



**CITY OF HART**  
**407 S. STATE ST.**  
**HART, MI 49420**  
**REGULAR MEETING OF CITY COUNCIL - COUNCIL PROCEEDINGS**  
**OCTOBER 28<sup>th</sup>, 2025**  
**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 Clerk/Treasurer – Karla Swihart, Deputy City Clerk/Treasurer – Laci McAuliffe, BioPure Superintendent – Paul Cutter, DPW Superintendent – Brad Whitney, Energy Superintendent – Mike Schiller, Parks & Recs Superintendent – Chris Ter Haar, Mitch Foster, Holly Coffey, Christine Juska, Jay Kilgo, Claire Marshall, Sarah Peli, Rolando Salgado, Aubreanna Schater, Daken Schater, and Emily Sigler

**APPROVAL OF AGENDA:**

- C. Burillo motioned to approve the 1<sup>st</sup> Amended Agenda and was supported by K. Thomson
  - Ayes: 7 Nays: 0 Absent: 0

**PUBLIC COMMENTS:**

- Jay Kilgo – City of Muskegon Commissioner and is running for the MI 32 District State Senate, wanted to let you all know I voted for you at the MML. You all did a wonderful job. I don't know how often our state representatives come to a Council meeting or even to the area, as a City Commissioner, I think it's important for our State to connect with our local communities. I want to share why I am running for State Senate, because I believe our communities deserve leadership that truly represents us. Everywhere I go, people tell me the same thing. Health Care costs too much, Schools don't have enough resources they need, Good jobs are hard to find, and prices keep rising faster than our paychecks. Lansing has too many politicians and not enough problem solvers. That is why I am running for State Senate, to bring real solutions here to West Michigan. We can fund our schools so our kids have the tools they need, bring down the cost of healthcare so no family has to go without, we can grow jobs at small businesses, and take care of our farmers who build wealth in our neighborhoods. We can invest in Economic Development that lifts everyone, but to do that, we need good representation, leadership that cares, leaders that fight, and leadership that puts people first. Together, we can build a stronger, more affordable West Michigan.

**CORRESPONDENCE, EVENTS, PRESENTATIONS:**

- Council deliberations on City Manager candidates  
Our process started with selecting Double Hall Solutions for our search, which was reviewed by the Personnel and Finance committee, and made recommendations to the Council for interviews, ending up with three candidates. had a meet in greet we had last Thursday, and got public input. Friday, candidates were interviewed by three panels. The Community Panel, the Staff Panel, and the City Council received a lot of feedback in this search, which was very beneficial in decision-making.  
All council members had a chance to comment on the candidates, and all Council members agreed that any of the candidates would have done well for the City and were impressed. A few concerns are longevity, one was not willing to move to the City, and one was coming from a different State. Hearing from the Community and Staff standing strongly behind Nichole really stood out, and with her already in the role, showing how badly she wants the job, there is always excitement with her, and always ready for the challenge, with being already invested in the community, let's keep the ball rolling. Unanimously, all Council members would like to see Nichole in the role of the City Manager.

## CONSENT AGENDA:

- Approval of minutes from October 14<sup>th</sup>, 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 Amended Consent Agenda, and was supported by A. Mullen
    - Ayes: 7 Nays: 0 Absent: 0

## INTRODUCTION AND ADOPTION OF ORDINANCES; PUBLIC HEARING:

- *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***
  - A. Mullen motioned to approve Amended Zoning Ordinance 1246.02 and was supported by B. Root
    - Ayes: 7 Nays: 0 Absent: 0
- *Second Reading and Adoption of New Ordinance for **Regulating Transitory Food Service Units (Food Trucks)***
  - J. Cunningham motioned to approve the new Ordinance for Food Trucks and was supported by A. Mullen
    - Ayes: 7 Nays: 0 Absent: 0

## ACTION ITEMS:

- Resolution 2025-45 Hart Solar – Second Amendment to Easement Agreement  
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 28<sup>th</sup>, 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 HART 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.*
    - A. Mullen motioned to approve Resolution 2025-45 and was supported by K. Thomson
      - Ayes: 7 Nays: 0 Absent: 0

- Resolution 2025-46 Acceptance of Great Lakes Engineering Group Proposal for Underwater Bridge Inspection of State Street Bridge (STR 8409)

WHEREAS, Chapter 210 of the Codified Ordinances of the City of Hart governs purchasing and contracts; and WHEREAS, Section 210.04(a) of said ordinance provides that *“the City Manager shall solicit bids from at least two of such qualified prospective bidders as are known to him or her by sending each a copy of the notice requesting bids and notice thereof shall be posted in the City Hall,”* and further authorizes the City Council to *“reject any or all bids and to waive irregularities in bidding and to accept bids which do not conform in every respect to the bidding requirements”* when it determines that the public interest will be better served; and WHEREAS, bridges that span waterways or rivers with flow depths of ten (10) feet or more are required under National Bridge Inspection Standards and MDOT bridge inspection guidelines to undergo an underwater bridge inspection to determine the condition of the submerged structure and channel; and WHEREAS, the State Street Bridge (STR 8409) over Hart Lake / Pentwater River has an approximate water depth of fifteen (15) feet and therefore requires an underwater inspection every five (5) years, with the previous inspection completed in November 2020 and the next inspection due in November 2025; and WHEREAS, the City was not made aware of the upcoming inspection requirements until October 9<sup>th</sup>, 2025, leaving insufficient time to obtain multiple bids in accordance with City ordinance, while ensuring completion of the inspection within the required five-year timeframe; and WHEREAS, underwater inspections are not safe to conduct past November due to rapidly dropping water temperatures and changing weather conditions, making it necessary to perform the inspection in October or early November 2025 to maintain diver safety and compliance with inspection standards; and WHEREAS, Great Lakes Engineering Group (GLEG), which successfully performed the City’s 2020 underwater bridge inspection, has submitted a proposal to complete the 2025 inspection for a lump sum cost of \$6,700.00; and WHEREAS, due to the highly specialized nature of the work, the limited number of qualified contractors are meeting federal and state safety standards, and the short timeline before weather conditions make diving unsafe, only one qualified quote was obtained; and WHEREAS, City Council finds that accepting the proposal from Great Lakes Engineering Group serves the best interest of the City, ensures compliance with federal and state bridge inspection requirements, and satisfies the intent of Section 210.04 by documenting good faith efforts to obtain multiple bids and acting in the public’s best interest under time-sensitive and safety-driven circumstances.

