

City of Hart, Michigan
CITY COUNCIL AGENDA
October 28, 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 September 23, 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. Introduction and Adoption of Ordinances; Public Hearings
 - a. *Second Reading and Adoption of Amendment to Zoning Ordinance Section 1246.02 (Permitted Uses in A-1 Residential Zone) Allow Buildings Containing 3 or 4 Dwelling Units as a Special Use*
 - b. *Second Reading and Adoption of New Ordinance for Regulating Transitory Food Service Units (Food Trucks)*
8. Action Items
 - a. Resolution 2025-45 Hart Solar - Second Amendment to Easement Agreement
 - b. City Manager Interview Summary
9. Discussion Items
 - a. Safe Routes to School Information Public Meeting November 3, 2025 at 5:30 pm – 7:00 pm. Residents along the trail notified directly (resident letter in packet).
 - b. November 11, 2025, City Council Meeting has been moved to Wednesday, November 12, in observance of Veterans Day
 - c. ZBA hearing set for November 12th at 7:00 pm prior to the council meeting to hear a variance request from Oceana Soap Co. at 49 S State St.
10. City Manager Report
11. Communications from the Mayor and Council (Including board and committee updates)
12. Adjournment –

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CITY OF HART
407 S. STATE ST.
HART, MI 49420
REGULAR MEETING OF CITY COUNCIL - COUNCIL PROCEEDINGS
OCTOBER 14th, 2025
MINUTES – Draft

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

ABSENT: Karen Thomson

OTHERS PRESENT: Interim City Manager Nichole Kleiner, City Clerk/Treasurer – Karla Swihart, Christine Juska, Claire Marshall, and Patty Kersjes.

APPROVAL OF AGENDA:

- C. Burillo motioned to approve the 1st Amended Agenda and was supported by A. Mullen
 - Ayes: 6 Nays: 0 Absent: 1

PUBLIC COMMENTS:

- Patty Kersjes – Main Street Spa, I'm here to express some concerns over what happened to Scott and Stacy Hegg, I think it's important that we follow rules and abide by them, but that seems not to be the case. As you know, I received two TIFA grants. I formed everything in the form of questions as I question how and why some things are not discussed in front of the Council, and some things are. For example, the Radiant Church received an \$80,000 grant from TIFA, and they will receive \$40,000 for windows. "Did they hire local contractors"? "Do they pay taxes"? The Hart Christin Fellowship, did Council approve the rent for that? "They pay 1/3 of the utilities," and the other two buildings all winter did not have heat or electricity. They were there, they were on and serviceable, but nobody was there to use them, and again, they only paid 1/3 for the biggest building. Was this approved by City Council? I know TIFA did, but did City Council, as that's a lot of money? Are they a 301C3, 501c3, or a 501c7, a non-tax-exempt cause? As of March, they did not have that and should be paying Taxes on that building. Also, regarding Cindy Beth, did the City Council approve that sale? She got those buildings for \$1.00. I also went for that place and had done a lot of research and secured funding based on the value of those buildings; the house itself could have been valued at \$250,000. The problem with the house, as I had contractors go in and look at it, was only cosmetic. The little schoolhouse again cosmetic valued at \$75,000, the church, I didn't have a good idea, but based that at \$150,000 to \$300,000 value. And I know that's true because I received the ability to get a loan for those amounts, and she got it for \$1.00. Did the City Council have to approve that? To me, that's a lot of money for Council not to approve it. I like her idea, I think she's a phenomenal person, and I think she'll do great with what she does, but again, did Council approve it? TIFA is currently working on a \$7,000,000.00 project in downtown Hart. They have received a grant for \$1,000,000.00, which is a match grant. How are they matching that, and did City Council approve it? Again, that's a small portion of that project; the people who are designing it have two other projects in the City of Hart that have problems, and yet we continue to use this company. Did City Council approve using them for that amount of money? And this is all to say the many decisions TIFA makes and has made, and yet one was questioned, and I know from the paper City Council said Hegg's didn't follow the rules and ordinances that were put down. Cindy Beth didn't either, but that doesn't matter in I think if we are going to do something and be a City of ethics, we need to follow the rules, or we need to respect what the TIFA board is doing or saying. Even at 1st I was like a parking lot. But they are also going to restore the old Mill, which I know a lot of people are not excited about, but I am. That parking the venue that they are bringing in, that is 150 to 300 people per event, "potently" coming to Hart, to me, that's why we should be like Yes, let's put a parking lot, let's get these people into our City, so they can look around and say hey that empty building would make a great business, and I can do this there., but instead we are shutting them down because "I think, but have not proof", but we have a preconceived notion because we picked a design company that has failed us twice and I think its

wrong, I think if you want to know what the Heggs proposed, go look at what they have done with that Ford building. Stacy said you could land a helicopter in the back of it, as it had no roof on it, and to go from something that was so decrepit to what it is now is extraordinary. They've done this same thing in Ludington; the Heggs are generational people in the City, their families have been here forever and have owned businesses in Hart, if they say they're going to do something, they do it, and I think that decision should be reevaluated, and if you don't want TIFA to make a decision like that, then why can they make other decisions.

CORRESPONDENCE, EVENTS, PRESENTATIONS:

- None

CONSENT AGENDA:

- Approval of minutes from September 23rd, 2025
- Bills, Claims, Payroll
- Reports of Boards, Commissions, and Committees
- Department Reports – Police/BioPure/Public Works/Energy/C&E Dvlp
 - B. Root motioned to approve the Consent Agenda, and was supported by A. Mullen
 - Ayes: 6 Nays: 0 Absent: 1

ACTION ITEMS:

- Accept the Resignation of Gale Goldberg from the TIFA Board and Planning Commission board, with appreciation for her service.
 - A. Mullen motioned to accept the Resignation of Gale Goldberg and thanked her for the years of service, supported by C. Burillo
 - Ayes: 6 Nays: 0 Absent: 1
- Consideration of the Mayor's appointment of Lisa Clark to the Planning Commission, as recommended by the Planning Commission.
 - B. Root motioned to approve the appointment of Lisa Clark to the Planning Commission, and was supported by A. Mullen
 - Ayes: 6 Nays: 0 Absent: 1
- Consideration of the Mayor's appointment of Hannah Juhl to the TIFA Board
 - C. Burillo motioned to approve the appointment of Hannah Juhl to the TIFA Board and was supported by A. Mullen
 - Ayes: 6 Nays: 0 Absent: 1
- First Reading – Amendment to Zoning Ordinance Section 1245.03(d) (Minimum Floor Area Requirements) in the "A, Residential Zone", Reduce Minimum Square Footage to Allow Tiny Homes
- Resolution 2025-38 Hazard Mitigation Plan Adoption

WHEREAS, the City of Hart, Michigan has experienced natural and man-made disasters that have damaged commercial, residential, and public properties, displaced citizens and businesses, and presented general public health and safety concerns; and

WHEREAS, Oceana County has prepared a multi-jurisdictional Hazard Mitigation Plan under the guidance of the Oceana County Local Emergency Planning Committee (LEPC), which describes known disasters and impacts, potential hazards, and strategies to reduce overall damage and impact from hazards; and

WHEREAS, the Hazard Mitigation Plan has been reviewed by countywide residents, business owners, and federal, state, and local agencies, and has been revised to reflect their concerns.

NOW, THEREFORE, BE IT RESOLVED THAT THE HART CITY COUNCIL HEREBY:

1. The Oceana County Hazard Mitigation Plan is hereby adopted as an official plan of the City of Hart
2. City of Hart will incorporate strategies identified in the Plan with planning programs and mechanisms under its jurisdictional authority.
3. City of Hart will support efforts of the Oceana County Emergency Management director, Troy Maloney, LEPC, and other Oceana County stakeholders to implement the Plan's recommendations.

- A. Mullen motioned to approve Resolution 2025-38 and supported by C. Burillo
 - Ayes: 6 Nays: 0 Absent: 1

- Resolution 2025-39 Recognition of the HEART board as the Governing body of the Hart Historic Preservation Group

WHEREAS, The Hart Historic Preservation Group (HHPG), a 501(c)(3) nonprofit, has historically overseen the preservation and operation of the Hart Historic District and Museum; and

WHEREAS, a majority of the HHPG board of directors have resigned, including Treasurer Rob Splane and Secretary Gwen Adams, leaving the organization without sufficient officers to carry out its duties; and

WHEREAS, the Hart Economic and Redevelopment Team (HEART), at its meeting on October 8th, 2025, adopted a resolution assuming governance and operational responsibility for HHPG, including the authority to appoint officers; and

WHEREAS, it is in the best interest of the City of Hart and its residents to maintain continuity of the Hart Historic District and Museum, and to ensure the ongoing preservation of community history;

NOW THEREFORE BE IT RESOLVED THAT THE HART CITY COUNCIL HEREBY:

That the City Council of the City of Hart hereby recognizes the Hart Economic and Redevelopment Team (HEART) as the governing body of the Hart Historic Preservation Group (HHPG), effective November 12th, 2025; and

BE IT FURTHER RESOLVED:

That the City Council supports HEART's efforts to maintain and operate the Hart Historic District and Museum on behalf of the community.

