



**CITY OF HART
407 S. STATE ST.
HART, MI 49420**

**REGULAR MEETING OF CITY COUNCIL - COUNCIL PROCEEDINGS
DECEMBER 9th, 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 Manager – Nichole Kleiner, City Clerk/Treasurer – Karla Swihart, BioPure Superintendent – Paul Cutter, DPW Superintendent – Brad Whitney, Hart Police Officer – Jack Hoekstra, Ethan Castro, Christine Juska, and Derk Williams

APPROVAL OF AGENDA:

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

PUBLIC COMMENTS:

- None

CORRESPONDENCE, EVENTS, PRESENTATIONS:

- None

CONSENT AGENDA:

- Approval of minutes from November 25th, 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 K. Thomson
 - Ayes: 7 Nays: 0 Absent: 0

ACTION ITEMS:

- Mayoral Appointments
 1. Confirm the Mayor's appointment of Jim Evans to the Planning Commission as recommended by the Planning Commission Board
 2. Confirm the Mayor's appointment of Jim Evans to the Power Board as recommended by the Power Board.
- Resolution 2025-59 Approval of Right of Way Permit

WHEREAS, Frontier Communications has requested permission to place a fiber service drop within the public right-of-way to serve the premises at 408 S State Street, Hart, Michigan; and

WHEREAS, the proposed work includes approximately 265 feet of underground boring within the right-of-way of Johnson Street and State Street at a depth of 48 inches below grade; and

WHEREAS, the City Charter provides clear authority and requirements for the use of public right-of-way by utilities, including

 - Section 14.5, which authorizes the City Council to grant temporary, revocable permits for public utilities by resolution, provided that such permits are not construed as franchises; and
 - Section 14.6, which affirms the City's authority to regulate the use of its streets and public places, requires utilities to indemnify and hold the City harmless from damages arising from such use, and requires non-exclusive rights and joint use where reasonably practicable; and

WHEREAS, the City Council must ensure that all right-of-way approvals comply with these Charter provisions and include, at a minimum, the following conditions:

- Approval by resolution,
- Revocability at the will of the Council,
- Non-exclusive use of the right-of-way, and
- Full indemnification and hold-harmless protection for the City: and

WHEREAS, Frontier's request has been reviewed and is consistent with typical right-of-way utility use, subject to the conditions outlined herein.

NOW THEREFORE BE IT RESOLVED THAT THE HART CITY COUNCIL

Hereby approves a revocable, non-exclusive right-of-way permit for Frontier Communications to install approximately 265 feet of fiber service drop within the Johnson Street and State Street public rights-of-way by boring to a depth of 48 inches to serve 408 S State Street, Hart, Michigan

BE IT FURTHER RESOLVED that this permit is expressly conditioned upon:

1. The permit being revocable at any time at the will of the City Council
2. The permit does not constitute a franchise or amendment to a franchise;
3. Frontier Communications indemnifying, protecting, and holding the City harmless from all damages arising from its use of the right-of-way;
4. The permit is non-exclusive, with the City retaining full authority to require joint use where practicable;
5. Compliance with all City engineering, restoration, inspection, and safety requirements; and
6. Compliance with all applicable state laws governing the utility.
 - o J. Cunningham motioned to approve Resolution 2025-59 and was supported by K. Thomson
 - Ayes: 7 Nays: 0 Absent: 0

▪ Resolution 2025-60 Adoption of Food Truck Fee Schedule

WHEREAS, the City of Hart enacted an ordinance regulating Transitory Food Service Units, requiring operators to obtain a permit prior to preparing, serving, selling, or distributing food within the City; and

WHEREAS, Sections 3 and 5 of the Ordinance expressly require that application and permit fees be set from time to time by resolution of the City Council, and that all fees be paid at the time an application is submitted; and

WHEREAS, City staff prepared a recommended fee structure establishing short-term, monthly, seasonal, and annual permits, together with associated administrative fees, consistent with the requirements of the Ordinance; and

WHEREAS, the Planning Commission reviewed and supported the proposed fee schedule during its regular meeting held on November 6, 2025, and forwarded its recommendation to the City Council; and

WHEREAS, the City Council finds the proposed fee schedule to be reasonable, consistent with the administrative needs of the ordinance, and necessary for proper implementation of the permitting process.

NOW THEREFORE BE IT RESOLVED THAT THE HART CITY COUNCIL:

Hereby adopts the Food Truck/Transitory Food Service Unit Fee Schedule attached as Exhibit A, in compliance with the authority granted to the Council under Sections 3 and 5 of the Ordinance. The fee schedule shall take effect December 10th, 2026, and shall remain in effect unless amended by future resolution.

