City of Hart, Michigan
CITY COUNCIL AMENDED AGENDA
November 10, 2026, 7:30 PM
407 State St. – Council Chamber
NOTICE OF PUBLIC MEETING
REGULAR COUNCIL MEETING

1. Call to Order
2. Roll Call – Burillo, Cunningham, Hodges, Thomson, Mullen, Root, Klotz
3. Pledge of Allegiance
4. ~~Council Transition and Organization~~ (removed from original agenda)
    a. *As of June 22, 2026, Michigan Public Act 17 of 2026, which supersedes the City Charter's terms and establishes noon on December 1, 2026, as the start of newly elected council members' terms.*
5. **Approval of Agenda**
6. **Public Comments** – *Public comment on any matter other than a scheduled public hearing. We ask that you please limit your comments to 3 minutes.*
7. **Consent Agenda**:
    a. Approval of Minutes from October 27, 2026
    b. Bills, Claims, Payroll
    c. Reports of Boards, Commissions, and Committees
    d. Department Reports
8. **Ordinances**
    a. 1st Reading: Ordinance Amendment 2026-05 – ***Animal Grooming, Boarding & Kennels***
        i. Motion to approve 1st reading and advance ordinance to 2nd reading
    b. 1st Reading: Ordinance Amendment 2026-07 - ***Authorize Re-Zoning of 301 S State St and Amend the Official Zoning Map***
        i. Motion to approve 1st reading and advance ordinance to 2nd reading
9. **Action Items**
    a. Resolution 2026-55 ***Establishment of Regular Council Meeting Schedule***
    b. Resolution 2026-56 ***Bio Solid Hauling Contract Renewal***
10. **Discussion Items**
    a. Data Center Zoning Ordinance Work Group Memo
    b. Contract Proposal for the Eden Lakes PrO2 Advanced Oxygenation System to be Presented on Nov 24th
    c. Starting Block – deadline to respond to lease agreement is Nov 30th
    d. New website set to launch at the next city council meeting, Nov 24th
11. **City Manager Report**
12. **Communications from the Mayor and Council** (Including board and committee updates)
13. **Adjournment** –

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CITY OF HART
407 S. STATE ST.
HART, MI 49420
REGULAR MEETING OF CITY COUNCIL - COUNCIL PROCEEDINGS
OCTOBER 27th, 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, Christine Juska, Lynnette Kraklan, Claire Marshall, and Lloyd Miller

APPROVAL OF AGENDA:

- A. Mullen moved to approve the agenda and was supported by C. Burillo
  - Ayes: 7 Nays: 0 Absent: 0

PUBLIC COMMENTS:

- Lynette Kraklan – Wanted to give an update on the Starting Block, still having discussions on current lease agreement for the City, the current directors last day will be November 18th, and currently added two new tenants.

CORRESPONDENCE, EVENTS, PRESENTATIONS:

- None

CONSENT AGENDA:

- Approval of Amended minutes from October 13th, 2026
- Bills, Claims, Payroll
- Reports of Boards, Commissions, and Committees
- Department Reports – Police/BioPure/Public Works/Energy/C&E Dvlp
  - J. Cunningham moved to approve the Consent Agenda, and was supported by K. Thomson
    - Ayes: 7 Nays: 0 Absent: 0

ORDINANCES:

- None

ACTION ITEMS:

- Resolution 2026-50 Award of 5-year Parks & Rec plan & Historic District Proposals
  WHEREAS, the City solicited proposals for an MDNR-compliant 5-Year Parks & Recreation Plan and Hart Historic District Concept Plan, with proposals due September 25, 2026; and
  WHEREAS, the City reviewed five consultant submissions and identified Fleis & VanderBrink's fee of $19,100 for the two requested planning components as the lowest proposed price for that work; and
  WHEREAS, the Hart Historic Preservation Group reviewed the proposals and supports the selection of Fleis & VanderBrink; and
  WHEREAS, the City reports an available fund balance of $232,880 in Fund 702- Historic District and proposes to fund the planning contract through a budget amendment to the funds; and
  WHEREAS, the firm's separate $3,500 MEDC grant application service is outside the requested planning scope and is not included in this award:
  NOW, THEREFORE BE IT RESOLVED THAT THE HART CITY COUNCIL, hereby

Awards the 5-Year Parks & Recreation Plan and Historic District Concept Plan services to Fleis & VanderBrink in an amount not to exceed $19,100, contingent upon written confirmation, satisfactory to the City Manager, that the proposal includes all RFP services and deliverables and an acceptable completion schedule.
BE IT FURTHER RESOLVED THAT THE HART CITY COUNCIL, *approves an amendment to the FY 2026-2027 budget increasing appropriations in fund 702- Historic District by $19,100 for the 5- Year Parks & Recreation Plan and Historic District Concept Plan, with the full $19,100 funded from the reported $232,880 fund balance in Fund 702, and authorizes the Clerk/Treasurer to establish or adjust the appropriate expenditure account and record the budget amendment accordingly.*
BE IT FURTHER RESOVLED THAT THE CITY MANAGER, *is authorized to finalize and execute the professional services agreement consistent with this resolution. Any additional services or compensation require separate authorization.*

- A. Mullen moved to approve Resolution 2026-50 and was supported by B. Root
  - Ayes: 7 Nays: 0 Absent: 0

- Resolution 2026-51 Public Parking Improvement & Maintenance Agreement for City-Owned E. Main Street Vacant Lot
  WHEREAS, the City of Hart owns property identified as Parcel No. 020-251-003-50, located adjacent to privately owned property; and
  WHEREAS, the neighboring property owner has requested permission to construct a concrete parking area on the City-Owned parcel at the property owner's sole expense; and
  WHEREAS, the proposed agreement provides that the parking area shall remain available for public use, with no exclusive or reserved parking rights, and that all improvements shall become City property; and
  WHEREAS, the property owner shall be responsible for all construction, maintenance, repairs, snow removal, insurance, and related expenses, with no contractual financial obligation to the City; and
  WHEREAS, the agreement establishes a three-year term, subject to the City's right to terminate upon ninety (90) days' written notice, and requires City approval of construction plans and specifications:
  NOW, THEREFORE BE IT RESOLVED THAT THE HART CITY COUNCIL, hereby
  Approves the Public Parking Improvements & Maintenance Agreement for Parcel No. 020-251-003-50.
  BE IT FURTHER RESOLVED THAT THE CITY MANAGER *is authorized to execute the agreement on behalf of the City and administer its provisions, including approval of construction plans and maintenance requirements.*
  - A. Mullen motioned to approve Resolution 2026-51 and was supported by J. Cunningham
    - Ayes: 7 Nays: 0 Absent: 0

- Resolution 2026-52 Data Center Moratorium Extension
  WHEREAS, the Hart City Council adopted Ordinance No. 2026-02 on May 26, 2026, establishing a six-month moratorium on applications for data centers and digital mining uses, currently scheduled to expire November 26, 2026; and
  WHEREAS, the Planning Commission has been reviewing proposed zoning ordinance amendments to establish appropriate definitions, permitted locations, and development standards for these uses; and
  WHEREAS, the Planning Commission has scheduled a public hearing for November 5, 2026, to consider the proposed ordinance amendments, with the intent to forward a recommendation to City Council for consideration through the required first and second readings and adoption process; and
  WHEREAS, additional time may be necessary to complete the ordinance adoption process before the existing moratorium expires:
  NOW, THEREFORE BE IT RESOLVED THAT THE HART CITY COUNCIL, hereby
  Extends the temporary moratorium established under Ordinance No. 2026-02 and Section 1242.07 of the City Code for an additional six (6) months, through May 26, 2027, or until the effective date of newly adopted zoning ordinance amendments regulating data centers and digital mining uses, whichever occurs first.

BE IT FURTHER RESOLVED THAT, *all other provisions and restrictions of the existing moratorium shall remain in effect during the extension period.*

- A. Mullen motioned to approve Resolution 2026-52 and was supported by C. Burillo
  - Ayes: 7 Nays: 0 Absent: 0

- Resolution 2026-53 Authorize Closure of TEAM Bank Account & Transfer of Remaining Funds

  WHEREAS, the City of Hart maintains the TEAM bank account at Fifth Third Bank, recorded in GL 101-000-000-001-301, TEAM Bank Account; and

  WHEREAS, the City desires to close the TEAM bank account and transfer its remaining balance to the City of Hart General Fund, to be recorded in GL 101-301-000-540-085, Donations; and

  WHEREAS, the balance to be transferred is Thirty-Four Thousand Eight Hundred Fifty-Two and 63/100 Dollars (34,852.63).

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

  1. Authorizes the City Treasurer to close the TEAM bank account at Fifth Third Bank and transfer the remaining balance of $34,852.63 to the City of Hart General Fund primary depository account.
  2. Directs the City Treasurer to record the transfer from GL 101-000-000-001-301, TEAM Bank Account, to GL 101-301-000-540-085, Donations, in accordance with the City's accounting policies and applicable governmental accounting standards.
  3. Authorizes the City Treasurer to execute all documents, transfer instructions, and certifications necessary to complete the transfer and account closure.

  - A. Mullen motioned to approve Resolution 2026-53 and supported by B. Root
    - Ayes: 7 Nays: 0 Absent: 0

- Resolution 2026-54 Award Bid for Well No. 2 Rehabilitation & Pump Overhaul Project & Budget Amendment

  WHEREAS, the City of Hart solicited sealed bids for the rehabilitation of municipal Well No. 2 including well cleaning, pump and motor overhaul, reinstallation, disinfection, and testing; and

  WHEREAS, bids were received and opened on October 15, 2026, with the following results:

Bidder:	Base Bid:
Peerless Midwest Inc.	$90,854.00
Northern Pump & Well, Inc.	$101,755.60

  WHEREAS, Peerless Midwest, Inc. submitted the lowest base bid in the amount of $90,854.00; and

  WHEREAS, the City's FY 2026-2027 Water Fund budget includes projected net revenues of $249,893, of which $100,000 is proposed to be allocated to capital improvements to fund the necessary rehabilitation and repairs;

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

  Awards the Well No. 2 Rehabilitation and Pump Overhaul Project to Peerless Midwest, Inc. of Ionia, Michigan, in the amount of $90,854.00, subject to compliance with bid specifications and contact requirements.

  BE IT FURTHER RESOLVED THAT THE CITY COUNCIL, *approves a budget amendment transferring $100,000 from FY 2026-2027 projected Water Fund net revenues of $249,893 to the Water Fund Capital Improvement expenditure account to find the rehabilitation and necessary repairs to Well No. 2*

  BE IT FURTHER RESOLVED, that the City Manager is authorized to execute the necessary contract documents and administer the project, including approval of necessary additional repairs within the amended project budget, subject to the City's purchasing policies and contract requirements.

