



CITY OF HART
407 S. STATE ST.
HART, MI 49420
REGULAR MEETING OF CITY COUNCIL - COUNCIL PROCEEDINGS
July 28th, 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, Economic and Development Director – Lindsay Brown, Parks n Rec Superintendent – Chris TerHaar, Trey Choice, Chistine Juska, Clair Marshall and Jon Veldheer

APPROVAL OF AGENDA:

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

PUBLIC COMMENTS:

- Trey Choice - I am here today to announce my termination as the Director of the Starting Block. I was terminated on July 18th; no reason was provided. This decision was supported by all board members and Hart City Manager Nichole Kleiner, Rick Grey, West Shore President Scott Ward, and Malcomb Community Collage Bill Smalls, I was fired shortly after questioning how the board members allowed lease and purchase agreement to be expired almost 4 years ago and directly putting 16 small businesses at risk. I also questioned historic use of enterprise funds by the City to pay for repairs and utilities at multiple City owned properties. In Michigan it is illegal for Municipalities to use public enterprise funds on properties owned by the City. Now I am here solely as a Citizen with concerns about the manager's aperiient habit of running public funds in a deficit and then raising taxes on citizens to count for the loss. This is a situation we are all currently feeling given the 11% rise in sewer costs, directly related to the recent deficit announced in the sewer fund audit. Which all seems to be the plan with the Public Safety millage proposed by Nichole Kleiner at the last City Council meeting, an increase that would hike the average citizen in Hart for property taxes is almost \$450.00 a year to cover the recently announced deficit in the General Fund. Luckily that Public Safety resolution was tabled by the Council who seemed to feel that the public couldn't sustain the burden of additional property taxes after utility taxes hike, unfortunately the only option left to address the deficit are personnel and service cuts which every citizen will feel.

CORRESPONDENCE, EVENTS, PRESENTATIONS:

- None

CONSENT AGENDA:

- Approval of minutes from July 14th, 2026
- Bills, Claims, Payroll
- Reports of Boards, Commissions, and Committees
- Department Reports – Police/BioPure/Public Works/Energy/C&E Dvlp
 - J. Cunningham motioned to approve the Consent Agenda, and was supported by B. Root
 - Ayes: 7 Nays: 0 Absent: 0

ORDINANCES:

- Second Reading and Adoption of 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 provisions of this section or any 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. Revised/Passed 7-28-2026)

- A. Mullen motioned to approve Ordinance 2026-04 and was supported by C. Burillo
- Ayes: 7 Nays: 0 Absent: 0

ACTION ITEMS:

- 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 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 2 mills (\$2.00 per \$1,000 of taxable value) for a period of four (4) years, beginning with the 2027 tax levy and continuing through the 2030 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 \$ 129,596.00.

- ✓ 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 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.

- A. Mullen motioned to approve Resolution 2026-38, and was supported by C. Burillo
- Ayes: 7 Nays: 0 Absent: 0

- Resolution 2026-40 Authorize Execution of MDOT Contract for Safe Routes to School Project
WHEREAS, the Michigan Department of Transportation ("MDOT") has prepared Contract No. 26-5298 for the construction of a Safe Routes to School non-motorized pathway project within the City of Hart under the Transportation Alternatives Program; and
WHEREAS, the project includes construction of a shared use path and associated pedestrian improvements along portions of Water Street, Johnson Street, Peach Avenue, Plum Street, Peach Avenue, Plum Street, and Main Street/Tyler Road, together with related improvements; and
WHEREAS, the estimated construction cost of the project is \$1,196,300, with Federal Transportation Alternatives Program funding not to exceed \$888,861, representing approximately 81.85% of eligible project costs, leaving an estimated City local share of \$307,439, subjected to final project costs; and

WHEREAS, the City is required to execute the MDOT contract, provide its local share of eligible costs, and assume responsibility for future maintenance and operation of the completed improvements as provided in the contract; and

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

1. *The City Council hereby approves MDOT Contract No 26-5298 for the Safe Routes to School (Transportation Alternatives Program) Project.*
2. *The City of Hart agrees to participate in the project by providing the required local share of eligible project costs, together with any project costs that are the responsibility of the City under the terms of the agreement.*
3. *The City acknowledges and accepts responsibility for the future operation and maintenance of the completed project improvements as required by the contract.*
4. *The Mayor and City Clerk are hereby authorized and directed to execute MDOT Contract No 26-5298 and any other documents necessary to carry out the intent of this resolution.*
5. *The City Clerk is authorized to certify this resolution and transmit a certified copy to the Michigan Department of Transportation as required by the contract.*

- C. Burillo motioned to approve Resolution 2026-40 and was supported by B. Root
 - Ayes: 7 Nays: 0 Absent: 0

- Resolution 2026-41 Authorize 3-yr IT Service Agreement with Corporate Technologies

WHEREAS, the City of Hart's current information technology service agreement expires on July 31, 2026; and
WHEREAS, the City solicited and reviewed proposals for managed information technology services to ensure the continued operation, maintenance, and security of the City's technology infrastructure; and
WHEREAS, after evaluating the proposals received, the City Council finds that Corporate Technologies provides the best overall value and is qualified to provide comprehensive managed information technology services for the City; and

WHEREAS, the proposed agreement provides for a term of three (3) years, commencing August 1, 2026, subject to the terms and conditions contained therein.

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

Authorizes the City Manager to execute a Managed Information Technology Services Agreement with Corporate Technologies, substantially in the form presented to Council, for a three-year term commencing August 1, 2026

BE IT FURTHER RESOLVED THAT the City Manager is authorized to execute any non-substantive documents necessary to implement the agreement.

- A. Mullen motioned to approve Resolution 2026-41 and was supported by C. Burillo
 - Ayes: 7 Nays: 0 Absent: 0

SPECIAL EVENTS PERMIT REQUESTS:

- Hispanic Heritage Celebration September 19th, 2pm-11:30pm @ Hart Commons, Parking Lot 2 – Requesting Road closure of State/Main Street. Approved.
 - Ayes: 7 Nays: 0 Absent: 0

CLOSED SESSION:

- To review Attorney-Client Privileged Communication under Section 8(1)(h) of the Open Meetings Act to consider material that is exempt from disclosure under Section 13(1)(g) of the Michigan Freedom of Information Act
 - B. Root motioned to meet in a closed session at 8:15pm, pursuant to Section 8(1)(h) of the Open Meetings Act to consider material which is exempt from disclosure under Section 13(1)(g) of Michigan's Freedom of Information Act and was supported by C. Burillo
 - Ayes: 7 Nays: 0 Absent: 0

- C. Burillo motioned to return to open session at 8:55pm and was supported by B. Root
 - Ayes: 7 Nays: 0 Absent: 0
- Consider of Appeal of FIOA Response from Trey Choice
 - A. Mullen motioned to Uphold the calculation of the \$10,371.45 fee to Trey Choice for the very large amount of requested public records as set forth in the FOIA Coordinator's July 21, 2026FOIA Response Letter to Mr. Choice and the FOIA Cost Estimate included with the FOIA Response Letter, with the finding that the fee is reasonable, is calculated in the manner provided under FOIA and the City's FPIA Policy, and is based on a reasonable estimate of the amount of time necessary for the City Attorney to review the requested public records and separate information that is exempt from disclosure under FPOA, at the rate of \$82.38 (which is equal to six times the current state minimum wage rate), with certification from the City Council that the statements in its findings are accurate and the fee amount complies with the City's FOIA Policy and Section 4 of FOIA, and uphold the disclosure denial to the extent that the responsive records contain information that is exempt from disclosure under FOIA, and authorizes and direct the City Manager, as the FOIA Coordinator and with the assistance of the City Attorney Mika Meyer PLC, to notify Mr. Choice of the City Council's decision to uphold the fee and the decision to uphold the disclosure denial to the extent that the responsive records contain information that is exempt from disclosure under FOIA, and authorizes the City Manager to provide the requested records, subject to redaction of exempt information, and supplement the City's FOIA response to specifically identify and describe all exemptions under Section 13 of FOIA that are applicable to the responsive records, after payment of the required 50% good0faith deposit in the amount of \$5185.72 within forty-eight (48) days after Mr. Choice is notified of the City Council's determination of his FOIA appeal and was supported by B. Root
 - Ayes: 7 Nays: 0 Absent: 0

DISCUSSION ITEMS:

- None

CITY MANAGER'S REPORT:

- Site plan review and special land use applications will go before planning commission on Aug 6th for a new commercial restaurant on Comfort Drive.
- Open enrollment for health insurance closed yesterday. We consolidated what used to be two different plans into one Blue Cross HAS plan, saving the City over \$50,000 in projected increases and cut premiums for those who were on the former GAP plan by 20%.
- Blacksmith shop – reached out to Randy Miller building inspector to see if he will serve as the "hearing officer" as required by the ordinance to provide the owners the chance to be heard and a determination made by an "expert in the housing matters."
- All City wells were inspected recently and well #2 near the low-pressure tower (Polk/Oceana) is performing significantly lower than its rated design. Replacement of pump is recommended this year. Peerless Midwest is putting together bid specs replacement in well #2 to occur this fiscal year.

Events:

- Thursday's @ 6:30 – Music on the Commons
- Friday's @ 7:00 – Hart Historic District's Music Series
- July 29th Tiger Athletic Center Grand Opening Ceremony @ 1pm.
- 08/06/2026 – BioPure and Hart Commons Ribbon Cutting Celebration – 1pm

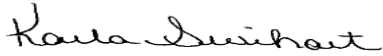
COMMUNICATION FROM MAYOR AND COUNCIL:

- A. Mullen mentioned that the next cemetery meeting will be held in October.

ADJOURN:

- There being no further business to come before the Council, Mayor Klotz adjourned the meeting at 8:05pm. The next regularly scheduled meeting, Aug 11th has been canceled so next meeting will be on August 25th, 2026, at 7:30 pm.

Respectfully Submitted,

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

Karla Swihart, City Clerk