- A. Mullen motioned to approve Resolution 2025-38 and was supported by B. Root
 - Ayes: 6 Nays: 0 Absent: 1

- Resolution 2025-40 Approval to sell City-Owned Industrial Park Parcel to Dark Water Coffee Roasters

WHEREAS, the City of Hart is the owner of certain real property located in the Hart Industrial Park, described legally as:

*QC-L2007P14420 QC-L200P15158 & 59 SPL FR 004 IN 97 PT TO 18 IN 2000
SEC 20 T15NR17W. CITY OF HART INDUSTRIAL PARK PLAT LOTS 12&13
(the "Property"); and*

WHEREAS, Dark Water Coffee Roasters (the "Purchaser") has submitted a proposal dated August 1, 2025, to purchase the Property for the purpose of establishing a facility for roasting coffee and related operations in the form on file with the City Clerk (the "Proposal"); and

WHEREAS, the Property is subject to the Restrictive Covenants for the Hart Industrial Park, which provide that:

In the event the owner or purchaser of a parcel in the Industrial Park, or their heirs, personal representatives, successors or assigns, fails to commence construction of a building upon the parcel on or before three (3) years after the date of acquisition of the parcel, the City shall have the option for a period of thirty (30) days from and after the 3rd anniversary date of the acquisition of the parcel within which to buy said parcel for the amount for which the City sold the parcel. In the event the City elects to exercise its option within the (30) day period, the City shall be required to notify the owner and parties in interest of said parcel of its election so to do, and the owner

or parties in interest agree to convey to the City all of their rights, title and interest in said parcel, free and clear of all liens and encumbrances other than those which existed as of the date of acquisition of the parcel from the City or which were consented to subsequently by the City. If the owner of the parcel cannot be located and served with a notice as required herein, the City may comply with the notice requirement by recordation within such thirty (30) day period with the Oceana County, Michigan, Register of Deeds of a notice of exercise of such option.”

WHEREAS, the City of Hart desires to support small business development, job creation, and investment within the Hart Industrial Park and finds the proposed project to be in the best interest of the community; and
WHEREAS, the Property is surplus property and is not needed for City purposes.

NO THEREFORE BE IT RESOLVED THAT THE HART CITY COUNCIL HEREBY:

*The sale of the Property (Parcel # 020-390-012-00) located in the Hart Industrial Park, to
Dark Water Coffee Roasters subject to the negotiation and execution of a purchase agreement between the
City and the Purchaser, in accordance with this Resolution; and*

BE IT FURTHER RESOLVED:

*That the City Manager, in consultation with the City Attorney, is authorized to negotiate and enter into a
purchase agreement in the best interest of the City and in accordance with this Resolution and generally in
accordance with the Purchaser’s Proposal; and*

BE IT FURTHER RESOLVED:

*That the Mayor, City Manager, and City Clerk are authorized and directed to execute and deliver on
behalf of the City, all necessary closing agreements, documents, and certificates, and carry out all
administrative actions to complete the sale of the Property described herein.*

- B. Root motioned to approve Resolution 2025-40, and was supported by A. Mullen
 - Ayes: 6 Nays: 0 Absent: 1

■ Resolution 2025-41 Designate Dryden Street Parcel as Surplus and Authorize Sale by Sealed Bids

WHEREAS, the City of Hart owns vacant land located on Dryden Street, described as *CITY OF HART STANDARD MAP PLAT D E 148.5 FT OF S 66 FT OF BLK 144, Parcel # 020-344-005-00; and*

WHEREAS, the parcel is not currently utilized for any municipal purpose and is not needed for the operation of any City department or utility; and

WHEREAS, the City Council desires to declare the parcel as surplus property and authorize its sale to the highest and best bidder through a fair and transparent sealed bid process; and

WHEREAS, sealed bids will be accepted at Hart City Hall, 407 S. State Street, Hart, Michigan, until 1:00 p.m. on Thursday, November 20, 2025, at which time bids will be publicly opened in the Council Chambers; and

WHEREAS, the City Council finds it in the City’s best interest to establish a confidential minimum acceptable bid (reserve amount) to protect the City’s financial interest and ensure the parcel is sold at or above fair market value, consistent with the City’s land disposition policies; and

WHEREAS, the successful bidder shall pay the full purchase price within thirty (30) days of notification, and conveyance shall be made by Quitclaim Deed; and

WHEREAS, the City reserves the right to reject any or all bids, waive irregularities, and accept the bid deemed most advantageous to the City;

NOW THEREFORE BE IT RESOLVED THAT THE HART CITY COUNCIL:

1. *Declares the Dryden Street parcel described above as surplus property.*
2. *Authorizes the Interim City Manager to establish a confidential minimum acceptable bid consistent with the Property’s appraised value and market conditions.*
3. *Directs the Interim City Manager to conduct and administer the sealed-bid Process, publicly open bids at 1:00 p.m. on November 20, 2025, with appropriate*

Staff, and to finalize the sale administratively following Council review and approval
On the highest qualifying bid meeting or exceeding the confidential minimum.

4. Authorizes that proceeds from the sale be deposited into the City of Hart General Fund.

- C. Burillo motioned to approve Resolution 2025-41 and was supported by A. Mullen
 - Ayes: 6 Nays: 0 Absent: 1

■ Resolution 2025-42 Sewer Rate Correction

WHEREAS, the City of Hart owns and operates a wastewater collection and treatment system which is funded through user rates intended to self-fund operations, maintenance, equipment replacement, and debt service; and

WHEREAS, City Council adopted Resolution 2025-16 on June 10, 2025, establishing electric, water, sewer, and trash rates for FY2026; and

WHEREAS, the sewer rates contained in that Resolution inadvertently reflected a 17% increase rather than the 11% increase recommended in the Cash Flow Analysis of the 2023 Sewer Fund Rate Study; and

WHEREAS, City Council wishes to correct the FY2026 sewer rates to accurately reflect the 11% increase in accordance with the adopted study and ensure consistency with the City's rate methodology.

NOW THEREFORE BE IT RESOLVED THAT THE HART CITY COUNCIL:

1. Amends the FY2026 sewer (wastewater) rates previously adopted in Resolution 2025-16 to reflect an 11% increase from FY2025 rates as follows:

<u>H</u>	<u>WASTEWATER – Council planned increase per 2023 debit payment schedule</u>	<u>RATES FY25-26 - RATES FY24-25</u>
	Base rate per month (11% increase)	\$39.68 \$41.86 - \$35.75
	Volume rate per 1000 gallons per month (11% increase)	\$4.41 \$4.65 - \$3.97
	Volume rate per 1000 gallons per month (industrial) (11% increase)	\$4.41 \$4.65 - \$3.97
	BOD Surcharge per pound (7.5% increase)	\$0.254 - \$0.237
	TSS Surcharge per pound (7.5% increase)	\$0.187 - \$0.174
<u>I</u>	<u>CUSTOMER CHARGE (11%)</u>	
	Gray & Company	\$3,690.87 \$3,893.08 - \$3,414.98/month
	Michigan Freeze Pack	\$3,690.87 \$3,893.08 - \$3,414.98/month
	Indian Summer	\$1,080.52 \$1,109.72 - \$973.44/month

2. Confirms that all other utility rates (electric, water, trash) and provisions established in Resolution 2025-16 remain in full force and effect.
3. Directs staff to correct the official version of Resolution 2025-16 and update any published or posted rate schedules to reflect these adjustments.

- C. Burillo motioned to approve Resolution 2025-42 and was supported by B. Root
 - Ayes: 6 Nays: 0 Absent: 1

▪ Resolution 2025-43 Authorize Auction of Surplus Vehicles, Equipment & Furnishings

WHEREAS, the City of Hart is the lawful owner of various vehicles, equipment, and furnishings that are no longer required for municipal operations; and

WHEREAS, it is the policy of the City to declare items surplus when they have exceeded their useful service life, are no longer cost-effective to maintain, or are no longer needed by the City departments; and

WHEREAS, the following items have been identified as surplus property:

- 2008 Chevrolet Impala 4-door sedan (Hart Police Department)
- 2008 Ford F-250 pickup truck (Department of Public Works)
- 2001 Sterling dump truck (Department of Public Works)
- Western Ice Breaker salt spreader (Department of Public Works)
- All surplus filing cabinets from City Hall

And are proposed for sale or disposal; and

WHEREAS, the vehicles and equipment have reached the end of their service life due to age and condition, and the filing cabinets are no longer being used; and

WHEREAS, the City Council finds it in the best interest of the City to dispose of the above-listed items through an online auction platform from Michigan municipalities and government agencies, ensuring transparency and fair market value; and

WHEREAS, proceeds from the sale of surplus property shall be deposited into the City's General Fund.

