



CITY OF HART
407 S. STATE ST.
HART, MI 49420
REGULAR MEETING OF CITY COUNCIL - COUNCIL PROCEEDINGS
July 14th, 2026
MINUTES – Approved

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

ABSENT: None

OTHERS PRESENT: City Manager – Nichole Kleiner, City Clerk – Karla Swihart, BioPure Superintendent – Paul Cutter, DPW Superintendent – Brad Whitney, Hart Police Chief Juan Salazar, Trey Choice, Shelbie Chophonis, Sharon Hallack and Christine Juska

APPROVAL OF AGENDA:

- A. Mullen motioned to agenda and was supported by K. Thomson
 - Ayes: 7 Nays: 0 Absent: 0

PUBLIC COMMENTS:

- Sharon Hallack please welcome Shelbie Chophonis, Shelbie is a Hart High School graduate who was the editor of the school paper and is new to the Oceana Echo.
Also, there are a few changes with the Echo, it is still going to be free to all, but we all know someone who does not read the paper or does not wish to receive it, so please let the Echo know if you DO NOT wish to receive a paper.
Thank you to the City Council and City support.

CORRESPONDENCE, EVENTS, PRESENTATIONS:

- None

CONSENT AGENDA:

- Approval of minutes from June 23rd, 2026
- 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 K. Thomson
 - Ayes: 7 Nays: 0 Absent: 0

ORDINANCES:

- First Reading, Ordinance 2026-04 State Cross Connection Rules (language updates)
1048.08 State Cross Connection Rules Adopted
(a) The City hereby adopts by reference the Water Supply Cross Connection Rules of the **Michigan Department of Environment, Great Lakes and Energy (EGLE)** being R325.11401 through R325.11407 of the Michigan Administrative Code as it presently exists.
(b) The City of authorized representative shall cause inspections to be made of all properties served by the public water supply where cross connection with the public water supply is deemed possible for the purpose of enforcing this section. The frequency of inspections and re-inspections based on potential health hazards involved shall be established by the City and as approved by **EGLE**.
(c) All testable backflow prevention devices shall be tested, at owner's expense, upon installation, relocation and/or repair to be sure that the device is working properly. Subsequent inspection, testing and/or repair of devices shall be conducted, at owners' expense, on an annual basis or as required by the City and its accordance

with the **Michigan Department of Environment, Great Lakes and Energy** requirements. Only individuals that are approved and a licensed plumber that holds an active ASSE 5110 tester's certification shall be qualified to perform such testing. Individual(s) shall certify the results of his or her testing and forward said results to the City.

(d) On request, the owner, lessee or occupant of any property served by the public water system of the City shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal to access, when requested, shall be prima-facie evidence of the presence of a cross connection.

(e) Upon refusal of access or the unavailability of the owner, lessee or occupant, the City, or authorized representative, may obtain a search warrant through the City Attorney to enter any property served by a connection to the public water system of the City for the purpose of inspecting the piping systems thereof for cross connections. However, a warrant need not be obtained in cases where there is imminent danger of contamination to the public water system.

(f) The City is hereby authorized and directed to discontinue water service, after reasonable notice, to any property wherein any connection in violation of this section exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water supply system. However, said notice shall inform the owner, lessee or occupant of the property of his or her right, if he or she elects in writing within five days from receipt of said notice to a hearing at the next regularly scheduled City Council meeting to determine whether or not his or her water service should be terminated. Further, water service may be terminated without notice and/or hearing in cases where there is imminent danger to the public water system. Water service to such property shall not be restored until the cross connection has been eliminated in compliance with the provisions of this section.

(g) The potable water supply made available on the properties served by the public water supply shall be protected from possible contamination as specified by this section and by the State of Michigan Plumbing Code. Any water outlet which could be used for potable or domestic purposes, and which is not supplied by the potable system must be labeled in a conspicuous manner as: "Water Unsafe for Drinking."

(h) This section does not supersede the State of Michigan Plumbing Code or any City ordinance but is supplementary to them.

(i) No person shall violate any of the provisions of this section, or any written order of the City in pursuance thereof.

(j) Any person found guilty of violation of any of the provision of this section or nay written order of the City, in pursuance thereof shall be punished as a civil infraction by a fine of not less than five hundred dollars (\$500.00) nor more than one thousand five hundred dollars (\$1,500) for each violation. Each day upon which a violation of the provisions of this act shall occur shall be deemed a separate and additional violation for the purpose of this section

(Ord. 2005-2. Passed 3-21-05.)

ACTION ITEMS:

- Resolution 2026-34 Employee Handbook Amendments

WHEREAS, the City Council has reviewed proposed amendments to Sections 2.7 and 7.7 of the City of Hart Employee Handbook; and

WHEREAS, the proposed amendments clarify the administration of non-union (exempt) and non-member union employee benefits and remove language that is no longer consistent with the City's personnel practices; and

WHEREAS, the City Council finds it appropriate to authorize the City Manager to make future administrative and non-substantive revisions to the Employee Handbook.

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

1. *Approves the amendment to Section 2.7 and the removal of Section 7.7 of the Employee Handbook.*
2. *Authorizes the City Manager to make administrative, formatting, legal compliance, and other non-substantive revisions to the Employee Handbook without further Council approval.*

3. *Requires City Council approval for any future revisions affecting employee compensation, benefits, leave, retirement, disciplinary procedures, employee rights, collective bargaining obligations, or matters with a budgetary impact.*

- J. Cunningham motioned to approve Resolution 2026-34 and was supported by A. Mullen

· Ayes: 7 Nays: 0 Absent: 0

■ Resolution 2026-36 Option Agreement for 3 E Main St

WHEREAS, the City of Hart Tax Increment Finance Authority owns property located at 3 East Main Street; and
WHEREAS, the City and the Tax Increment Finance Authority desire to facilitate the potential redevelopment of the property through an Option Agreement with Avannella Development, LLC; and
WHEREAS, the City Council finds it to be in the best interest of the City to authorize execution of the Option Agreement.

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

Authorizes the City Manager, acting on behalf of the City of Hart and the Hart Tax Increment Finance Authority as appropriate, to execute the Option Agreement with Avannella Development, LLC for the property located at 3 East Main Street, together with such non-substantive modifications as may be approved by the City Attorney.

- C. Burillo motioned to approve Resolution 2026-36 and was supported by A. Mullen

· Ayes: 7 Nays: 0 Absent: 0

■ Resolution 2026-37 Energy Department Safety Program

WHEREAS, the City of Hart solicited proposals for crew observation safety services for the Electric Department; and

WHEREAS, Alpha Omega Utility Services submitted the lowest responsive proposal and provides the City the flexibility of a one-year agreement; and

WHEREAS, the City Council finds it to be in the best interest of the City to accept the proposal.

NOW, THEREFORE BE IT RESOLVED BY THE HART CITY COUNCIL hereby

Accepts the proposal from Alpha Omega Utility Services and authorizes the City Manager to execute the agreement and any related documents necessary to implement the services.

- A. Mullen motioned to approve Resolution 2026-37 and was supported by C. Burillo

· Ayes: 7 Nays: 0 Absent: 0

■ Resolution 2026-38 Public Safety Millage Rate & Ballot Language

WHEREAS, the City Council finds that maintaining effective police protection, fire protection, emergency response, and public safety services is essential to protecting the health, safety, and welfare of the residents on the City of Hart; and

WHEREAS, the City Council has determined that additional dedicated funding is necessary to maintain and improve public safety personnel, emergency response capabilities, equipment, vehicles, apparatus, facilities, technology, training, capital improvements, and related operational needs; and

WHEREAS, the City Council desires to submit to the qualified electors of the City of Hart a proposal for a new additional public safety millage at the November 3, 2026, General Election.

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

Section 1. Ballot Proposal

The Following proposal shall be submitted to the qualified electors of the City of Hart at the November 3, 2026, General Election:

Public Safety Millage Proposal

Shall the City of Hart be authorized to levy up to _____ mills (\$_____ per \$1,000 of taxable value) for a period of ten (10) years, beginning with the 2027 tax levy and continuing through the 2036 tax levy, inclusive, for the purpose of providing funds for police protection, fire protection, emergency response services, public safety

personnel, training, vehicles, apparatus, equipment, facilities, technology, capital improvements, and related public safety operational expenses?

The estimated revenue to be collected by the City of Hart if the millage is approved and levied in the first year is approximately \$_____.

☐

Yes

☐

No

Section 2. Certification

The City Clerk is hereby authorized and directed to certify this ballot proposal to the Oceana County Clerk and to take all actions necessary to place the proposal on the November 3, 2026, General Election ballot in accordance with applicable law:

Section 3. Administrative Revisions

The City Clerk, City Manager and City Attorney are authorized to make any non-substantive revisions to the ballot language or election documents required by the Oceana County Clerk or the Michigan Bureau of Elections, provided such revisions do not alter the internet or substance of this Resolution.

