

**Call to Order at 6:33 p.m.**

**Pledge of Allegiance**

**Roll Call:** Council members Flanagan, Robertson, Lijewski, Mayor Humphrey

**Absent:** Council member O'Donnell

**Staff Present:** City Manager; Darwin Watson, City Clerk; Amy Fidler, Deputy Clerk; Nancy Griffin

**Approval of Agenda:** Motion by Lijewski, seconded by Flanagan to approve the agenda with the addition of Item J, Issuance of a request for proposal ("RFP") for legal services:

Roll Call Vote:

AYES: Robertson, Lijewski, Flanagan, Humphrey

NAYES:

ABSENT: O'Donnell

ABSTAINED:

Motion Carried, 4-0.

**Approval of Consent Agenda:** Motion by Lijewski, seconded by Flanagan to approve the consent agenda with the removal of the Farmers Market application:

Roll Call Vote:

AYES: Flanagan, Lijewski, Robertson, Humphrey

NAYES:

ABSENT: O'Donnell

ABSTAINED:

Motion Carried, 4-0.

**Farmers Market Application:** Motion by Humphrey, seconded by Robertson to approve the Farmers Market application:

Roll Call Vote:

AYES: Robertson, Lijewski, Flanagan, Humphrey

NAYES:

ABSENT: O'Donnell

ABSTAINED:

Motion Carried, 4-0.

**Presentations:**

Fire Chief Huston presented Mike Iazetto with a plaque for thirty years of service and acknowledged him for retiring in December of 2021.

Peg Kohring from Neighbor by Neighbor presented the 2021 annual report to the council.

**Public Comment:**

Glenn Logan  
Gary Wood  
Dan Leung  
Marc Danesi  
Julie Peterson  
Ben Smock  
Madeline Borrowdale  
Mitchell Borrwodale  
Don Stoneburner  
Carie O'Donnell  
Dee Dee Duhn

**Closed Session** – Motion by Robertson, seconded by Lijewski to approve to go into closed session under 15.268 of the Open Meetings Act section 8 (e) to consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation at 7:03 p.m:

**Returning to Open Session:** Motion by Robertson, seconded by Flanagan to approve returning to the open session at 8:03 p.m., **\* at which time Mayor Humphrey announced the closed session was in regard to the Case Murray vs. City of New Buffalo\*:**

Roll Call Vote:

AYES: Robertson, Lijewski, Flanagan, Humphrey

NAYES:

ABSENT: O'Donnell

ABSTAINED:

Motion Carried, 4-0.

**New Business**

**360 Risk Management Consulting Agreement (Human Resource and Risk Management):** Motion by Humphrey, seconded by Lijewski to table entering into a Consulting Agreement with 360 Risk Management for Human Resource and Risk Management Services:

Roll Call Vote:

AYES: Lijewski, Robertson, Flanagan, Humphrey

NAYES:

ABSENT: O'Donnell

ABSTAINED:

Motion Carried, 4-0.

**317 North Whittaker:** Motion by Humphrey, seconded Lijewski to untable 317 North Whittaker:

Roll Call Vote:

AYES: Flanagan, Robertson, Lijewski, Humphrey

NAYES:

ABSENT: O'Donnell

ABSTAINED:

Motion Carried, 4-0.

**317 North Whittaker:** Motion by Lijewski, seconded by Flanagan to approve the resolution to vacate the surplus right-of-way and convey the land to accommodate the existing encroachment at 317 North Whittaker Street (11- 62-0340-0452-05-4):

Roll Call Vote:

AYES: Robertson, Lijewski, Flanagan, Humphrey

NAYES:

ABSENT: O'Donnell

ABSTAINED:

Motion Carried, 4-0.

**Dune Walk Restoration Contract Award:** Motion by Robertson, seconded by Lijewski to approve awarding of the Dune Walk Restoration Phase II contract to TJM Services, LLC in the amount of \$868,728:

Roll Call Vote:

AYES: Lijewski, Robertson, Flanagan, Humphrey

NAYES:

ABSENT: O'Donnell

ABSTAINED:

Motion Carried, 4-0.