NOW THEREFORE BE IT RESOLVED THAT THE HART CITY COUNCIL:

1. *Declares the above-listed vehicles, equipment, and furnishings as surplus property.*
2. *Authorizes the City Manager to arrange for their sale and disposition through an online auction site for Michigan Municipalities and government agencies.*
3. *Directs that all sale proceeds be deposited into the General Fund.*
4. *Establishes that this Resolution shall take immediate effect upon adoption.*

- J. Cunningham motioned to approve Resolution 2025-43 and was supported by A. Mullen
 - Ayes: 6 Nays: 0 Absent: 1

▪ Resolution 2025-44 Three-Year Purchasing Policy for Professional and Contracted Services

WHEREAS, Section 210.01 of the City of Hart Codified Ordinances designates the City Manager as the Purchasing Agent responsible for administering all procurement activities on behalf of the City; and

WHEREAS, Section 210.04 of the Codified Ordinances and Section 15.2 of the City Charter require City Council approval for purchases and contracts exceeding \$1,000; and

WHEREAS, the City Council recognizes the need for a standardized and efficient process governing recurring professional and contracted services such as engineering, legal, auditing, planning, maintenance, and utility-related work; and

WHEREAS, the proposed Purchasing Policy for Professional and Contracted Services (Three-Year Term) establishes a consistent, competitive, and transparent process for awarding and renewing multi-year service contracts in compliance with Chapter 210 of the Codified Ordinances and Section 15.2 of the City Charter; and WHEREAS, the policy allows for three-year agreements (inclusive of renewals) to improve service continuity, streamline operations, and maintain fiscal accountability through the following framework:

- Solicitation of at least two written quotes or proposals for professional or contracted services exceeding \$1,000;
- Evaluation based on qualifications, experience, scope, and cost, with Council approval prior to execution;

- Re-bidding or re-evaluation of contracts at the conclusion of each three-year term;
- Limited emergency and cooperative purchasing exceptions authorized by the City Manager, subject to subsequent Council ratification.

NOW THEREFORE BE IT RESOLVED BY THE HART CITY COUNCIL:

1. *Approves and adopts the City of Hart Purchasing Policy for Professional and Contracted Services (Three-Year Term) in the form presented and on file with the City Clerk.*
2. *Directs that the policy be implemented immediately and incorporated into the City's administrative procedures and purchasing manuals.*
3. *Authorizes the City Manager, Mayor, and City Clerk to take all actions necessary to enforce and administer this policy.*
4. *Repeals any prior purchasing procedures or policies inconsistent with this resolution.*

- A. Mullen motioned to approve Resolution 2025-44 and was supported by B. Root
 - Ayes: 6 Nays: 0 Absent: 1

DISCUSSION ITEMS:

- November 11, 2025, City Council meeting falls on Veterans Day. The City Council decided to move the meeting to November 12th, 2025, at 7:30 pm.
- Transfer of Transformer Ownership
The City currently owns transformers serving two private industrial facilities – Lineage Logistics (1151 S. Griswold St.) and Michigan Freeze Pack (835 Griswold St.). These transformers are located on private property and provide power exclusively to each customer. They are not connected to or necessary for the operation of the broader electric system.
The City has historically maintained ownership of the original utility infrastructure build-out; however, this arrangement has created ongoing liability and cost exposure for the City's electric utility, since failures at either transformer require municipal response, diagnosis, and replacement – despite serving only a single private facility.
The Power Board reviewed this matter and unanimously recommended transferring ownership of the transformers to the respective businesses, without compensation, so that each becomes fully responsible for maintenance, repair, replacement, and insurance of its own equipment.

Legal Considerations:

City Attorney Mark Nettleton reviewed the issue and cited Section 13.7 of the City Charter, which restricts the sale, lease, or disposal of property "belonging to and appertaining to any municipally owned public utility which is needed to continue operating such utility", unless approved by three-fifths of voters.

However, the Charter provides exceptions for equipment that is "worn out or useless" to the City's public utility. He is reviewing whether additional state law guidance applies.

If the Charter permits and both companies agree, the next steps would include:

1. City Council adoption of a resolution authorizing the transfer; and
2. Execution of a bill of sale formally conveying ownership to each business.

Next Steps

- Await final legal opinion confirming the Charter's applicability.
- Discuss the willingness of Lineage Logistics and Michigan Freeze Pack to assume ownership and associated responsibilities.
- If both conditions are met, prepare a Council resolution and a bill of sale for approval.

Recommendation:

Staff recommends proceeding with legal review and discussions with both industrial customers to advance the ownership transfer, contingent on City Attorney confirmation that the Charter permits the conveyance without voter approval.

INTERIM CITY MANAGER'S REPORT:

Status of ongoing projects:

- Hart Plaza Streetscape Project – meeting with engineers 10/15/2025, on schedule to begin in March 2026. Trying to determine the effect on the 2026 downtown events.
- Revised Industrial Park Covenants – two verbal commitments to sign
- Veterans Park – reviewing budget for available funds, Oceana County Veterans Coalition has been waiting 12 months for a commitment from the City on cost-sharing to replace brick memorial.
- Water Tower easement – waited 2 months for JSJ Corp (GHSP) attorney to produce easement docs with no results, turned over to City attorney on 10/01/2025, follow up: attorney recommends a parcel split so City “owns” the land surrounding the tower.
- Redevelopment Ready Certification pending items:
Show that ordinances have been reviewed to ensure they align with the goals of the master plan
Adopt a green infrastructure ordinance
Two additional housing options
Provide documentation of all zoning/planning projects
Next steps: 2nd reading, adoption, vote
- Ceres Solution – agenda item for TIFA meeting scheduled for 10/21/2025
- SRTS – trying to get up to speed with this project, meeting with committee on 10/17/2025

Staffing changes, policy updates, internal improvements

- Purchasing policy for 3-year contracts presented to Council 10/14/2025
- Still reviewing the shared staff open position from when Andy retired.
- BioPure lab is seeing an increase in testing requests as Health Department labs are no longer providing this service – reviewing staff needs.
- Community and Economic Development, Human Resources

Financial items to keep on Council's radar:

- DPW dump truck,
- review updated capital improvement plan & determine 5-year funding sources.
- Water rate study in progress

What's New:

- Site plan for WSCC remodel received, hoping to go before the Planning Commission at Nov 6th meeting, along with a special use permit for a drive-thru
- Board openings on the TIFA board, Power board, and Planning Commission
- Would like to revisit recommendations from Charter Review Committee
- JGP: applying for EGLE permit to upgrade two sites from rustic to deluxe, all seasonals, decks, and equipment to be removed from park by Nov 2nd.
- City Hall: flooring install originally scheduled for 10/15/2025 is delayed after positive asbestos tiles & mastic findings, which require a 10-day waiting period + remediation. Network outages last Friday and this morning as a result of an improperly licensed switch in the control panel.

Events:

- Hartprize public voting open through month of October (link on City Facebook page)
- Downtown trick or treating Oct 31st 3-5 pm, and City trick or treating 6-8 pm

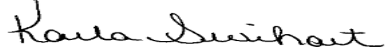
COMMUNICATIONS FROM THE MAYOR AND COUNCIL:

- C. Burillo – Cemetery Board meeting is coming up on October 20th at 7 pm. Located at the Cemetery.
- Also updated on the Water Tower and AT&T. So now, instead of an easement, the agreement AT&T contract states the City needs to own the property, so now back to JSJ for the City to get ownership.
- Mayor Klotz – City manager search update, Congratulations to our three candidates; Conner DeYoung, Nichole Kleiner, and Sam Demel
Please join us on Oct 23rd from 6 pm, to 7:30 pm for a meet and greet in the Hart Community Center.

ADJOURN:

- There being no further business to come before the Council, Mayor Klotz adjourned the meeting at 8:37pm. The next regularly scheduled meeting will be on October 28th, 2025, at 7:30 pm.

Respectfully Submitted

A handwritten signature in cursive script, appearing to read "Karla Swihart".

