

The Regular Meeting for February 18, 2020 of the New Buffalo City Council was called to order by Mayor Lou O'Donnell at 6:32 p.m. 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

Present: Mayor O'Donnell, Council Members Kroll, Robertson, Spirito

Absent: Council Member Ennis

Motion by Mayor O'Donnell to excuse Council Member Ennis because she is recovering from surgery, seconded by Council Member Robertson.

Unanimous 4-0, Motion Carried

Staff present: City Manager Richards, Clerk; Amy Fidler, Deputy Clerk; Nancy Griffin, Water Superintendent; Ken Anderson, Treasurer; Kate Vyskocil, Chief Killips, Parks Superintendent; Kristen D'Amico, Jack Kennedy

Approval of Agenda

Motion by Council Member Robertson, seconded by Council Member Kroll to approve the agenda.

Unanimous 4-0, Motion Carried

Approval of Consent Agenda

Motion by Council Member Robertson, seconded by Council Member Kroll to approve the consent agenda as presented.

- a. Approve City Council Minutes – January 27, 2020, Closed Session January 27, 2020
- b. Receive monthly reports: Police, Fire, Water, Streets, Parks, and Treasurer
- c. Pay bills for the month
- d. Receive monthly minutes- January Library Board Minutes

Unanimous 4-0, Motion Carried

Public Comment & Presentations/Recognition

Public Comment: Jerome Wiener, Robert Kemper, Blagica Bottigliero, William Geisler Jr., Katie Maroney, Steven Cimino, Russ Dusek, Dan Peterson.

Presentations

Kate Mell – Little Free Library

The Friends of Library would like to have a little library at the corner of Merchant and Whittaker Street. The friends of the library will maintain the little library. Kate Mell went into details of how the little library will look and the Friends of the Library would like to have it up in the month of April.

Motion by Mayor O'Donnell to have the city attorney write up an agreement with the friends of the library, seconded by Council Member Spirito.

Unanimous 4-0, Motion Carried.

Abonmarche – Beach Improvement Updates

Mike Huber went over the key findings of the survey results and the public charettes.

New Business

7.a., Resolution 20.07 Over/Under

Motion by Council Member Kroll, seconded by Council Member Spirito to approve Resolution 20.07 Over/Under Administrative Fees.

Unanimous 4-0, Motion Carried.

7.b., Resolution 20.08 Budget Amendment

Motion by Council Member Robertson to approve Resolution 20.08 Budget Amendments.

Unanimous 4-0, Motion Carried.

7.c., Relocation of Beach Parking Lot Trees

The persistent high water has damaged the planters holding the beach parking lot trees and threatens the longevity of at least four of the five trees. The Streets and Parks Department has proposed to move the trees to Lions Park and plant them along the southerly property line. Streets and Parks will accomplish the project at their discretion as weather allows improving the view along the river front, enhancing the environment of the park and hopefully increasing the life of the trees.

Motion by Council Member Kroll seconded by Council Member Robertson to approve relocation of Beach Parking Lot Trees.

Unanimous 4-0, Motion Carried.

7.d., Repair and Paint Transient Marina Restrooms.

The Parks Department is requesting replacement of the transient marina showers, minor repairs, and cleaning and painting of the mold which has become a critical problem. The cost of the project as quoted by E.I. Construction is \$6,400.00. Funds available in the Park Improvement Fund.

Discussion: Mayor O'Donnell added that he would like the City to get bids for cleaning and painting the marina docks.

Motion by Council Member Kroll, seconded by Council Member Spirito to approve repairing and painting the Transient Marina Restrooms in the amount of \$6400.00.

Unanimous 4-0, Motion Carried.

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

City Manager Richards informed the council that a complaint was filed against Ozinga and Smith Trucking Company he informed the council that the City needs to look into the complaints.

Motion by Mayor O'Donnell to table the Ozinga Energy CNG Facility Site Plan Review at 825 S. Whittaker until the City has time to look into the complaints, seconded by Council Member Robertson.

7.f., GRSD Settlement Proposal

City Manager Richards explained that the City was aware of discrepancies in the GRSD billing process in the beginning of 2017. The City's Treasurer determined invoices were modified, payments missing, and amounts due were double counted on GRSD statements. Credits due to the City over previous GRSD billing errors were not reflected in their system, and the billing arrangement agreed to between the GRSD Board and the City was not consistently followed. Moreover, the readings of sewage flows from the City were exorbitant and eventually proved in error.

To summarize, the City and GRSD arrived at the following resolution.

