



**CITY OF HART  
407 S. STATE ST.  
HART, MI 49420  
COUNCIL PROCEEDINGS  
February 8<sup>th</sup> 2022  
MINUTES – Approved**

**PRESENT:** Mayor Vicki Platt, Councilors: Catalina Burillo, Amanda Klotz, and Kris Trygstad

**ABSENT:** Jim Evans, Dean Hodges, and Fred Rybarz

**OTHERS PRESENT:** City Manager – Rob Splane, HEART Director – Nichole Kleiner, BioPure Superintendent – Paul Cutter, Police Chief – Juan Salazar, Barbara Marczak of Prein & Newhof, Sharon Hallack, Dan and Jodi Ellinger, Dirk William, and George Sadler.

Mayor Platt called the meeting to order; following the roll call, the mayor led the Council in the pledge of allegiance.

**APPROVAL OF AGENDA:** C. Burillo motioned to approve the agenda and was supported by A. Klotz

- Ayes: 4 Nays: 0 Absent: 3

**PUBLIC COMMENTS:**

- Jodi – Is hoping to open Jellico Cosmetic Tattooing at 49 S State St. if the ordinance passes at tonight’s meeting, we will be having an open house on March 5th. Very excited to be moving into the Hart area and will hopefully be offering Permanent Cosmetic Makeup Services.

**CORRESPONDENCE, EVENTS, PRESENTATIONS:**

- Baker Tilly – Andy Campbell BioPure rate Study presentation

CITY OF HART (MICHIGAN) SEWER FUND  
CASH FLOW ANALYSIS - SCENARIO 6

	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30
	Increase	Increase	Increase Per Year			Increase Per Year			
<b>Assumptions</b>									
Customers billed	793	793	793	793	793	793	793	793	793
Base rate - month	0.00%	\$29.78	4.00%	\$30.97	4.00%	\$32.21	\$33.50	\$34.84	4.00%
Customer charge - month - Seneca	0.00%	\$2,769.60	4.00%	\$2,880.38	4.00%	\$2,995.60	\$3,115.42	\$3,240.04	4.00%
Customer charge - month - Michigan Freeze Pack	0.00%	\$900.00	4.00%	\$936.00	4.00%	\$973.44	\$1,012.38	\$1,052.87	4.00%
Customer charge - month - Great Lakes Packing	0.00%	\$900.00	4.00%	\$936.00	4.00%	\$973.44	\$1,012.38	\$1,052.87	4.00%
Volume sold above minimum - annual mgal - commercial and residential	40,000	40,000	40,000	40,000	40,000	40,000	40,000	40,000	40,000
Volume rate - mgal - over 3 mgal per month - commercial and residential	0.00%	\$3.31	4.00%	\$3.44	4.00%	\$3.58	\$3.72	\$3.87	4.00%
Volume sold above minimum - annual mgal - industrial	225,000	225,000	225,000	225,000	225,000	225,000	225,000	225,000	225,000
Volume rate - mgal - over 3 mgal per month - industrial	0.00%	\$3.31	4.00%	\$3.44	4.00%	\$3.58	\$3.72	\$3.87	4.00%
<i>Typical homeowner's bill (assumes 4,500 gallons/month)</i>	<i>\$34.75</i>	<i>\$36.13</i>	<i>\$37.58</i>	<i>\$39.08</i>	<i>\$40.65</i>	<i>\$42.27</i>	<i>\$43.96</i>	<i>\$45.72</i>	<i>\$47.55</i>
<b>Revenues</b>									
Rates & charges									
Base rate	\$283,386	\$294,722	\$306,511	\$318,771	\$331,522	\$344,793	\$358,574	\$372,917	\$387,834
Customer charge - Seneca	33,235	34,565	35,947	37,385	38,880	40,436	42,053	43,735	45,485
Customer charge - Michigan Freeze Pack	10,800	11,232	11,681	12,149	12,634	13,140	13,665	14,212	14,781
Customer charge - Great Lakes Packing	10,800	11,232	11,681	12,149	12,634	13,140	13,665	14,212	14,781
Volume rate - commercial and residential	132,400	137,696	143,204	148,932	154,889	161,085	167,528	174,229	181,199
Volume rate - industrial	744,750	774,540	805,522	837,742	871,252	906,102	942,346	980,040	1,019,242
Total rates & charges revenue	1,215,372	1,287,319	1,338,812	1,392,364	1,448,059	1,505,981	1,566,221	1,628,869	1,694,024
Surcharges (BOD and TSS)	800,000	860,000	924,500	993,838	1,068,375	1,148,000	1,233,500	1,324,000	1,419,500
Septage & Other	70,000	70,000	70,000	70,000	70,000	70,000	70,000	70,000	70,000
Total revenues	2,085,372	2,217,319	2,333,312	2,456,202	2,586,434	2,744,357	2,904,596	3,076,879	3,262,399
Less: Total operating expenditures	(1,628,293)	(1,652,830)	(1,677,826)	(1,703,289)	(1,729,232)	(1,755,665)	(1,782,597)	(1,810,042)	(1,838,009)
Net operating revenue	457,078	564,489	655,486	752,912	857,202	988,692	1,121,999	1,266,837	1,424,390
Less: Estimated cash-funded capital improvements	(106,540)	(50,000)	(50,000)	(50,000)	(50,000)	(50,000)	(50,000)	(50,000)	(50,000)
Estimated debt service #1 2022/23 Bonds [1]	-	(79,000)	(510,000)	(510,000)	(510,000)	(510,000)	(510,000)	(510,000)	(510,000)
Estimated debt service #2 2025/26 Bonds [2]	-	-	-	-	(62,500)	(250,000)	(350,000)	(500,000)	(750,000)
Net cash flow	\$350,538	\$435,489	\$95,486	\$192,912	\$234,702	(\$21,308)	\$11,998	\$47,203	\$84,391
Cash & investments	\$1,018,558	\$1,369,096	\$1,804,583	\$1,900,071	\$2,092,983	\$2,327,685	\$2,306,377	\$2,318,376	\$2,365,579

