



City of New Buffalo
REGULAR COUNCIL MEETING AGENDA
SEPTEMBER 16, 2024 AT 6:30 PM

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of Agenda
5. Consent Agenda
 - a. City Council Minutes: August 19, 2024 (regular); Library Board
 - b. Receive Monthly Reports: Police, Fire, Water, Park, Building, Streets, Code Enforcement and Treasurer
 - c. Monthly Account Payable
6. Public Comment
7. Unfinished Business
8. New Business
 - a. Awarding of Contract – Versaw Earthworks
 - b. Awarding of Contract – Stark Solid Concrete
 - c. Fiscal Year 2024 Audit Agreement
 - d. Purchase of Vehicle – Streets Department
 - e. Purchase of Vehicles – Parks Department
 - f. Board Appointment – Planning Commission
 - g. Proposal for Fourth of July Fireworks – R&R Pyrotechnics
 - h. Purchase of Generator – Streets Department
 - i. Repairs to Streets Department Equipment
 - j. City of New Buffalo Ordinance Amendment (Chapter 8) – First Reading
 - k. City of New Buffalo Ordinance Amendment (Chapter 9) – First Reading
 - l. City of New Buffalo Ordinance Amendment (Chapter 23) – First Reading
 - m. City of New Buffalo Zoning Ordinance Amendment (Chapter 8) – First Reading
 - n. City of New Buffalo Ordinance Amendment (Chapter 11) – Second Reading
 - o. Recognition of Non-Profit – New Buffalo Service League
9. City Manager Comments
10. City Council Comments
11. Adjournment



TO: Mayor Humphrey and the New Buffalo City Council

FROM: Darwin Watson, City Manager

DATE: September 16, 2024

RE: Awarding of Contract – Versaw Earthworks Excavating & Trucking

ITEM BEFORE THE COUNCIL:

Awarding of a contract to Versaw Earthworks Excavating & Trucking for leaf pit cleaning

DISCUSSION:

The city needs to clear the leaf pit that is used during the fall clearing of leaves. Staff contacted a couple of contractors to provide the necessary services and quotes were received from Pajay, Inc. and Versaw Earthworks Excavating & Trucking. Versaw Earthworks Excavating & Trucking submitted the low quote for the work to be done in the amount of \$8,000.

RECOMMENDATION:

That the New Buffalo City Council approves contracting with Versaw Earthworks Excavating & Trucking for leaf pit cleaning in the amount of \$8,000.



TO: Mayor Humphrey and the New Buffalo City Council

FROM: Darwin Watson, City Manager

DATE: September 16, 2024

RE: Awarding of Contract – Stark Solid Concrete

ITEM BEFORE THE COUNCIL:

Awarding of a contract to Stark Solid Concrete for concrete work at beach

DISCUSSION:

Earlier this summer there was a water line repair that was needed at the beach concession/restroom building that required the removal of some sections of the concrete. City staff sought quotes to not only fix the repair area, but also to replace the concrete in front of the concession stand. This is due to the concrete in that area heaving. Quotes were solicited from J.C Concrete (no return call), Remington Concrete (responded they weren't interested) and Stark Solid Concrete.

RECOMMENDATION:

That the New Buffalo City Council approves contracting with Stark Solid Concrete for concrete work at the beach in the amount of \$8,910.



TO: Mayor Humphrey and the New Buffalo City Council

FROM: Darwin Watson, City Manager

DATE: September 16, 2024

RE: Awarding of Contract – Gabridge & Company

ITEM BEFORE THE COUNCIL:

Awarding of a contract to Gabridge & Company to perform Fiscal Year 2024 Annual Audit

DISCUSSION:

In Michigan, the Uniform Budgeting and Accounting Act (Act 2 of 1968) requires municipalities to file an annual audit report with the department within six months of the end of their fiscal year. The purpose of a municipal annual audit is to help identify areas for improvement and to ensure that the organization is functioning properly.

For the previous 3 years, the city was in an agreement with Gabridge & Company to perform its annual audit and file it with the state. This agreement has expired, and the city needs to have these services performed. City Treasurer Butler reached out to Gabridge & Company for a 1-year agreement. Following the completion of the Fiscal Year 2024 Audit and submission, the city will issue a Request for Proposal (RFP) to secure a multi-year agreement with an auditing firm.

RECOMMENDATION:

That the New Buffalo City Council approves contracting with Gabridge & Company to perform the Fiscal Year 2024 Annual Audit in an amount not to exceed \$19,500.



TO: Mayor Humphrey and the New Buffalo City Council

FROM: Darwin Watson, City Manager

DATE: September 16, 2024

RE: Purchase of Vehicle – Streets Department

ITEM BEFORE THE COUNCIL:

Approval of the purchase of a 2024 Ford F-250 for the Streets Department

DISCUSSION:

The Streets Department is requesting the purchase of a 2024 Ford F-250 through the Enterprise Program. This vehicle will replace a 2013 Ford F-150, which will be sold via public auction. It has determined that this vehicle (F-250) will be more beneficial and efficient in the operations of the department. The cost of the vehicle is \$1,289.24 monthly (\$15,470.88 annually).

Funding for this purchase is included in the 2024-2025 approved City of New Buffalo budget.

RECOMMENDATION:

That the New Buffalo City Council approves the purchase of a 2024 Ford F-250 through the Enterprise Program.



TO: Mayor Humphrey and the New Buffalo City Council

FROM: Darwin Watson, City Manager

DATE: September 16, 2024

RE: Purchase of Vehicle – Parks Department

ITEM BEFORE THE COUNCIL:

Approval of the purchase of a 2024 Ford F-250 for the Parks Department

DISCUSSION:

The Parks Department is requesting the purchase of a 2024 Ford F-250 through the Enterprise Program. This vehicle will replace a 2009 Ford F-150, which will be sold via public auction. It has determined that this vehicle (F-250) will be more beneficial and efficient in the operations of the department. The cost of the vehicle is \$1,091.31 monthly (\$13,095.72 annually).

Funding for this purchase is included in the 2024-2025 approved City of New Buffalo budget.

RECOMMENDATION:

That the New Buffalo City Council approves the purchase of a 2024 Ford F-250 through the Enterprise Program.



TO: Mayor Humphrey and the New Buffalo City Council

FROM: Darwin Watson, City Manager

DATE: September 16, 2024

RE: Board Appointment

ITEM BEFORE THE COUNCIL:

Approval of board appointments to the City of New Buffalo's Planning Commission

DISCUSSION:

Per the New Buffalo City Charter and Code of Ordinances, the Mayor makes recommendations for board appointments with final approval by the City Council.

The city has received applications from interested community members to serve on the Planning Commission. The mayor recommends the following:

- Chad Barclay – term ending May 2027
- Roxanne Rau – term ending May 2027

RECOMMENDATION:

That the New Buffalo City Council approves the appointments to the City of New Buffalo's Planning Commission.



TO: Mayor Humphrey and the New Buffalo City Council

FROM: Darwin Watson, City Manager

DATE: September 16, 2024

RE: Fourth of July Fireworks Proposal

ITEM BEFORE THE COUNCIL:

Awarding of the contract for the Fourth of July Fireworks contract to R & R Pyrotechnics Fireworks

DISCUSSION:

It has been a long-standing tradition to have a firework display in the city during the Fourth of July holiday. In 2024, the city contracted with R & R Pyrotechnics of Bridgman, MI. for the fireworks display. From all indications, the show was a huge success and was well received by the public.

Representatives of R & R Pyrotechnics contacted the city and would like to propose a 3-year agreement with the city. The cost of the fireworks show would be as follows:

- \$28,000 for 2025;
- \$29,000 for 2026; and
- \$30,000 for 2027.

The company is willing to assist in deferring the cost by collecting donations to offset the cost.