  - A. Mullen motioned to approve Resolution 2026-54 and supported by K. Thomson
    - Ayes: 7 Nays: 0 Absent: 0

SPECIAL EVENTS PERMIT REQUESTS:

- Authorize road closures of intersections and overtime to staff for Christmas Parade 11/27/2026 from 6:30-8:30pm - **APPROVED**

DISCUSSION ITEMS:

- None

CITY MANAGER'S REPORT:

- Demolition of unsafe structure on Union St. destroyed by fire will being in December – January
- Trick or Treating starts with downtown businesses on Saturday, the 31st from 3-5pm, followed by citywide trick-or-treating from 6-8p.
- West Shore Community Collate Ribbon Cutting event on Friday, November 6th, 2026, at 10:00am
- ***Recognition of Parks & Recreation Superintendent Chris TerHaar***
  I would like to recognize and thank Chris TerHaar for his service to the City of Hart as our Parks & Recreation Superintendent.
  Chris has taken great pride in caring for John Gurney Park and creating a welcoming place for residents, campers, and visitors to enjoy. His hard work, commitment, and personal investment in the park have not gone unnoticed.
  Chris' last day is Friday, October 30th. While this is a difficult change. I want Chris to know that his contributions are genuinely appreciated and that the impact of his work will continue to be enjoyed by our community for years to come.
  On behalf of the City, I sincerely thank Chris for his service and wish him nothing but the best in whatever comes next.

COMMUNICATION FROM MAYOR AND COUNCIL:

- Mayor Klotz - Appointment of Kaitly Yonker to the HEART board has been approved.

ADJOURN:

- There being no further business to come before the Council, Mayor Klotz adjourned the meeting at 8:01pm. The next regularly scheduled meeting, November 10th , 2026, at 7:30 pm.

Respectfully Submitted,

Karla Swihart

Karla Swihart, City Clerk

Payables Date 11.11.2026	Description	Total	General +	DPW	Energy	BPTF	Water
ACE 1 Port-A-Potties	Portable Restroom - Vet's Park	$ 175.00			$ 175.00		
ACE 1 Port-A-Potties	Portable Restroom - JGP Boat Launch	$ 100.00	$ 100.00				
Alerus Financial	Plan Recordkeeping/Admin Fees	$ 125.00	$ 31.25		$ 31.25	$ 31.25	$ 31.25
Axon Enterprise Inc.	Standard Battery Pack - PD	$ 174.40	$ 174.40				
BS&A Software	Annual Renewal - HR/Fixed Assets/Assessing	$ 1,543.00	$ 1,543.00				
Charter Communications	Internet	$ 110.00			$ 110.00		
Charter Communications	Fax - PD	$ 45.40	$ 45.40				
City of Hart	Utilities	$ 59,626.19	$ 3,517.68	$ 1,121.89	$ 720.75	$ 47,370.21	$ 6,895.66
Consumers Energy	Utilities	$ 244.26			$ 244.26		
Crossroads Mobile Maintenance	Repairs/Maintenance - 1997 Ford Bucket	$ 1,200.00			$ 1,200.00		
Crossroads Mobile Maintenance	Repairs/Maintenance - 2018 Freighliner Digger	$ 1,200.00			$ 1,200.00		
Crossroads Mobile Maintenance	Repairs/Maintenance - 2023 Freightliner Digger	$ 1,268.32			$ 1,268.32		
Cummins Sales and Service	Lift Station Repairs/Maintenance Griswold/E. Main	$ 2,585.28				$ 2,585.28	
DaCott	Power Purchase Report	$ 650.00			$ 650.00		
Dave's Party Store	Oct 2026 Fuel - Parks	$ 45.06	$ 45.06				
Dave's Party Store	Oct 2026 Fuel - DPW	$ 1,473.59		$ 1,473.59			
DTE Energy	Utilities	$ 1,240.48	$ 505.96	$ 79.22	$ 135.19	$ 441.68	$ 78.43
First Net	Police Modems	$ 91.46	$ 91.46				
Fish Window Cleaning	Window Cleaning - CH	$ 105.00	$ 105.00				
Frontier	Phone - DAM	$ 150.31			$ 150.31		
Goldberg, Gale	Election Worker 11/3/2026	$ 190.00	$ 190.00				
Hart Area Recreation Club	Hart Rec. Sports Contribution 2025	$ 4,925.00	$ 4,925.00				
Hart Cemetery Commission	Summer 2026 Tax Disbursement Batch 9/Disp 7	$ 140.35	$ 140.35				
IDEXX	Lab Supplies/Chemicals	$ 15,152.40				$ 15,152.40	
Kimball Midwest	Drill Set	$ 564.69		$ 564.69			
Kleiner, Nichole	MML Conference Reimbursement Meals/Mileage/Lodging	$ 1,084.91	$ 1,084.91				
Kleiner, Nichole	Reimbursements - Ribbon Cutting/Council Workshop Water/Ice	$ 26.75	$ 26.75				
Klotz Auto Parts	Auto Parts/Service/Supplies	$ 575.29		$ 96.00	$ 479.29		
Lara	LIEAF Payment	$ 1,342.50			$ 1,342.50		
Larson's ACE Hardware	Parts/Supplies - Oct 2026	$ 1,250.43	$ 76.37	$ 336.34	$ 313.34	$ 524.38	
LEAF	Copier Lease Fee - PD	$ 49.61	$ 49.61				
Lexis Nexis	Payment Refund - Non-Hart PD Record	$ 10.00	$ 10.00				
Mika Meyers	Legal Services	$ 241.50	$ 241.50				
Mika Meyers	Legal Services	$ 1,848.00	$ 1,848.00				
Mika Meyers	Legal Services	$ 345.00	$ 345.00				
Mika Meyers	Legal Services	$ 1,183.50	$ 1,183.50				
Milsoft Utility Solutions	UtiliSyte (1st License) Subscription	$ 175.00			$ 175.00		
Mineral Masters	Lab Supplies/Chemicals	$ 2,442.40				$ 2,442.40	
MML Workman's Comp	3rd Policy Installment Payment - Workman's Comp	$ 3,969.00	$ 992.25		$ 992.25	$ 992.25	$ 992.25
Model Coverall Services	Uniforms/Rags/Rugs	$ 107.92				$ 107.92	
MPPA	Purchased Power - 10/27	$ 47,895.75			$ 47,895.75		
MPPA	Purchased Power - 11/3	$ 39,451.74			$ 39,451.74		
Napa Auto Parts	Parts/Supplies	$ 1,351.46	$ 10.99	$ 1,273.50		$ 66.97	
NCL of Wisconsin	Lab Supplies/Chemicals	$ 2,788.43				$ 2,788.43	
Oceana County	Assessing Services (Sept, Oct, Nov 2026)	$ 11,000.00	$ 11,000.00				
Oceana's Herald Journal	1 Yr Subscription Renewal	$ 74.00	$ 74.00				
Peeraer, Hilary	Election Worker 11/3/2026	$ 120.00	$ 120.00				
Pixel Grafix Studio	Utility Envelopes	$ 1,300.00			$ 845.00	$ 390.00	$ 65.00
Power Line Supply	Part/Supplies	$ 371.00			$ 371.00		
Power Line Supply	Uniforms	$ 240.00			$ 240.00		
Power Line Supply	Uniforms	$ 82.00			$ 82.00		
Power Line Supply	Parts/Supplies	$ 2,555.70			$ 2,555.70		

Power Line Supply	Parts/Supplies	$ 5,191.90			$ 5,191.90			
Power Line Supply	Parts/Supplies	$ 253.65			$ 253.65			
Power Line Supply	Parts/Supplies	$ 3,774.49			$ 3,774.49			
Power Line Supply	Parts/Supplies	$ 677.25			$ 677.25			
Prein & Newhof	2250311 DAM Monitoring	$ 145.00			$ 145.00			
Prein & Newhof	2221059 BioPure Facility Construction	$ 2,448.50				$ 2,448.50		
Prein & Newhof	2250992 State St Reconsruction	$ 8,573.25		$ 8,573.25				
Prein & Newhof	2260727 USDA Application	$ 965.00		$ 965.00				
Quality Assurance Services	Balance Services/Weight Verifications	$ 312.00				$ 312.00		
Republic Services	Garbage Services - Washington Lot Dumpster	$ 186.64		$ 186.64				
Salazar, Juan	Reimbursement	$ 56.04	$ 56.04					
Schad, Tina	Election Worker 11/3/2026	$ 180.00	$ 180.00					
Smith, Joan	Election Worker 11/3/2026	$ 105.00	$ 105.00					
Spartan Turf Products, LLC	Brush Cutter	$ 5,720.00			$ 5,720.00			
State of Michigan	State Police: Annual Statewide Records Management	$ 1,300.00	$ 1,300.00					
State of Michigan EGLE	Annual Water Supply Fee	$ 1,778.72						$ 1,778.72
Steve's Auto & Truck	Oil Change - 2019 Ford PD	$ 92.93	$ 92.93					
Swihart, Traci	Election Worker 11/3/2026	$ 165.00	$ 165.00					
Syncwave	Internet	$ 301.71		$ 91.75		$ 209.96		
T & R Electric	Credit Memo	$ (1,360.00)			$ (1,360.00)			
Team Life	AED Defibrillation Pads	$ 182.00	$ 91.00		$ 91.00			
Trace Analytic Labs	Water Testing	$ 206.92				$ 206.92		
U.S. Target, Inc.	Training Targets	$ 157.85	$ 157.85					
USA Bluebook	Lab Supplies/Chemicals	$ 11,122.98				$ 11,122.98		
USA Mobile Drug Testing	3rd Quarter Random Pool Management	$ 45.00		$ 16.36	$ 20.45	$ 8.19		
Van Kam Inc	Parts	$ 320.62			$ 320.62			
Vital Records (Vital Shred)	Shredding/Recycling Services	$ 132.78	$ 132.78					
West Michigan Criminal Justice Training	Fall 2026 Distribution MCOLES	$ 448.64	$ 448.64					
Xerox Corporation	Xerox Agreement/Billable Prints Oct 2026	$ 221.91	$ 221.91					
	Sub-total	**$ 258,712.86**	**$ 31,428.59**	**$ 14,778.23**	**$ 115,463.01**	**$ 87,201.72**	**$ 9,841.31**	
HAND CHECKS/ACH/EFT								
Sub-Total Regular Bills/Hand Checks		***$ 258,712.86***	***$ 31,428.59***	***$ 14,778.23***	***$ 115,463.01***	***$ 87,201.72***	***$ 9,841.31***	
Gross Payroll	PR 275 includes Chris T. Final Pay/ETO/Separation	$ 88,833.34						
Gross Payroll								
Gross Payroll								
	Sub-Total	**$ 88,833.34**						
	GRAND TOTAL	***$ 347,546.20***	**$ 31,428.59**	**$ 14,778.23**	**$ 115,463.01**	**$ 87,201.72**	**$ 9,841.31**	

HART AREA FIRE

ADMINISTRATIVE BOARD

Meeting Minutes - September 24, 2026

The Hart Area Fire Administrative Board Meeting was called to order by Vice Chairman Floyd Whelpley at 7:00PM. Others present for the meeting were, John Williams, Bill Kolenda, Abe Kurzer, Mike Potter, Larry Doran, Chief Fuehring and Undersigned.