[1] Estimated debt service payments based on a \$8,410,000 20-year SRF bond issue at the current rate rate (1.875%).  
[2] Estimated debt service payments based on a \$5,540,000 20-year SRF bond issue at a conservative rate.

- Written communication from Mark Nettleton, Mika Meyers – publication: Notice of Intent to Issue Revenue Bonds

Re: City of Hart – Notice of Intent

Ladies and Gentlemen:

We are writing at the direction of our client, City of Hart, to request that the enclosed Notice of Intent be published in the Thursday, February 3, 2022, edition of Oceana’s Herald-Journal.

This notice must be published in a **Display-type format in a minimum 1/4 page size**. It is critically important that the notice meet a 1/4 page requirement, as this notice must meet a particular requirement in Michigan Law. The notice must **not be included in the classified as section** of the newspaper.

Send a proof of the notice prior to publication by email ([scole@mikameyers.com](mailto:scole@mikameyers.com)). **Provide the dimensions of the ad on the proof and confirm that the dimensions are consistent with a 1/4-page ad size, that the edition of the newspaper this is published in is available for home-delivery, and for purchase at retail locations.**

Following publication, please send the invoice for publication of the notice and one (1) Affidavit of Publication to Karla Swihart, City Clerk/Treasurer, City of Hart, 407 S. State St, Hart Mi 49420

In addition, please send four (4) Affidavits of Publication **with full tear sheets** of the newspaper page showing the ad as published on that page to me at Mika Meters PLC, 900 Monroe Ave., NW, Grand Rapids, Mi 49503-1423. **The Affidavit of Publication MUST state that this notice was published is a “1/4-page size ad” or that it is “at least 1/4 page in size” in accordance with state statute.**

If you have any questions regarding these matters, please call me at 616-632-8048

Very truly yours,  
Mark E. Nettleton

**NOTICE TO ELECTORS AND TAXPAYERS  
OF THE CITY OF HART OF THE  
CITY’S INTENT TO ISSUE REVENUE BONDS AND  
THE RIGHT OF REFERENDUM RELATING THERETO**

PLEASE TAKE NOTICE THAT THE CITY OF HART intends to issue revenue bonds in a maximum amount not to exceed \$9,500,000 as set forth in this notice.