RECOMMENDATION:

That the New Buffalo City Council approves awarding the Fourth of July fireworks display contract to R & R Pyrotechnics of Bridgman, MI for a 3-year period (2025-2027) in the amounts of \$28,000 (2025); \$29,500 (2026); and \$30,000 (2027).



TO: Mayor Humphrey and the New Buffalo City Council

FROM: Darwin Watson, City Manager

DATE: September 16, 2024

RE: Purchase and Installation of a generator for Streets Department Garage

ITEM BEFORE THE COUNCIL:

Approval of the purchase and installation of a generator for Streets Department Garage from NWI Generator

DISCUSSION:

Most commercial facilities do not have sufficient backup power that would be necessary to keep the facility running in the event of a total power failure. Losing power can mean unsafe working conditions, loss of electronic data, and significant financial damages. Permanently installed commercial standby generators can keep critical systems up and running through outages, from data centers to elevators, fire alarms, and more. Additionally, some power outages, such as power failures from national grids, are not predictable.

Staff requested quotes from several companies to install a backup generator at the Streets Department garage. After review, staff recommends that the city contract with NWI Generators for these services in the amount of \$12,460.

RECOMMENDATION:

That the New Buffalo City Council approves contracting with NWI Generator for the purchase and installation of a generator at Streets Department Garage in the amount of \$12,460.



TO: Mayor Humphrey and the New Buffalo City Council

FROM: Darwin Watson, City Manager

DATE: September 16, 2024

RE: Repairs to Streets Department Equipment

ITEM BEFORE THE COUNCIL:

Approval of maintenance/repair work to be performed on the Streets Department's backhoe by West Side Tractor

DISCUSSION:

The Street's Department backhoe needs maintenance/repair work to be performed. City staff contacted West Side Tractor to perform the needed work, who the city has used on numerous occasions. The quote for the work is \$5,969.21; however, there may be additional work needed once the equipment is scoped. As a precaution, it is recommended that the approved amount be not to exceed \$10,000.

RECOMMENDATION:

That the New Buffalo City Council approves the maintenance/repair work to be performed on the Streets Department's backhoe by West Side Tractor in an amount not to exceed \$10,000.



TO: Mayor Humphrey and the New Buffalo City Council

FROM: Darwin Watson, City Manager

DATE: September 16, 2024

RE: First Reading of Ordinance Amendment – Chapter 8

ITEM BEFORE THE COUNCIL:

Approve the first reading of amendment to Chapter 8 of the City of New Buffalo's Code of Ordinances

DISCUSSION:

The city enacted its hawking and peddling ordinance on April 20, 2011.

Hawking and peddling refer to the act of selling goods by actively going from place to place, often by loudly announcing what they are selling to attract potential customers, essentially aiming to directly reach buyers in public spaces rather than relying on a fixed store location. It's a method of street-level sales where the seller actively seeks out customers by moving around and promoting their merchandise. Recently, the City Council felt it necessary to modify the characteristics of hawking and peddling in the city, specifically in and on public spaces.

RECOMMENDATION:

That the New Buffalo City Council approves the first reading of the amendment to Chapter 8 of the Code of Ordinances.



TO: Mayor Humphrey and the New Buffalo City Council

FROM: Darwin Watson, City Manager

DATE: September 16, 2024

RE: First Reading of Ordinance Amendment – Chapter 9

ITEM BEFORE THE COUNCIL:

Approve the first reading of amendment to Chapter 8 of the City of New Buffalo's Code of Ordinances

DISCUSSION:

The city enacted its Business Registration ordinance on July 19, 2021.

Upon review of the ordinance, it was determined that adjustments to the issuance and effective dates was warranted. The changes are to remove the effective dates (January 1 – December 31) and allow the effective date to be the date of registration. The registration's validity would be one year from the issuance date and no proration of the registration would be necessary. This adjustment provides efficiency and effectiveness to the administration of the program.

RECOMMENDATION:

That the New Buffalo City Council approves the first reading of the amendment to Chapter 9 of the Code of Ordinances.