NOW THEREFORE BE IT RESOLVED THAT THE HART CITY COUNCIL:

1. *Accepts the proposal from Great Lakes Engineering Group for the underwater bridge inspection of State Street Bridge (STR 8409) in the amount of \$6,700.00:*
2. *Authorizes the City Manager to execute all necessary agreements and related documents on behalf of the City; and*
3. *Waives the requirements for multiple bids under Section 210.04(a) of the City’s Codified Ordinances due to the late notification of the requirement, limited time to solicit additional quotes, and unsafe diving conditions beyond November.*

- C. Burillo motioned to approve Resolution 2025-46 and was supported by B. Root
  - Ayes: 7 Nays: 0 Absent: 0

- Resolution 2025-47 Hiring of City Manager

WHEREAS, former City Manager, Rob Splane, resigned from his position on August 1, 2025; and WHEREAS, Nichole Kleiner has been serving as Interim City Manager since August 12, 2025; and WHEREAS, the City engaged Mitch Foster of Double Hall Solutions to assist in the hiring of a new City Manager; and

WHEREAS, applications were accepted through September 26, 2025, and several individuals have been interviewed for consideration; and

WHEREAS, upon due consideration by the City Council, the City Council recommends making an offer to Nichole Kleiner to be the new City Manager:

NOW THEREFORE BE IT RESOLVED THAT THE HART CITY COUNCIL:

1. *Offers Nichole Kleiner the position of City Manager and authorizes the Mayor and City Council to enter into negotiations to secure an Employment Agreement.*
2. *This offer of employment is subject to a full and complete background check satisfactory to the City Council. Nichole Kleiner will be required to execute the required documents, waivers, and releases to authorize such a background check and other references.*
3. *Any such Employment Agreement will be subject to review, analysis, and input and recommendations from the City's legal counsel, Scott Dwyer of Mika Meyer, PLC, and subject to review and final approval by the City Council.*

- C. Burillo motioned to approve Resolution 2025-47, and was supported by D. Hodges
  - Ayes: 7 Nays: 0 Absent: 0

### **DISCUSSION ITEMS:**

- Safe Routes to School Information Public Meeting November 3<sup>rd</sup>, 2025, at 5:30 pm – 7:00 pm. Residents along the trail were notified directly by letter in the mail.
- November 11, 2025, City Council meeting has been moved to November 12<sup>th</sup>, in observation of Veterans Day
- ZBA hearing set for November 12<sup>th</sup> at 7:00 pm prior to the Council meeting to hear a variance request for Oceana Soap Co. at 49 S State St

### **INTERIM CITY MANAGER'S REPORT:**

#### **Status of ongoing projects:**

- City Hall floors – asbestos abatement completing today (10/28). New flooring install scheduled to begin 10/29.
- Purchase agreement terms with Dark Water Coffee Roasters to purchase a lot in Industrial Park are in progress.
- 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 the 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:
  - Adopt a green infrastructure ordinance is the only pending item
  - Met with MEDC last week – our representative is comfortable asking her boss to reinstate Hart’s certification with the understanding that we are working on the green infrastructure ordinance revisions
- Ceres Solution – TIFA opening project up for bids again in November with slightly revised submission criteria and emphasis on heavily promoting the site through all possible avenues.
- SRTS – trying to get up to speed with this project, meeting with committee on 10/17/2025

#### **Staffing changes, policy updates, internal improvements**

- Open positions posted: City Manager
- Open positions under consideration: shared service maintenance staff for lawn mowing, snow removal, and mechanic work on vehicles
- Community and Economic Development, Human Resources

**Financial items to keep on Council's radar:**

- Vets Park, STRS Plum street right of way alignment project, downtown speakers, water rate study in progress

**Events:**

- 10/31 Downtown business trick-or-treating 3-5 pm
- 10/31 Citywide trick-or-treating 6-8 pm

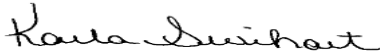
**COMMUNICATIONS FROM THE MAYOR AND COUNCIL:**

- C. Burillo – Cemetery Board Meeting, November 17<sup>th</sup> at 7 pm, location Hart Township Hall  
Also, please be mindful of your neighbors who are currently in hardship with the Government shutdown currently, 13% of residents rely on SNAP. If able to help, please consider donating to local food pantries, your church, or just help where you can.
- Mayor Klotz – Thank you to our City Manager finalist. Thank you to our residents, community members, and our staff. Through this process, all of the input was gratefully appreciated and did help make a lot of decisions.

**ADJOURN:**

- There being no further business to come before the Council, Mayor Klotz adjourned the meeting at 8:25 pm. The next regularly scheduled meeting will be on November 12<sup>th</sup>, 2025, at 7:30 pm.

Respectfully Submitted



Karla Swihart, City Clerk