



**City of New Buffalo**  
**REGULAR COUNCIL MEETING AGENDA**  
**JANUARY 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: December 4, 2023 Special Meeting, December 18, 2023, December 2023 Library Board Minutes
  - 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. New Buffalo Area Schools Graduation – Special Event Application
  - b. St. Mary’s of the Lake Catholic Church Family Festival – Special Event Application
  - c. Publicly Funded Health Insurance Contribution Act (Public Act 152 of 2011)
  - d. Poverty Exemption Resolution (2024)
  - e. July Board of Review Date Resolution (2024)
  - f. December Board of Review Date Resolution (2024)
  - g. 3M and Dupont PFAS Class Action Lawsuit Resolution
  - h. Disposal of City Equipment
  - i. Uniform Video Service Agreement Renewal (DirecTV)
  - j. Board Appointment – Board of Review
  - k. New Buffalo Area Recreation Authority Participation
  - l. Ordinance to Repeal Article 13 of Chapter 2 of the Code of Ordinances and to Amend Article I of Chapter 7, and Article II of Chapter 14 – First Reading
9. Discussions
  - a. Long-term Rental Inspection Fees
10. Council Comments
11. Adjournment

Mayor Humphrey called the meeting to order at 5:00 p.m.

Pledge of Allegiance was led by the council.

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

**Staff Present:** City Clerk; Amy Fidler, Deputy Clerk; Amber Schroeder

**Approval of Agenda:** Motion by Councilmember Flanagan, seconded by Councilmember Lijewski to approve the agenda:

Roll Call Vote:

AYES: Price, Robertson, Lijewski, Flanagan, Humphrey

NAYES:

ABSENT:

ABSTAINED:

Motion Carried, 5-0.

**Public Comment:**

**None**

**New Business:**

**Amendment to Downtown Development Plan and Tax Increment Financing Plan of the City of New Buffalo's Downtown Development Authority:** Motion by Councilmember Flanagan, seconded by Councilmember Price to approve adopting the second reading of the first amendment to the Downtown Development Plan and Tax Increment Financing Plan:

Roll Call Vote:

AYES: Robertson, Lijewski, Flanagan, Price, Humphrey

NAYES:

ABSENT:

ABSTAIN:

Motion Carried, 5-0.

**Ordinance to Repeal Article XIII of Chapter 2 and amend Chapters 7 and 14 of the City's Code of Ordinance:**

Motion by Mayor Humphrey, seconded by Councilmember Flanagan to approve adopting the second reading of the ordinance to repeal Article XIII of Chapter 2 and amend Chapters 7 and 14 of the City's Code of Ordinance, but amend the Harbor/Commission to have (3) three people and they do not have to be a resident of the city to be on the committee:

Roll Call Vote:

AYES: Flanagan, Price, Lijewski, Robertson, Humphrey

NAYES:

ABSENT:

ABSTAIN:

Motion Carried, 5-0.

**Adjournment:** Motion by Councilmember Flanagan, seconded by Councilmember Lijewski to adjourn the meeting at 5:20 p.m.:

Roll Call Vote:

AYES: Lijewski, Robertson, Flanagan, Price, Humphrey

NAYES:

ABSENT:

ABSTAIN:

Motion Carried, 5-0.

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**John Humphrey, Mayor**

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**Ann M. Fidler, City Clerk**

**Mayor Humphrey called the meeting to order at 6:30 p.m.**

The City Council led the Pledge of Allegiance

**Roll Call:** Flanagan, Humphrey, Lijewski, Price, Humphrey

**Staff Present:** City Manager Watson, City Clerk; Amy Fidler, Deputy Clerk; Amber Schroeder

**Approval of Agenda:** Motion by Council member Flanagan, seconded by Council member Lijewski to approve the agenda with the addition of New Business item 7f Regionalized Fire Service Exploration and discussion item New Buffalo Township Meeting:

Roll Call Vote:

AYES: Price, Robertson, Lijewski, Flanagan, Humphrey

NAYES:

ABSENT:

ABSTAINED:

Motion Carried, 5-0.

