency shall be governed by a Board of Commissioners appointed by the respective governing bodies of the municipalities which are members of the Agency. The governing body of each member municipality shall by resolution appoint one commissioner. The governing body of each member municipality may by resolution appoint an Alternate Commissioner who shall be entitled to vote only in the absence of the Commissioner. If a 2nd Alternate Commissioner is appointed in the resolution of the governing body of the member municipality, the resolution shall designate who shall be the 1st Alternate Commissioner and the 2nd Alternate Commissioner. In the event more than one Alternate Commissioner attends a meeting of the Agency, including any of its committees, the Alternate Commissioner with the highest designation shall be recognized and entitled to vote in the absence of the Commissioner.

WHEREAS, the City's current appointees are as follows: Commissioner – Robert Splane 1st Alternate Commissioner – Mike Powers; and 2nd Alternate Commissioner – Mike Schiller; and

WHEREAS, due to City Manager Splane no longer employed by the City of Hart, the City must appoint a Commissioner; 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:

Appoints Interim City Manager designee Nichole Kleiner to the Michigan Public Power Agency Board of Commissioners as Commissioner effective date of August 26th 2025.

Moved by _____ supported by _____, and thereafter adopted by the Hart City Council at a regular council meeting held on August 26th, 2025.

Ayes: Nays: Absent:

Karla Swihart, City Clerk

RESOLUTION 2025-31
City Council
City of Hart, Michigan
Oceana County

**Designate Interim City Manager Kleiner as Member Representative
to Energy Service Project**

WHEREAS, on March 11, 2009, the Michigan Public Power Agency (MPPA) Board of Commissioners by action in open meeting created the Energy Services Project (“Project”); and

WHEREAS, a Member joining the Project, must execute an Energy Services Agreement (“ESA”) and

WHEREAS, Section 2 of the ESA requires the Member’s Governing Body to designate a Member Authorized Representative (“MAR”) and

WHEREAS, the MAR is delegated the responsibility of binding the Member into Power Purchase Commitments with MPPA

NOW, THEREFORE, NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL

*Appoints the Interim City Manager as the Member Authorized Representative to the
MPPA Energy Services Project*

Moved by _____, supported by _____, and thereafter adopted by the Hart City Council at a regularly scheduled meeting held on August 26th, 2025.

Ayes: Nays: Absent:

Karla Swihart, City Clerk



CITY OF HART
407 S. State St., Hart, MI 49420
Ph: 231-873-2488 Fax: 231-873-0100
SPECIAL EVENTS PERMIT



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

DATE OF APPLICATION: 8-7-25

NAME OF EVENT: Veterans Parade

DATE OF EVENT: 11-8-25 TIME: 1pm TO 5pm

RAIN DATE OF EVENT: MUST PROVIDE

LOCATION AND/OR ROUTE OF EVENT: From High School, east on Johnson, left on State, left on West Main, left on Water St, right on Johnson back to High School

DESCRIPTION OF EVENT: Veterans Day Parade (Military vehicles), floats, etc.

SPECIAL NEEDS:

NAME OF ORGANIZATION OR SPONSOR: Oceana County Veterans Affairs

ADDRESS: 844 S. Griswold St Suite 100
Hart, MI 49420

CONTACT PERSON: Ben Kaut

PHONE: 231-343-0142

FAX:

EMAIL: bkaut@oceana.mi.us

X

SIGNATURE OF EVENT COORDINATOR/SPONSOR *Ben Kaut* DATE 8-7-25

ALL CURRENT COVID-19 STATE MANDATED RESTRICTIONS MUST BE ADHERED TO. IT IS YOUR RESPONSIBILITY TO SCHEDULE THE LOGISTICS MEETING WITH THE CITY DEPARTMENTS INDICATED IF YOUR APPROVED PERMIT INDICATES THAT A MEETING IS NEEDED. PLEASE NOTE THAT A 7 - 10 DAY ADVANCE NOTICE WILL BE NEEDED TO SCHEDULE THE MEETING.

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

SECTIONS BELOW TO BE COMPLETED BY THE CITY

PROOF OF LIABILITY INSURANCE FOR STREET SOLICITATION: YES OR NO

LOGISTICS MEETING NEEDED: YES OR NO

DEPT. ATTENDING: DPW POLICE EMS HYDRO

PERMIT NUMBER: APPROVED BY CITY COUNCIL/CITY MANAGER

DATE OF APPROVAL/DENIAL: YES OR NO

CONDITIONS:

CITY REPRESENTATIVE'S SIGNATURE: