

The Special Meeting for January 27,2020 of the New Buffalo City Council was called to order by Mayor Lou O'Donnell at 6:43 pm in the City Council Chambers at New Buffalo City Hall, 224 W. Buffalo Street, New Buffalo, MI 49117.

The Pledge of Allegiance was led by the City Council.

Roll Call

Members Present: Mayor Lou O'Donnell, Councilmembers Liz Ennis, Mark Kroll, Mark Robertson, Robert Spirito

Staff Present: City Manager, David Richards; Clerk, Amy Fidler; Deputy Clerk, Nancy Griffin; Chief Rich Killips; Parks Supervisor, Kristen D'Amico; Water Superintendent; Ken Anderson, Fred Schultz, Jack Kennedy

Approval of Agenda

Motion by Mayor O'Donnell, seconded by Councilmember Robertson to approve the agenda with changes as follows: removing 7.b., GRSD Settlement Agreement, moving item 7.n., Inlet Structure Rock Replenishment to new item 7.b., removing the St. Patrick's Day Parade Special Event Application out of the consent agenda and adding it to New Business as 7.c., and adding new item 7.o., Pokagon Fund Symphony Grant Application. All remaining items will be renumbered.

Unanimous 5-0, Motion Carried.

Approval of Consent Agenda

Motion by Councilmember Robertson, seconded by Councilmember Ennis to approve the consent agenda with the following change to move the St. Patrick's Day Parade Special Event Application to New Business 7.c.

Unanimous 5-0, Motion Carried

Public Comment

Katie Maroney

Doreen Kral

Public Hearings

None

New Business

7.a., Roger's Wrecker Settlement Agreement

City Attorney, Nick Curcio explained in detail to the City Council the Roger's Wrecker Settlement Preliminary Agreement. He made it clear that this is a draft, and there are some changes they still have to come to an agreement on. The final agreement will be ready for the February City Council Meeting.

Motion by Mayor O'Donnell, seconded by councilmember Kroll to approve the Roger's Settlement Agreement as a Preliminary Agreement.

Unanimous 5-0, Motion Carried.

7.b., Inlet Structure Rock Replenishment

City Manager Richards, reported that the inlet structure rock replenishment has been damaged by past storms. The revetment was designed by the Corps of Engineers. The rock needs to be replenished so the facility isn't put at further risk. City Manager Richards, introduced David Wulff, who is an engineer, and discussed two options the City should consider to help prevent further damage to the structure. David Wulff went into details of both options and recommended Option One, it is the more expensive option, however if the City chose Option Two in about four months, they would be needing to bring in more rock.

City Manager Richards, informed the City Council that the funds are available to do the more expensive option, which is Option One. City Manager Richards, stated the City should do it right so the City wouldn't have to address this again in the following months. Mayor O'Donnell stated the Nies recommended Option One as well.

Water Superintendent, Ken Anderson gave a brief history of the revetment. There were three storm events that happened since October, 2014 that have caused the damage. Mr. Anderson also suggested to go with the more expensive option, which would be Option One, because that would be a more secure fix.

Motion by Councilmember Robertson, seconded by Councilmember Ennis to approve Option One, in the amount of \$124,700.00 to repair the inlet structure rock replenishment.

Unanimous 5-0, Motion Carried.

7.c., St. Patrick's Day Parade Special Event Application

City Manager Richards, reported that John Dooley and Dustin Harvey have been planning to put on a St. Patrick's Day Parade in New Buffalo. City Manager Richards, reported that the City has had two Department Head Meetings with John Dooley and Dustin Harvey and they have been very cooperative and have provided all needed information to put on the parade.

John Dooley spoke and went into detail of the parade and answered questions from the City Council. The parade will take place on Saturday, March 7, 2020.

Councilmember Robertson, stated that he appreciated the St. Patrick's Parade Committee and all of their time they put into planning the parade.

Motion by Councilmember Kroll, seconded by Councilmember Spirito to approve the Special Event Application for the St. Patrick's Day Parade.

Unanimous 5-0, Motion Carried.

7.d., North Whittaker Street Flooding Control

Tony McGhee, from Abonmarche discussed the waterfront area of the community that has been hit particularly hard by the flooding and standing water by the boat launch, Lions Park, and North Whittaker Street. The City Staff requested Abonmarche to perform an assessment of the area to develop some

conceptual approaches and cost estimates to address the issues. Tony presented the options with cost estimates. The City Council asked Tony to get a quote for the option of a berm.

