



City of New Buffalo

REGULAR COUNCIL MEETING

AUGUST 18, 2025 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: July 21, 2025 (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. Public Hearings
8. Unfinished Business
9. New Business
 - a. Water Plant SCADA System Upgrade
 - b. Michigan Waterways Rates
 - c. City of New Buffalo Utility Rates
 - d. Designation of Michigan Municipal League's (MML) Delegate
 - e. Addendum to Extraterritorial Fire Service Agreement
 - f. Consulting Services Agreement for Underground Storage Tank Remediation (Point Blue, LLC)
 - g. Fire Department Equipment Purchase
 - h. Streets Department Equipment Purchase
 - i. Streets Department Garage Equipment Installation
 - j. Special Use Permit – 115 South Whittaker
 - k. Site Plan Approval – 326 Marquette
 - l. Site Plan Approval – 706 North Drive
 - m. First Reading of an Ordinance to repeal and replace Chapter 6, Article III of the Code of Ordinances
 - n. First Reading of an Ordinance to Amend Chapter 7, Article I, Section 7-2 (A) of the Code of Ordinances
10. Discussion(s)
11. Pokagon Fund Update
12. City Manager Comments
13. City Council Comments
14. Adjournment



TO: Mayor Price and the New Buffalo City Council

FROM: Darwin Watson, City Manager

DATE: August 18, 2025

RE: Water Plant Supervisory Control and Data Acquisition (SCADA) System Upgrade

ITEM BEFORE THE COUNCIL:

Approval of an upgrade to the Water Plant's SCADA System for communications

DISCUSSION:

The Water Department needed a SCADA system upgrade, budgeted in the current fiscal year budget. While finalizing the installation of the system, it was discovered that the system's communications license was out-of-date.

A quote was received from Gasvoda & Associates to upgrade the system's frequencies in the amount of \$7,571.43.

RECOMMENDATION:

That the New Buffalo City Council approves the upgrade to the Water Plant's SCADA system by Gasvoda & Associates in the amount of \$7,571.43.



**CITY OF NEW BUFFALO
RESOLUTION 25-_____**

UPGRADE OF THE WATER PLANT'S SCADA SYSTEM BY GASVODA & ASSOCIATES

WHEREAS, the Water Department needed a SCADA system upgrade, budgeted in the current fiscal year budget; and

WHEREAS, while finalizing the installation of the system, it was discovered that the system's communications license was out-of-date; and

WHEREAS, a quote was received from Gasvoda & Associates to upgrade the system's frequencies in the amount of \$7,571.43.

NOW THEREFORE BE IT RESOLVED, that the New Buffalo City Council approves the upgrade to the Water Plant's SCADA system by Gasvoda & Associates in the amount of \$7,571.43.

DATED:

AYES:

NAYS:

ABSTAIN:

ABSENT:

RESOLUTION DECLARED:

CERTIFICATE

I, Ann M. Fidler, duly appointed City Clerk of the City of New Buffalo, does hereby certify that the above is true and correct copy of a resolution passed and approved by the City Council of the City of New Buffalo, Michigan, on this 18th day of August 2025.

Ann M. Fidler, City Clerk



TO: Mayor Price and the New Buffalo City Council

FROM: Darwin Watson, City Manager

DATE: August 18, 2025

RE: 2026 Michigan Waterways Rate Schedule

ITEM BEFORE THE COUNCIL:

Approval of establishing the rates for the marina for the 2026 season

DISCUSSION:

The Michigan Department of Natural Resources (MDNR) handles the boat slip rental for the city's transient marina. In July, the MDNR provided the rate schedules and informed the city it needed to establish the rates for the 2026 season. The city is required to provide its chosen seasonal and transient rates, annually, and needs to convey this to MDNR by November 1, 2025. Staff recommends the city set its rates at the 2026 Waterways Rate for the 2026 season.

RECOMMENDATION:

That the New Buffalo City Council approves implementing the 2026 Michigan Waterways rates at the transient marina for the 2026 season.



**CITY OF NEW BUFFALO
RESOLUTION 25-_____**

**ESTABLISHMENT OF THE MICHIGAN WATERWAYS SEASONAL AND TRANSIENT RATES FOR THE
CITY OF NEW BUFFALO, MI**

WHEREAS, the Michigan Department of Natural Resources (MDNR) handles the boat slip rental for the city's transient marina; and

WHEREAS, in July, the MDNR provided the rate schedules and informed the city it needed to establish the rates for the 2026 season; and

WHEREAS, the city is required to provide its chosen seasonal and transient rates, annually, and needs to convey this to MDNR by November 1, 2025; and

WHEREAS, staff recommends the city set its rates at the 2026 Waterways Rate for the 2026 season.

NOW THEREFORE BE IT RESOLVED, that the New Buffalo City Council approves implementing the 2026 Michigan Waterways rates at the transient marina for the 2026 season.

DATED:

AYES:

NAYS:

ABSTAIN:

ABSENT:

RESOLUTION DECLARED: Adopted

CERTIFICATE

I, Ann M. Fidler, duly appointed City Clerk of the City of New Buffalo, does hereby certify that the above is true and correct copy of a resolution passed and approved by the City Council of the City of New Buffalo, Michigan, on this 18th day of August 2025.

Ann M. Fidler, City Clerk



TO: Mayor Price and the New Buffalo City Council

FROM: Darwin Watson, City Manager

DATE: August 18, 2025

RE: Water and Sewer Rates Resolution

ITEM BEFORE THE COUNCIL:

Approval of the Water and Sewer Rate Resolution for the City of New Buffalo

DISCUSSION:

The New Buffalo City Council commissioned and received a utilities rate study for the city in April 2022. The purpose of this study was to ensure sufficient rates to satisfy the financial obligations of the city's utility systems. The study recommended inflationary increases of 3% through Fiscal year 2029.

Sections 16-5 and 19-7 of the City Code provide that rates, fees, and charges for the city's water and sewer systems shall be set from time to time by resolution of the City Council. To achieve consistency with the recommendations in the rate study, it is recommended that the City Council update the existing schedule of utility rates, fees, and charges effective August 1, 2025.

RECOMMENDATION:

That the New Buffalo City Council approves the updating of the existing schedule of utility rates effective August 1, 2025.

**CITY COUNCIL
CITY OF NEW BUFFALO
Berrien County, Michigan**

Council member _____, supported by Council member _____, moved the adoption of the following resolution:

RESOLUTION 2025-_____

A RESOLUTION SETTING CITY WATER AND SEWER RATES, FEES, AND CHARGES

WHEREAS, Sections 16-5 and 19-7 of the City Code provide that rates, fees, and charges for the City's water and sewer systems shall be set from time to time by resolution of the City Council; and

WHEREAS, the City Council has commissioned and received a rate study from the firm of Baker Tilly Municipal Advisors, LLC; and

WHEREAS, consistent with the recommendations in the rate study, the City Council wishes to update the existing schedule of water and sewer rates, fees, and charges to ensure that they are sufficient to satisfy the financial obligations of the systems.

NOW, THEREFORE, the City Council resolves as follows:

- A. The rates, fees, and charges shown on the attached **Exhibit A** are hereby adopted, effective with respect to all services received on or after August 1, 2025.
- B. All resolutions and parts of resolutions are, to the extent of any conflict with this resolution, rescinded.

Yeas:

Nays:

Abstain:

Absent:

RESOLUTION DECLARED ADOPTED.

CERTIFICATION

As its Clerk, I certify that this is a true and complete copy of a resolution adopted by the New Buffalo City Council in Berrien County, Michigan, at a regularly scheduled meeting held on August 18, 2025.

Date: _____, 2025

Ann M. Fidler, City Clerk

Exhibit A

CITY OF NEW BUFFALO (MICHIGAN)

WATER & SEWER USER RATES

Sewer Ready to Serve Charge

<u>Meter Size</u>	<u>Meter Ratio</u>	<u>2025-2026</u>	<u>2026-2027</u>	<u>2027-2028</u>	<u>2028-2029</u>
5/8"	1.00	\$ 65.32	\$ 67.28	\$ 69.30	\$ 71.38
3/4"	1.44	\$ 94.07	\$ 96.89	\$ 99.80	\$ 102.79
1"	2.56	\$ 167.23	\$ 172.25	\$ 177.42	\$ 182.74
1 1/2"	5.76	\$ 376.26	\$ 387.55	\$ 399.17	\$ 411.15
2"	10.24	\$ 668.91	\$ 688.98	\$ 709.65	\$ 730.94
3"	23.04	\$ 1,505.05	\$ 1,550.20	\$ 1,596.70	\$ 1,644.60
4"	40.96	\$ 2,675.64	\$ 2,755.91	\$ 2,838.59	\$ 2,923.75
6"	92.16	\$ 6,020.19	\$ 6,200.79	\$ 6,386.81	\$ 6,578.42
8"	163.84	\$ 10,702.55	\$ 11,023.63	\$ 11,354.34	\$ 11,694.97
Sewer Commodity Charge		\$ 10.71	\$ 11.03	\$ 11.36	\$ 11.71

Water Ready to Serve Charge

<u>Meter Size</u>	<u>Meter Ratio</u>	<u>2025-2026</u>	<u>2026-2027</u>	<u>2027-2028</u>	<u>2028-2029</u>
5/8"	1.00	\$ 16.96	\$ 17.47	\$ 18.00	\$ 18.54
3/4"	1.44	\$ 24.43	\$ 25.16	\$ 25.92	\$ 26.70
1"	2.56	\$ 43.42	\$ 44.73	\$ 46.07	\$ 47.45
1 1/2"	5.76	\$ 97.72	\$ 100.65	\$ 103.67	\$ 106.78
2"	10.24	\$ 173.71	\$ 178.92	\$ 184.29	\$ 189.82
3"	23.04	\$ 390.85	\$ 402.58	\$ 414.66	\$ 427.10
4"	40.96	\$ 694.85	\$ 715.69	\$ 737.16	\$ 759.28
6"	92.16	\$ 1,563.42	\$ 1,610.32	\$ 1,658.63	\$ 1,708.39
8"	163.84	\$ 2,779.39	\$ 2,862.77	\$ 2,948.66	\$ 3,037.12
Water Commodity Charge		\$ 5.40	\$ 5.56	\$ 5.73	\$ 5.90



TO: Mayor Price and the New Buffalo City Council

FROM: Darwin Watson, City Manager

DATE: August 18, 2025

RE: Designation of Michigan Municipal League Delegate

ITEM BEFORE THE COUNCIL:

Approval of naming City Manager Darwin Watson the voting delegate for the Michigan Municipal League

DISCUSSION:

Pursuant to the Michigan Municipal League's (MML) Bylaws, the City of New Buffalo is being requested to designate a city official as its official representative. This is for the purpose of casting the vote of the municipality at the MML Annual Meeting. City Manager Watson plans to attend the MML Convention, September 17-19, 2025, in Grand Rapids, MI.

RECOMMENDATION:

That the New Buffalo City Council approves designating City Manager Darwin Watson as the voting delegate for the Michigan Municipal League.



**CITY OF NEW BUFFALO
RESOLUTION 25-_____**

MICHIGAN MUNICIPAL LEAGUE VOTING DELEGATE

WHEREAS, pursuant to the Michigan Municipal League's (MML) Bylaws, the City of New Buffalo is being requested to designate a city official as its official representative; and

WHEREAS, this is for the purpose of casting the vote of the municipality at the MML Annual Meeting; and

WHEREAS, City Manager Watson plans to attend the MML Convention, September 17-19, 2025, in Grand Rapids, MI.

NOW THEREFORE BE IT RESOLVED, that the New Buffalo City Council approves designating City Manager Darwin Watson as the voting delegate for the Michigan Municipal League.

DATED:

AYES:

NAYS:

ABSTAIN:

ABSENT:

RESOLUTION DECLARED: Adopted

CERTIFICATE

I, Ann M. Fidler, duly appointed City Clerk of the City of New Buffalo, does hereby certify that the above is true and correct copy of a resolution passed and approved by the City Council of the City of New Buffalo, Michigan, on this 18th day of August 2025.

Ann M. Fidler, City Clerk



TO: Mayor Price and the New Buffalo City Council

FROM: Darwin Watson, City Manager

DATE: August 18, 2025

RE: Addendum to the Extraterritorial Fire Services Agreement

ITEM BEFORE THE COUNCIL:

Approval of an addendum to the Extraterritorial Fire Services Agreement with New Buffalo Township

DISCUSSION:

The City Council confirmed the appointment of an Acting Fire Chief for the City of New Buffalo, following Chief Huston's retirement. Recently, representatives of the municipalities met to discuss compensation for the duties performed by the Acting Chief. It was decided that the city would provide a stipend, which requires an addendum to the agreement.

RECOMMENDATION:

That the New Buffalo City Council approves the addendum to the Extraterritorial Fire Services Agreement to provide a stipend to New Buffalo Township for Chief Flick serving as Acting Fire Chief for the City of New Buffalo.



**CITY OF NEW BUFFALO
RESOLUTION 25-_____**

**ADDENDUM TO THE EXTRATERRITORIAL FIRE SERVICES AGREEMENT WITH NEW BUFFALO
TOWNSHIP**

WHEREAS, City Council confirmed the appointment of an Acting Fire Chief for the City of New Buffalo, following Chief Huston's retirement; and

WHEREAS, representatives of the municipalities met to discuss compensation for the duties performed by the Acting Chief; and

WHEREAS, it was decided that the city would provide a stipend, which requires an addendum to the agreement.

NOW THEREFORE BE IT RESOLVED, that the New Buffalo City Council approves the addendum to the Extraterritorial Fire Services Agreement to provide a stipend to New Buffalo Township for Chief Flick serving as Acting Fire Chief for the City of New Buffalo.

DATED:

AYES:

NAYS:

ABSTAIN:

ABSENT:

RESOLUTION DECLARED: Adopted

CERTIFICATE

I, Ann M. Fidler, duly appointed City Clerk of the City of New Buffalo, does hereby certify that the above is true and correct copy of a resolution passed and approved by the City Council of the City of New Buffalo, Michigan, on this 18th day of August 2025.

Ann M. Fidler, City Clerk

**FIRST ADDENDUM TO THE
AGREEMENT FOR EXTRATERRITORIAL FIRE SERVICE
DATED NOVEMBER 18, 2024**

Commencing as of July 1, 2025, the Township of New Buffalo Fire Chief ("Township Fire Chief") shall serve in the part-time capacity as the Acting Chief of the City of New Buffalo Fire Department (the "City Fire Department") for the duration of the Agreement for Extraterritorial Fire Service dated November 18, 2024 (the "Agreement"), between the City of New Buffalo (the "City") and the Township of New Buffalo (the "Township"), in accordance with the following terms and conditions:

1. In addition to the payment set forth in Section 5 of the Agreement, the City agrees to pay to the Township a monthly stipend of \$1,500.00 for administrative and management services, provided to the City by the Acting Chief. Said administrative and management services are intended to extend above and beyond the Supplemental Fire Services as set forth in the Agreement. Such services provided by the Acting Chief shall be those services required of a fire chief and as reasonably directed by the City Manager, or the City Manager's designee. Payment of the stipend in this paragraph shall be made to the Township on the same terms as the payment described in Section 5 of the Agreement.
2. The Township Fire Chief shall be exempt from Section 7 of the Agreement. However, pursuant to the terms of this Addendum, the Township Fire Chief shall only draw pay and employment benefits from the Township for services performed as the Acting Chief of the City Fire Department. The City's only payment obligation as an employer of the Acting Chief (for wages and/or fringe employment benefits) shall be as described in Paragraph 1 of this Addendum.
3. The City agrees to bear responsibility for all actions performed by the Township Fire Chief in his reasonable capacity as the temporary Acting Chief of the City Fire Department, and the City shall hold the Township harmless from any loss or liability therefrom.
4. The terms of this Addendum shall expire at 11:59 p.m. on December 31, 2025, or upon the written, mutual agreement of the parties, whichever occurs first. The City may terminate this Addendum upon thirty (30) days' written notice to the Township.
5. Any section of the Agreement that conflicts with this Addendum is deemed repealed, but only to the extent necessary to give this Addendum full force and effect and only to the extent this Addendum is not expired or terminated as provided herein. All other terms of the Agreement shall remain in full force and effect.