Karla Swihart, City Clerk

Payables Date 10.28.2025	Description	Total	General +	DPW	Energy	BPTF	Water
Ace 1 Port-A-Potties	Portable Restroom - Vet's Park	\$ 175.00			\$ 175.00		
Ace 1 Port-A-Potties	Portable Restroom - Hydro Disc Golf	\$ 100.00			\$ 100.00		
Ace 1 Port-A-Potties	Portable Restroom - JGP Boat Launch	\$ 100.00	\$ 100.00				
Blue Cross Blue Shield	Retirees Medical Insurance	\$ 3,603.15	\$ 2,001.75		\$ 1,601.40		
Charter Communications	Phone/Internet - Starting Block	\$ 175.00			\$ 175.00		
Charter Communications	Phone/Internet - Hart Commons	\$ 125.00			\$ 125.00		
Cintas	Bathroom Supplies - Hart Commons 10/14	\$ 63.17	\$ 63.17				
Crossroads Mobile Maintenance	2023 Freightliner M2 Buckets	\$ 1,350.00			\$ 1,350.00		
Crossroads Mobile Maintenance	2019 Ford F550 Buckets	\$ 6,004.87			\$ 6,004.87		
Crossroads Mobile Maintenance	2018 Freightliner M2 Diggers	\$ 2,038.57			\$ 2,038.57		
Crossroads Mobile Maintenance	1997 Ford AA Buckets	\$ 1,825.24			\$ 1,825.24		
DTE Energy	Utility Bills - Natural Gas	\$ 953.33	\$ 238.79	\$ 56.21	\$ 259.45	\$ 200.83	\$ 198.05
Dubois Tree & Land Mgmt	Tree Services - Swisher Property	\$ 3,808.00			\$ 3,808.00		
Dubois Tree & Land Mgmt	Tree Services - Behind Eagles	\$ 2,202.50			\$ 2,202.50		
Dubois Tree & Land Mgmt	Tree Services - Locust on Harrison	\$ 824.50			\$ 824.50		
Dubois Tree & Land Mgmt	Tree Services - 828 Griswold	\$ 817.50			\$ 817.50		
Dubois Tree & Land Mgmt	Tree Services/Clean up - Union/Wood	\$ 3,236.25			\$ 3,236.25		
Dubois Tree & Land Mgmt	Tree Services - Lever Rd	\$ 3,946.75			\$ 3,946.75		
Dubois Tree & Land Mgmt	Tree Services - East of Family Dollar	\$ 1,101.00			\$ 1,101.00		
Dubois Tree & Land Mgmt	Tree Services - Polk Rd AFC/Hansen Foods	\$ 993.00			\$ 993.00		
Dubois Tree & Land Mgmt	Tree Service - West Property Fair Grounds	\$ 1,492.00			\$ 1,492.00		
Eden Lakes LLC	Biosolids Removal Test Equip Lease Oct 2025	\$ 24,888.00				\$ 24,888.00	
First Net	Department Hotspots	\$ 302.68	\$ 43.24	\$ 43.24	\$ 172.96	\$ 43.24	
First Net	Police Modems	\$ 88.46	\$ 88.46				
Great Lakes Cleaning Services	Sept 2025 Cleaning Services - CH/CC	\$ 1,120.00	\$ 1,120.00				
Great Lakes Energy Cooperative	Utilities	\$ 49.18				\$ 49.18	
GRP Engineering	Misc Engineering	\$ 5,479.16			\$ 5,479.16		
GRP Verdantas	Misc Engineering	\$ 153.75			\$ 153.75		
Hallack, Sharon	Reimbursement - MML Convention 2025	\$ 115.89	\$ 115.89				
Hansen Foods	Postage/Shipping	\$ 15.20				\$ 15.20	
Hart Area Fire Board	Fire Protection - 1st Qtr 2025/2026	\$ 15,000.00	\$ 15,000.00				
Hart Cemetery Commission	2025 Summer Tax Disbursement Batch 7	\$ 540.86	\$ 540.86				
Hart Cemetery Commission	4th Qtr Contribution 2025	\$ 4,250.00		\$ 4,250.00			
IDEXX	Lab Supplies	\$ 4,041.45				\$ 4,041.45	
IDEXX	Lab Supplies	\$ 347.78				\$ 347.78	
Juhl, Christine	MMPA Appliance Recycling	\$ 50.00			\$ 50.00		
Keystone	Fuel - BioPure	\$ 1,476.40				\$ 1,476.40	
Lawson-Fisher Associates	DAM Licensing Requirements	\$ 12,491.21			\$ 12,491.21		
Linde Gas & Equipment Inc	Cylinder Rental	\$ 65.02			\$ 65.02		
Linde Gas & Equipment Inc	Cylinder Rental	\$ 107.80		\$ 107.80			
McKenna	Planning Services	\$ 53.75	\$ 53.75				
Medler Electric	Parts/Supplies	\$ 133.97	\$ 133.97				
Medler Electric	Parts/Supplies	\$ 111.25			\$ 111.25		
Medler Electric	Parts/Supplies	\$ 55.56	\$ 55.56				
Michigan Pipe & Valve Holland	Credit Memo	\$ (1,506.77)				\$ (1,506.77)	
Mika Meyers	Legal Services	\$ 107.50	\$ 107.50				
Mika Meyers	Legal Services	\$ 350.50	\$ 350.50				
Mika Meyers	Legal Services	\$ 448.50	\$ 448.50				
Mika Meyers	Legal Services	\$ 138.00	\$ 138.00				
Mika Meyers	Legal Services	\$ 69.00	\$ 69.00				
Milsoft Utility Solutions	WindMillMap - GIS System	\$ 2,625.00			\$ 2,625.00		
MPPA	Purchased Power - 10/14	\$ 76,673.52			\$ 76,673.52		
MPPA	Purchased Power - 10/21	\$ 38,615.43			\$ 38,615.43		
MPPA	Oct 2025 Billing Summary	\$ 99,797.74			\$ 99,797.74		
Mullen IT Service	Technical Support	\$ 400.00				\$ 400.00	
Napa Auto Parts	Auto Parts/Supplies	\$ 274.02	\$ 179.96			\$ 94.06	
NCL of Wisconsin, INC	Lab Supplies	\$ 3,203.44				\$ 3,203.44	
Office machines	Copier Contract - PD	\$ 48.60	\$ 48.60				
Pitney Bowes	Postage	\$ 501.81	\$ 125.46		\$ 125.45	\$ 125.45	\$ 125.45
Power Line Supply	Parts/Supplies	\$ 56.12			\$ 56.12		
Power Line Supply	Parts/Supplies	\$ 1,667.43			\$ 1,667.43		
Power Line Supply	Credit Memo	\$ (840.04)			\$ (840.04)		
Power Line Supply	Parts/Supplies	\$ 1,998.15			\$ 1,998.15		
Power Line Supply	Parts/Supplies	\$ 159.48			\$ 159.48		
Prein & Newhof	2250631 Downtown Streetscape	\$ 24,545.70	\$ 24,545.70				
Prein & Newhof	2221059 BioPure Facility Construction	\$ 11,605.94				\$ 11,605.94	
Prein & Newhof	2200777 Drinking Water Asset Mgmt	\$ 25,552.80					\$ 25,552.80
Quill	Office/Cleaning Supplies	\$ 123.62	\$ 123.62				
Quill	Office/Cleaning Supplies	\$ 22.39	\$ 22.39				
Tech Solutions Integration	Door Access System - Hart Commons Bathrooms	\$ 4,799.00	\$ 4,799.00				
Thomasson Company	Poles	\$ 17,751.00			\$ 17,751.00		
Vanguard Fire & Security Systems	Fire Extinguisher Inspection - 88th Substation	\$ 315.20			\$ 315.20		
Vanguard Fire & Security Systems	Fire Extinguisher Inspection - Diesel/DAM	\$ 369.20			\$ 369.20		
Verizon	Office Phones	\$ 482.65	\$ 394.27	\$ 29.46	\$ 29.46	\$ 29.46	
Verizon	Department Phones	\$ 470.92	\$ 82.24	\$ 130.71	\$ 175.73	\$ 82.24	
Wadel Stabilization	Various Bores - Johnson St	\$ 1,950.00			\$ 1,950.00		
Wadel Stabilization	Flow Filled Storm - Pocket Park	\$ 2,300.00	\$ 2,300.00				
Wells Fargo Vendor - RICOH	Copier Renewal	\$ 143.20	\$ 143.20				
West Michigan Carpet Center	Flooring Down Payment - CH/PD	\$ 11,854.48	\$ 11,854.48				
West Michigan Criminal Justice	Fall 2025 Distribution MCOLES	\$ 440.16	\$ 440.16				
West Michigan Drain Solutions	Cam Lines/Locate Directional Lines - CH	\$ 425.00	\$ 425.00				
Windridge	Printed/Applied Logo	\$ 135.00		\$ 135.00			
Wonderland Tire Company	Tires - Green Truck	\$ 1,242.70		\$ 1,242.70			
	Sub-total	\$ 435,188.59	\$ 66,153.02	\$ 5,995.12	\$ 292,068.25	\$ 45,095.90	\$ 25,876.30
HAND CHECKS/ACH/EFT							
Sub-Total Regular Bills/Hand Checks		\$ 435,188.59	\$ 66,153.02	\$ 5,995.12	\$ 292,068.25	\$ 45,095.90	\$ 25,876.30
Gross Payroll	PR246	\$ 81,443.66					
Gross Payroll							
Gross Payroll							
	Sub-Total	\$ 81,443.66					
GRAND TOTAL		\$ 516,632.25	\$ 66,153.02	\$ 5,995.12	\$ 292,068.25	\$ 45,095.90	\$ 25,876.30



City of Hart Police Department

407 State Street

Ph. (231)873-2488 Fax (231)873-0100

Hart, MI 49420-1259

Juan Salazar, Chief

TO: City of Hart Mayor, City Council, and City Manager
FROM: Juan Salazar, Chief of Police
DATE: October 28th, 2025

RECENT EVENTS

From Thursday, October 9th, 2025, through Wednesday, October 22nd, 2025, the Hart Police Department received 62 complaints ranging from Harassment Complaints, Suspicious Situations, Vehicle Violations, Assist to Other Agencies, Assault & Batteries, Juvenile Complaints, Warrant Arrests, Property Damage Crashes, Well-Being Checks, Medical Assists and Family Troubles.