**Consent Agenda:** Motion by Council member Price, seconded by Council member Flanagan to approve the consent agenda:

Roll Call Vote:

AYES: Robertson, Lijewski, Flanagan, Price, Humphrey

NAYES:

ABSENT:

ABSTAINED:

Motion Carried, 5-0.

**Public Comment:**

Bob Gino

**New Business**

**2024 City of New Buffalo Meeting Calendar:** Motion by Council member Flanagan, seconded by Council member Lijewski to approve the 2024 City of New Buffalo Meeting Calendar:

Roll Call Vote:

AYES: Flanagan, Price, Lijewski, Robertson, Humphrey

NAYES:

ABSENT:

ABSTAINED:

Motion Carried, 5-0.

**Board Appointments – Board of Review:** Motion by Council member Lijewski, seconded by Council member Price to approve the appointments of Jack Kennedy and Vanessa Thun to the Board of Review. Mayor Humphrey will interview Candidate Tom Evans:

Roll Call Vote:

AYES: Lijewski, Robertson, Flanagan, Price, Humphrey

NAYES:

ABSENT:

ABSTAINED:

Motion Carried, 5-0.

**Redevelopment Liquor License:** Motion by Council member Price, seconded by Council Member Flanagan to approve the Redevelopment Liquor License for Post Boy, LLC located at 207 N. Whittaker:

Roll Call Vote:

AYES: Robertson, Price, Lijewski, Flanagan, Humphrey

NAYES:

ABSENT:

ABSTAINED:

Motion Carried, 5-0.

**Renewal of the Third Coast Kayak and Paddleboard License Agreement:** Motion by Council Member Robertson, seconded by Council member Flanagan to approve renewing the Third Coast Kayak and Paddleboard License Agreement with a four (4) year contract at 20%. Additionally, the City Council authorizes the City Manager and City Attorney to negotiate and execute the final terms of the contract:

Roll Call Vote:

AYES: Price, Robertson, Lijewski, Flanagan, Humphrey

NAYES:

ABSENT:

ABSTAINED:

Motion Carried, 5-0.

**Board Appointment:** Motion by Council member Robertson, seconded by Council member Lijewski to approve the recommended appointment of Mick Lantis to the Planning Commission with a term ending May 2026:

Roll Call Vote:

AYES: Flanagan, Price, Robertson, Lijewski, Humphrey

NAYES:

ABSENT:

ABSTAINED:

Motion Carried, 5-0.

**Regionalized Fire Service Exploration:** Motion by Council member Flanagan, seconded by Council member Price to approve supporting the exploration of regionalized fire service:

Roll Call Vote:

AYES: Robertson, Lijewski, Flanagan, Price, Humphrey

NAYES:

ABSENT:

ABSTAINED:

Motion Carried, 5-0.

**Adjournment:** Motion by Council member Flanagan, seconded by Council member Lijewski to approve adjourning the meeting at 7:32 p.m.

Roll Call Vote:

AYES: Lijewski, Robertson, Price, Flanagan, Humphrey

NAYES:

ABSENT:

ABSTAINED:

Motion Carried, 5-0.

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**John Humphrey, Mayor**

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**Ann M. Fidler, City Clerk**



33 N. Thompson St  
New Buffalo, MI 49117  
269-469-2933

**December 12, 2023**

**1. Call to Order-Roll Call**

President Kathie Butler called the meeting to order at 4:15.

Present: Kathie Butler, Sandy Sporleder, Becky Borglin, Nancy Mrozek, Donna Salerno, Peter Sagala, Paul Ciccarelli, and Mary Donnelly.

Absent: Mary McPherson,

**2. Approval of the Agenda**

Peter Sagala moved to approve the December agenda, seconded by Sandy Sporleder. All ayes, motion carried.

**3. Approval of the November minutes**

Motion made by Sandy Sporleder to approve the November minutes, seconded by Mary Donnelly.

All ayes, motion carried.