Dated: _____

Vance Price, Mayor
City of New Buffalo

Dated: _____

Darwin Watson, City Manager
City of New Buffalo

Dated: _____

Michelle Heit, Supervisor
New Buffalo Township

Dated: _____

Michelle Hannon, Clerk
New Buffalo Township

Dated: _____

James Flick, Fire Chief
New Buffalo Township



TO: Mayor Price and the New Buffalo City Council

FROM: Darwin Watson, City Manager

DATE: August 18, 2025

RE: Consulting Services Agreement for Underground Storage Tank Site Work

ITEM BEFORE THE COUNCIL:

Approval of entering a Consulting Services Agreement for Underground Storage Tank Site Work with Point Blue, LLC

DISCUSSION:

The city was contacted by the Michigan Department of Environment, Great Lakes and Energy (EGLE) about an underground storage tank at the Street Department's garage. The initial correspondence with the city was on October 17, 1996 and the city initiated corrective action to address the matter. However, a Closure Report (CR) was not submitted to EGLE to close out the issue, which was due on October 15, 1999. Upon investigation, it does appear that the final CR was not submitted in 1999, and the city is obligated to do so.

Since the city has not been able to find any documentation, other than the initial authorizations from the City Council we need to essentially "start from scratch". The city was put in contact with Point Blue, LLC, an environmental consulting firm, to assist with closing out the matter. Point Blue provided a quote in the amount of \$48,936.

RECOMMENDATION:

That the New Buffalo City Council approves entering into a Consulting Services Agreement with Point Blue, LLC for Underground Storage Tank Site Work in the amount of \$48,936.



**CITY OF NEW BUFFALO
RESOLUTION 25-_____**

**CONSULTING AGREEMENT FOR UNDERGROUND STORAGE TANK SITE WORK WITH POINT
BLUE, LLC**

WHEREAS, the city was contacted by the Michigan Department of Environment, Great Lakes and Energy (EGLE) about an underground storage tank at the Street Department's garage; and

WHEREAS, the initial correspondence with the city was on October 17, 1996 and the city initiated corrective action to address the matter; and

WHEREAS, a Closure Report (CR) was not submitted to EGLE to close out the issue, which was due on October 15, 1999; and

WHEREAS, upon investigation, it does appear that the final CR was not submitted in 1999, and the city is obligated to do so; and

WHEREAS, the city has not been able to find any documentation, other than the initial authorizations from the City Council we need to essentially "start from scratch"; and

WHEREAS, the city was put in contact with Point Blue, LLC, an environmental consulting firm, to assist with closing out the matter; and

WHEREAS, Point Blue provided a quote in the amount of \$48,936.

NOW THEREFORE BE IT RESOLVED, that the New Buffalo City Council approves entering into a Consulting Services Agreement with Point Blue, LLC for Underground Storage Tank Site Work in the amount of \$48,936.

DATED:

AYES:

NAYS:

ABSTAIN:

ABSENT:

RESOLUTION DECLARED: Adopted

CERTIFICATE

I, Ann M. Fidler, duly appointed City Clerk of the City of New Buffalo, does hereby certify that the above is true and correct copy of a resolution passed and approved by the City Council of the City of New Buffalo, Michigan, on this 18th day of August 2025.

Ann M. Fidler, City Clerk



TO: Mayor Price and the New Buffalo City Council

FROM: Darwin Watson, City Manager

DATE: August 18, 2025

RE: Fire Department Purchase

ITEM BEFORE THE COUNCIL:

Approval of the purchase of tires for the Fire Department ladder truck from Goodyear

DISCUSSION:

The Fire Department has been doing routine inspections on the department's equipment and vehicles. During these inspections, it was discovered that the Fire Department's ladder truck tires need to be replaced. A quote for the tires was provided by Goodyear in the amount of \$8,793.84.

RECOMMENDATION:

That the New Buffalo City Council approves the purchase of tires for the Fire Department's ladder truck from Goodyear in the amount of \$8,793.84.



**CITY OF NEW BUFFALO
RESOLUTION 25-_____**

PURCHASE OF TIRES FOR THE FIRE DEPARTMENT FROM GOODYEAR

WHEREAS, the Fire Department has been doing routine inspections on the department's equipment and vehicles; and

WHEREAS, during these inspections, it was discovered that the Fire Department's ladder truck tires need to be replaced; and

WHEREAS, a quote for the tires was provided by Goodyear in the amount of \$8,793.84.

NOW THEREFORE BE IT RESOLVED, that the New Buffalo City Council approves the purchase of tires for the Fire Department's ladder truck from Goodyear in the amount of \$8,793.84.

DATED:

AYES:

NAYS:

ABSTAIN:

ABSENT:

RESOLUTION DECLARED: Adopted

CERTIFICATE

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Ann M. Fidler, City Clerk



TO: Mayor Price and the New Buffalo City Council

FROM: Darwin Watson, City Manager

DATE: August 18, 2025

RE: Streets Department Equipment Purchase

ITEM BEFORE THE COUNCIL:

Approval of the purchase of winter equipment for the plow equipment for the Streets Department from Top Gun Back Blades, LLC and Wolf Kubota

DISCUSSION:

The Streets Department has requested to purchase a new front and rear snowplow for the upcoming winter season.

The current equipment is aging, which has led to increased downtime and maintenance costs, recently. Purchase of this equipment will not only improve operational efficiency but minimize the risk of equipment breakdowns during peak snow events. This is of the utmost importance as reliability is critical during the winter months.

Quotes were received from Top Gun Back Blades, Valpo Trailer, Weaver Outdoors, and Wolf Kubota. Staff is recommending purchases from Top Gun Back Blades, LLC (back blade) and Wolf Kubota (front plow) in the amounts of \$13,250 and \$8,967.40, respectively.

RECOMMENDATION:

That the New Buffalo City Council approves the purchase of winter equipment for the plow equipment for the Streets Department from Top Gun Back Blades, LLC (back blade) and Wolf Kubota (front plow) in the amounts of \$13,250 and \$8,967.40, respectively.