Assistant Chief Tubbs was also present for the meeting

Absent from the meeting was Jerry Schaner, Mike Powers, Gary Beggs

A motion was made by Doran and supported by Kolanda to approve the agenda, with the addition to add a report on the Fire Authority progress. Voice vote, All Yes, Motion Carried.

A motion was made by Kolenda and supported by Kurzer to approve the minutes of the August 27, 2026 to include Larry Doran as being present for the meeting. Voice Vote, All Yes. Motion Carried.

Treasurer advised the we had total bills of $6,919.07 for the month. A total of fund balance of $921,523.94 for all accounts. Treasurer advised some of the order of the new SCBA had arrived with the rest being shipped on October 6. Motion was made by Kolenda and supported by Potter to pay the bills and accept the Treasurers report. Roll call vote, All yes. Motion carried.

Chief advised the department has responded to 182 fire calls and 400 rescue calls so far this year.

Chief has talked with Dan Hallack about the work on the front of the station, taking out the curg and new blacktip and was told, it will be done this fall.

Chief talked with Brad Whiteny aboutthe big drop when trucks go out the back drive and Brad did not t hink he could do anything with it due to water drainage and the roadway and the City has no plance to blacktop that section of Dryden St at this time. Chief talked with Dan Hallack and may cut back the blacktip on the entrance ramp 6 to 8 inches and sloap it down to the road. It would be a little less jarring when the trucks head out that way.

Chief advised there was one person in the MFR class in Ludington and it was not going well. Do to no books for the class. Johathan will look into presenting a MFR Class at the Hart Station starting in January.

We have one person in the Fire Fighters class.

We had a tire go bad on 181. This was from letting the air out of the tires for dune operation and then not airing it up to operate on pavement. Siilverback will get tires and install them on 181 and will give the department a break on the cost. Also Silverback will do the necessary maintenance on 181 which will be better then having to go to Leaders for service.

Bill Kolenda advised the Fire Authority Committee and has had approval from City of Hart, Weare and Pentwater to join. Hart and Golden have not signed on yet but it is believed their issues had been resolved. There are other steps to take once everyone has signed on and it may well be after the first of the year before it goes in service. There will be one Chief and two 40 hour people, one assisgned to Pentwater and one assisgned to Hart. Dwight will work on how it actually works out.

There being no further business the meeting was adjourned at 7:18PM

Respectfully Submitted,

Daniel Leimback, Sec/Treasurer

HART AREA FIRE DEPARTMENT

Bills for approval on September 24, 2026

Google	work station	Debit		$16.80
Larson and Son Hardware				$21.86
Wex Bank	Marathon Fuel	Debit		$1,218.13
Weesies Brothers		Fertilizer Program	Crabgrass control	$292.00
MES Service Company	3 M Scott Rit Pak			$3,679.00
Xerox				$28.87

Bills for approval	$5,256.66
Pre - Approved Bills	$1,662.41
Total	$6,919.07

Michigan Class General Fund as of	9/21/26		$410,872.30
Michigan Class Capital Improvement as of	9/21/26		$363,151.78
Checking Account	as of	9/21/26	$142,778.12
Debit	as of	9/21/26	$4,721.74
		Total	$921,523.94

HART
Historic District & Museum
HART HERITAGE PRESERVATION GROUP

Board of Directors Meeting Minutes

Date / Time	Monday, October 12, 2026, 7:04–8:40 PM, Google Meet
Presiding / Recording	Lloyd Miller, President / Bekki Nicholson, Secretary
Present	Lloyd Miller, Nichole Kleiner, Andrew Mullen, Bekki Nicholson, Alex Holowicki
Absent	Anne Pawli (nominee)

1. Opening

Called to order at 7:04 PM by President Lloyd Miller. Quorum present.

> **Motion:** Approve September 2026 meeting minutes as presented. Moved: Andrew; second: Nichole. **Carried.**

2. Officer reports

President: Lloyd thanked Andrew for his year of leadership; Andrew continues as a director.

> **Motion:** Approve the financial report (bank statement). Moved: Andrew; second: Nichole. **Carried.**
>
> **Motion:** Add Alex Holowicki, Treasurer, as an authorized signer on HHPG's two West Shore Bank accounts. Moved: Andrew; seconded: Nichole. **Carried.**

3. Old business

Security system: Panel upgrade (about $400–$500) and monitoring (about $25/month) tabled pending Historic District planning.

Historic District Concept Plan / Parks & Rec Plan: Nichole reviewed the five proposals. The board favored Fleis & Vandenbrink. The February 1, 2027 MDNR deadline is not realistic; grant applications are expected in 2028. The $3,500 grant application is deferred; Nichole will prepare grants internally.

> **Motion:** Recommend to City Council a contract with Fleis & Vandenbrink, in partnership with the City's 5-Year Parks & Recreation Plan, for Historic District engagement and concept work: HHPG $5,250 and City historic district fund $5,250, conditional on Council approval. Moved: Nichole; second: Andrew. **Carried.**

4. New business

Election of Anne Pawli: Tabled to the next meeting (nominee absent).

Google Workspace: Set up at hartheritagepreservation.org. Directors will use HHPG accounts for HHPG business.

> **Motion:** Adopt the mission statement: "Museum and event destination focused on showcasing West Michigan's history." Moved: Bekki; second: Andrew. **Carried.**
>
> **Motion:** Change September dates in the bylaws to February and approve the bylaws as amended. Moved: Bekki; second: Andrew. **Carried.**

Final wording, including the staggered-term transition and "two consecutive terms," will be circulated before filing.

Collections records: File scanning complete; past minutes being organized. The board thanked Anne Pawli.

Hart Heritage Preservation Group | Official Corporate Policy
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New board interest: Community Night contacts were invited; none attended.

5. Open discussion

Directors will build a shared list of strategic initiatives and take on tasks between meetings. Nichole will lead informal community sessions in off months. Russ will give a monthly site report.

First informal meeting/discussion/idea session : November 9, 2026

6. Closing

No public comment. Next regular meeting: Monday, December 14, 2026, 7:00 PM.

> **Motion:** Adjourn. Moved: Bekki Nicholson; second: Lloyd Miller. **Carried at about 8:40 PM.**

Action items

Action item	Owner
Record these minutes; send to West Shore Bank to add Alex as signer	Bekki Nicholson, Lloyd Miller
Forward May 2026 bank packet; share with board	Andrew Mullen, Lloyd Miller
Take F&V recommendation and fund request to City Council	Nichole Kleiner
Resend Google Workspace invites to Andrew and Anne	Lloyd Miller
Circulate final bylaws amendments; file with LARA and IRS	Lloyd Miller
Create shared strategic-initiatives sheet	Lloyd Miller; all members
Plan informal community session (proposed Nov 9)	Nichole Kleiner
Set up Zeffy membership/newsletter campaign	Lloyd Miller

_____ Date: _____

Rebecca Nicholson, Secretary

Hart Heritage Preservation Group | Official Corporate Policy
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HART AREA PUBLIC LIBRARY
REGULAR BOARD MEETING MINUTES
October 12, 2026

Minutes taken by Susie Gray, Assistant Director

CALL TO ORDER: 6:00 p.m.

ROLL CALL: Todd Metzler, Kendra Larios-Mendez, Mary Sloan, Penny Burillo, Amanda Klotz, Director Kathleen Rash, Assistant Director Susie Gray. Absent: Juan Cortes

APPROVAL OF AGENDA: Motion by Klotz to approve the agenda as presented. Support by Sloan. Motion carried.

PUBLIC COMMENT: None

APPROVAL OF MINUTES: Motion by Metzler to approve the minutes of September 14, 2026. Support by Larios-Mendez. Motion carried.

SECRETARY'S REPORT: No report.

TREASURER'S REPORT: Nothing other than the Director's printed materials.

APPROVAL OF BILLS AND PAYMENTS: Motion by Klotz to approve the bills and payments for September 2026. Support by Larios-Mendez. Motion carried.

ACCEPT FINANCIAL REPORTS: Motion by Metzler to accept financial reports for September, 2026. Support by Sloan. Motion carried.

DIRECTOR'S REPORT: Written report presented and discussed.

CITY REPORT: No report.

TOWNSHIP REPORT: Nothing to report.

UNFINISHED BUSINESS:

NEW BUSINESS:

1. Audit Acceptance: Motion by Sloan to accept the Financial Statements and Independent Auditors' report for the Year Ended March 31, 2026. Support by Larios-Mendez. Motion carried.
2. Director's Review: Director will send self evaluation to board members by email. Board members will respond, and responses will be compiled into a formal evaluation.

The meeting was adjourned at 6:25 p.m.

NEXT MEETING: November 9, 2026 at 6:00 p.m.

Approved at meeting on: _____

_____
Secretary

_____
President

City Of Hart

407 S. State St
Hart, Mi 49420
Planning Commission
Thursday, October 1st, 2026
Minutes, Draft

MEMBERS' PRESENT: Lisa Clark, Jim Cunningham, Jim Evans, Cynitha Fout, Diane LaPorte(late), Andrew Mullen, and Betty Root
ABSENT: None
OTHERS PRESENT: City Manager Nichole Kleiner, City Clerk/Treasurer Karla Swihart

- C. Fout called the meeting to order at 4:00 pm.

APPROVAL OF AGENDA:

- A. Mullen motioned to approve the agenda and was supported by J. Evans
  - Ayes: 6 Nays: 0 Absent: 1

APPROVAL OF MINUTES:

- B. Root motioned to approve the minutes from September 3rd, 2026, and was supported by J. Evans
  - Ayes: 6 Nays: 0 Absent: 1

PUBLIC COMMENTS ON AGENDA ITEMS:

- None

PUBLIC HEARINGS:

- None

ACTION ITEMS:

- Review Proposed Zoning Ordinance Amendment – Animal Grooming, Boarding & Kennels. **Requested Action:** Review the proposed zoning ordinance amendments, provide directions to staff, and authorize scheduling a public hearing

  ORDINANCE NO. 2026-05

  AN ORDINANCE TO AMEND THE CITY OF HART ZONING CODE TO REGULATE ANIMAL GROOMING, DAYCARE, BOARDING AND KENNEL FACILITIES

  The City of Hart ordains:

  Section 1. Definitions

  Section 1241.01 of the City of Hart Zoning Code is amended to add or revise the following definitions:

  Animal Grooming Establishment, A commercial establishment primarily engaged in bathing, trimming, grooming, or similar care of domestic animals. An animal grooming establishment does not include overnight boarding unless separately approved as an animal boarding facility.

  Animal Boarding Facility/Pet Daycare. A commercial establishment where ~~dogs~~ k-9, ~~cats~~ feline, or other domestic animals belonging to persons other than the owner or operator are temporarily cared for, supervised, housed, boarded, or kept for compensation, whether during daytime hours or overnight. This term includes commercial kennels and pet daycare facilities but does not include veterinary hospitals or animal grooming establishments where animals are kept only for the time reasonably necessary to provide grooming services.