On Thursday, October 9th, 2025, the Hart Police Department conducted a traffic stop on Griswold Street near East Main Street, referencing a vehicle violation. Subsequently, a 54-year-old Ecorse, Michigan man was arrested and lodged at the Oceana County Jail for Operating a Motor Vehicle While Intoxicated (Alcohol).

On Friday, October 10th, 2025, the Hart Police Department was dispatched to the 400 block of State Street, regarding an Assault & Battery that occurred on Thursday, October 9th, 2025, in the area. A 12-year-old Hart girl alleges to have been assaulted by another 12-year-old Hart girl, by her hair being pulled. On Tuesday, October 14th, 2025, a petition was authorized by the Oceana County Prosecutor's Office for Assault & Battery.

On Tuesday, October 14th, 2025, the Hart Police Department received information that a 55-year-old Hart man was in the 300 block of Hart Street, which had a valid/active warrant for his arrest. The man was run in LEIN (Law Enforcement Information Network) and showed an active warrant for his arrest out of Oceana County. The man was located, arrested, and lodged at the Oceana County Jail.

On Tuesday, October 14th, 2025, the Hart Police Department conducted a traffic stop on Polk Road near State Street, referencing a vehicle violation. A 72-year-old Greenville, Michigan, man was cited for disregarding a stop sign.

On Wednesday, October 15th, 2025, the Hart Police Department was dispatched to a Private Property Damage Crash on the north/east corner of Lincoln Street and Courtland Street. A 71-year-old woman was cited for Operating a Motor Vehicle without Insurance. The woman received a warning for operating a Motor Vehicle with an Expired Registration since August 2025.

On Wednesday, October 15th, 2025, Sgt. Skipski conducted public relations activities at the Hart Middle School boy's football game. D/Sgt. Skipski spoke with patrons, students, and staff, reassuring a safe and secure environment for all in attendance.

On Friday, October 17th, 2025, the Hart Police Department was dispatched to the 500 block of Griswold Street, referencing an Assault & Battery complaint. A 48-year-old Hart man was reported to have assaulted a 53-year-old Hart man and a 66-year-old Hart man. All parties had visible injuries. A report will be submitted to the Oceana County Prosecutor's Office.

On Friday, October 17th, 2025, the Hart Police Department was dispatched to the 400 block of Washington Street, regarding a suspicious situation. It was reported that a single Marijuana plant was planted at home, visible from the roadway. The officer contacted a 62-year-old Hart man and explained that marijuana plants must be kept in a secure area and not visible to the public. The man later removed from the plant from the area.

On Saturday, October 18th, 2025, the Hart Police Department was notified, while on foot patrol, of a 61-year-old Hart man causing a disturbance in the 100 block of State Street. It was reported that the man had thrown a bottle of soda at an 18-year-old Hart woman, striking the woman in the head. Several witnesses on the scene corroborated the woman's statement. The man denied throwing the bottle at the woman. The man was run in LEIN (Law Enforcement Information Network) and showed an active/valid Felony warrant for his arrest out of the Hart Police Department. The man was arrested and lodged at the Oceana County Jail on the warrant. A report will be submitted to the Oceana County Prosecutor's Office for Assault & Battery.

On Tuesday, October 21st, 2025, the Hart Police Department conducted its Fall Firearms Qualifications at the Hart Long Rifles Range. D./Sgt. Skipski, a certified MCOLES Firearms Instructor, instructed on the qualifications. The Fall qualifications, which require a low-light qualification, consisted of qualifying with the officer's duty weapon and any secondary weapons. All officers who attended this mandatory training will receive a certificate of accomplishment from D./Sgt. Skipski. Firearms training is required by MCOLES (Michigan Commission on Law Enforcement Standards) to be conducted twice (2) a year, in Spring and Fall. All officers must show proficiency with their duty weapons, any secondary weapons, and patrol rifles to pass the qualification course.



Respectfully,

J. Salazar,
Chief of Police

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. Sec. 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

1246.01 PURPOSE.

This district allows for single family dwellings as the predominant land use on minimum lot sizes which are larger than those required in the A Zone.

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

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 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.

(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 use 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. 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.

(4) Rear yard - 25 feet.

(c) Maximum building height - 35 feet.

(d) Minimum floor area:

(1) One story - 720 square feet.

(2) Two story - 600 square feet on the ground floor.

(3) Split level, bi-level and raised ranch - 800 square feet total.

(4) Two-family dwellings - 720 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.)

CITY OF HART ORDINANCE NO. _____

AN ORDINANCE TO REGULATE THE OPERATION OF TRANSITORY FOOD SERVICE UNITS AND THE ISSUANCE OF PERMITS, LICENSES, OR APPROVALS FOR TRANSITORY FOOD SERVICE UNITS

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 a pulled mobile trailer, a temporary food service station, cart, smoker, grill, freezing or cutting unit, or similar apparatus 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 the 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. 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 in an amount set by the 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 transfer.
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 49455 in accordance with the requirements of this Ordinance for approval by either the City Manager or the Chief of Police.

- B. The City reserves the right to deny the application for incompleteness. No permit may be granted to any person owing any personal property taxes, money judgments, or any other indebtedness to the city, except for real property taxes and special assessments, or to 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 7:00 am and 10:00 pm on Sundays through Thursdays and 7:00 am and 12:00 am 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 foot 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 the 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 other 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 the Chief of Police.

Section 7. Indemnification

A Transitory Food Service Unit 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 the permit application. Proof of insurance is due prior to the Transitory Food Service Unit's 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 for 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 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 an 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 and 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.

RESOLUTION 2025-45

***City Council
City of Hart, Michigan
Oceana County***

**APPROVE SECOND AMENDMENT TO EASEMENT AGREEMENT WITH HART
SOLAR PARTNERS, LLC**

WHEREAS, the City of Hart entered into an Easement Agreement dated March 25, 2025, with Hart Solar Partners, LLC, a Delaware limited liability company, to grant certain utility and access easements over City-owned property located in Hart Township, Oceana County, Michigan; and

WHEREAS, the Easement Agreement was previously amended by the *Amendment of Easement Agreement* dated July 17, 2025, to adjust the Easement Premises to reflect field conditions encountered during project construction; and

WHEREAS, following additional third-party improvements and site modifications, further adjustments to the Easement Premises are necessary to align with the as-built utility configuration; and

WHEREAS, the *Second Amendment to Easement Agreement*, dated October __, 2025, replaces *Exhibit B (Easement Premises)* to reflect the revised easement area while reaffirming all other terms of the prior agreements; and

WHEREAS, City staff and the City Attorney have reviewed the proposed *Second Amendment to Easement Agreement* and recommend its approval to ensure accurate legal documentation of the easement boundaries and continued coordination with Hart Solar Partners, LLC; and

WHEREAS, in order to promote and protect the City's interests and to ensure proper documentation of property rights, the City Council hereby declares:

NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL:

1. *Approves the Second Amendment to Easement Agreement between the City of Hart and Hart Solar Partners, LLC, substantially in the form presented.*
2. *Authorizes and directs the Mayor and City Clerk to execute the agreement and any related documents on behalf of the City, and to record the executed document with the Oceana County Register of Deeds.*

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

Ayes: _____ Nays: _____ Absent: _____

Karla Swihart, City Clerk

CITY OF HART
MEMORANDUM

To: Hart City Council

From: Nichole Kleiner, Interim City Manager

Date: 10/28/2025

Subject: Second Amendment to Hart Solar Easement Agreement

Background

Hart Solar Partners, LLC previously entered into an Easement Agreement with the City of Hart for installation of underground collector lines within the City's spray fields. A first amendment to the easement was recorded earlier this year to accommodate design adjustments identified during the initial engineering phase.

Reason for Second Amendment

As a result of a minor design change, Hart Solar Partners has requested a second amendment to the easement. The modification is necessary because the location of an existing overhead transmission pole requires a slight shift in the planned underground borings. This adjustment caused a small portion of the new line to extend just outside the previously amended easement area.

The attached Second Amendment to Easement Agreement has been drafted to allow for this minor shift, as shown in the accompanying figures. According to Hart Solar's engineers, this change will **have no impact on the existing headers or field operations** within the spray irrigation area.

Recommendation

City staff recommends approval of the Second Amendment to Easement Agreement with Hart Solar Partners, LLC to reflect the revised underground line alignment.