**CITY OF NEW BUFFALO
RESOLUTION 25-_____**

**PURCHASE OF WINTER EQUIPMENT FOR THE STREETS DEPARTMENT FROM TOP GUN BACK
BLADES, LLC AND WOLF KUBOTA**

WHEREAS, the Streets Department has requested to purchase a new front and rear snowplow for the upcoming winter season; and

WHEREAS, the current equipment is aging, which has led to increased downtime and maintenance costs, recently; and

WHEREAS, purchase of this equipment will not only improve operational efficiency but minimize the risk of equipment breakdowns during peak snow events; and

WHEREAS, this is of the utmost importance as reliability is critical during the winter months; and

WHEREAS, quotes were received from Top Gun Back Blades, Valpo Trailer, Weaver Outdoors, and Wolf Kubota; and

WHEREAS, staff is recommending purchases from Top Gun Back Blades, LLC (back blade) and Wolf Kubota (front plow) in the amounts of \$13,250 and \$8,967.40, respectively.

NOW THEREFORE BE IT HEREBY RESOLVED that the New Buffalo City Council approves the purchase of winter equipment for the plow equipment for the Streets Department from Top Gun Back Blades, LLC (back blade) and Wolf Kubota (front plow) in the amounts of \$13,250 and \$8,967.40, respectively.

DATED:

AYES:

NAYS:

ABSTAIN:

ABSENT:

RESOLUTION DECLARED:

CERTIFICATE

I, Ann M. Fidler, duly appointed City Clerk of the City of New Buffalo, does hereby certify that the above is true and correct copy of a resolution passed and approved by the City Council of the City of New Buffalo, Michigan, on this 18th day of August 2025.

Ann M. Fidler, City Clerk



TO: Mayor Price and the New Buffalo City Council

FROM: Darwin Watson, City Manager

DATE: August 18, 2025

RE: Streets Department Garage Equipment Installation

ITEM BEFORE THE COUNCIL:

Approval of the installation of a fan assembly system at the Streets Department garage by Hometown Heating & Cooling

DISCUSSION:

The Streets Department garage needs a way to alleviate excess heat from the building. A quote was received from Hometown Heating & Cooling to install a fan assembly system in the amount of \$6,540. This will assist in the removal of excess heat to provide better climate control in the garage.

RECOMMENDATION:

That the New Buffalo City Council approves the installation of a fan assembly system at the Streets Department garage by Hometown Heating & Cooling in the amount of \$6,540.



**CITY OF NEW BUFFALO
RESOLUTION 25-_____**

STREETS DEPARTMENT GARAGE FAN INSTALLATION BY HOMETOWN HEATING & COOLING

WHEREAS, the Streets Department garage needs a way to alleviate excess heat from the building; and

WHEREAS, A quote was received from Hometown Heating & Cooling to install a fan assembly system in the amount of \$6,540; and

WHEREAS, This will assist in the removal of excess heat to provide better climate control in the garage.

NOW THEREFORE BE IT HEREBY RESOLVED that the New Buffalo City Council approves the installation of a fan assembly system at the Streets Department garage by Hometown Heating & Cooling in the amount of \$6,540.

DATED:

AYES:

NAYS:

ABSTAIN:

ABSENT:

RESOLUTION DECLARED:

CERTIFICATE

I, Ann M. Fidler, duly appointed City Clerk of the City of New Buffalo, does hereby certify that the above is true and correct copy of a resolution passed and approved by the City Council of the City of New Buffalo, Michigan, on this 18th day of August 2025.

Ann M. Fidler, City Clerk



TO: Mayor Price and the New Buffalo City Council

FROM: Darwin Watson, City Manager

DATE: August 18, 2025

RE: Special Use Permit

ITEM BEFORE THE COUNCIL:

Approval of Special Use Permit for a multi-family dwelling at 115 South Whittaker Street

DISCUSSION:

The city received a Special Use Permit Amendment application from the owners of 115 South Whittaker. The applicant is the property owner Hardeep Minhas, who is requesting a Special Use Permit for a multi-family dwelling located on the property.

On August 12, 2025, the Planning Commission approved the Special Use Permit request at their regular meeting and recommends the approval to the City Council.

RECOMMENDATION:

That the New Buffalo City Council approves the special use permit for a multi-family dwelling at 115 South Whittaker.



**CITY OF NEW BUFFALO
RESOLUTION 25-_____**

SPECIAL USE PERMIT FOR MULTI-FAMILY DWELLING AT 115 SOUTH WHITTAKER

WHEREAS, the city received a Special Use Permit application from the owners of 115 South Whittaker; and

WHEREAS, the applicant is the property owner Hardeep Minhas, who is requesting a Special Use Permit for a multi-family dwelling located on the property; and

WHEREAS, on August 12, 2025, the Planning Commission approved the Special Use Permit request at their regular meeting and recommends the approval to the City Council.

NOW THEREFORE BE IT RESOLVED, that the New Buffalo City Council approves the special use permit for a multi-family dwelling at 115 South Whittaker.

DATED:

AYES:

NAYS:

ABSTAIN:

ABSENT:

RESOLUTION DECLARED:

CERTIFICATE

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Ann M. Fidler, City Clerk



TO: Mayor Price and the New Buffalo City Council

FROM: Darwin Watson, City Manager

DATE: August 18, 2025

RE: Site Plan Approval

ITEM BEFORE THE COUNCIL:

Approval of site plan for construction of a single-family residence to be located at 326 Marquette

DISCUSSION:

The city received a site plan application from the owners of 326 Marquette Drive. The applicants are Michael and Jennifer Breheny, who are requesting site plan approval for the construction of a single-family residence to be located on the property.