- Upon Discussion B. Root motioned to table Resolution 2026-38 and discuss different millage rates, options and was supported by C. Burillo

· Ayes: 7 Nays: 0 Absent: 0

■ Resolution 2026-39 Water Tower Easement Agreement – EIP Holdings IV

WHEREAS, the City of Hart is the owner of the municipal water tower property located at 3701 Spencer Farm Road, Hart Michigan; and

EIP Holdings IV, LLC has offered to purchase certain easement rights associated with the property for the purpose of managing and leasing wireless communications facilities; and

WHEREAS, under the proposed transaction, the City will receive **Seven Hundred Thousand Dollars (\$700,000)** at closing together with the opportunity to receive ongoing revenue sharing from future wireless

communications tenants as Provided in the Letter Agreement; and

WHEREAS, the City Council has reviewed the proposed Letter Agreement and Easement Agreement and finds that entering into the transaction is in the best interests of the City.

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

Section 1. The Mayor and City Clerk are hereby authorized and directed to execute the Letter Agreement and Easement Agreement between the City of Hart and **EIP Holdings IV, LLC, substantially in the form presented to the City Council**, together with such non-substantive revisions and modifications as may be approved by the City Attorney.

Section 2. The Mayor and City Clerk, City Manager and other appropriate City officials are further authorized to execute any additional closing documents, certifications, affidavits, or other instruments necessary to complete the transaction consistent with this Resolution.

Section 3. This Resolution shall take effect immediately upon adoption.

- A. Mullen motioned to approve Resolution 2026-39 and was supported by J. Cunningham

· Ayes: 7 Nays: 0 Absent: 0

SPECIAL EVENTS PERMIT REQUESTS:

- Hart Girls Basketball Drive, requesting use of Polk/State intersection for collection fundraiser
 - Ayes: 7 Nays: 0 Absent: 0

DISCUSSION ITEMS:

- Seneca Fire Suppression Project Update

Brad Whitney, Public Works Superintendent and Nichole Kleiner City Manager recently met with Dirk Williams, General Manager of Seneca Foods, to discuss the fire suppression solution Seneca has selected.

The proposed project would extend a 16-inch water main from the City's water tower to Oceana Drive, connect it to the existing 12-inch main from Polk Road, and replace the existing 8-inch line serving Seneca's U Warehouse with a new 12-inch line. The project would also create a looped water system and add a fire hydrant along Oceana Drive.

The estimated project cost is \$495,582, including \$361,922 for City water system improvements, \$91,460 for Seneca's improvements and \$42,200 for engineering services.

This project aligns with one of the City's highest-priority water system capital improvements while also addressing Seneca's fire suppression needs. Seneca has indicated a willingness to consider a long-term repayment arrangement for the City's share of the project.

This memo is for informational purposes only. Staff will continue reviewing budget projections, consulting with our engineers and City Attorney, and will return to Council with recommendations for a funding and partnership approach that supports both Seneca's needs and the City's long-term infrastructure goals.

- IT Services Proposals

Just wanted to keep on the radar as our current IT Contract is up in September so along with our current provider's proposal, the City has obtained 2 more.

CITY MANAGER'S REPORT:

- Hart Sparks had a huge turnout with fireworks going off just before the rainfall.
- Cross connection inspection letters from HydroCorp will be going out to residents soon.
- Celebrated ribbon cuttings at Radiant Church & Merchantpunk Trading Co.
- Enforcement proceedings at 109 Union St (fire damaged blacksmith shop) have begun.

Events:

- Thursday's @ 6:30 – Music on the Commons
- Friday's @ 7:00 – Hart Historic District's Music Series
- 08/06/2026 – BioPure and Hart Commons Ribbon Cutting Celebration – 1pm

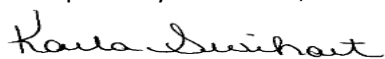
COMMUNICATION FROM MAYOR AND COUNCIL:

- Mayor Klotz has been attending the Fire Authority meetings. Next meeting is Tuesday July 21st.

ADJOURN:

- There being no further business to come before the Council, Mayor Klotz adjourned the meeting at 8:05pm. The next regularly scheduled meeting will be on July 28th, 2026, at 7:30 pm.

Respectfully Submitted,



Karla Swihart, City Clerk