1. The flow overage surcharge penalties were waived since they were a result of the GRSD's faulty meter.
2. The City's engineers, GRSD engineers, the City Treasurer and a third-party auditor worked together to determine correct flow and billing amounts.
3. The GRSD agreed to compensate the City for a portion of engineering expenses related to investigating the issue.

As a result, these were the terms of the proposal:

1. The City will pay \$175,000.00 in two installments due March 31 and May 31 2022.
2. The monthly invoices due from 2019 will be paid by June 30, 2020 at which time the City will be current with invoices due to the GRSD.
3. A third party will continue to review the GRSD invoices as confirmed by Prein/Newhof for GRSD and Abonmarche for the City until such time as the City is satisfied the invoices are accurate.
4. GRSD will explain why the City received inaccurate and double billings and how the corrected billings of 2019 were calculated.
5. GRSD will pay all engineering costs incurred by the City in determining the source of the inaccurate readings.
6. New meters will be installed at the earliest possible date but not after July 21,2020.
7. These terms will be reduced to a settlement agreement signed by both parties.

Motion by Council Member Robertson, seconded by Council Member Kroll to approve the GRSD Settlement Proposal as the outlining terms as settling as proposed to the board.

Unanimous 4-0, Motion Carried.

7. g., Resolution 20.02 US 12 Road Diet

City Manager Richards explained the resolution was needed to approve the temporary road diet. MDOT is willing to start the trial period of the Road Diet in July 2020. MDOT would need another resolution in December of 2020 to make it a permanent road diet.

Motion by Council Member Robertson seconded by Council Member Spirito to deny Resolution 20.02 US 12 Road Diet.

Ayes- Council Members Robertson, Spirito

Nays- Council Members Kroll, O'Donnell

Absent: Council Member Ennis

2-2, FAILED

Discussion: City Council discussed the road diet in detail.

Motion by Council Member Kroll seconded by Mayor O'Donnell to approve the road diet trial.

Ayes- Mayor O'Donnell, Council Member Kroll

Nays- Council Member Robertson, Spirito

Absent: Council Member Ennis

Absent 2-2, FAILED

7. h., Resolution 20.03 Poverty Exemption Income Guidelines and Asset level test

Motion by Council Member Kroll, seconded by Council Member Spirito to approve Resolution 20.03 Poverty Exemption Income Guidelines and Asset level test.

Unanimous 4-0, Motion Carried.

7. i., Resolution 20.04 to Set an Alternate Date for the December Board of Review 2020

Motion by Council Member Kroll, seconded by Council Member Spirito to approve Resolution 20.04 to Set an Alternate Date for the December Board of Review 2020.

Unanimous 4-0, Motion Carried.

7.j, Resolution 20.05 to Set an Alternate Date for the July Board of Review 2020

Motion by Council Member Kroll, seconded by Council Member Spirito to approve Resolution 20.05 to Set an Alternate Date for the July Board of Review 2020.

Unanimous 4-0, Motion Carried

7.K., Resolution 20.06 Annual Act 51 Map

Motion by Council Member Kroll, seconded by Council Member Robertson to approve Resolution 20.06 Annual Act 51 map.

Unanimous 4-0, Motion Carried

7. l., Resolution 20.09 Performance Resolution for Governmental Agencies

Motion by Council Member Kroll, seconded by Council Member Robertson to approve Resolution 20.09 Performance Resolution for Governmental Agencies.

Unanimous 4-0, Motion Carried

7.m., Reith Riley Change Order #1 and Pay Request #2 for Street Re-Surfacing

City Manager Richards reported that Reith-Riley has submitted Change Order #1 in the amount of - \$70,000.00 due to final balancing of contract items and extras. Also, is Payment Request #2 in the amount of \$378,119.73 for work completed through December 13, 2019. With the current contract amount is \$549,662.962 with a previous payment of \$115, 964.06 and a retainage of \$30,999.31 to secure completion.

Motion by Council Member Robertson, seconded by Council Member Spirito to approve Reith Riley Change Order #1 and Pay Request #2 for Street Re-Surfacing.

Unanimous 4-0, Motion Carried.

8. Miscellaneous

None

9. Appointments/Resignations

None

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

The Pokagon Fund has a new Executive Director, Dan Peterson.

11. Correspondence

None

12. Council Comments

Mayor O'Donnell reminded everyone that New Buffalo is having the first annual St. Patrick's Day Parade on March 7, 2020.

13. Adjournment

Motion by Mayor O'Donnell, seconded by Council Member Robertson to adjourn the City Council Meeting at 8:14 p.m.

Unanimous 4-0, Motion Carried.