  Kennel. A premises used for the commercial boarding, breeding, training, daycare, or keeping of ~~dogs~~ k-9 or ~~cats~~ felines for compensation. The keeping of household pets as an accessory residential use shall not constitute a kennel.

Section 2. General Business District

Section 1250.03, Special Uses, is amended to add:

(f) Animal boarding facilities, pet daycare facilities, and commercial kennels, subject to the requirements of Section 1256.15

Section 3. Special Land Use Standards

Chapter 1256 is amended to add Section 1256.15 as follows:

1256.15 ANIMAL BOARDING FACILITIES, PET DAYCARE FACILITIES AND COMMERICAL KENNELS

Animal boarding facilities, pet daycare facilities, and commercial kennels may be approved as special land use in districts where specifically authorized, subject to the general special land use standards of this Chapter and the following requirements.

(a) Maximum number of animals

The Planning Commission shall establish the maximum number of animals permitted on the premises based upon the size of the property and building, proximity to neighboring properties, available outdoor area, parking, sanitation facilities, and potential impacts on surrounding property.

(b) Enclosed building.

Animals kept overnight shall be housed within a completely enclosed building.

(c) Outdoor areas.

Outdoor exercise, relief, or play areas shall;

Be securely fenced;

Not be located within a required front yard;

Be maintained in a clean and sanitary condition; and

Be designed and operated to minimize noise, odor, drainage, and other impacts on adjoining properties.

(d) Setbacks,

Buildings used for animal boarding shall be located at least twenty-five (25) feet from a residentially used or zoned property. Outdoor animal areas shall be located at least fifty (50) feet from a residentially used or zoned property. The Planning Commission may require a greater setback where necessary to protect adjoining properties.

(e) Overnight outdoor activity.

Animals shall be kept indoors between 9:00p.m. and 7:00 a.m., except for brief supervised relief periods.

(f) Noise.

The facility shall be operated so that barking or other animal noise does not create an unreasonable disturbance to surrounding properties. The Planning Commission may require sound attenuation measures where necessary.

(g) Sanitation and waste

Animal waste shall be collected regularly and stored and disposed of in a manner that prevents odor, insects, rodents, runoff, or other nuisance conditions.

(h) Drainage.

Outdoor animal areas and indoor wash or kennel areas shall be designed so that animal waste, wash water, or contaminated runoff does not discharge onto adjoining property or into a storm drain except as lawfully permitted.

(i) Screening.

The Planning Commission may require landscaping, fencing, or other screening where outdoor animal areas are visible from adjoining residential property or public right-of-way.

(j) Parking and circulation.

Adequate off-street parking, customer drop-off and pickup areas, and circulation shall be provided so that vehicles associated with the facility do not create unsafe conditions or routinely obstruct adjoining streets.

(k) Additional conditions.

The Planning Commission may impose reasonable conditions relating to hours of operation, number of animals, outdoor activity, screening, noise control, sanitation, or similar operational characteristics when necessary to ensure compatibility with surrounding properties.

Section 4. Conflict and Severability

All ordinances or portions of ordinances inconsistent with this Ordinance are repealed only to the extent necessary to give this Ordinance full force and effect. If any provision of this Ordinance is determined by a court of competent jurisdiction to be invalid, the remaining provisions shall remain in full force and effect.

Section 5. Effective Date

This Ordinance shall become effective following adoption and publication as required by law.

A. Mullen motioned to amend Ordinance 2026-05 to change dogs to K-9 and cats to Feline and was supported by L. Clark

Ayes: 7 Nays: 0 Absent: 0

- Review Proposed Zoning Ordinance Amendment – Data Centers and Digital Mining.

Requested Action: Review the proposed zoning ordinance amendments, provide direction to staff, and authorize scheduling a public hearing.

ORDINANCE NO. 2026-06

DATE CENTER AND DIGITAL MINING ZONING AMENDMENT

An ordinance to amend Section 1241.01 and Section 1253.02 and add Section 1253.06 to the City of Hart Zoning Code to allow data centers and digital mining facilities in the D-2 Industrial Park District as a special land uses.

Section 1 Definitions

Section 1241.01 is amended to add the following definitions in alphabetical order:

Data Center. A building, portion of a building, or facility whose principal use is housing and operating computer servers, data storage systems, networking equipment, or similar computing infrastructure for remote storage, processing, management, or transmission of digital data. Associated equipment may include dedicated cooling systems, electrical infrastructure, backup generators, battery systems, and security equipment.

This term does not include offices, information technology consulting companies, software development businesses, telecommunications offices, financial institutions, medical offices, research facilities, manufacturing facilities, or other uses in which computers, servers, or data-processing equipment are incidental or accessory to the principal use. Classification shall be based on the actual use of the premises rather than the business name or industry designation. A digital mining facility is separately defined.

Digital mining facility. A building, portion of a building, or facility whose principal use is operating specialized computing equipment to mine cryptocurrency or perform computational validation of blockchain transactions. This term does not include incidental computing activities accessory to an otherwise permitted principal use.

Section 2 D2 permitted uses

The introductory paragraph of Section 1253.02 is amended to read as follows. Subsection (a) through (h) remain unchanged.

Land and buildings in the D-2, Industrial Park District may only be used for the following purposes or for special land uses authorized under Section 1253.06.

Section 3 D2 special land use standards

Section 1253.06 is added as follows:

1253.06 DATA CENTERS AND DIGITAL MINING FACILITIES.

(a) Authorization. Data centers and digital mining facilities are permitted only in the D-2, Industrial Park District, subject to special land use approval under Chapter 1256 and site plan approval under Chapter 1258, These uses shall not be authorized in another district though a general provision allowing similar or unlisted uses.

(b) Applicable requirements. These facilities shall comply with Sections 1253.03 through 1253.05, Chapter 1256, Chapter 1258, and the additional requirements of this section. The specific equipment-placement allowance in subsection (d) applies notwithstanding the building and structure setbacks in Section 1253.06(a).

(c) Supplemental application information. In addition to the information otherwise required for special land use and site plan review, the applicant shall provide:

(1) a description of computing activities, operational hours, staffing, development phases, and anticipated full-buildout capacity.

(2) Anticipated average and peak electrical demand, average and peak daily water demand, and wastewater discharge volume and characteristics.

(3) Locations and specifications of cooling equipment, generators, transformers, substations, battery systems, fuel storage, and other major mechanical equipment.

(4) Proposed screening, noise controls, generator testing schedule, and emergency access.

(5) An emergency response plan identifying operational contracts, access arrangements, and hazards associated with batteries, fuels, and other regulated materials.

(6) A closure plan addressing safe shutdown, outdoor equipment removal or reuse, waste disposal, and site stabilization.

(d) Equipment location and screening. October cooling equipment, generators, transformers, battery systems, and similar accessory equipment shall be shown on the approved site plan. Such equipment shall not be located within the required front yard. The Planning Commission may approve equipment within required side or rear yards when all of the following are demonstrated:

(1) Equipment is screened from adjoining residential properties and public streets by buildings, opaque fencing, walls, or landscaping.

(2) The location complies with applicable noise and vibration requirements.

(3) Required fire separation, utility clearance, maintenance success, drainage, and emergency access are maintained.

(4) Required landscaping and buffers remain in place.

This allowance does not authorize principal buildings within required yards. Equipment enclosures used solely for accessory equipment may be included in the allowance. Screening shall maintain required ventilation and safety clearances.

(e) Noise. The facility shall comply with Section 1253.04 and other applicable City noise regulations. The applicant shall provide equipment sound specifications, and an explanation of how the proposed location, operating conditions, and mitigation will meet those requirements.

The Planning Commission shall require an acoustical analysis prepared by a qualified professional when the submitted information does not adequately demonstrate compliance, including where equipment operates continuously near residential uses or produces tonal or low-frequency sound. The analysis shall evaluate full-buildout operation, cooling equipment, generator testing, and proposed mitigation. The Commission may accept equipment specifications and documented calculations in place of a professional study when they adequately demonstrate compliance; its determination shall be recorded in the approval findings.

Required noise controls shall be installed before the associated equipment begins operation. The Planning Commission may require post-installation field measurements as an approval condition when needed to verify predicted performance. Applicable noise limits remain enforceable whether or not a study or field measurements are required.

(f) Generators. Routine generator testing and maintenance shall occur only between 8:00 a.m. and 6:00 p.m., Monday through Friday, excluding federal holidays. This restriction does not apply during an actual power outage or emergency. Generators shall be accessory to the approved facility; approval under this section does not authorize a separate principal power-generation use.

(g) Utility Services. The applicant shall coordinate with applicable utility providers and submit preliminary written information addressing available capacity, anticipated service limitations, and required improvements. The Planning Commission may grant conditional approval before final utility engineering or service agreements are completed when the record supports the findings required be Section 1256.04 and identifies a feasible means of providing adequate.

Conditions shall identify the required utility confirmations and improvements and the stage at which each must be completed. Written utility authorization shall be obtained before construction of the associated service infrastructure. Adequate service capacity and improvements necessary for each development phase shall be confirmed and completed before that phase begins operation. Conditional approval shall be substitute for evidence needed to make the general special land use findings.

Special land use approval does not guarantee or reserve electrical, water, or wastewater capacity. Utility service commitments, infrastructure improvements, and applicant financial responsibilities shall be addressed through applicable utility policies and service agreements. Wastewater and cooling-system discharges shall comply with applicable discharge and pretreatment requirements.

(h) Fire and emergency review. Application materials shall be submitted to the applicable fire authority for review of emergency access, fuel storage, battery systems, fire protection, and emergency response agreements. Required permits and inspections shall be completed before operation.

(i) Changes and expansion. Changes to the approved use, site layout, equipment, or operating characteristics under Section 1256.11, as applicable. Applications shall identify changes in electrical demand, water use, wastewater discharge, and noise.

(j) Closure and reuse. Upon permanent discontinuance of the use, the owner shall implement the approved closure plan. Obsolete or unsafe outdoor equipment serving exclusively the discontinued use shall be removed within twelve months. Functional equipment may remain for an approved lawful reuse or a documented sale or redevelopment plan that identifies a completion schedule and continued maintenance.

The Planning Commission may approve retention or an extension of the removal period upon finding that the equipment remains safe, the property is maintained, and the proposed schedule is reasonable. Buildings, utility infrastructure, and equipment serving a continuing lawful use may validity and revocation remain governed by Section 1256.06.

Section 4 Severability

If any provision of this ordinance is held invalid, the remaining provisions shall remain in effect.

Section 5 Effective date

This ordinance shall take effect on _____, following adoption and publication as required by law.

- D. LaPorte motioned to extend the moratorium on Data Centers for months or until the Ordinance is passed and supported by L. Clark
  - Ayes: 7 Nays: 0 Absent: 0

DISCUSSION:

- NONE

OTHER BUSINESS and COMMUNICATION FROM COMMISSION MEMBERS:

- J. Evans brought up the property on Oceana drive regarding the building in the back that a worker is living in, questioning if permits were ever pulled and if they are in violation. Should it be turned over to the building inspector? CM Kleiner will look into when the structure was built and go from there.
- D. LaPorte time to start thinking of the Xmas parade
- Don't forget about Art Walk coming up this weekend downtown.