**Fourth of July Fireworks:** Motion by Lijewski, seconded by Flanagan to approve the awarding the Fourth of July fireworks display contract on Saturday, July 2, 2022 to Pyrotecnico Fireworks, Inc in the amount of \$15,000:

Roll Call Vote:

AYES: Robertson, Lijewski, Flanagan, Humphrey

NAYES:

ABSENT: O'Donnell

ABSTAINED:

Motion Carried, 4-0.

**Chapter 23 (Rental Registration) Amendment – Second Reading:** Motion by Robertson, seconded by Lijewski to approve the second reading of the amendments to the New Buffalo Code of Ordinances – Chapter 23 (Rental Housing):

Roll Call Vote:

AYES: Robertson, Lijewski, Flanagan, Humphrey

NAYES:

ABSENT: O'Donnell

ABSTAINED:

Motion Carried, 4-0.

**Municipal Marina Utilities Upgrade Engineering:** Motion by Robertson, seconded by Flanagan to approve the acceptance proposal from Abonmarche for the full engineering for the Municipal Marina Utilities Project in the amount of \$67,300:

Roll Call Vote:

AYES: Flanagan, Robertson, Lijewski, Humphrey

NAYES:

ABSENT: O'Donnell

ABSTAINED:

Motion Carried, 4-0.

**Moratorium on Use by Residential (General Commercial):** Motion by Robertson, seconded by Lijewski to approve suspension of any new residential dwellings in the city's General Commercial zoning district until December 31, 2022:

Roll Call Vote:

AYES: Robertson, Lijewski, Flanagan, Humphrey

NAYES:

ABSENT: O'Donnell

ABSTAINED:

Motion Carried, 4-0.

**On-Premises Tasting Room Permit (910 W. Buffalo Street):** Motion by Robertson, seconded by Lijewski to approve "Local Government Approval" resolution for Black Dragon, LLC for an On-Premises Tasting Room Permit at 910 W. Buffalo Street:

Roll Call Vote:

AYES: Lijewski, Robertson, Flanagan, Humphrey

NAYES:

ABSENT: O'Donnell

ABSTAINED:

Motion Carried 4-0.

**Sediment Basin Maintenance Agreement:** Motion by Lijewski, seconded by Flanagan to approve entering into a Maintenance Agreement with the Berrien County Drain Commission. Additionally, city staff is authorized to execute the necessary steps for execution of the agreement:

Roll Call Vote:

AYES: Flanagan, Robertson, Lijewski, Humphrey

NAYES:

ABSENT: O'Donnell

ABSTAINED:

Motion Carried, 4-0.

**Issuance of a Request for Proposal ("RFP") for contracted legal services:** Motion by Robertson, seconded by Lijewski to approve the issuance of a Request for Proposal for contracted legal services:

Roll Call Vote:

AYES: Robertson, Lijewski, Flanagan, Humphrey

NAYES:

ABSENT: O'Donnell

ABSTAINED:

Motion Carried, 4-0.

**Discussion:**

**Food Truck Request (Agnes Tylka)**

The City Council discussed food trucks in the city. The city needs to have more of a discussion regarding this topic and decide if they would like to craft a policy for food trucks.

**Joint Community Recreation Plan**

The City Council discussed that the NBARA is in the process of creating their 5-year recreation plan. The City Recreation plan is set to expire in 2023. The city would like to modify the expiration date from 2023 to 2022 to renew the city's recreation plan at the same time as the NBARA is creating their 5-year plan.

**Adjournment:** Motion by Flanagan, seconded by Robertson to adjourn the meeting at 9:08 p.m.:

Roll Call Vote:

AYES: Robertson, Lijewski, Flanagan, Humphrey

NAYES:

ABSENT: O'Donnell

ABSTAIN:

Motion Carried, 4-0.

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**John Humphrey, Mayor**

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**Ann M. Fidler, City Clerk**