**4. Treasurer's Report**

Sandy Sporleder said that the balances as of November 30 are \$1,138,856.51. Sandy said that everything looked good, and that we would be looking at the amended budget during the business portion of the meeting.

Donna Salerno made a motion to approve the Treasurer's report, Peter Sagala seconded. Motion carried.

**5. Privilege of the Audience:**

**6. Business**

Library update:

- Julie showed the board the quote from PressReader. The board discussed the advantages of digital newspapers and decided to go with PressReader. This will offer our patrons more newspapers for the price of the printed Chicago Tribune. We will still purchase our local papers in print.
- Julie said that we will not know the total of the funds for the history project until the first of the year. She is trying to come up with the best plan for storage in the history room, and asked Chad to look at adding on a climate-controlled room. They also discussed custom cabinetry and premade cabinets. These options will be discussed at the January meeting.
- The donor wall is out of space for any more plaques other than very large donations. This limits donors from purchasing a plaque. The plaques also are very expensive to have engraved. Kathie suggested we call the school and see if the students could help with



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269-469-2933

taking off the wall spacers to make room for more plaques. The students could also fabricate more plaques. Julie will also call Matt Weston in Dowagiac to see who made their doner wall.

- Julie said the fireplace is malfunctioning. Mike Davidson was suggested for repairs and Julie will contact him.

### **Board Elections for 2024:**

Kathie Butler was nominated for board president by Donna Salerno, seconded by Becky Borglin. No other nominations. Kathie was elected board president unanimously by roll call vote.

Mary Donnelly was nominated board vice president by Becky Borglin, seconded by Sandy Sporleder. No other nominations.

Mary Donnelly was elected vice president unanimously by roll call vote.

Becky Borglin was nominated by Nancy Mrozek for board secretary, seconded by Peter Sagala. No other nominations.

Becky Borglin was elected unanimously by roll call vote.

Peter Sagala was nominated board treasurer by Becky Borglin, seconded by Paul Ciccarelli. No other nominations.

Peter Sagala was elected unanimously by roll call vote.

**2023 Amended Budget:** The board reviewed the 2023 budget in November, and Julie updated it with the latest numbers. She said that she had expected to be overbudget at the end of this year, but we received more income than expected, and we earned more in interest. We were in the black at \$19, 872. Peter made a motion to amend the 2023 budget, Donna seconded the motion. All ayes, motion carried.

**2024 Proposed Budget:** Julie expressed gratitude for the Chikaming funds this year and was able to offer a balanced budget. Sandy made a motion to accept the 2024 budget, seconded by Donna. All ayes, motion carried.

**Committees:** Committees of the Board were discussed, and Kathie Butler pointed out that the bylaws say the Board President is to appoint committees. Because of this, there was no official committee appointed to conduct an evaluation of the Director. There was a survey given out to Board members at the November meeting, with the intent to evaluate the Director and those results were presented at this meeting. Because it was not an official committee, those results were verbally read and overall very positive of the Director, but they will not be considered a formal evaluation. Kathie said that next August or September, we can discuss a Committee to perform a Director evaluation if it is decided on by the Board.





*33 N. Thompson St  
New Buffalo, MI 49117  
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**7. Board Comments:** Kathie commented that the FOL party was very nice and was happy to see a mix of new people, FOL members, board members and staff. Sandy said the FOL can use more help, and that they will do a Gala or mixer next year. Sandy said that she would like to add strategic planning for next year, and Peter said we should work from the mission statement. Three possible suggestions for the strategic plan were developing a plan for updating the History Room, creating a plan on how to expand the Donor Wall, and creating resources for the elderly and their caretakers with Dementia and Memory Care materials.

**8. Adjournment:**

Peter Sagala made a motion to adjourn, Nancy Mrozek supported.  
All ayes, motion passed. The meeting ended at 5:06 pm.

Respectfully submitted,  
Becky Borglin



Mr. Watson,

It is my pleasure to report some of the highlights from the last month of the Police Department's operations. If you would like additional information on any of these items, please let me know.