PUBLIC COMMENTS GENERAL:

- NONE

ADJOURN:

- There being no further business to come before the Planning Commission, the meeting adjourned upon a motion by D. LaPorte and supported by J. Evans. The next meeting scheduled will be held on November 5th, 2026

Karla Swihart

Karla Swihart
City Clerk

CITY OF HART – ENERGY DEPARTMENT
SPECIAL POWERBOARD At CITY HALL
407 STATE STREET, HART, MICHIGAN
MONDAY SEPTEMBER 14th, 2026
8:30 am – MINUTES –Draft

Present: Members: Jim Evans, Gayle Forner, Dean Hodges, Karen Thomson, Bill Volpp, and Nick Wadel

Absent: Mike Powers

Others present: Energy Superintendent – Mike Schiller, City Manager – Nichole Kleiner, City Clerk – Karla Swihart

Call to Order: Mr. Forner called the meeting to order at 8:30 am.

Agenda/Minutes:

- Mr. Volpp motioned to accept the current agenda, and was supported by Mr. Evans
- Mr. Volpp motioned to accept the minutes of July 6th, 2026, and was supported by Mr. Forner

Public Comment, Events, Correspondence:

- None

Superintendent Mike Schiller's Report:

- Still transforming overhead lines to underground.
- You will notice new lenses on the downtown stop light.
- Waiting on Wadel's to get plum street on the schedule.

Action Items:

- C & I Demand Response Program

  Program Overview

  Michigan Public Power Agency ("MPPA") has entered into an agreement with a third-party demand response implementer, Voltus, to allow Members' commercial and industrial customers ("C&I Customers") to participate in demand response programs. Voltus will work with Members and MPPA to engage, educate, and enroll interested C&I Customers, the Member, and the Community (as is discussed in the "Benefits" section below).

  How it Works

  1. An interested C&I Customer enrolls and works with Voltus to create a customized load curtailment plan. This plan outlines how they will reduce their electricity consumption and in what amount for a specific period of time.
  2. Once the plan is created, Voltus works with the C&I Customer to perform an initial test, (and a test annually thereafter) to ensure the C&I Customer can implement their curtailment plan.
  3. The load that is reduced during that test is registered as a capacity resource with the Member's respective Regional Transmission Operator ("RTO", i.e., MISO or PJM") and is then available for the RTO to utilize if needed during an electric grid emergency event.
     a. A C&I Customer may never be asked to participate in a grid emergency event (historically, events being called by the RTO have been very rare) but they still receive an annual performance payment based on their availability to curtail if asked.
  4. Each C&I Customer receives an annual payment from Voltus based on how much load they curtailed during their annual test.
  5. MPPA will have first right of refusal to purchase the capacity created by the C&I Customers to help our Members meet their resource adequacy (i.e, reliability) and capacity requirements with their RTO and the State of Michigan.

Third-Party Implementer

Voltus has extensive experience working in all nine markets across the US, including MISO and PJM. They are well established with sophisticated systems, staff, procedures, and tools that make it east for C&I Customers to participate.

Voltus also provides a zero-risk model where MPPA, its Members, and C&I Customers will never be penalized for under-performance (i.e., an event is called, and the customer does not meet requirements of their curtailment plan).

Benefits

Commercial & Industrial Customers

- Creates Value for C&I Customers – Offers a way to manage and reduce their energy costs and provides a revenue stream through annual performance payments (up to $50,000 per MW based on today's market conditions).
- Easy to Participate – C&I Customer may choose when to perform their annual dispatch test to minimize interruptions to their operations and may never be asked to participate in an event.

Member

- No Out-of-Pocket Costs – There are no third-party implementer costs to participate in the program for C&I Customers or Members.
  - The only cost to Members will be the MPPA staff time and materials/overhead allocated to this program.
- Relational / Goodwill – Demonstrates Members' commitment to providing sustainability solutions for C&I Customers.
- Competitive Advantage – Helps Members be competitive with other utilities who offer similar programs.

Community

- Keeping Dollars in the Community – Performance payments provide an additional revenue stream for C&I Customers strengthening the community's C&I Customer base.
- Reliability – A portion of a Member's power supply capacity portfolio is sourced from its very own customers, providing local reliability benefits.
- New Source of Clean Capacity – Creates clean capacity using existing resources (i.e, C&I Customers) that can be incorporated into Members' power supply capacity portfolios, as an alternative to buying or building expensive capacity.

- Diesel Plant Roof Replacement Bid Recommendation and Budget Amendment

  Motion to recommend City Council award the diesel plant roof replacement nod to _____, in the amount of $_____ and increase the diesel production capital improvement budget (GL 580-537-200-970-000) to $45,000 using FY26-27 projected net revenue.

  AFTER DISCUSSION FROM THE BOARD THE DECISION WAS MADE TO PUT OUT RFP's AND SEE WHAT OTHER BIDS COME IN.

Discussion Items:

- Freeze Pack Transformer & Rate Adjustments.
  Talks continue regarding buying transformer for $1.00, there is a meeting set up for tomorrow 09/15 with engineers to discuss this more.
- Bucket Truck – our small bucket truck is going on 8yrs old, we are starting the discussion now as it takes 1.5 years to get a new one on order. Started talks with Al Tec and they will be getting some numbers together for us.

City Manager Report:

- There is a Utility Tech Position open until September 29th. This is a shared service position between all departments.
- I had reviews with all employees/departments which was a great experience.
- Downtown is almost complete just waiting on the lights.

Comments from the Power Board:

- None

Adjournment:

- Mr. Forner has motioned to adjourn the meeting at 9:14am. All Ayes

Next Meeting:

- October 5th, 2026, at 8:30am

Respectfully Submitted,

Karla Swihart

Karla Swihart, City Clerk

CITY OF HART
407 S. STATE ST
HART, MI 49420
TAX INCREMENT FINANCE AUTHORITY (TIFA)
August 18, 2026 at 1:00 pm

MEETING MINUTES

Call to Order: Windell called the meeting to order at 1:00 pm. Voice rollcall was taken.

Members Present: Hannah Juhl, Caleb Griffis, Scott Hegg, Justin Adams, Tracey Lipps, Deborah Windell, Bill Hegg, Justin Adams,

Absent: Mayor Klotz, Maria Rosas

Others Present:

Approval of Agenda: Motion by Juhl, supported by S Hegg to approve the agenda. Motion carried.

Public Comment: none

Approval of July Minutes: Motion by Juhl, supported by Lipps to approve the July minutes. Motion carried.

Approval of May & July 2026 Financial: Motion by Lipps, supported by Adams to accept the May & July financials as presented. Motion carried.

Action items

- **a.** 408 Church St – Authorize City Manager to pay for attorney to review development agreement with Monarch for the church. Reviewed existing lease with option to purchase. Nichole will bring more information to the Sept. meeting.
- **b.** Allocation of admin cost – tabled and to be considered for fiscal year 27-28

Discussion Items

a. Ceres – Nichole updated board the developer received a grant and is working with Fishbeck on environmentals.
b. Consideration of bond financing for downtown streetscape phase 2 – board would like to meet with engineer to be part of design and infrastructure improvements specifically stormwater on west main street.

Public Comments: None

Member Comment:

Adjournment: Meeting adjourned at 1:46 pm.

Respectfully submitted by Nichole Kleiner, City Manager

CITY OF HART
407 S. STATE ST.
HART, MI 49420
Hart Economic and Redevelopment Team (H.E.A.R.T.)
September 9th, 2026

1) **Call to Order**
   Hannah called the meeting to order at 2:02 pm.
   a) **Roll Call**
      - **Members present**: Noble Graham-Lattin, Catalina Burillo, Sue Payne, Maria Rosas, Hannah Juhl, Andrew Mullen, Lisa Clark, Emily Sigler, Rolando Salgado
      - **Members Absent**: Dean Hodges, Scott Beal
      - **Also Present:** Lindsay Brown
2) **Approval of Agenda** – Motion by Cat, supported by Lisa to approve the agenda. Motion carried.
3) **Public Comments** – None
4) **Member Comments**- Hannah shared that her 2nd location will open 2 weeks ahead of schedule – hosting a hiring event at Stellas. Maria said that it's going to be a good apple season and mentioned how often the people hang out at fireplace. La Probadita won best business in town – congrats. Lisa gave updates on the planning commission regarding dog boarding and a rezoning request. Emily & Ro talked about how they're using AI to speed things up like web creation and how they're giving back to the community with pro bono jobs like the WWTP documentary, web design and marketing support for our small businesses. Cat shared that Trinity is starting a new community needs assessment, talked about the walkability session with Mark Fenton, and shared that 30 families received fresh produce. Noble is in his final 2 months of weddings, will have building repairs from the summer, looking forward to Christmas. Sue said the housing market is leveling out but is still steady.
5) **August Minutes** – Motion by Lisa, support by Noble to approve the minutes. Motion carried.
6) **August Financials** – Motion by Noble, support by Ro to file the August financials as presented.
7) **Action Items** –
   a) Motion by Cat to reappoint Hannah Juhl as chair, Noble Graham-Latin as vice chair, Maria Rosas as Treasurer, Lisa Clark as secretary and reinstate Sue Payne – all for two-year terms. Supported by Rolando. Motion carried.
   b) Winter banners vs candy canes was discussed with candy canes being favored over banners. The board agreed that if we go with banners they'd rather pay extra for custom – not liking the stock images. Lighted wreaths were suggested. Something different in the new downtown vs. the rest of the poles was suggested. No motion was made.
8) **Updates/Discussion Items**
   a) No committee updates reported other than Noble stating that the Christmas committee met but was somewhat unproductive.
   b)
9) **Events**
   a) Downtown Day, Artwalk, The Ride Home, and Fall Decorating dates were shared with questions about the mural, it's location, what image was selected. Nichole shared 600 pieces, located in the pocket park and the final image is a surprise.

10) Staff Report- Linsday's report was read sharing more about the mosaic mural, community foundation grant submission, TIFA support for mural, Scott Beals years of service and appreciation was recognized, a business survey is being created along with a brochure for hart attractions, Artwalk has 8 artists signed up.

11) Member comments- Members discussed “what’s next” for the Historic District and Nichole explained that the September board meeting for the HHPG will be the last for the HEART board to oversee and that if anyone was interested in continuing on that board, to attend the 9/28/26 meeting from 5-7pm at 570 Lincoln.

Andrew asked for an update on Dale & Gale’s Theatre – Sue Payne did not have anything, Maria met a couple who toured the building.

12) Next Regular Meeting Wednesday, October 14th at 2pm.

13) Motion by Andrew to adjourn meeting. Supported by Ro. Meeting adjourned at 2:56 PM.