On August 12, 2025, the Planning Commission approved the site plan at its regular meeting and recommends the approval to the City Council with the following conditions:

- A driveway permit from the City of New Buffalo for the proposed driveway.
- City Engineer review/approval of the proposed driveway surface (permeable pavers).
- City Engineer review/approval of utility connections and the stormwater drainage plan.

RECOMMENDATION:

That the New Buffalo City Council approves the site plan for 326 Marquette Drive with the abovementioned conditions.



**CITY OF NEW BUFFALO
RESOLUTION 25-_____**

SITE PLAN APPROVAL FOR 326 MARQUETTE DRIVE

WHEREAS, the city received a site plan application from the owners of 326 Marquette Drive; and

WHEREAS, the applicant are Michael and Jennifer Breheny, who are requesting site plan approval for the construction of a single-family residence to be located on the property; and

WHEREAS, on August 12, 2025, the Planning Commission approved the site plan at its regular meeting and recommends the approval to the City Council with the following conditions:

- A driveway permit from the City of New Buffalo for the proposed driveway.
- City Engineer review/approval of the proposed driveway surface (permeable pavers).
- City Engineer review/approval of utility connections and the stormwater drainage plan.

NOW THEREFORE BE IT HEREBY RESOLVED that the New Buffalo City Council approves the site plan for 326 Marquette Drive with the abovementioned conditions.

DATED:

AYES:

NAYS:

ABSTAIN:

ABSENT:

RESOLUTION DECLARED:

CERTIFICATE

I, Ann M. Fidler, duly appointed City Clerk of the City of New Buffalo, does hereby certify that the above is true and correct copy of a resolution passed and approved by the City Council of the City of New Buffalo, Michigan, on this 18th day of August 2025.

Ann M. Fidler, City Clerk



TO: Mayor Price and the New Buffalo City Council

FROM: Darwin Watson, City Manager

DATE: August 18, 2025

RE: Site Plan Approval

ITEM BEFORE THE COUNCIL:

Approval of site plan for construction of a single-family residence to be located at 706 North Drive

DISCUSSION:

The city received a site plan application from Douglas Nelson, on behalf of the owners of 706 North Drive. The applicants are Ann and Bill Zeiler, who are requesting site plan approval for the construction of an addition to the residence on the property.

On August 12, 2025, the Planning Commission approved the site plan at its regular meeting and recommends the approval to the City Council.

RECOMMENDATION:

That the New Buffalo City Council approves the site plan for 706 North Drive.



**CITY OF NEW BUFFALO
RESOLUTION 25-_____**

SITE PLAN APPROVAL FOR 706 NORTH DRIVE

WHEREAS, the city received a site plan application from Douglas Nelson, on behalf of the owners of 706 North Drive; and

WHEREAS, the applicant are Ann and Bill Zeiler, who are requesting site plan approval for the construction of an addition to the residence on the property; and

WHEREAS, on August 12, 2025, the Planning Commission approved the site plan at its regular meeting and recommends the approval to the City Council.

NOW THEREFORE BE IT HEREBY RESOLVED that the New Buffalo City Council approves the site plan for 706 North Drive.

DATED:

AYES:

NAYS:

ABSTAIN:

ABSENT:

RESOLUTION DECLARED:

CERTIFICATE

I, Ann M. Fidler, duly appointed City Clerk of the City of New Buffalo, does hereby certify that the above is true and correct copy of a resolution passed and approved by the City Council of the City of New Buffalo, Michigan, on this 18th day of August 2025.

Ann M. Fidler, City Clerk



TO: Mayor Price and the New Buffalo City Council

FROM: Darwin Watson, City Manager

DATE: August 18, 2025

RE: First Reading of Ordinance Amendment (Chapter 6)

ITEM BEFORE THE COUNCIL:

Approve the first reading of an ordinance to amend Chapter 6, Article III of the Code of Ordinances

DISCUSSION:

The City of New Buffalo's Public Safety Departments continue to respond to several emergency and potential emergency events each year. In addition to the response to events, more and more regulations are being implemented concerning training and equipment. This places an increased demand on how public safety services must be performed. Maintaining an effective response time and meeting new regulations ultimately decrease insurance company costs.

City residents pay taxes for public safety services, in the form of property taxes. To increase the taxes paid by residents, for the services rendered to individuals who do not pay property taxes to the city, would be unfair. Staff has researched the implementation of a fair and equitable procedure to recover costs associated with public safety services rendered.

The purpose of cost recovery for municipalities is to recoup the expenses incurred for providing public services by charging fees those who benefit from them. This helps municipalities maintain financial sustainability, reduce the reliance on taxpayer funding, and ensure services are funded by those who use them most.

Costs shall be charged to the responsible or at fault person and filed with their insurance carrier as a claim for negligent acts, damages of vehicles, property and/or injuries. If an insurance company declines payment or the negligent at fault person is uninsured, the negligent at fault party will be held financially responsible.

RECOMMENDATION:

That the New Buffalo City Council approves the first reading of an ordinance to amend Chapter 6, Article III of the Code of Ordinances.

**CITY OF NEW BUFFALO
BERRIEN COUNTY, MICHIGAN
ORDINANCE NO. _____**

At a regular meeting of the City Council for the City of New Buffalo held at City Hall on August 18, 2025 and commencing at 6:30 PM, the following Ordinance was offered for adoption by Council Member _____ and was seconded by Council Member _____:

AN ORDINANCE TO AMEND CHAPTER 6, ARTICLE III OF THE CODE OF ORDINANCES OF THE CITY OF NEW BUFFALO

THE CITY OF NEW BUFFALO (the "City") ORDAINS:

Section 1. Amendment. Chapter 6, Article III of the Code of Ordinances of the City of New Buffalo is hereby amended to read in its entirety as follows:

ARTICLE III COST RECOVERY FOR EMERGENCY SERVICES

Sec. 6-26 Purpose.