No motion was taken, per Mayor O'Donnell until we have all quotes.

7.e., NB Schools STEAM Building Site Plan Review/Special Land Use Application, 1112 E. Clay

Tony McGhee, Abonmarche, reported on the NB Schools STEAM Building Site Plan Review/Special Land Use Application. Mr. McGhee went into details of the project.

The eastern portion of the development will be home to a new Science, Technology, Engineering, Arts and Mathematics (STEAM) facility. The new building will include a robotics field, performing arts storage, work shop, metal shop and work shop areas and a garage to store equipment and the robotic trailer. The building will be supported by the construction of new sidewalks and the rehabilitation of the existing parking lot next to the proposed building. These improvements will create full accessibility to the new building. Improvements to the western parcel of the project area will focus on recreational activities. The proposed plans call for an expansion of the existing uses on site including adding six (6) new pickleball courts, making improvements to the skate park and removing the existing pickleball courts and converting the half basketball court to a full basketball court. A new pavilion and restroom building are proposed near the west end of the recreational parcel. Students are expected to park in the main school parking lot and walk to the site. Stormwater management will include a new retention area to the east.

Motion by Councilmember Kroll, seconded by Councilmember Ennis to approve NB Schools STEAM Building Site Plan and Special Land Use Application.

Unanimous 5-0, Motion Carried.

7.f., Warner Vineyards Outside Seating Site Plan Review/Special Use Permit, 19 N. Whittaker

City Manager Richards, reported on the Warner Vineyards Outside Seating Site Plan Review/Special Use Permit, for 19 N. Whittaker. City Manager Richards, said it came to his attention that since this was reviewed by the Planning Commission, who approved the site plan and the special use permit, the owner of the building, Debbie Devos, has ended her lease with Warner Vineyards.

Debbie Devos explained the Warner Vineyards lease ended but she would still like to have the outside seating for the new business that would be going into the building. City Manager Richards and Mayor O'Donnell informed Debbie Devos that she would need to re-apply with the new lessee on the application and it would need to go before the Planning Commission again with the new information.

7.g., Ozinga Energy CNG Facility Site Plan Review, 825 S. Whittaker

City Manager Richards, reported on Ozinga Energy CNG Facility Site Plan Review for 825 S. Whittaker Street. The applicant requests approval of a Site Plan to allow construction and use of a compressed natural gas facility for fueling of Ozinga trucks and public use. In addition, an electric charging station is proposed, available for public use as well. An above ground pump is planned for Ozinga's S. Whittaker Street truck entrance with substantial landscaping improvements as indicated in the site plan. Commercial gasoline fueling stations are permitted by right in Section 13-2. and the Zoning

Administrator is allowed the discretion to approve similar uses. Section 19-2 of the City's Zoning Ordinance specifies site plan review standards.

Jason Van Den Brink from Ozinga attended the meeting and went over the details of the project. Mayor O'Donnell biggest concern of the project was the noise level. He stated that neighbors are concerned about the noise level. Mr. Van Den Brink assured the City Council that the compressors are designed to be quiet and the compressors only run when a vehicle comes to get CNG. The City Council asked Mr. Van Den Brink many questions regarding the project and asked Mr. Van Den Brink if it would be possible for a member of the City Council and a few neighbors could go visit one of their CNG Facility. Mr. Van Den Brink said, that would be fine, but wondered when they would get an answer from the council because they are ready to start the project.

Councilmembers said they would make a decision at the February City Council Meeting.

Motion by Councilmember Ennis to table the Ozinga Energy CNG Facility Site Plan Review to the next meeting so 3-4 residents and 1 Councilmember could go visit a CNG facility and bring a report to the next City Council meeting, seconded by Mayor O'Donnell.

Unanimous 5-0, Motion Carried.

7. h., Discussion of Resolution for US 12 Road Diet

City Manager Richards, reported that MDOT has suggested their proposed "Road Diet" of US 12 will require a resolution of support or rejection by the effected local units of government. This agenda item was proposed by the Mayor as an opportunity to discuss the project prior to the introduction of any future resolution.

Mayor O'Donnell wanted to discuss the pros and cons of the "Road Diet" and asked the council to talk to citizens to get input from them so the council could make a decision at the next City Council Meeting regarding the "Road Diet."

Mayor O'Donnell also wanted the public to know MDOT is willing to do a temporary "Road Diet" in the Spring to see how it would work in the City of New Buffalo.