SECOND AMENDMENT TO EASEMENT AGREEMENT

THIS SECOND AMENDMENT TO EASEMENT AGREEMENT ("**Amendment**") is made this ____ day of October, 2025, by and between the CITY OF HART, a Michigan municipal corporation, whose address is 407 State Street, Hart, Michigan 49420 ("**Owner**") and HART SOLAR PARTNERS, LLC, a Delaware limited liability company, whose address is 2373 Oak Valley Drive, Suite 150, Ann Arbor, Michigan 48103 ("**Grantee**").

RECITALS:

A. Owner, as the owner of the property located in the Township of Hart, Oceana County, Michigan as set forth in **Exhibit A** ("**Owner's Land**"), and Grantee entered into an Easement Agreement dated March 25, 2025, recorded May 2, 2025, as Document No. 202500002402, Oceana County, Michigan Records, as amended by the Amendment of Easement Agreement dated July 17, 2025, recorded July 22, 2025, as Document No. 202500003827, Oceana County, Michigan Records (collectively, "**Easement**").

B. Certain third-party improvements were constructed within the Easement Premises following the execution of the Easement, which has impacted Grantee's intended construction of the Utilities and its Easement Purposes.

C. Owner and Grantee now desire to amend the Easement to adjust the Easement Premises as described and depicted on Exhibit B to the Easement.

D. This Agreement is exempt from the real estate transfer taxes under MCL §§ 207.505(a) and 207.526(a) because the value of the consideration given is less than One Hundred and no/100 Dollars (\$100.00).

AGREEMENT

For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Owner and Grantee agree as follows:

1. **Easement Area/Exhibit B.** The legal descriptions and the depictions of the Easement Premises as set forth on Exhibit B to the Easement are deleted in their entirety and replaced by the **Exhibit B** attached to this Amendment.

2. **Ratification; Capitalized Terms; Counterparts.** As modified by this Amendment, the undersigned ratify and affirm the Easement, which shall continue in full force and effect. All capitalized terms not otherwise defined in this Amendment shall have the meanings set forth in the Easement. This

Amendment may be executed in one or more counterparts, each such counterpart being deemed an original and all such counterparts taken together constituting but one and same instrument.

The undersigned have signed this Second Amendment of Easement Agreement as of the day and year first written above.

CITY OF HART,
a Michigan municipal corporation

By _____

Its _____

Owner

STATE OF MICHIGAN)
) ss:
COUNTY OF _____)

Acknowledged before me in _____ County, Michigan, on _____, 2025, by _____, the _____ of the CITY OF HART, a Michigan municipal corporation, for the corporation.

Name: _____
Notary Public, State of Michigan, County of _____
My commission expires: _____
Acting in the County of Kent

HART SOLAR PARTNERS, LLC,
a Delaware limited liability company

By _____

Its _____

Grantee

STATE OF MICHIGAN)
) ss:
COUNTY OF _____)

Acknowledged before me in _____ County, Michigan, on _____,
2025, by _____, the _____ of HART SOLAR PARTNERS, LLC, a
Delaware limited liability company, for the company.

Name: _____
Notary Public, State of Michigan, County of _____
My commission expires: _____
Acting in the County of _____

PREPARED BY AND RETURN TO:

M. Johnny Pinjuv
WARNER NORCROSS + JUDD LLP
150 Ottawa Avenue NW
1500 Warner Building
Grand Rapids, Michigan 49503
Telephone: (616) 752-2455

33266024

Exhibit A
Owner's Land

Land situated in the Township of Hart, County of Oceana, State of Michigan, described as follows:

THE EAST 700 FEET OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 22, TOWN 15 NORTH, RANGE 17 WEST, HART TOWNSHIP, OCEANA COUNTY, MICHIGAN.

Parcel ID: 007-022-100-05

The East 700 feet of the Southeast 1/4 of the Northwest 1/4 of Section 22, Town 15 North, Range 17 West, Hart Township, Oceana County, Michigan.

Parcel ID: 007-022-100-06

THE EAST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 15 NORTH, RANGE 17 WEST; AND THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER AND THE WEST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 15 NORTH, RANGE 17 WEST.

Parcel ID: 007-022-200-01

THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 15 NORTH, RANGE 17 WEST.

Parcel ID: 007-022-200-02

The Southeast quarter of the Northeast quarter of Section 22, Township 15 North, Range 17 West.

Parcel ID: 007-022-200-03

THE WEST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 15, TOWNSHIP 15 NORTH, RANGE 17 WEST, HART TOWNSHIP, OCEANA COUNTY, MICHIGAN, EXCEPT THAT PART THEREOF DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTH 1/4 CORNER OF SECTION 15; THENCE SOUTH 86 DEGREES 05' 05" EAST ALONG THE SOUTH SECTION LINE 973.70 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00 DEGREES 42' 35" EAST PARALLEL WITH THE EAST 1/16 LINE 400.00 FEET; THENCE SOUTH 86 DEGREES 05' 05" EAST PARALLEL WITH THE SOUTH SECTION LINE 326.00 FEET; THENCE SOUTH 00 DEGREES 42' 35" WEST ALONG THE EAST 1/16 LINE 400.00 FEET; THENCE NORTH 86 DEGREES 05' 05" WEST ALONG THE SOUTH SECTION LINE 326.00 FEET TO THE POINT OF BEGINNING; AND ALSO EXCEPT THE SOUTH 400 FEET OF THE WEST 500 FEET THEREOF.

Parcel ID: 007-015-400-07

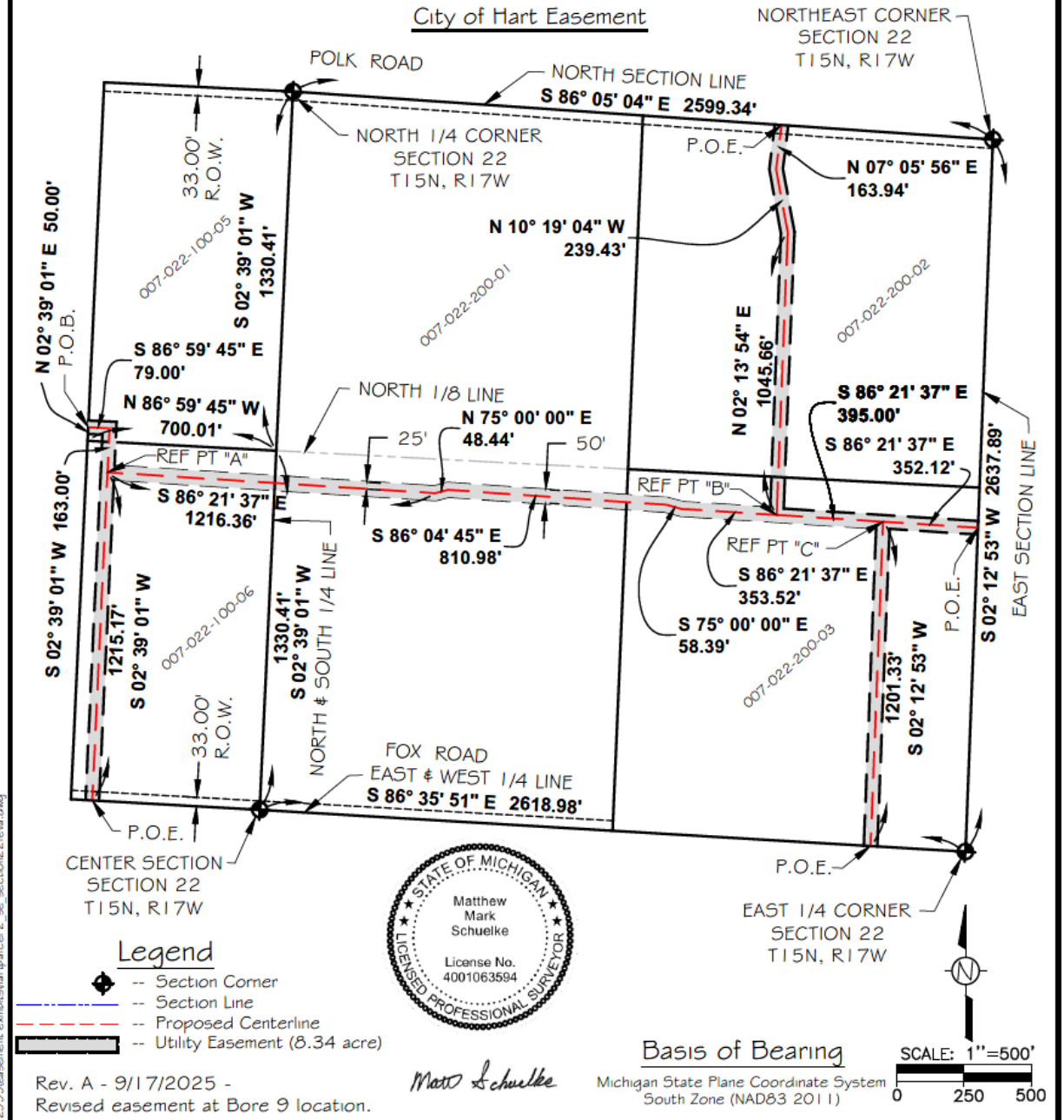
Exhibit B
Easement Premises

50 foot-wide strips of land, being 25 feet on each side of the centerlines of the lines constructed on Owner's Land, the centerlines to be located approximately as shown in the attached drawings.