- In the last 30 days, the NBPD has taken 86 complaints. Those include 6 assaults, 3 OWI arrests, 9 alarms, and 2 ordinance related incidents.
- Overall, it was fairly quiet over the holidays, but the unfortunate statistic ran true for us this year as OWI arrests and assault numbers were up for the month.
- One complaint of interest: Two subjects from Michigan City attempted to break into multiple houses along Marquette Dr in the City. They did enter an occupied home where the occupants were able to call police. NBPD night officers were in the area and were on scene in minutes. Both subjects were apprehended that night with assistance from neighboring police agencies. The adult was lodged in Berrien County Jail and charges are being sought on the minor. An area canvass revealed that suspects attempted to enter as many as five houses. At the end of the mess, no property was taken and only minimal damage was done to a few houses along that block.

Sincerely,

*Rich Killips*

Richard L Killips  
Chief of Police



# MEMORANDUM

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To: City Manager, Mayor & Council Members

From: Fire Chief Chris Huston

Date: January 10, 2024

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Last month the Fire Department training meeting was cancelled due to the holiday. The business meeting was held on January 4, 2024. The Department had a total of 4 fire calls.

January 8, 2024



### MONTHLY WATER REPORT FOR DECEMBER 2023

Total amount of water treated in month	12,329,000 gals.
Average daily pumpage in month	398,000 gals.
Maximum treated for one day	517,000 gals.
Minimum treated for one day	342,000 gals.
Backwash water used in month	178,000 gals.

### COMPARISON BY MONTH AND YEAR

December	2023 (this year) consumption	12,329,000 gals.
December	2022 (last year) consumption	11,732,000 gals.

### CHEMICAL COSTS AND DATA

Chlorine used in month: 362 lbs. @ \$1.620 / lb.	\$ 586.44
Fluoride used in month: 467 lbs. @ \$0.540 / lb.	\$ 252.18
Aluminum sulfate used in month: 4,027 lbs @ \$0.238/lb.	\$ 958.43
Total amount spent on chemicals	\$ 1,797.05
Total amount per million gallons	\$ 146.82

### MAINTENANCE REPORT

1. Exercised generators and checked cathodic protection systems.
2. Working on SCADA issues.
3. Continuing to prepare Water System for winter serv

## DISTRIBUTION REPORT

1. Continue working on DSMI data collection for EGLE.
2. Read water meters.
3. Did staking for Miss Dig Systems.
4. Did ons/offers and checked high reading complaints.
5. Did bacteriologic testing for neighboring communities.
6. Replaced damaged or stuck water meters during month.
7. Worked on application for PFAS Settlement. Great job Rob!
8. Had 1-8" water main repair made during month.
9. Numerous meetings with contractors for proposed system upgrades.
10. Finished yearly testing for Cyanotoxins for EGLE (Voluntary).
11. Collected quarterly Chromium 6 & Cyanide samples and delivered To Microbac Laboratories in Merriville, Indiana.

## FUEL REPORT

1. Gasoline consumed	77.9 gals.
2. Diesel fuel consumed	0.0 gals.
3. Total fuel consumed	77.9 gals.
4. Average per day	2.5 gals.

## EQUIPMENT USAGE

Water Department Backhoe	0.0 hrs.
Street Department Backhoe	0.0 hrs.
Water Department Dump Truck	0.0 hrs.
Other	0.0 hrs.

BENEFIT MAN HOURS USED DURING MONTH

	* vacation	personal	sick	total hrs.
Ken Anderson	80.5 T.M. 335.0 YTD	0.0 T.M. 33.0 YTD	0.0 T.M. 0.0 YTD	80.5 T.M. 368.0 YTD
Chris Huston	56.0 T.M. 216.0 YTD	1.0 T.M. 18.5 YTD	1.5 T.M. 141.0 YTD	58.5 T.M. 375.5 YTD
Robert Gruener	88.0 T.M. 336.0 YTD	0.0 T.M. 50.0 YTD	12.0 T.M. 47.0 YTD	100.0 T.M. 433.0 YTD
Jeff Johnson	40.0 T.M. 215.75 YTD	8.0 T.M. 23.0 YTD	16.0 T.M. 58.5 YTD	64.0 T.M. 297.25 YTD
Mike Cluster	0.0 T.M. 142.0 YTD	0.0 T.M. 56.0 YTD	114.0 T.M. 568.0 YTD	114.0 T.M. 766.0 YTD

\*(T.M. = This Month YTD = Year-to-date).