Respectfully Submitted,
Nichole Kleiner

City of Hart Police Department

407 State Street Ph. (231)873-2488 Fax (231)873-0100 Hart, MI 49420-1259

Juan Salazar, Chief

TO: City of Hart Mayor, City Council, and City Manager
FROM: Juan Salazar, Chief of Police
DATE: November 10th, 2026

RECENT EVENTS

From Thursday, October 22nd, 2026, through Wednesday, November 4th, 2026, the Hart Police Department received 58 complaints ranging from Suspicious Situations, Family Troubles, Property Damage Crashes, Motorist Assists, Juvenile Complaints, Alarms, Criminal Sexual Conducts, Mental Health Complaints, Medical Assists, Unwanted Subjects, Threat Complaints, Assist to Other Agencies, and Larceny Complaints.

On Thursday, October 22nd, 2026, Officer Revilla attended an 8-hour course on scene investigation and collaboration between Law Enforcement, Child Protective Services, and Medical Examiners for Sudden Unexpected Infant Death Investigation. The class focused on preserving evidence at the scene and interview techniques as well as completing a Sudden Unexpected Infant Death Investigation form, which is a questionnaire that helps Forensic Pathologists determine the cause of death, but is also shared with the CDC to help create safe sleep standards for infants and also helps with research for potential baby product recalls.

On Monday, October 26th, 2026, and Tuesday, October 27th, 2026, the Hart Police Department conducted its Fall Firearms Qualifications at the Hart Long Rifles Range. D./Sgt. Skipski, a certified MCOLES Firearms Instructor, instructed on the qualifications. The Fall qualifications, which require a low-light qualification, consisted of qualifying with the officer's duty weapon and any secondary weapons. All officers who attended this mandatory training will receive a certificate of accomplishment from D./Sgt. Skipski. Firearms training is required by MCOLES (Michigan Commission on Law Enforcement Standards) to be conducted twice (2) a year, in Spring and Fall. All officers must show proficiency with their duty weapons, any secondary weapons, and patrol rifles to pass the qualification course.



On Monday, October 26th, 2026, the Hart Police Department was dispatched to the 400 block of Water Street regarding a Criminal Sexual Conduct. A 30-year-old Hart woman reported being sexually assaulted by two (2) men. An investigation is ongoing.

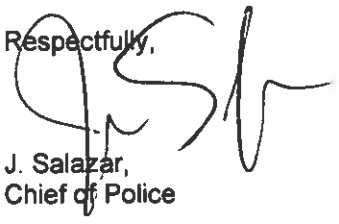
On Tuesday, October 27th, 2026, Officer Moore participated in the annual Trunk-or-Treat Event at the Oceana County Department of Health and Human Services parking lot. The officers were able to pass out candy, Halloween color books, Halloween trick-or-treat bags, and junior police officer stickers to all in attendance.

On Friday, October 30th, 2026, the Hart Police Department was dispatched to the area of East Main Street and Oceana Drive, referencing a reckless driving. A vehicle was reported to be operating all over the roadway, had run over a sign, and was operating at approximately 10 MPH. The suspect vehicle was located by the responding officer in the 400 block of Wood Street. When speaking with the operator, a 26-year-old Hart man, an odor of intoxicants could be detected by the officer. The man was subsequently arrested for Operating a Motor Vehicle While Intoxicated 3rd Offense/Driving While License Suspended 2nd of Subsequent Offense and Resisting an Opposing a Police Officer. The man was lodged at the Oceana County Jail.

On Sunday, November 1st, 2026, the Hart Police Department was dispatched to the 4000 block of Polk Road regarding a Criminal Sexual Conduct. A 20-year-old Manistee woman reported being inappropriately touched by her ex-husband, a 23-year-old Grant man, during a scheduled child exchange. An investigation is ongoing.

On Monday, November 2nd, 2026, the Hart Police Department was dispatched to the 600 block of Water Street, referencing a Larceny complaint. A 68-year-old Hart man reported that while moving out of her apartment, a Bissell vacuum, 6 qt slow cooker, 4-cup coffee maker, cord to an electric reclining bed, and a basket with "fossils" and Petoskey Stones had been taken from the front porch of her apartment. Two (2) witnesses had noted a male, later identified as a 33-year-old Oak Park, Michigan man, had taken the items. The man was interviewed and returned all the above-mentioned property. The man believed the items were free because the woman was moving out of her apartment and the items were left on the front porch of the apartment. The items were returned to the woman without incident.

Respectfully,



J. Salazar,
Chief of Police

MEMORANDUM

TO: Mayor and City Council
FROM: City Manager
DATE: November 10, 2026
RE: Ordinance No. 2026-05 – Animal Grooming, Daycare, Boarding and Kennel Facilities

Background

The current ordinance does not define animal grooming or animal boarding and although "kennel" is defined as "any premises on which three or more dogs or cats four months old or older are kept," kennels are not listed as an allowed use in any zoning district. These gaps leave uncertainty about where and under what conditions such businesses may operate.

Proposed Amendment

Ordinance No. 2026-05 would establish clearer definitions for animal grooming establishments, animal boarding facilities/pet daycare, and commercial kennels. It would expressly allow animal boarding, pet daycare, and commercial kennels as special land uses in the B-2 General Business District, subject to Planning Commission review. Proposed standards address animal limits, indoor overnight housing, fenced outdoor areas, setbacks from residential property (25 feet for boarding buildings and 50 feet for outdoor animal areas), noise, sanitation, drainage, screening, parking, and circulation. Animals would generally be indoors from 9:00 p.m. to 7:00 a.m., except for brief supervised relief periods. The Commission could impose additional reasonable conditions.

Planning Commission Recommendation

The Planning Commission held a public hearing on November 5, 2026, and voted to recommend that City Council adopt the proposed ordinance language.

Requested Council Action

Motion to approve the first reading of Ordinance No. 2026-05, amending the City of Hart Zoning Ordinance to establish definitions and regulations for animal grooming, daycare, boarding, and kennel facilities, and advance the ordinance to a second reading on November 24, 2026.

Attachment: Proposed Ordinance No. 2026-05

CITY OF HART
OCEANA COUNTY, MICHIGAN

ORDINANCE NO. 2026-05

First reading _____, Second reading _____, Publication date _____, Effective Date (10 days after publication), _____

AN ORDINANCE TO AMEND THE CITY OF HART ZONING CODE TO REGULATE ANIMAL GROOMING, DAYCARE, BOARDING AND KENNEL FACILITIES

The City of Hart ordains:

Section 1. Definitions

Section 1241.01 of the City of Hart Zoning Code is amended to add or revise the following definitions:

Animal Grooming Establishment. A commercial establishment primarily engaged in bathing, trimming, grooming, or similar care of domestic animals. An animal grooming establishment does not include overnight boarding unless separately approved as an animal boarding facility.

Animal Boarding Facility/Pet Daycare. A commercial establishment where K-9, feline, or other domestic animals belonging to persons other than the owner or operator are temporarily cared for, supervised, housed, boarded, or kept for compensation, whether during daytime hours or overnight. This term includes commercial kennels and pet daycare facilities but does not include veterinary hospitals or animal grooming establishments where animals are kept only for the time reasonably necessary to provide grooming services.

Kennel. A premises used for the commercial boarding, breeding, training, daycare, or keeping of K-9 or feline for compensation. The keeping of household pets as an accessory residential use shall not constitute a kennel.

Section 2. B-2 General Business District

Section 1250.03, Special Uses, is amended to add:

(f) Animal boarding facilities, pet daycare facilities, and commercial kennels, subject to the requirements of Section 1256.16

Section 3. Special Land Use Standards

Chapter 1256 is amended to add Section 1256.16, as follows:

1256.16 ANIMAL BOARDING FACILITIES, PET DAYCARE FACILITIES AND COMMERCIAL KENNELS.

Animal boarding facilities, pet daycare facilities, and commercial kennels may be approved as a special land use in districts where specifically authorized, subject to the general special land use standards of this Chapter and the following requirements:

(a) Maximum number of animals.
The Planning Commission shall establish the maximum number of animals permitted on the premises based upon the size of the property and building, proximity to neighboring properties, available outdoor area, parking, sanitation facilities, and potential impacts on surrounding property.

(b) Enclosed building.
Animals kept overnight shall be housed within a completely enclosed building.

(c) Outdoor areas.
Outdoor exercise, relief, or play areas shall:

Be securely fenced;

Not be located within a required front yard;

Be maintained in a clean and sanitary condition; and

Be designed and operated to minimize noise, odor, drainage, and other impacts on adjoining properties.

(d) Setbacks.
Buildings used for animal boarding shall be located at least twenty-five (25) feet from a residentially used or zoned property. Outdoor animal areas shall be located at least fifty (50) feet from a residentially used or zoned property. The Planning Commission may require a greater setback where necessary to protect adjoining properties.

(e) Overnight outdoor activity.
Animals shall be kept indoors between 9:00 p.m. and 7:00 a.m., except for brief supervised relief periods.

(f) Noise.
The facility shall be operated so that barking and other animal noise does not create an unreasonable disturbance to surrounding properties. The Planning Commission may require sound attenuation measures where necessary.

(g) Sanitation and waste.
Animal waste shall be collected regularly and stored and disposed of in a manner that prevents odor, insects, rodents, runoff, or other nuisance conditions.

(h) Drainage.

Outdoor animal areas and indoor wash or kennel areas shall be designed so that animal waste, wash water, or contaminated runoff does not discharge onto adjoining property or into a storm drain except as lawfully permitted.

(i) Screening.
The Planning Commission may require landscaping, fencing, or other screening where outdoor animal areas are visible from adjoining residential property or public rights-of-way.

(j) Parking and circulation.
Adequate off-street parking, customer drop-off and pickup areas, and circulation shall be provided so that vehicles associated with the facility do not create unsafe conditions or routinely obstruct adjoining streets.

(k) Additional conditions.
The Planning Commission may impose reasonable conditions relating to hours of operation, number of animals, outdoor activity, screening, noise control, sanitation, or similar operational characteristics when necessary to ensure compatibility with surrounding properties.

Section 4. Conflict and Severability

All ordinances or portions of ordinances inconsistent with this Ordinance are repealed only to the extent necessary to give this Ordinance full force and effect. If any provision of this Ordinance is determined by a court of competent jurisdiction to be invalid, the remaining provisions shall remain in full force and effect.

Section 5. Effective Date

This Ordinance shall become effective following adoption and publication as required by law.

TO: Mayor and City Council
FROM: City Manager / Zoning Administrator
DATE: November 10, 2026
RE: Ordinance No. 2026-07 – Rezoning of 301 S. State Street

Background

Elevate Oceana has requested that 301 S. State Street (parcel 64-020-721-003-50), the former funeral home, be rezoned from A–Residential to B-2–General Business. The applicant proposes to use the property for structured, supervised recovery housing, with shared meeting, recreation and gathering spaces and a commercial kitchen.

Zoning Considerations

Given the combination of housing and shared program functions, the requested B-2 classification was brought forward for consideration. Rezoning would change the permitted uses of the property allowing them to operate as a "hotel/motel", consistent with the 2022 rezoning and use of 315 S State St as a female boarding house.

Planning Commission Recommendation

The Planning Commission held a public hearing on November 5, 2026, and recommended that City Council approve the requested rezoning from A–Residential to B-2–General Business.