In order to protect the City from extraordinary costs associated with providing police, fire, rescue, and emergency medical services within the City limits, the City Council finds that it is necessary to charge certain costs for these services. This Article authorizes the imposition of charges to recover costs incurred in responding to incidents and providing such services. The City is authorized to provide for the collection of fees for emergency services pursuant to, without limitation, the Police and Fire Protection Act, MCL 41.806a, *et seq.* This Article is enacted to enable the City to bill for and collect cost recovery charges from responsible parties.

Sec. 6-27 Definitions.

The following terms, phrases, words and their definitions shall have the meaning set forth below unless the context otherwise requires:

- A. *City Manager* means the City Manager of the City of New Buffalo or his or her designee.
- B. *Emergency services* means a response by the City's police department, fire department, or other responders or personnel on behalf of the City to an emergency, a reported or perceived emergency, or a call for assistance.
- C. *Emergency service fee* means the direct and reasonable costs incurred by the City in connection with providing emergency services, including police, fire, or other support services within the City, and includes, without limitation, the following:
 - 1. Costs and expenses incurred by City personnel (including City police officers, firefighters, and emergency medical service personnel), other public officials, and third parties engaged by the City in connection with providing emergency services, including any response, investigation, supervision, administration, reporting, and/or prosecution related to the incident giving rise to the emergency services. Such costs and expenses shall include, without limitation, the cost of equipment, operations, personnel, materials used, and other expenses, including, but not limited to, salaries, wages, and fringe benefits of the personnel involved, administrative overhead, and costs of equipment, including depreciation.
 - 2. Other costs and expenses incurred by the City in providing the emergency services or attempting to collect fees or expenses related to the emergency services, including legal and engineering fees,

costs, and expenses.

3. Costs associated with the administration of providing emergency services, including billing, accounting, and collection costs.
 4. Costs associated with the deployment of personnel and resources, including costs associated with dispatch and return of emergency resources.
 5. Costs associated with mutual aid, laboratory equipment and facilities, fuel costs, water usage costs, and medical expenses incurred in connection with providing emergency services.
- D. *Responsible party* means any individual, firm, corporation, association, partnership, limited liability company, government entity, or any other entity responsible in whole or in part for the provision of emergency services, or any owner, tenant, occupant or party in control of real and personal property from which, onto which, or related to which there is an emergency or need for emergency services, and their heirs, estates, successors and assigns. Each such person shall be jointly and severally responsible.

Sec. 6-28 Liability for emergency service fees.

The City may recover all of its emergency service fees incurred in connection with emergency services provided within its boundaries from any or all responsible parties, including with respect to the following incidents:

- A. Any accident or fire involving or related to any motor vehicle, trailer, aircraft, boat, snow mobile, water craft, or other vehicles owned or operated by a non-resident of the City.
- B. Any fire which could be set with a permit, but for which a permit was not obtained.
- C. Any fire which could be set with a permit, but which becomes uncontrolled regardless of whether a permit was obtained.
- D. Any incident or emergency involving a non-resident of the City within the areas of the City opened to the public, such as parks, roads, highways and places of business.
- E. An illegal fire under federal, state or local law. Charges under this sub-section are payable by the responsible party causing in whole or in part, or responsible in whole or in part for, such illegal fire.
- F. An activity, event, or incident in violation of federal, state, or local laws involving the illegal use of fireworks or malicious destruction of property.
- G. An activity, event, or incident involving threats of harm to any person (including threats of self-harm) or to property, which if carried out, would be a violation of federal, state, or local law.
- H. Utility line failure involving the disabling of any transmission or service line, cable, conduit, pipeline, wire, or the like used to provide, collect, or transport electricity, natural gas, water, sewer, communication, or electronic signals (including, but not limited to, telephone, computer, cable, television, or other electronic impulses, if the owner, or party responsible for the maintenance of such utility line does not respond, employ personnel to the scene within one hour of a request to repair, or correct such failure.).
- I. Any incident or request for emergency services at a particular location, if an emergency response has occurred at such particular location in excess of three (3) times within the current quarter of a calendar year. "Particular location" shall mean the entire area of land occupied by a business, including structures, parking areas, and other improved areas utilized, or otherwise legally owned. In the case of a single family home, or condominium, "particular location" shall mean the dwelling unit, any accessory structure, such as sheds or garages, and any other property in which an ownership interest exists. In the case of an apartment complex, "particular location" shall refer to all areas of the apartment complex for owners, and the dwelling unit rented and common areas which may be occupied without special permission, in the case of renters.

- J. Any incident on a body of water where emergency services are necessary.
- K. Any false alarm. As used in this subsection, “false alarm” means intentionally or unintentionally requesting or summoning emergency services or emergency service personnel in the absence of an actual need for emergency services. The determination that there was no actual need for emergency services shall be made by the most senior emergency service person responding to the incident.
- L. Any other incident where emergency services are necessary.

Sec. 6-29 Invoice for emergency services.

- A. Following the provision of emergency services, the City may seek to recover the emergency service fees incurred in accordance with the procedures set forth in this section.
- B. The head of the City police department or fire department, as applicable, shall certify to the City Manager the costs incurred to provide the emergency services and shall make a recommendation to the City Manager regarding the allocation of the emergency service fees to any responsible parties.
- C. The City Manager shall thereafter prepare an itemized invoice for emergency services, which shall be delivered by first class mail to the last known address of each responsible party. The invoice shall include a notice that identifies the location of the emergency service response, provides a brief summary of the incident and response, and informs the recipient of the appeal procedures set forth in this Article.
- D. An invoice under this Section is due and payable within thirty (30) days of the date of mailing or delivery, whichever occurs first. Overdue unpaid amounts shall bear interest at the rate of twelve (12%) percent per annum simple interest. If a responsible party appeals the emergency service fees pursuant to Section 6-31 hereof, such costs, if upheld in whole or in part, shall be due and payable within 30 days from the date of the determination of the appeal, and any late payment fees shall apply thereafter.
- E. If the City determines not to assess all or part of the emergency service fees against a responsible party, such decision shall not in any way extinguish or limit a responsible party’s liability to other parties for any costs or damages relating to the emergency incident.