Proposed Work For Month of JANUARY 2023

1. Monitoring Water System for winter operations.
2. Working on Lead Service line Inventory for EGLE.
3. Preparing for upcoming laboratory Proficiency testing.

Respectfully submitted,

*Kenneth A. Anderson*

Kenneth A. Anderson

City of New Buffalo

Water Superintendent



January 10, 2024

To Mayor and City Council:

Happy New Year!

Now that winter is upon us, the parks department has been doing some routine maintenance in preparation for the summer season.

The ice rink is up, and now we are just waiting for some colder weather so it can freeze. I hope that sometime soon, it will get cold enough for the rink to freeze and people can begin to enjoy it.

I have been in touch with Seaworks, the company that does the soundings and we are on schedule for March weather and ice permitting. I hope that we do not have any major issues with the channel this season, but we will know better once we receive the data back from Seaworks.

There is a preconstruction meeting set for January 17<sup>th</sup> at the Marina to go over the utility upgrade project. I am excited to get this project underway, as it is much needed if we want to continue to see boats come into our marina.

It is hard to believe that summer will be here before we know it! Once again, I am expecting it to be a very busy summer season...

Routine maintenance continues at the rest of the city's parks.

Respectfully submitted,

Kristen D'Amico  
Parks Director



# Permit List

01/02/2024

Permit #	Address	Category	Applicant Name	Date Issued	Date Expires	Amount Billed
PB23-0155	340 N Berrien St	Add,Alter,Repair	Adina Lahman	12/04/2023	06/01/2024	\$630.00
PB23-0156	99 Diamond Point LN 48	Add,Alter,Repair	Larry and Elizabeth Hunka	12/04/2023	06/17/2024	\$315.00
PB23-0159	600 W Buffalo St	Roofing Shingles Only	Kolar Roofing	12/04/2023	06/04/2024	\$420.00
PB23-0160	132 S Berrien St	Roofing Shingles Only	Sherriff Goslin Company	12/08/2023	06/05/2024	\$315.00
PB23-0161	116 W Clay St	Deck/attached	Peter H & Alice D Schulte	12/12/2023	06/15/2024	\$315.00
PB23-0162	800 W Buffalo St	Roofing	J & B West Enterprises	12/20/2023	06/17/2024	\$315.00
PB23-0163	103 W Clay St	Roofing Shingles Only	J & B West Enterprises	12/20/2023	06/17/2024	\$315.00
PB23-0164	18 N Taylor St	Add,Alter,Repair	Meaghan O'Brien & Ryan Ceroky	12/18/2023	06/15/2024	\$315.00
PB23-0165	408 Marquette Dr	Siding Only	J & B West Enterprises	12/21/2023	06/18/2024	\$315.00
PB23-0168	207 N Whittaker St	Foundation	Harbor Country Property Group LLC	12/28/2023	06/25/2024	\$315.00
PE23-0081	20 Walden Way	New Single Family	Matthew & Katie Mapes	12/04/2023	06/01/2024	\$517.65
PE23-0082	99 Diamond Point LN 48	Alteration	Larry and Elizabeth Hunka	12/04/2023	06/16/2024	\$181.65
PE23-0083	1501 W Water St Unit 61	Service Only	XL Industrial Services, Inc	12/11/2023	06/16/2024	\$168.00
PE23-0084	304 W Clay St	Alteration	Grand Bay Electric	12/21/2023	06/23/2024	\$164.85
PE23-0085	1170 Shore Dr	Pool	Town and Country Electric	12/22/2023	06/19/2024	\$258.30
PM23-0091	515 Lake Dr	Alteration	BW/Cook Service Experts	12/06/2023	06/03/2024	\$220.50
PM23-0094	133 N Harrison St	New Single Family	Goff Heating & Air Conditioning Co	12/04/2023	06/01/2024	\$236.25
PM23-0098	20 Walden Way	New Single Family	Matthew & Katie Mapes	12/04/2023	06/01/2024	\$446.25
PM23-0099	117 N Townsend St	Gas/Oil Burning Equipment	Five Star Heating & Air Conditioning	12/29/2023	06/26/2024	\$189.00
PM23-0100	225 N Whittaker St #9	Alteration	All Seasons Heating & A/C	12/06/2023	06/03/2024	\$278.25
PM23-0101	412 Marquette Dr	Alteration	Paniccia Heating & Cooling Inc.	12/15/2023	06/18/2024	\$220.50
PM23-0102	145 S Whittaker St	Alteration	Don Hatfield Heating & Cooling	12/20/2023	06/17/2024	\$189.00
PM23-0103	439 S Whittaker St	Alteration	Great Lakes Heating & Air Condition	12/27/2023	06/24/2024	\$189.00
PP23-0045	206 S Jameson St	New Single Family	Bronson Plumbing	12/04/2023	06/02/2024	\$452.55
PP23-0046	99 Diamond Point LN 48	Alteration	Larry and Elizabeth Hunka	12/04/2023	06/16/2024	\$171.15
PP23-0047	520 Marquette Dr	New Single Family	William Wiesmann	12/08/2023	06/15/2024	\$480.90
PP23-0048	200 Lake Dr	Accessory Building	Town and Country Electric	12/21/2023	06/18/2024	\$405.30
PP23-0049	326 S Smith St	New Single Family	Infinity Real Property Corp	12/28/2023	06/25/2024	\$407.40