TO: Mayor Humphrey and the New Buffalo City Council

FROM: Darwin Watson, City Manager

DATE: September 16, 2024

RE: First Reading of Ordinance Amendment – Chapter 23

ITEM BEFORE THE COUNCIL:

Approve the first reading of amendment to Chapter 23 of the City of New Buffalo's Code of Ordinances

DISCUSSION:

The city enacted its Business Registration ordinance on October 18, 2021.

Upon review of the ordinance, it was determined that adjustments to the issuance and effective dates was warranted. The changes are to remove the effective dates (July 1 – June 30) and allow the effective date to be the date of registration. The registration's validity would be one year from the issuance date and renewals would be based on that date. This adjustment provides efficiency and effectiveness to the administration of the program.

RECOMMENDATION:

That the New Buffalo City Council approves the first reading of the amendment to Chapter 23 of the Code of Ordinances.



TO: Mayor Humphrey and the New Buffalo City Council

FROM: Darwin Watson, City Manager

DATE: September 16, 2024

RE: First Reading of Zoning Ordinance Amendment – Chapter 8

ITEM BEFORE THE COUNCIL:

Approve the first reading of amendment to Chapter 8 of the City of New Buffalo's Zoning Ordinance

DISCUSSION:

Upon review of the city's Zoning Ordinance, it was determined that there was a need for amending the process for site plan reviews.

This amendment was presented to the Planning Commission at the September 10, 2024 meeting. After discussion, it was unanimously approved and recommended for adoption by the City Council.

RECOMMENDATION:

That the New Buffalo City Council approves the first reading of the amendment to Chapter 8 of the city's Zoning Ordinances.



TO: Mayor Humphrey and the New Buffalo City Council

FROM: Darwin Watson, City Manager

DATE: September 16, 2024

RE: Second Reading of Ordinance Amendment – Chapter 11

ITEM BEFORE THE COUNCIL:

Approve the second reading of amendment to Chapter 11 of the City of New Buffalo's Code of Ordinances

DISCUSSION:

The city enacted its most recent regulatory ordinance for short-term rentals in May 2021.

The purpose of Chapter 11 was that the city felt it necessary to take action to ensure that the operation of short-term rentals. More importantly, that this activity was done in a safe and controllable manner for the well-being of everyone in the community. While short-term rentals can provide community benefits, their proliferation in single-family neighborhoods can also cause difficulties where the character of the use takes on a more transitory and commercial character. Michigan courts have recognized that transitory and commercial uses are in tension with the traditional use of single-family dwellings. The consensus was that the character of residential zoning districts needed to be restored and preserved.

Recently, the city has determined that some aspects of the ordinance need to be modified to better facilitate the tenets of the ordinance. This has necessitated a more detailed framework that is more robust in nature. The proposed amendments were drafted by and in consultation with the city's attorney firm Dickinson Wright.

RECOMMENDATION:

That the New Buffalo City Council approves the second reading of the amendment to Chapter 11 of the Code of Ordinances.



TO: Mayor Humphrey and the New Buffalo City Council

FROM: Darwin Watson, City Manager

DATE: September 16, 2024

RE: Nonprofit Recognition – New Buffalo Service League

ITEM BEFORE THE COUNCIL:

Approval of recognizing the New Buffalo Service League as a local non-profit within the City of New Buffalo

DISCUSSION:

The New Buffalo Service League is a charitable, non-profit organization dedicated to providing an annual Mary Ann Frey scholarship, additional scholarships, and needed funds, materials or assistance to various other charitable endeavors in the community.

The New Buffalo Service League plans to do some fundraising endeavors and must obtain a Charitable Gaming License from the State of Michigan required by MCL.432.1 03 (K) (ii). This is accomplished by obtaining recognition by the New Buffalo City Council as a nonprofit operating within the City of New Buffalo.

RECOMMENDATION:

That the New Buffalo City Council approves recognizing the New Buffalo Service League as a local non-profit within the City of New Buffalo.