**PURPOSE**

The Bonds shall be issued for the purpose of defraying the cost of the purchase, acquisition and construction of improvements to the City’s wastewater collection and treatment system including, but not limited to, the replacement of undersized gravity sewer, lift station replacement and upgrades, additions/modifications to the wastewater treatment plant, and related improvements: legal, engineering, financing, and contingency costs, and related appurtenances, which improvements will increase capacity at the wastewater treatment plant, meet increasing flows and loading, replace aging infrastructure, and increase reliability and efficiency (the “Project”).

**ESTIMATED PROJECT COST**

The total estimated cost of the proposed Project is \$8,409,000. The cost of the Project shall be paid from the proposed bond issue. The City has received an offer of funding assistance from the State Of Michigan Clean Water Revolving Loan Program (the “CWSRF Program”) to pay the cost of the Project comprised of long-term loans to be evidenced by the proposed Bonds under Act 94 of the Public Acts of Michigan of 1933, as amended (“Act 94”), in a not to exceed amount of \$9,500,000.

**MAXIMUM AMOUNT AND TERMS OF REPAYMENT**

The Bonds to be issued in one or more series in a maximum aggregate amount not to exceed \$9,500,000, shall mature serially with interest on the unpaid balance at a rate which shall not exceed the maximum rate of interest allowed by law and which is currently expected to be 1.875% per annum and shall be repaid over a term not to exceed the maximum term permitted by law. The Bonds shall be issued pursuant to Act 94.

**SOURCE OF PAYMENT OF BONDS**

The principal of and interest on the Bonds shall be payable from the revenues received by the City from the operation of the City’s Sewer system and from other legally available funds. The revenues will be derived from rates and charges billed to the users of the System, a schedule of which is presently on file in the office of the City Clerk. Said rates and charges may be revised from time to time to provide sufficient revenues to provide

for the expenses of the operating and maintaining the System, to pay the principal of and interest on the proposed bonds and to pay other obligations of the System.

In addition, the Bonds may be additionally secured by the City's full faith and credit and limited tax pledge, within applicable charter, statutory and constitutional tax limitations applicable to the City. THE CITY WILL NOT HAVE THE AUTHORITY TO LEVY ADDITIONAL TAXES TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS OVER PERSENTLY EXISTING CITY MILLAGE LIMITS WITHOUT A FURTHER VOTE OF THE CITY ELECTORS.

#### **RIGHT OF REFERENDUM**

THE BONDS WILL BE ISSUED WITHOUT A VOTE OF THE ELECTORS APPROVING THE BONDS, UNLESS, WITHIN 45 DAYS FROM THE DATE OF PUBLICATION OF THIS NORICE OF INTENT, A PETITION, SIGNED BY NOT LESS THAN 10% OF THE REGISTERED ELECTORS RESIDING WITHIN THE LIMITS OF THE CITY OF HART, SHALL HAVE BEEN FILED WITH THE CITY CLERK REQUESTING A REFERENDUM UPON THE QUESTION OF THE ISSUANCE OF THE BONDS. IF PETITIONS ARE SO FILED, THE BONDS SHALL NOT BE ISSUED UNTIL APPROVED BY THE VOTE OF A MAJORITY OF THE ELECTORS OF THE CITY QUALIFIED TO VOTE AND VOTING ON THE ISSUANCE OF THE BONDS AT A GENERAL OR SPECIAL ELECTION.