**Number of Permits:** 28

**Total Billed:** \$8,746.50

Population: All Records

Permit.DateIssued Between 12/1/2023 12:00:00 AM AND  
12/31/2023 11:59:59 PM



Street Department Monthly Report  
December 2023

Mayor Humphrey and City Council Members,

The following are some of the many things we have accomplished during the month of December.

- ✓ Daily office – Miss digs, office work, timesheets, returned missed calls.
- ✓ Police Dept. – Serviced multiple police vehicles.
- ✓ Water Dept.
- ✓ Shop- Cleaned the shop, replaced lights at shop.
- ✓ Parks Dept.
- ✓ City Hall – Worked at City Hall.
- ✓ Fire Dept
- ✓ Streets - Picked up leaves and leaf bags, Christmas tree pick up, chipped brush, patch potholes, put down slag on Madison Ave., closed south bound lane on Whittaker Street and worked traffic control.

Respectfully Submitted

Josh Bolton, Crew Leader

A handwritten signature in black ink, appearing to read "JB", written over a horizontal line.



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**TO:** Mayor Humphrey and the New Buffalo City Council

**FROM:** Darwin Watson, City Manager

**DATE:** January 16, 2024

**RE:** New Buffalo Area Schools Graduation – Special Event Application

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**ITEM BEFORE THE COUNCIL:**

Approval of the New Buffalo Area Schools Graduation Special Event Application

**DISCUSSION:**

Annually, the New Buffalo Area Schools (NBAS) holds a Commencement Ceremony for its graduates. NBAS submits a Special Event Application to facilitate this event, which covers road closures, barricade requests and placement. The Commencement Ceremony will take place June 1, 2024 (with a rain date of June 2, 2023).

**RECOMMENDATION:**

That the New Buffalo City Council approve the New Buffalo Area Schools Graduation Special Event Application to take place June 1, 2024 (with a rain date of June 2, 2023).