Sec. 6-30 Fee schedule.

The City Council, from time to time, may adopt and amend a schedule of assessable costs and/or charges which shall be available at the office of the City Clerk for inspection by the public during regular business hours. Such schedule may set forth charges established on an hour or fractional hour basis for apparatus equipment and personnel. Actual additional costs incurred shall be chargeable to responsible parties, notwithstanding that the same were not expressly provided in such fee schedule.

Sec. 6-31 Appeal.

Any person deemed to be a responsible party may appeal that determination by filing a written statement of appeal to the City Manager setting forth the reasons for the appeal. Such written statement shall be filed within twenty-one (21) days following the mailing of any invoice, or if not mailed, the date of delivery by other means. While an appeal is pending, payment shall not be due until a final determination is made by the City Manager. The appellant may present information and evidence in support of the appeal. The City Manager shall make a final determination on any appeal within fourteen (14) days of the filing of any appeal, and such determination shall be in writing.

Sec. 6-32 Other remedies.

Notwithstanding the provisions of this Article, the City shall be entitled to pursue any other remedy provided by law and may institute an appropriate action or proceedings in a court of competent jurisdiction to collect emergency service fees from any responsible party.

Sec. 6-33 No limitation of liability.

The City's recovery of emergency service fees under this Article shall not limit the liability of a responsible party to any other person or entity for any costs or damages relating to the emergency incident.

Section 2. Severability. Should any word, phrase, sentence, or clause of this Ordinance be declared by a court of competent jurisdiction, to be invalid, or unenforceable, the same shall not affect the validity or enforceability of any other provision or part.

Section 3. Administrative Liability. No officer, agent, or employee of the City shall be rendered liable for any damage or injury that may occur to any person or property as a result of any act, decision, or other consequence or occurrence arising out of the discharge of duties and responsibilities pursuant to this Ordinance.

Section 4. Publication and Effective Date. The City Clerk shall cause this Ordinance to be published in a newspaper of general circulation in the City, and the ordinance shall be effective 20 days after its enactment or upon publication, whichever is later.

YEAS:

NAYS:

ABSTAIN:

ABSENT: None

ORDINANCE DECLARED ADOPTED.

Vance Price, Mayor

CERTIFICATION

I, Ann Fidler, the Clerk of the City of New Buffalo, hereby attest that the foregoing is a true and accurate copy of an ordinance adopted by the City Council for the City of New Buffalo, Berrien County, at a meeting of the City Council called and held in accordance with the required statutory procedures.

Ann Fidler, Clerk



TO: Mayor Price and the New Buffalo City Council

FROM: Darwin Watson, City Manager

DATE: August 18, 2025

RE: First Reading of Ordinance Amendment – Chapter 7

ITEM BEFORE THE COUNCIL:

Approve the first reading of an ordinance to amend Chapter 7, Article I, Section 7-2 of the City of New Buffalo's Code of Ordinances

DISCUSSION:

In February 2024, the city separated the Parks Harbor Board into the Parks Board and Harbor Commission.

Since the separation, it has been difficult to find persons to serve on the Harbor Commission. In reviewing the composition of the commission, there needs to be five (5) members who shall be resident electors of the City. It was recommended to reduce the number of members from five (5) to three (3). This amendment will hopefully make appointing members to the commission easier.

RECOMMENDATION:

That the New Buffalo City Council approves the first reading of an ordinance to amend Chapter 7, Article I, Section 7-2 of the City of New Buffalo's Code of Ordinances.

**CITY OF NEW BUFFALO
BERRIEN COUNTY, MICHIGAN
ORDINANCE NO. _____**

At a regular meeting of the City Council for the City of New Buffalo held at City Hall on August 18, 2025 and commencing at 6:30 PM, the following Ordinance was offered for adoption by Council Member _____ and was seconded by Council Member _____:

**AN ORDINANCE TO AMEND CHAPTER 7, ARTICLE I, SECTION 7-2 OF THE CODE OF ORDINANCES
OF THE CITY OF NEW BUFFALO**

THE CITY OF NEW BUFFALO (the "City") ORDAINS:

Section 1. Amendment. Chapter 7, Article I, Section 7-2, subsection (A) entitled "Composition" of the Code of Ordinances of the City of New Buffalo is hereby amended in its entirety to read as follows:

- A. Composition. The Harbor Commission shall consist of **three** members, who shall be resident electors of the City. The following individuals are ineligible to serve as members: City Council members, the City Manager, Department of Public Works Director, or any other elected official and/or employee of the City.

Section 2. Publication and Effective Date. The City Clerk shall cause this ordinance to be published in a newspaper of general circulation in the City, and the ordinance shall be effective 20 days after its enactment or upon publication, whichever is later.

YEAS:

NAYS:

ABSTAIN:

ABSENT: None

ORDINANCE DECLARED ADOPTED.

Vance Price, Mayor

CERTIFICATION

I, Amy Fidler, the Clerk of the City of New Buffalo, hereby attest that the foregoing is a true and accurate copy of an ordinance adopted by the City Council for the City of New Buffalo, Berrien County, at a meeting of the City Council called and held in accordance with the required statutory procedures.

Amy Fidler, Clerk