Requested Council Action

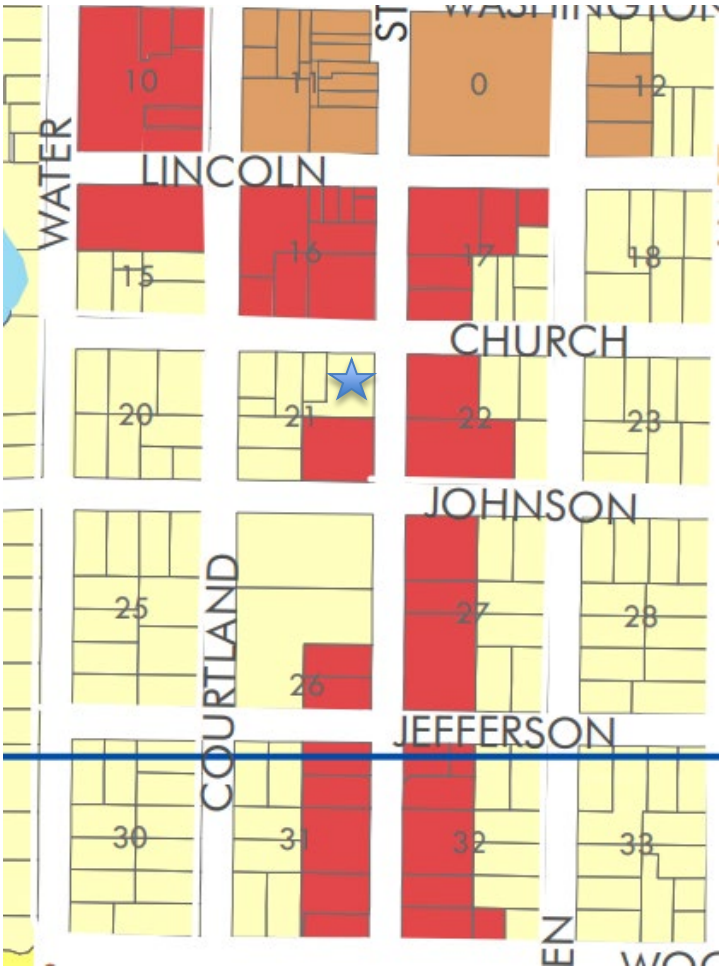
Motion to approve the first reading of Ordinance No. 2026-07, amending the Official Zoning Map for 301 S. State Street, and advance the ordinance for a second reading on November 24, 2026.

Attachment:

- *Property photographs (following page)*
- *Ordinance 2026-07*

301 S. STATE STREET — PROPERTY PHOTOGRAPHS





CITY OF HART
OCEANA COUNTY, MICHIGAN

ORDINANCE NO. 2026-07

AMENDMENT TO THE OFFICIAL ZONING MAP

THE CITY OF HART ORDAINS:

Section 1. Zoning Map Amendment
The Official Zoning Map of the City of Hart is hereby amended to rezone the following property from **A – Residential to B-2 – General Business**:

Property Address: 301 S. State Street, Hart, MI 49420
Parcel Number: 64-020-721-003-50

Legal Description:
CITY OF HART CORBIN-WIGTON ADDITION LOTS 3 & 4 EXC 48 FT E & W BY 99.5 N & S IN NW COR OF LOT 3 & ALSO ESMT OF 10 FT FOR DRIVE ALG E & S BDY'S OF EXCEPTION BLK 21

Section 2. Official Zoning Map
The Official Zoning Map shall be updated to reflect this amendment.

Section 3. Effective Date
This ordinance shall take effect following adoption and publication as required by law.

Adopted by the Hart City Council on _____, 2026.

Ayes: _____ Nays: _____ Absent: _____

_____
Mayor

_____
City Clerk/Treasurer

Planning Commission Public Hearing: November 5, 2026
Publication Date: _____
Effective Date: _____

RESOLUTION 2026-55
City Council
City of Hart, Michigan
Oceana County

RESOLUTION ADOPTING REGULAR CITY COUNCIL MEETING SCHEDULE

WHEREAS, Section 3.7 of the City of Hart Charter requires City Council to establish by resolution (at its first meeting following the annual City elections), the day and time for holding regular meetings of the Council;

NOW, THEREFORE, BE IT RESOLVED, that the Hart City Council hereby adopts the regular meeting schedule for ***November 2026 through October 2027****, with meetings held on the second and fourth Tuesday of each month at 7:30 p.m. at Hart City Hall, as outlined in the attached meeting calendar.*

Moved by _____, supported by _____, and thereafter adopted by the Hart City Council at a regular meeting held on _____, 2026

Ayes: _____ Nays: _____ Absent: _____

_____

Karla Swihart, City Clerk

Hart City Council

2026–2027 Regular Meeting Calendar

Second and fourth Tuesday of every month

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					

Meetings: Nov 10 and 24

December

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		

Meetings: Dec 8 and 22

January

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						

Meetings: Jan 12 and 26

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						

Meetings: Feb 9 and 23

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			

Meetings: Mar 9 and 23

April

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	

Meetings: Apr 13 and 27

May

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					

Meetings: May 11 and 25

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			

Meetings: Jun 8 and 22

July

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

Meetings: Jul 13 and 27

August

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				

Meetings: Aug 10 and 24

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		

Meetings: Sep 14 and 28

October

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						

Meetings: Oct 12 and 26

Highlighted dates indicate regular Council meetings.

RESOLUTION 2026-56
City Council
City of Hart, Michigan
Oceana County

AUTHORIZE CONTRACT RENEWAL WITH C&D FUEHRING FARMS FOR BIOSOLIDS HAULING AND LAND APPLICATION SERVICES

WHEREAS, the City of Hart contracts with C&D Fuehring Farms for the removal, transportation, land application, and agronomic management of biosolids generated at the BioPure Wastewater Treatment Facility; and

WHEREAS, recent improvements at BioPure, including the installation of a new clarifier and the Eden Lakes treatment unit, have significantly reduced the volume of biosolids requiring hauling and disposal; and

WHEREAS, the Eden Lakes PrO2 system is a new part of the facility's wastewater treatment improvements, helping reduce the amount of solids requiring off-site management; and

WHEREAS, these operational changes have altered the City's biosolids management needs, making historical hauling volumes less representative of future service requirements; and

WHEREAS, continuing services with the existing contractor for three additional years will allow the City to establish a reliable baseline of biosolids production, hauling frequency, and associated costs before developing updated competitive bid specifications;

NOW, THEREFORE, BE IT RESOLVED*, that the City Council of the City of Hart authorizes the renewal of its biosolids hauling and land application services agreement with C&D Fuehring Farms for a period of three (3) years, subject to mutually agreed terms and conditions and review by the City Attorney.*

BE IT FURTHER RESOLVED*, that the City Manager is authorized to execute the agreement on behalf of the City.*

Moved by _____, supported by _____, and thereafter adopted by the Hart City Council at a regular meeting held on _____, 2026

Ayes: _____ Nays: _____ Absent: _____

_____

Karla Swihart, City Clerk



City of Hart – BioPure Facility

Proposal for Biosolids Hauling & Land Application Agreement

Business Information		Business Details	
Company	C&D Fuehring Farms	**Established**	1997
Address	5109 W Taylor Rd Mears, MI 49436	**Servicing Area**	Michigan
Phone number	517-204-4492	**Market Served**	**Municipalities** Agricultural Sector
Owner(s)	**Dwight Fuehring** **Caleb Fuehring**	**Services**	• Hauling and Land Application of biosolids • Lagoon Services • Agricultural Manure Management
Website		**Number of Employees**	• 3
Email	Mears, Michigan	**Agronomic Competency**	C&D Fuehring Farms agronomist with over 30 years' experience will permit and calculate the agronomic rate to ensure compliance with EPA 40 CFR Part 503 regulations and all MDEQ and US-EPA regulations for the land application of wastewater sludge.
		Yearly safety inspections Monthly routine maintenance	
Equipment List: 2 Semi Trucks 2 top loading tankers-all capable of hauling 2: 10,000 gallon 1 tractor with 8500-gallon spreader 1 tractor with 13,000-gallon spreader 1 tractor with pit pump 3 portable top loading pipe & stand for loading tanker		Yearly safety inspections Monthly routine maintenance **Employee Safety**	
		CDL-A with Tanker Endorsements Clean driving records OSHA standards	

Proposal
for
City of Hart

for the Removal, Transportation, Land Application and Agronomic Management of Biosolids

February 14, 2021

C&D Fuehring Farms. (Contractor) proposes to provide the labor, materials, and services necessary for the removal, transportation, and land application of Biosolids ("Biosolids") for The City of Hart (Owner).

I. Responsibilities C&D Fuehring Farms

A. Acceptance of Biosolids

Contractor shall accept from the Owner Biosolids that are suitable for beneficial use in a land application program under federal, state, and local laws, rules, and regulations. The acceptance of Biosolids by Contractor does not release the Owner for the ultimate responsibility for the Biosolids meeting Federal and State Regulations. If at any time the Biosolids does not meet Federal and State Regulations or becomes unfit for land application for other reasons, no other method or cost of disposal will be Contractor's responsibility.

B. Biosolids Removal, Loading, and Transport

Contractor shall provide the necessary labor and equipment to transport and land apply Biosolids to suitable farmland application sites in accordance with federal, state, and local laws, rules, and regulations. The vehicles utilized for the transportation of Owner's Biosolids shall be watertight and shall not leak.

Contractor understands that the Wastewater Treatment Plant has approximately +/- 4,000,000 gallons. Contractor will safely and effectively remove Biosolids residue in such a manner and in sufficient quantities to provide Owner with continuous and adequate operational capacity.

C. Hauling Schedule

Contractor shall land apply biosolids as needed to correlate with available farmland and available.

D. Computation of Quantity Removed

Contractor shall provide to the Owner a copy of a Contractor load sheet which details the following: date, time the truck left the WWTP, truck number, driver name, gallons/ weight of Biosolids loaded on the vehicle. One copy of the load sheet(s) will remain with the Owner and the others will remain with Contractor.

E. Land Application of Biosolids Residuals

Contractor shall provide labor and equipment to properly apply the Biosolids by sub-surface application, to suitable application sites at agronomic rates in accordance with all applicable federal, state and local laws, rules and regulations.

F. Analyses & Permits

Contractor can provide Biosolids residual analyses for total metals and nutrients required by the IEPA, 40 CFR Part 503 Regulations and the Owner's permit. Contractor has no analysis calculated in the unit price and will be billed as a separate service to the owner. Contractor shall be responsible for all routine soil fe1tility analyses associated with land application of Owner's Biosolids during the length of this Contract.