The City Council will vote on the "Road Diet" resolution at the February Meeting.

7.i., General Engineering Services Agreement /Nies and Abonmarche

City Manager Richards reported the City has two (2) proposals for general engineering, one from NIES and another from Abonmarche. NIES has historically provided engineering to the Water Department which staff would like to continue. Abonmarche has proposed to continue general engineering services to the other departments as provided the last two (2) years. \$20,000 was budgeted in both 2018 and 2019, split between the two firms, \$10,000.00 each and neither exceeded the approved budget. Last year the City almost spent half of the amount.

Motion by Councilmember Kroll, seconded by Councilmember Spirito to approve the General Engineering Services Agreement/ Nies and Abonmarche with a \$20,000.00 budget for 2020.

Unanimous 5-0, Motion Carried.

7.j., Resolution 20.01 Healthcare Cap

City Manager Richards reported on Resolution 20.01 Healthcare Cap. This resolution proposes to continue the City's policy of paying 80% of the employee's healthcare premium costs. PA 152 of 2011 provides for three (3) options in providing healthcare: (1) an 80/20 split, (2) adopting a "hard cap" set by the State of Michigan, or (3) opting out of the program. Last year the 80/20 split was approved by the Council, consistent with the current practice and the policy has not changed.

Motion by Councilmember Kroll, seconded by Councilmember Ennis to approve the Resolution 20.01 Healthcare Cap.

Unanimous 5-0, Motion Carried.

7.k, Community Room Rental Contract (Revision of Form)

City Manager Richards reported on the community room rental contract form. that is needed to be revised. Recent mis-use of the community room has revealed the need to revise the rental contract. While the room is available 8:00 AM till noon for \$100.00, users have extended their use well beyond noon and without notice requiring repeated inspection to determine when the premises is vacated. These events occur mainly on Saturdays and require an employee to standby while the event takes place. While the employee is paid over time the revision is proposed primarily to deter staying past noon and the proposal requires another \$100. 00 for staying past noon as well as \$50.00 for each additional 30 minutes. It is our desire with the revision to encourage users to respect their reservations.

Motion by Councilmember Robertson, seconded by Councilmember Kroll to approve the revision of the community room rental contract.

Unanimous 5-0, Motion Carried.

7.l., Personnel Evaluation for City Manager Richards

City Manager Richards requested the City Council go into closed session for his personnel evaluation.

Motion by Mayor O'Donnell, seconded by Councilmember Robertson to meet in closed session, per section 8.a., of the OMA Act, to consult City Manager Richards personal evaluation.

Unanimous 5-0, Motion Carried.

7.m., Action subsequent to closed session

Motion by Mayor O'Donnell, seconded by Councilmember Robertson to reconvene the City Council Meeting.

Unanimous 5-0, Motion Carried.

7.n., Police Fingerprinting Equipment

City Manager Richards reported that the Police Department has obtained a quote to purchase FBI compliant finger printing equipment to replace equipment that cannot be updated. This request includes equipment, installation and training for fundamental law enforcement equipment that must on occasion be upgraded. The amount of the equipment is \$5403.00 This purchase is budgeted.

Motion by Councilmember Kroll, seconded by, Councilmember Spirito to approve the new police fingerprinting equipment for the amount of \$5,403.00.

Unanimous 5-0, Motion Carried.

7.o., Pokagon Symphony Grant Application

There was a discussion about the Pokagon Symphony Grant application for the 4th of July festivities. The council agreed that the City should resubmit the Pokagon Symphony Grant Application to the Pokagon Fund.

Motion by Councilmember Kroll, seconded by, Councilmember Robertson to apply for the \$5000.00 Pokagon Fund grant for the symphony.

Unanimous 5-0, Motion Carried.

8. Miscellaneous

None

9. Appointments/Resignations

None

10. Updates: LRSB, Cemetery Bd., The Pokagon Fund & Subsequent Council Action

The Pokagon Fund are days away from announcing their new Executive Director. There will be a press release next week and they will announce the new Executive Director at the next City Council Meeting.

11. Correspondence

None

12. Council Comments

Abonmarche is putting a quote together to have Marquette Drive repaired. The City would help pay for some of the repairs and the homeowners would have to contribute money as well. Numbers to come at a later date.

13. Adjournment

Motion by Mayor O'Donnell to adjourn the meeting at 9:30 p.m. seconded by, Councilmember Robertson.

Unanimous 5-0, Motion Carried.