- o B. Root motioned to approve Resolution 2025-60 and was supported by A. Mullen
 - Ayes: 7 Nays: 0 Absent: 0

▪ Resolution 2025-61 Approval of MMPA Power Purchase Commitment Authorization for Planning Year 26/27 (Capacity Sale of up to 3,000 kw. At a minimum \$7.50/kw-month)

WHEREAS, the city of Hart owns and operates its municipal electric utility, and participates in the Michigan Public Agency (MPPA) for purposes of power supply and energy market services; and

WHEREAS, MPPA has provided a Power Purchase Commitment Authorization for the sale of surplus capacity from the City of Hart Hydro Electric system for MISO Planning Year 2026/2027; and

WHEREAS, the authorization identifies the City's ability to sell up to 3,000 kw of capacity per month at a minimum authorized sale price of \$7.50 per kw-month, resulting in an estimated revenue of \$270,000 for the planning year; and

WHEREAS, participation in this capacity sale represents a financial benefit to the City and does not compromise the City's required capacity obligations within MISO Zone 7; and

WHEREAS the Council finds it in the best interest of the City to authorize MPPA to execute the capacity sale transaction on behalf of the City of Hart:

NOW THEREFORE BE IT RESOLVED THAT THE HART CITY COUNCIL:

Hereby authorizes the City Manager, as the Member Authorized Representative, to execute the Power Purchase Commitment Authorization with MPPA for the FY 26/27 capacity sale as described in the attached documentation.

BE IT FURTHER RESOLVED that the City Manager is authorized to complete any additional documents necessary to facilitate this transaction in accordance with the terms provided by MPPA.

- A. Mullen motioned to approve Resolution 2025-61 and was supported by K. Thomson
 - Ayes: 7 Nays: 0 Absent: 0

▪ Resolution 2025-62 Designate 2026 Council Meeting Dates

WHEREAS, the City is required to review and designate any changes to the regular schedule of City Council meetings prior to the beginning of the calendar year; and

WHEREAS, the Council meets on the 2nd and 4th Tuesday of each month unless there is a holiday, or the Council cancels a meeting; and

WHEREAS, in 2025, there are no conflicts with City Council meetings and designated City holidays;

NOW THEREFORE BE IT RESOLVED BY THE HART CITY COUNCIL:

The City Council meeting dates for the City of Hart for 2026 will be at 7:30pm on the Second and Fourth Tuesday of each month as follows:



2026

Hart City Council
Regular Meeting Schedule

January						
S	M	T	W	T	F	S
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

February						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28

March						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

April						
S	M	T	W	T	F	S
					1	2
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

May						
S	M	T	W	T	F	S
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

June						
S	M	T	W	T	F	S
1	2	3	4	5	6	
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

July						
S	M	T	W	T	F	S
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

August						
S	M	T	W	T	F	S
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

September						
S	M	T	W	T	F	S
1	2	3	4	5		
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

October						
S	M	T	W	T	F	S
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

November						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

December						
S	M	T	W	T	F	S
					1	2
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

- C. Burillo motioned to approve Resolution 2025-62 and was supported by B. Root
 - Ayes: 7 Nays: 0 Absent: 0

▪ Resolution 2025-63 Cancel City Council Meeting on December 23, 2025

WHEREAS, the second December Regular City Council Meeting is scheduled for December 23rd, 2025; and

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WHEREAS, the City Council has historically cancelled this meeting due to its close proximity to the holiday, allowing council members and staff the opportunity to spend time with family and friends; and
WHEREAS, the City Charter provides that a special meeting may be called at any time at the request of the mayor or any two council members, should urgent business or emergencies arise; and
WHEREAS, in order to secure the benefits of efficient self-government and to promote and protect our common interest and welfare, the City Council hereby declares:

NOW THEREFORE BE IT RESOLVED THAT THE HART CITY COUNCIL:

Cancels the regularly scheduled City Council meeting of December 23rd, 2025, unless reinstated by request of two council members or the mayor, or if a special meeting is required to conduct City business.

- C. Burillo motioned to approve Resolution 2025-63 and was supported by J. Cunningham
 - Ayes: 7 Nays: 0 Absent: 0

DISCUSSION ITEMS:

■ Water Supply and Pressure Concerns for Seneca Foods Fire Suppression System

City's ongoing discussions with Seneca Foods regarding the insufficient water pressure and volume needed to operate the fire suppression system in their new warehouse. Despite several attempts to improve service to this location, the system continues to fall short of the required 1,000 gpm at 20 psi, leaving the facility without compliant fire protection.

Engineering reviews completed by Prein & Newhof and shared with both parties identified several potential solutions. Two options involved extending the high-pressure system from the west side of the City, but were determined to be cost-prohibitive. Additional options included:

- A dedicated high-pressure service from the east tower serving only Seneca, or
- Installation of a large surge tank on Seneca's property, functioning as a private reservoir to meet pressure and flow requirements.

A central point of discussion remains cost responsibility. The City's position is that a dedicated system benefiting only Seneca would be its financial responsibility to construct and maintain. Seneca maintains that the City is responsible for providing adequate pressure at the point of connection, with Seneca responsible only for internal improvements.

The City Manager and Public Works Superintendent met with Dirk Williams and Rachel, Seneca's internal engineer, on 11/21/25. The City shared its long-standing capital improvement priority – the "North Oceana Loop", approximately 4,300 feet of 8-inch water main along Oceana Drive. This project would improve system reliability, strengthen the east side, and directly benefit the area near Seneca's connection. While the City continues seeking funding for this project, it cannot presently proceed due to other critical system obligations, including lead service line replacements.