G. Insurance

Contractor shall provide and maintain always during the term of this Agreement the following minimum insurance coverages:

1.	(a) Worker's Compensation (Statuto1y)	$1,000,000
	(b) Comprehensive General Liability	
	Each Occurrence	$1,000,000
	General Aggregate	$2,000,000
	Products-comp/ops	$2,000,000
	Aggregate	$2,000,000
	(c) Comprehensive Automobile Liability	
	Combined Single Limit	$1,000,000
	(d) Umbrella or Excess Liability	$5,000,000

H. Good Faith

If Contractor is unable to remove and land apply the Owner's Biosolids because of changes in the Biosolids that make it unfit for land application on agricultural land as defined or interpreted by federal, state or local regulatory agencies, or due to circumstances beyond Contractor's control such as inclement weather, frozen soils, or as the result of strikes, acts of God, change in law or permits or other occurrences not reasonably within the range and control of Contractor, Contractor may not be able to land apply Biosolids residual per Federal or State Regulations. If this situation were to arise, Contractor would complete this project as soon as possible after the extenuating circumstances have been remedied or give notice to Owner that new or different alternatives would have to be discussed. The parties agree to negotiate in good faith to resolve the matter.

I. Hold Harmless

Contractor, upon execution of the contract, agrees to assume all liability for and protect, indemnify, and save the City, its agents, officers, and employees harmless from and against all actions, claims, demands, judgments, losses, expense of suits or actions and attorney fees for injuries to, or death of, any person or persons whomsoever, including the parties hereto, and their agents. Contractor shall pay, settle compromise, and procure the discharge of all claims and losses, damages, and expenses. No employee of the contractor shall at any time be considered an agent or employee of the City.

J. Equal Employment Opportunity

Contractor is an Equal Opportunity Employer.

II. Responsibilities of the Owner

A. Access

The Owner shall provide access for Contractor to facilitate the removal of Biosolids from the Owner's facility and shall include access roadways, gates, etc. as applicable. Owner shall also provide access to Owner's property.

B. Biosolids Quality and Permits

The Owner shall provide all information integral to the generation and composition of the Biosolids residuals that are to be land applied. The Owner agrees and hereby certifies that none of the materials to be provided to Contractor under this Agreement shall constitute hazardous waste under federal, state, or local law. The Owner guarantees that it will not combine or mix hazardous waste with the material to be provided to Contractor. The Owner shall provide high quality, nonhazardous, stabilized Biosolids to Contractor that is acceptable for land application.

C. Permits

The Owner agrees to provide copies of all applicable permits and approvals acquired from regulatory agencies to Contractor that are relevant to the proposed work. The Owner shall be responsible for and maintain all required federal, state and local Biosolids management permits as required by federal, state or local laws, rule and regulations. The Owner shall abide by and shall have definition and responsibilities as a "preparer" of the Biosolids residual under the requirements of US EPA and EPA.

D. Material Consistency

Contractor will receive notice from the Owner if any drastic operations changes will be made that will affect the Biosolids residual material to be land applied.

E. Biosolids Residual Quantity

This proposal is based on the Owner's anticipated volumes of a minimum 2,500,000 gallons and an approximate high end of 4,000,000 gallons of biosolids. If required, the WWTP agrees to supply wash water to Contractor at no cost.

F. Loading Responsibilities

Contractor will provide.

G. Agronomic Responsibilities

Contractor will provide.

H. Reporting Requirements

Contractor will provide.

III. Contract Term

IV. Costs

Contractor proposes costs at the following rates:

A. Land Application Services for Biosolids Residuals Removed from the lagoon.

Cost of Services

Biosolids hauling and land application - **$459.00 per dry ton.**

V. Payment Terms

Contractor will invoice City of Hart when removal of the biosolids is complete.

- An initial deposit may be required at the inception of this contract.
- The net amount due of each invoice shall be due in full within thi1ty (30) calendar days from the invoice date.
- A two percent (2%) per month late charge will be applied to all unpaid balances greater than thirty (30) calendar days unpaid.

VI. Force Majeure

Contractor will use its commercial best effo1is to remove fifteen to one thousand dry tons of material on an annual basis. If performance is delayed because of acts of God, landslides, lightning, earthquakes, hurricanes, tornadoes, blizzards and other adverse and inclement weather, fires, explosions, floods, acts of a public enemy, wars, blockades, insurrections, riots or civil disturbances; labor disputes, strikes, Work slowdowns, or Work stoppages; orders or judgments of any Federal, State or local court, administrative agency or governmental body, if not the result of willful or negligent action of the relying thereon; power failure and outages affecting the Premises; and any other similar cause or event, including a change in law, regulation, ordinance or permit, provided that the foregoing is beyond the reasonable control of the party claiming Force Majeure, then such shall give to the other prompt written notice of the Force Majeure with reasonable full details concerning it; thereupon the obligation of the party giving the notice, so far as they are affected by the Force Majeure, shall be suspended during, but no longer than, the continuance of the Force Majeure without penalty. The affected pa1iy shall use all possible diligence to remove the Force Majeure as quickly as possible, but his obligation shall not be deemed to require the settlement of any strike, lockout, or other labor difficulty contrary to the wishes of the involved.

Acceptance:

We accept the terms and conditions of this Agreement as prepared and presented to the City of Hart

By signing this Agreement, the individuals guarantee that they have the authority to bind the respective parties in this Agreement.

Submitted by:

C&D Fuehring Farms

_____ **Date:** 2-21-23

Accepted by:

City Manager – City of Hart

_____ **Date:** 2-21-23

Appendix A

a) Undersigned has examined the premises and is aware of the existing conditions where the work is to be performed, the legal requirements and local conditions affecting cost, progress, furnishing or performance of the work and has made such independent investigations as undersigned deems necessary.

b) This proposal is genuine and not made in the interest of or on behalf of any undisclosed person, firm or corporation and is not submitted in conformity with any Agreement or rules of any group, association, organization or corporation; undersigned has not directly or indirectly induced or solicited any other entity to submit a false or sham proposal; undersigned has not solicited or induced any person, firm or a corporation to refrain from proposing; and undersigned has not sought by collusion to obtain for himself any advantage over any other entity or over CITY.

c) This Proposal shall be incorporated into the Agreement and shall bind the Contractor to its terms.

The contractor agrees to be on location and perform biosolids removal **within 60 days** of notification from the city. Failure to complete the biosolids removal within 60 days of notification may incur a penalty of $0.005/ gallon.

BASE RATE PROPOSAL for 2023		**PAYMENT METHOD**
Workscope	**Annual Estimated Quantity**	**Base Rate Unit Price per Dry Ton***
Removal, hauling, land application & agronomic management using Contractor-supplied and Contractor-operated dredge	Up to 4,000,000 gallons	$459
*Dry pounds= Million Gallons X (% solids X 10,000) X 8.34 *Dry tons = Dry pounds/2000		
Example: 2 million Gallons X (5% solids X 10,000) X 8.34 = 834,000 pounds= 417 dry tons Example: 417 dry tons X $100 per dry ton = $41,700		
Base Rate Unit Price per Dry Ton to be adjusted annually in accordance with Agreement.		

TO: Mayor and City Council
FROM: City Manager / Zoning Administrator
DATE: November 10, 2026
RE: Data Center Zoning Ordinance – Planning Commission Work Group

Background

At its November 5, 2026 meeting, the Planning Commission held a public hearing on proposed zoning ordinance amendments to regulate data centers and digital mining facilities.

Following public comments and discussion regarding potential impacts on the community, the Planning Commission voted to establish a work group to further research these uses, evaluate community concerns, and review the proposed ordinance language.

The work group will consider issues such as water and electricity consumption, noise, environmental impacts, and compatibility with surrounding properties. Its goal will be to prepare a revised draft ordinance for the Planning Commission's review and consideration.

Council Participation

Council members interested in participating in the work group are encouraged to do so. This is an opportunity to contribute to the discussion and help develop regulations that address the community's concerns while providing clear standards for potential future development.

CITY MANAGER'S REPORT 11/10/26

Congrats Mayor Klotz and Council Member Burillo, on your re-elections, and welcome Council Members Kersjes & Evans.

2015 FOIA Policy was updated - The **City's Freedom of Information Act (FOIA) policy** was last updated in 2015. I revised the policy to reflect current statutory requirements, clarify procedures for processing requests, and simplify the language to make it more user-friendly. The revised policy and required public summary is available on the City's website.

We're developing **updated electric service connection and easement policies** to clarify installation requirements, customer costs, and the City's rights to maintain utility infrastructure on private property.

Human Resource Manager Laci McAuliffe is working on a **new employee handbook** to present to the personnel & finance committee

Voters approved the City's proposed 2.0-mill **Public Safety Millage** at the November 3 election. This will provide approximately $129,600 annually in dedicated funding for police, fire, and emergency medical services beginning in 2027. We appreciate the community's participation in the election and will work to ensure these funds are used responsibly and transparently.

Bid awarded to Fleis & VandenBrink **for Parks/Recreation and Historic District Plan development**. Kick off meeting set for the 16th at 10am – any council member interested in attending let me know.

Bids awarded to Versatile for the **diesel plant roof replacement** and to Peerless Midwest for **Well No. 2 Rehabilitation** and **Wadel Stabilization** for the Plum Street Realignment. Work cannot begin until the City receives performance bonds, insurance, executes the agreement and issues a written Notice to Proceed.

Completed **interviews for John Gurney Park** full-time seasonal manager for the 2027 season. Working with a couple from Indiana who have spent the last 3 years managing a similar-sized municipal campground in Gilbert, Minnesota. They increased revenue by $37,000 (15%) over the 3-year and already have 198 reservations for the 2027 season.

Great turnout for the **grand opening of the West Shore College Hart Campus**. Food Club will have a separate ribbon-cutting along with Stella's Coffee House.

Discussions continue with **Seneca Foods** regarding water infrastructure improvements needed for its **fire suppression system**. The City is evaluating financing options while balancing this project against other critical infrastructure priorities.

CITY MANAGER'S REPORT 11/10/26

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Voters approved the City's proposed 2.0-mill **Public Safety Millage** at the November 3 election. This will provide approximately $129,600 annually in dedicated funding for police, fire, and emergency medical services beginning in 2027. We appreciate the community's participation in the election and will work to ensure these funds are used responsibly and transparently.

Bid awarded to Fleis & VandenBrink **for Parks/Recreation and Historic District Plan development**. Kick off meeting set for the 16th at 10am – any council member interested in attending let me know.

Bids awarded to Versatile for the **diesel plant roof replacement** and to Peerless Midwest for **Well No. 2 Rehabilitation** and **Wadel Stabilization** for the Plum Street Realignment. Work cannot begin until the City receives performance bonds, insurance, executes the agreement and issues a written Notice to Proceed.

Completed **interviews for John Gurney Park** full-time seasonal manager for the 2027 season. Working with a couple from Indiana who have spent the last 3 years managing a similar-sized municipal campground in Gilbert, Minnesota. They increased revenue by $37,000 (15%) over the 3-year and already have 198 reservations for the 2027 season.

Great turnout for the **grand opening of the West Shore College Hart Campus**. Food Club will have a separate ribbon-cutting along with Stella's Coffee House.

Discussions continue with **Seneca Foods** regarding water infrastructure improvements needed for its **fire suppression system**. The City is evaluating financing options while balancing this project against other critical infrastructure priorities.


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