The centerlines of the aforesaid descriptions are intended to coincide with the actual centerlines of Grantee's facilities as now located and installed upon and across the Owner's Land and to the extent that the aforesaid centerline descriptions conflict with or is of variance with said actual centerlines up to a distance of not more than five (5) feet, then the actual centerlines of Grantee's facilities shall be deemed controlling for all purposes of this instrument and Grantee shall have the right but not the obligation to record an amendment hereto amending the descriptions of the Easement Premises to align the centerlines of the Easement Premises with the centerlines of Grantee's facilities while maintaining the original width of the Easement Premises.

EASEMENT EXHIBIT

City of Hart Easement



SSI
surveying solutions, inc.
SURVEYING • ENGINEERING • CONSTRUCTION SERVICES

City of Hart Easement
NW 1/4 & NE 1/4 Section 22
T15N, R17W, Hart Twp.
Oceana Co., Michigan

Drawing No. CITY OF HART_SECTION22 PARCELS

Filename: CITY OF HARTPARCEL_SECTION22.dwg
Field Crew: n/a
Field Book No. 25518
Drawn By: M. Ursuy
Date: 09/17/2025
Scale: 1" = 500'
Sheet 1

EASEMENT EXHIBIT

City of Hart Easement

Legal Description: Proposed Easement

A strip of land 50 feet in width being 25 feet each side of the proposed centerline in the Northwest 1/4 and Northeast 1/4 of Section 22, Township 15 North, Range 17 West, Hart Township, Oceana County, Michigan more particularly described as follows:

To fix the Point of Beginning commence at the North 1/4 corner of said Section; thence S.02°-39'-01"W., on the North & South 1/4 line of said Section, 1330.41 feet to the North 1/8 line of said Section; thence N.86°-59'-45"W., on said North 1/8 line, 700.01 feet; thence N.02°-39'-01"E., parallel with said North & South 1/4 line, 50.00 feet to the Point of Beginning; thence S.86°-59'-45"E., parallel with said North 1/8 line, 79.00 feet; thence S.02°-39'-01"W., parallel with said North & South 1/4 line, 163.00 feet to Reference Point "A"; thence S.86°-21'-37"E., 1216.36 feet; thence N.75°-00'-00"E., 48.44 feet; thence S.86°-04'-45"E., 810.98 feet; thence S.75°-00'-00"E., 58.39 feet; thence S.86°-21'-37"E., 353.52 feet to Reference Point "B"; thence S.86°-21'-37"E., 395.00 feet to Reference Point "C"; thence S.86°-21'-37"E., 352.12 feet to the East line of said Section and the Point of Ending.

AND Also

Beginning at Reference Point 'A'; thence S.02°-39'-01"W., parallel with said North & South 1/4 line, 1215.17 feet to the East & West 1/4 line of said Section and the Point of Ending.

AND Also

Beginning at Reference Point 'B'; thence N.02°-13'-54"E., 1294.00 feet; thence N.01°-42'-10"W., 148.25 feet to the North line of said Section and the Point of Ending.

AND Also

Beginning at Reference Point 'C'; thence S.02°-12'-53"W., 1201.33 feet to the East & West 1/4 line of said Section and the Point of Ending.

The sidelines of said strip are to be extended or shortened to meet at the angle points and to begin and terminate at the specified locations. Said easement contains 8.34 acres of land.



Matthew Schuelke

Rev. A - 9/17/2025 -
Revised easement at Bore 9 location.



City of Hart Easement
NW 1/4 & NE 1/4 Section 22
T15N, R17W, Hart Twp.
Oceana Co., Michigan

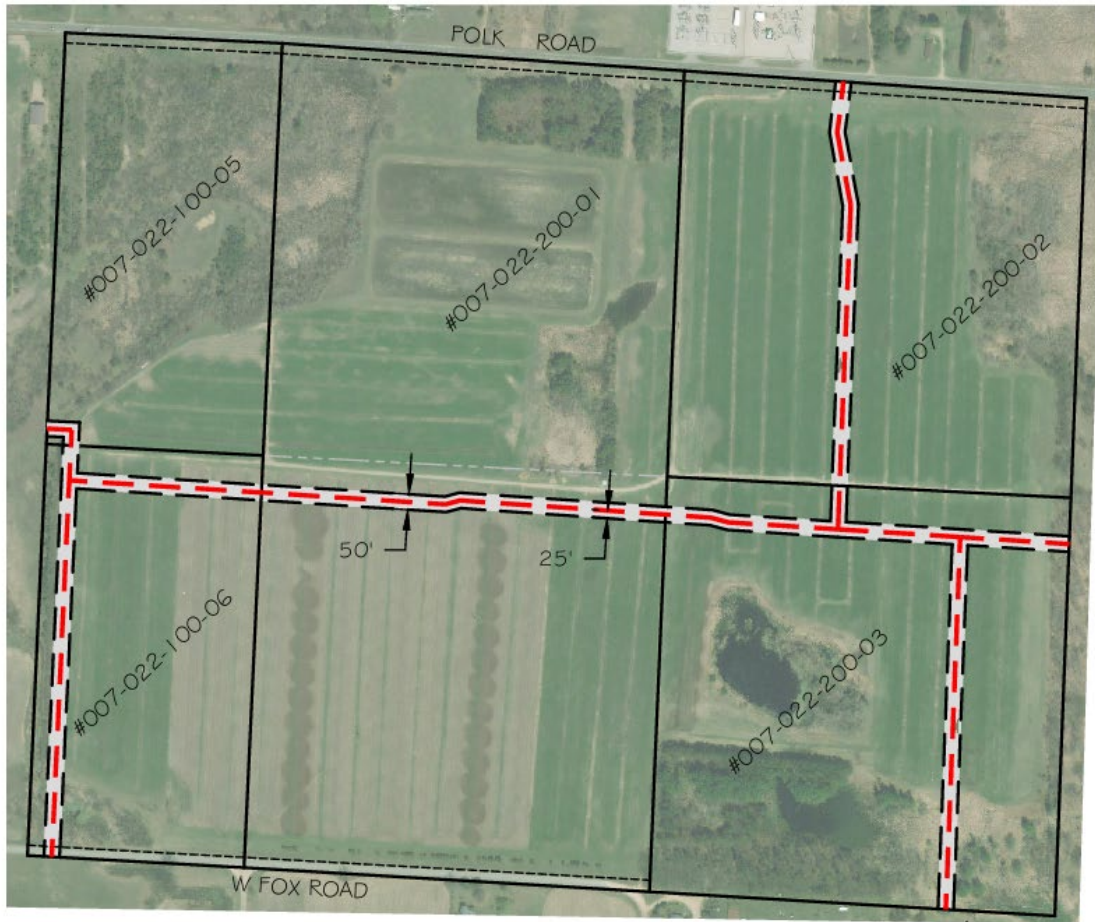
Drawing No. CITY OF HART_SECTION22 PARCELS

Filename: CITY OF HARTPARCEL_SECTION 22.DWG
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Field Book No. 22581
Drawn By: M. Ursuy
Date: 09/17/2025
Scale: n/a
Sheet 2

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EASEMENT EXHIBIT

City of Hart Easement



Legend

- Section Corner
- Section Line
- Proposed Centerline
- Utility Easement (8.33 acre)

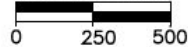
Rev. A - 9/17/2025 -
Revised easement at Bore 9 location.



Matthew Schuelke



SCALE: 1"=500'



Basis of Bearing

Michigan State Plane Coordinate System
South Zone (NAD83 2011)



City of Hart Easement
NW 1/4 & NE 1/4 Section 22
T15N, R17W, Hart Twp.
Oceana Co., Michigan