Seneca has expressed interest in contributing to the construction of the portion of the loop necessary to meet their fire suppression needs, contingent upon the City establishing a reimbursement mechanism for any portion that supports the City's broader system rather than dedicated Seneca service. The City could determine the appropriate cost-recovery structure in compliance with Michigan law and continue pursuing grant opportunities to offset future obligations.

Seneca continues to work with Prein & Newhof to evaluate viable options. Any design, construction, or reimbursement structure will require mutual agreement, clarity on ownership, and defined long-term responsibilities.

Staff will continue exploring reimbursement pathways and funding opportunities and will return to Council as cost estimates, engineering details, and feasible solutions become more defined.

■ Flock Camera Safety Discussion

With the 90-day trial coming up, there has been some concern over the Flock Camera and how they are recording data, saving data, and security standards.

Attached in the packets are Security Claims & Facts for everyone to look over regarding the Flock Camera System.

- Safe Routes to School Cemetery Temporary Easement Signature Request

Purpose

To provide background and request Council discussion on the execution of a Temporary Grading Easement required for the Safe Routes to School (SRTS) Pathway Project.

Background

The grading work for the SRTS pathway impacts a portion of the cemetery property located on W. Main St. A draft Temporary Grading Easement is included in the packet. Metro Consulting has advised that both the City of Hart and Hart Township should sign the easement, rather than the Cemetery Commission.

This recommendation is based on the historical framework established in the 1978 Cemetery Contract between the City and Township. Under the agreement, the municipalities jointly acquired ownership of the cemetery property and created a five-member Cemetery Commission to administer operations. While the Commission manages the cemetery, it does not hold ownership of the real property and does not have authority to execute property interests such as easements. The signature page from the 1978 agreement confirms that the City and Township – not the Commission – are the governing authorities over cemetery real estate.

Easement Summary

The easement grants a temporary 4,918 sq ft grading area to support construction of the SRTS pathway.

Restoration of the area, protection of existing trees and landscaping, and expiration terms (project completion or December 31, 2030) are included as standard conditions.

Discussion Summary

Staff seeks Council direction on whether the City wishes to proceed with executing the easement as drafted and determining who should sign the document, recognizing that:

- The City and Township are the legal property owners;
- The Cemetery Commission does not hold authority to grant easements; and
- The consultant has formatted the document in recordable form, requiring signatures from both municipalities.

Based on Council discussion, staff will coordinate with Hart Township and Metro Consulting on next steps.

CITY MANAGER'S REPORT:**Status of ongoing projects:**

- Hart Plaza Streetscape Project – great turnout for “required” pre-bid meeting on December 5th.
 - Hart Rotary wants to fundraise - \$20k towards a fireplace in exchange for recognition of their organization on or near the fireplace.
 - Estimated cost to run gas is \$3500 per year – TIFA discussing how to fund (they may commit), how to manage gas controls
- SRTS committee meeting Friday 12/12/2025
- Water Tower ATT antenna project – ATT has agreed to an easement instead of land ownership – attorney requiring a survey before preparing easement ppwk. Survey to be completed this week.

Staffing changes, policy updates, internal improvements

- HR coordinators are starting to work on updates to the 2014 personnel handbook. Union negotiations are happening in 2026. Job posting for a temporary patrol officer is going to live this week.
- Economic & Community Development Director job description being reviewed by HEART and TIFA with the goal to post the job in January (HEART & TIFA) voted to partially support funding of this position Jan – June 30th, with TIFA offering ongoing support for the HEART Director to provide admin services to them.
- Planning Commission will be attending individual virtual training on Environmental Planning, Housing Supply & Affordability, and live training for “Planning and Zoning Essentials” – if council or other board members are interested, please let me know

What's New:

- Attending MPPA (Michigan Public Power Agency) monthly board meeting tomorrow (12/10/2025) in Lansing, will be out of the office until 3 pm.

- Cleaning out storage room, Paul Cutter removed empty file cabinets, old computers, printers, servers, etc and is following guidelines to properly dispose of.
- Hole in the wall connecting the isolated community center office to city hall.

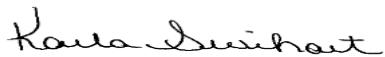
COMMUNICATIONS FROM THE MAYOR AND COUNCIL:

- A. Mullen – HEART Board meeting is tomorrow, 12/10/2025, at 2 pm, and following that is the Heritage Preservation Group meeting.
- J. Cunningham – today was the BOR meeting held here at City Hall. No appeals, but did find out that an empty lot by St. Gregory's church, shows owned by Hart Public Schools, is actually an error and is owned by the church, so that got corrected.

ADJOURN:

- There being no further business to come before the Council, Mayor Klotz adjourned the meeting at 8:31 pm. The next regularly scheduled meeting will be on January 13th, 2025, at 7:30 pm.

Respectfully Submitted



Karla Swihart, City Clerk