This Notice is published pursuant to the requirements of Section 33 of Act 94 of the Public Acts of Michigan of 1933, as amended, and was approved by the City Council of the City of Hart on January 25,2022

Karla Swihart, City Clerk  
City of Hart

#### **CONSENT AGENDA:**

- Approval of minutes from January 25<sup>th</sup>, 2022, W/ Correction of spelling error on last name.
- Bills, Claims, Payroll
- Reports of Boards, Commissions, and Committees
- Department Reports – Police/BioPure/Public Works/Energy/C&E Dvlp
  - C. Burillo motioned to approve Consent Agenda supported by K. Trygstad
    - Ayes: 4 Nays: 0 Absent: 3

#### **ACTION ITEMS:**

- Ordinance 2022-01 A TEXT AMENDMENT TO REMOVE THE MAXIMUM LOT COVERAGE REQUIREMENTS FOR THE C-2 ZONING DISTRICT IN SECTION 1251.04 AND THE D-1 ZONING DISTRICT IN SECTION 1252.04 –

#### **SECOND READING**

At a regular meeting of the Hart City Council held at City Hall on the 8<sup>th</sup> day of February 2022, at 7:30pm

Present: Mayor Vicki Platt, Catalina Burillo, Amanda Klotz and Kris Trygstad

Absent: Jim Evans, Dean Hodges and Fred Rybarz

The following ordinance was offered by Catalina Burillo and supported by Amanda Klotz:

THE CITY OF HART, COUNTY OF OCEANA, STATE OF MICHIGAN ORDAINS:

**CITY OF HART CODE OF ORDIANCES, PART 12, TITLE FOUR, ZONING ORDINANCE,  
A TEXT AMENDMENT TO REMOVE THE MAXIMUM LOT COVERAGE REQUIREMENTS FOR THE C-2  
ZONING DISTRICT FOR THE C-2 ZONING DISTRICT IN SECTION 1251.04 AND THE D-1 ZONING  
DISTRICT IN SECTION 1252.04**

Section 1. Chapter 1251 C-2, Limited Commercial. Chapter 1251, Section 1251.04, is amended to strike paragraph (c), which currently, states "Maximum lot coverage – 40 percent," and to re-letter the section accordingly.

Section 1. Chapter 1252 D-1, Industrial District. Chapter 1252, Section 1252.04, is amended to strike paragraph (c), which currently, states "Maximum lot coverage – 40 percent," and to re-letter the section accordingly.

Section 3 Effective Date. This Ordinance shall become effective ten (10) days after its publication or ten (10) days after publication of a summary of its provisions in a local newspaper of general circulation in the City of Hart.

AYES: 4  
NAYS: 0

ORDINANCE DECLARED ADOPTED.

Karla Swihart, City Clerk  
City of Hart

**CERTIFICATION**

I, the undersigned duly appointed City Clerk of the City of Hart, Oceana County, Michigan, do hereby certify that the above ordinance, or a summary thereof, was published in the *Oceana’s Herald-Journal*, a newspaper of general circulation in the City of Hart, on February 17<sup>th</sup>,2022, and that such ordinance was entered with the Ordinance Book of the City of Hart, on February 27<sup>th</sup> ,2022

Dated: February 8<sup>th</sup> ,2022

Karla Swihart, City Clerk  
City of Hart

First reading: January 25, 2022  
Second reading: February 8, 2022  
Ordinance becomes effective: February 28,2022

- Ordinance 2022-02 A TEXT AMENDMENT TO DEFINE PERMANENT COSMETIC SERVICES IN SECTION 1241.01, REGULATE PERMANENT COSMETIC SERVICES IN SECTION 1249.02 (b), AND AMEND THE DEFINITION OF TATTOO PARLOR IN SECTION 1256.13 (b)(20) – **SECOND READING**  
At a regular meeting of the Hart City Council held at City Hall on the 8<sup>th</sup> day of February 2022, at 7:30pm.  
PRESENT: Mayor Vicki Platt, Catalina Burillo, Amanda Klotz, and Kris Trygstad  
ABSENT: Jim Evans, Dean Hodges, and Fred Rybarz  
The following ordinance was offered by Catalina Burillo and supported by Amanda Klotz:  
THE CITY OF HART, COUNTY OF OCEANA, STATE OF MICHIGAN ORDAINS:

**CITY OF HART CODE OF ORDINANCES, PART 12, TITLE FOUR, ZONING ORDINANCE,  
A TEXT AMENDMENT TO DEFINE PERMANENT COSMETIC SERVICES IN SECTION 1241.01, REGULATE  
PERMANENT COSMETIC SERVICES IN SECTION 1249.02(b), AND AMEND THE DEFINITION OF TATTOO  
PARLOR IN SECTION 1256.13(b)(20)**

Section 1. Chapter 1241 Definitions. Chapter 1241, Section 1241.01, is amended to include the following definition to be inserted in alphabetical order:

“Permanent cosmetic services” means a personal service establishment that applies permanent cosmetic coloration to the skin using muted pigmentations to: disguise scars or tattoos: provide pigmentation in areas of the body affected by surgery or medical procedures; or apply permanent cosmetics, generally to individuals with impairments or medical conditions, but not limited to these individuals. Services may include permanent eye lining, lip lining, re-pigmentation, or similar procedures but not include traditional tattooing services associated with tattoo parlors, as defined in this ordinance.

Section 2. Chapter 1249 B-1, Central Business District. Chapter 1249, Section 1249.02 (b), is amended to read in its entirety as follows:

(b) Any personal service establishment which performs services on the premises within a completely enclosed building, such as, but not limited to: repair shops (watches, radio, television, shoe, etc.), tailor shops, beauty parlors, barber shops, interior decorators, photographers, and permanent cosmetic services.

Section 3. Chapter 1256 Special Land Uses. Chapter 1256, Section 1256.13 (b)(20), is amended to read in its entirety as follows.

“Tattoo parlor” means a business having as its principal activity the application or placing, by any method, of designs, letters, scrolls, figures, symbols, or other marks upon or under the human skin with ink or any other substance resulting in the coloration of the skin by the aid of needles or any other instrument designs to touch or puncture the skin, not including permanent cosmetic services.

Section 4. Effective Date. This Ordinance shall become effective ten (10) days after its publication or ten (10) days after publication of a summary of its provisions in a local newspaper of general circulation in the City of Hart.

Ayes: 4

Nays: 0

ORDINANCE DECLARED ADPTED.

Karla Swihart, City Clerk  
City of Hart

**CERTIFICATION**

I, the undersigned duly appointed City Clerk of the City of Hart, Oceana County, Michigan, do hereby certify that the above ordinance, or a summary thereof, was published in the *Oceana’s Herald-Journal*, a newspaper of general circulation in the City, on February 17<sup>th</sup>, 2022, and that such ordinance was entered with the Ordinance Book of the City February 27<sup>th</sup>, 2022.

Date: February 8<sup>th</sup>, 2022

Karla Swihart, City Clerk  
City of Hart

First reading: January 25<sup>th</sup>, 2022

Second reading: February 8<sup>th</sup>, 2022

Ordinance becomes effective: February 28<sup>th</sup>, 2022

- Resolution 2022-04 Approve memo of understanding Hart Area Fire Department snow removal  
Approve Memo of Understanding the provide snow removal services for the Hart Area Fire Department. Whereas, the City of Hart has partnered with neighboring communities to establish and maintain the Hart Area Fire Department, and The Hart Area Fire Administrative Board has asked that the City of Hart provide snow removal services for the department, and it is in the best interest of the City to support the Fire Department to ensure the continued safety of City and area community members, while continuing to promote local efforts of goodwill, and 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:  
Approves the Mayor and Pro-Tem to sign a memo of understanding indication the City of Hart will provide snow removal services to the Hart Area Fire Department at 808 South State St. Hart Mi. Per the attached memo, either party may change modify, or dissolve this agreement at any time through written communication.

- Amanda Klotz motioned to approve resolution 2022-04 and supported by C. Burillo
    - Ayes: 4 Nays: 0 Absent: 3
- Resolution 2022-05 Approve social district permit application – La Probadita
- Authorize City Staff to Approve Social District Permit Application and Sign Local Government Unit Approval Form – La Probadita.