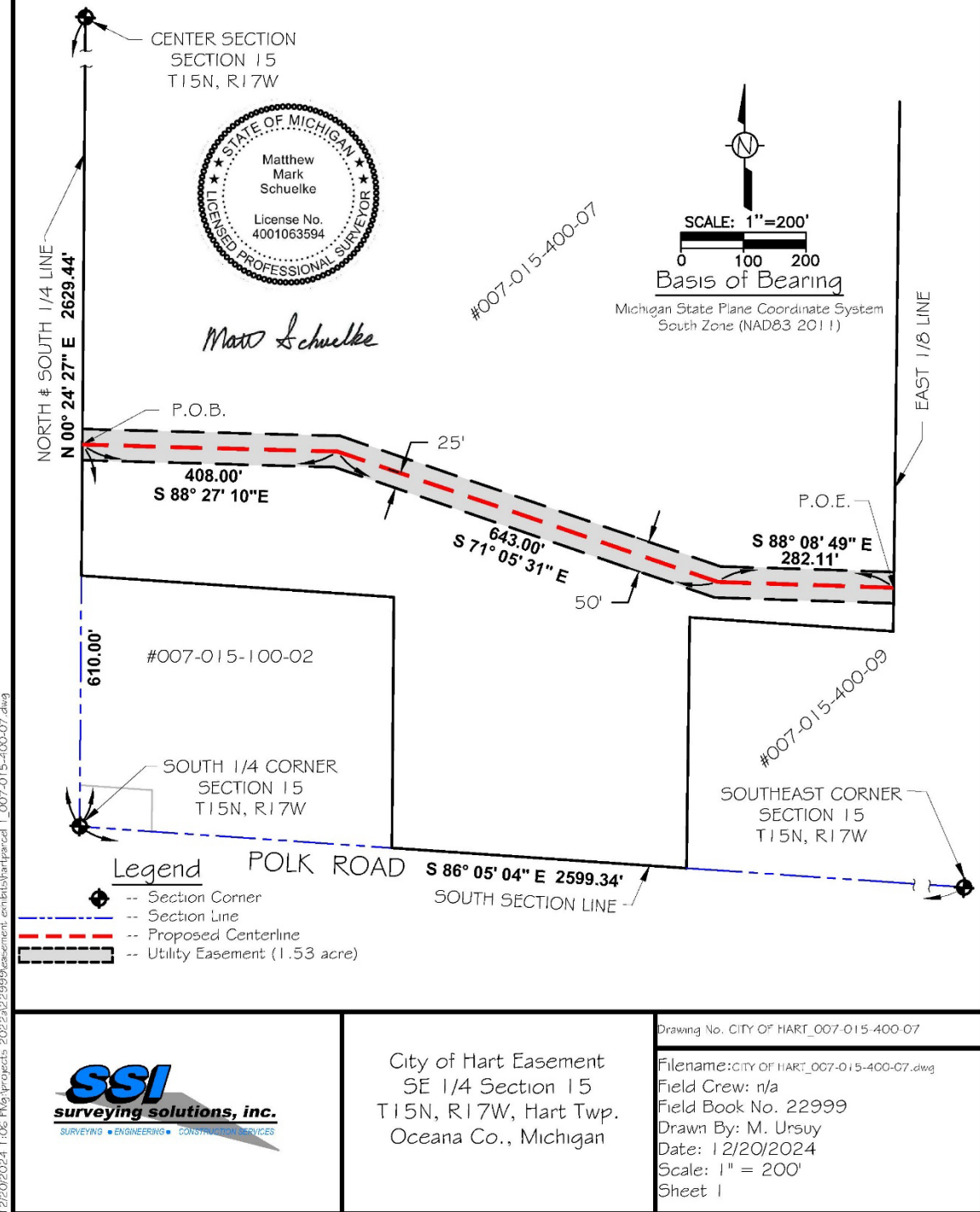
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Drawn By: M. Ursuy
Date: 09/17/2025
Scale: 1" = 500'
Sheet 3

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EASEMENT EXHIBIT

City of Hart Easement



EASEMENT EXHIBIT

City of Hart Easement

Legal description: Proposed Easement

A strip of land 50 feet in width being 25 feet each side of the proposed centerline in the West 1/2 of the Southeast 1/4 of Section 15, Township 15 North, Range 17 West, Hart Township, Oceana County, Michigan more particularly described as follows:

Beginning at a point on the North & South 1/4 line, which is 610.00 feet, N.00°-24'-27"E. of the South 1/4 corner of said Section; thence S.88°-27'-10"E., 408.00 feet; thence S.71°-05'-31"E., 643.00 feet; thence S.88°-08'-49"E., 282.11 feet to the East 1/8 line of said Section and the point of ending. The sidelines of said strip are to be extended or shortened to meet at the angle points and to begin at said North & South 1/4 line and to terminate at said East 1/8 line. Said easement contains 1.53 acres of land.



Matt Schuelke



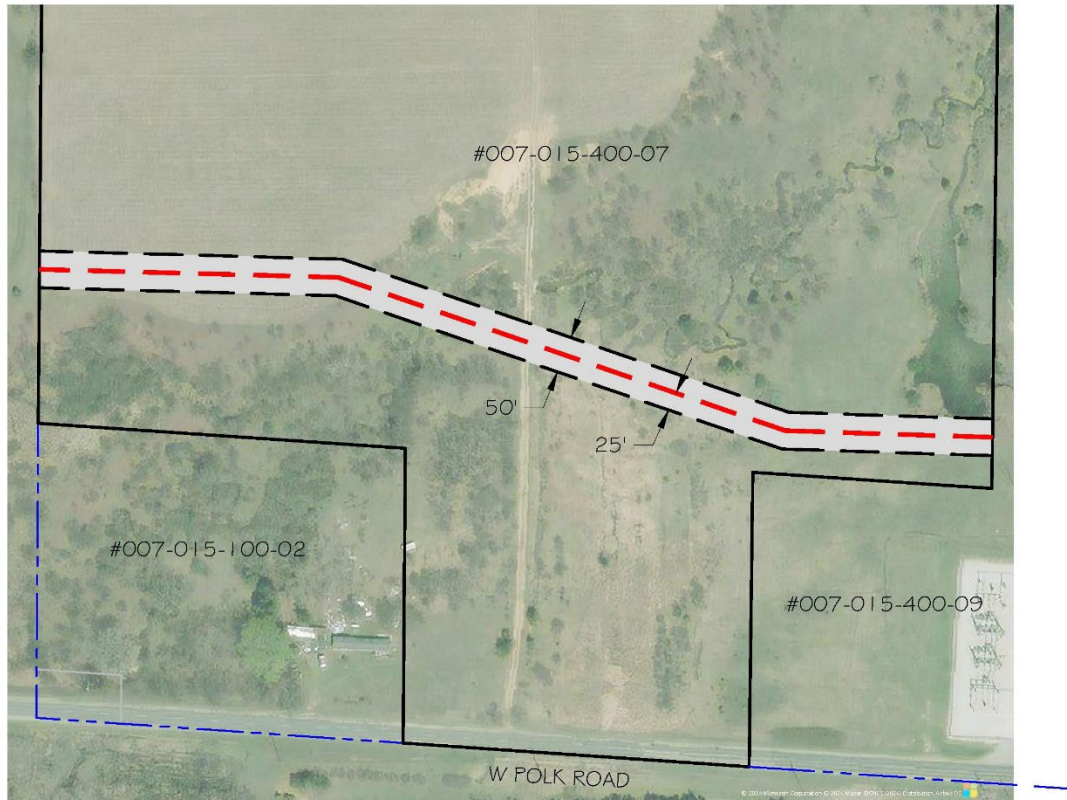
City of Hart Easement
SE 1/4 Section 15
T15N, R17W, Hart Twp.
Oceana Co., Michigan

Drawing No. CITY OF HART_007-015-400-07

Filename: CITY OF HART_007-015-400-07.DWG
Field Crew: n/a
Field Book No. 22999
Drawn By: M. Ursuy
Date: 12/20/2024
Scale: n/a
Sheet 2

EASEMENT EXHIBIT

City of Hart Easement



Legend

- Section Corner
- Section Line
- Proposed Centerline
- Utility Easement (1.53 acre)



SCALE: 1"=200'

0 100 200

Basis of Bearing

Michigan State Plane Coordinate System
South Zone (NAD83 2011)



Matthew Schuelke



City of Hart Easement
SE 1/4 Section 15
T15N, R17W, Hart Twp.
Oceana Co., Michigan

Drawing No. CITY OF HART_007-015-400-07

Filename: CITY OF HART_007-015-400-07.DWG
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Field Book No. 22999
Drawn By: M. Ursuy
Date: 12/20/2024
Scale: 1" = 200'
Sheet 3

12/20/2024 9:45 AM projects 2022\22999\007-015-400-07.dwg



NOTICE OF INFORMATIONAL PUBLIC MEETING

City of Hart – Safe Routes to School Project

This letter is to inform you that the City of Hart will be constructing a new 10-foot-wide non-motorized bike path within the right-of-way adjacent to your property. The path will follow W. Tyler Road, Plum Street, Peach Avenue, Johnson Street, and Water Street as part of the Safe Routes to School Project.

Because your property is located along the route, the City will be hosting an Informational Public Hearing on Monday, November 3, 2025, from 5:30 p.m. to 7:00 p.m. at Hart City Hall, 407 S. State Street, Hart, MI.

Representatives from the Safe Routes to School Project, along with City staff and project engineers, will be available during this time to answer questions, review project details, and discuss potential impacts to adjacent properties.

Your participation and feedback are important to us. Please plan to attend the public hearing to review the proposed plans and speak directly with project representatives.

If you have questions prior to the meeting or wish to schedule a discussion, please contact:

- Nichole Kleiner, (231) 873-3546, nkleiner@cityofhart.org

Thank you for your time and cooperation as we work together to enhance safe walking and biking routes in the Hart community.

Sincerely,

Nichole Kleiner
Interim City Manager
City of Hart

Attachment: Safe Routes to School Pathway Alignment