Whereas, The State of Michigan through the PA 124 of 2020 has authorized the creation of Social Districts in communities throughout the State and the ongoing limitations placed on businesses as a result of COVID-19 pandemic has led communities to be creative in supporting businesses which includes passage of regulations permitting the creation of a local Social District and the City Council must approve a Social District Permit for each licensee to engage in participating in Social District business activities per MLCC direction

NOW THEREFORE BE IT RESOLVED THAT THE HART CITY COUNCIL

Authorizes City staff to approve City of Hart Social District Permit Application and sign the Michigan Department of Licensing and Regulatory Affairs Liquor Control Commission Local Governmental Unit Approval for Social District Permit form, pending Maria Rosas DBA: La Probadita submitting proper Downtown Hart Social District Permit Application Paperwork.

- C. Burlillo motioned to approve Resolution 2022-05 and supported by A. Klotz
  - Ayes: 4 Nays: 0 Absent: 3

#### **DISCUSSION ITEMS:**

Removal of trees in downtown business district in preparation of TIFA street scape project – temporary art opportunity.

TIFA is looking to do a street scape project likely in coordination with City work this effort probably won't begin work until Summer of 2024. TIFA has identified they would like a more walkable downtown, with wider sidewalks and possible seating areas. In order to do that the trees that are downtown currently would more than likely have to be removed, which TIFA does intend to add green space as well as adding shade. Also, there is a new H-art project that has started to bring more art to our downtown. There was some talk about maybe starting to remove some of the trees or cutting off and leaving some of the stumps to create art in sorts of chess/checkers board and other carvings out of wood.

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

- City Manager R. Splane gave copy of manager's report to City Council
- Mike Engels from the Michigan Rural Water Association will be visiting Hart on February 15<sup>th</sup> and 16<sup>th</sup> to assist the City in reviewing the water rate study to ensure the information is all correct. Studying and reviewing these rates regularly to is critical to ensure our residents have dependable and sustainable infrastructure. We will report what the rate study produces when the data is ready.
- Currently interviewing for a BioPure plant operator position as part of succession planning to replace Frank Lloyd.
- Hart Winterfest was a great success bringing almost double anticipated attendance. Post event discussions have produced many ideas to implement next year. The Soup walk downtown was well received by 10 of the 11 businesses that participated.
- Hart's Police Officers Labor Council and Utility Workers Union of America are eager to begin union negotiations. Historically the collective bargaining negotiation team includes, The Mayor of Hart, Personnel & Finance Committee members, and the City Manager. (Note: Most cities and villages in Michigan do not include this many City representatives during union contract negotiation process.)
- There will be a public H-Art Project brainstorming workshop at the West Michigan Research Station 5185 Oceana Drive – Tuesday February 15<sup>th</sup> at 5PM. The community will be asked for input on bringing new art initiatives to Hart.
- Three cats have been captures from the Hart Historic District and are awaiting paying/neutering prior to be placed in permanent homes. (Two opossums have been trapped and released.)

- Business opportunity: Snowmobiles allowed on City Streets in the City of Hart? (Review Ord 470.02)
- City Utility Bill revision – New format looking for more information disseminated more clearly.
- Lease Agreement paper copy presented for review and discussion – Seneca Foods.

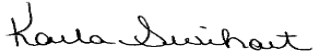
**COMMUNICATIONS FROM THE MAYOR AND COUNCIL:**

- Mayor Platt enjoyed Winterfest and enjoyed all the soup. Snowmobiles were a big hit even though it was a little cold out. Maybe look at moving the snowmobiles back to downtown.

**ADJOURN:**

- There being no further business to come before the Council, the meeting adjourned at 8:43pm upon a motion by A Klotz and supported by K. Trygstad. The next regularly scheduled meeting will be on February 22nd, 2022, at 7:30 pm.

Respectfully Submitted



Karla Swihart, City Clerk