**CITY OF NEW BUFFALO  
RESOLUTION 24-\_\_\_\_\_**

**NEW BUFFALO AREA SCHOOLS GRADUATION SPECIAL EVENT APPLICATION**

**WHEREAS**, annually, the New Buffalo Area Schools (NBAS) holds a Commencement Ceremony for its graduates; and

**WHEREAS**, NBAS submits a Special Event Application to facilitate this event, which covers road closures, barricade requests and placement; and

**WHEREAS**, the Commencement Ceremony will take place June 1, 2024 (with a rain date of June 2, 2023).

**NOW THEREFORE BE IT RESOLVED**, that the New Buffalo City Council approve the New Buffalo Area Schools Graduation Special Event Application to take place June 1, 2024 (with a rain date of June 2, 2023).

DATED: January 16, 2024

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 16<sup>th</sup> day of January, 2024.

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Ann M. Fidler, City Clerk



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**TO:** Mayor Humphrey and the New Buffalo City Council

**FROM:** Darwin Watson, City Manager

**DATE:** January 16, 2024

**RE:** St. Mary of the Lake Catholic Church Family Festival – Special Event Application

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**ITEM BEFORE THE COUNCIL:**

Approval of the St. Mary of the Lake Catholic Church Family Festival Special Event Application

**DISCUSSION:**

Annually, St. Mary of the Lake Catholic Church holds a Family Festival for the community. St. Mary of the Lake Catholic Church submits a Special Event Application to facilitate this event, which covers road closures, barricade requests, signage and placement. The festival will take place May 23-27, 2024, until midnight daily, except for the last day (closes at 6:00 PM).

**RECOMMENDATION:**

That the New Buffalo City Council approve the St. Mary of the Lake Catholic Church Family Festival Special Event Application to take place May 23-27, 2024.



**CITY OF NEW BUFFALO  
RESOLUTION 24-\_\_\_\_\_**

**ST. MARY OF THE LAKE CATHOLIC CHURCH FAMILY FESTIVAL SPECIAL EVENT APPLICATION**

**WHEREAS**, annually, St. Mary of the Lake Catholic Church holds a Family Festival for the community; and

**WHEREAS**, St. Mary of the Lake Catholic Church submits a Special Event Application to facilitate this event, which covers road closures, barricade requests, signage and placement; and

**WHEREAS**, the festival will take place May 23-27, 2024 until midnight daily, except for the last day (closes at 6:00 PM).

**NOW THEREFORE BE IT RESOLVED**, that the New Buffalo City Council approve the St. Mary of the Lake Catholic Church Family Festival Special Event Application to take place May 23-27, 2024.

DATED: January 16, 2024

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 16<sup>th</sup> day of January, 2024.

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Ann M. Fidler, City Clerk



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**TO:** Mayor Humphrey and the New Buffalo City Council

**FROM:** Darwin Watson, City Manager

**DATE:** January 16, 2024

**RE:** Publicly Funded Health Insurance Contribution Act (Public Act 152 of 2011)

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**ITEM BEFORE THE COUNCIL:**

Approval of adopting the 80%/20% Cost Sharing Model Plan for Health Insurance Compliance as identified in Public Act 152 of 2011

**DISCUSSION:**

The purpose of this agenda item is to formally adopt a compliance plan forth in the State of Michigan Publicly Funded Health Insurance Contribution Act (Act 152 of 2011) which was designed to lessen the burden of employee healthcare costs on public employers.

Public employers must comply annually in one of four ways:

- 1) Apply the Hard Cap-which places a limit on how much the government can pay towards employee health insurance
- 2) Adopt by majority vote the 80%/20% cost sharing model
- 3) Elect not to follow the statute-which *places the City in non-compliance*
- 4) Opt-out of the cost-sharing model as set forth in the bill and revisit the model prior to the next plan year (*believed to be intended as an option only in the first year*)

It is important to note that after 2014, compliance with PA 152 is tied directly to Michigan Transportation Fund (MTF) monies rather than state statutory and constitutional revenue sharing. In addition to the penalties noted in the attached annual Act 51 Certification form, Act 51 is the State's most authoritative guidance on road funding and spending. Additionally, the State Treasury department notes as a penalty for non-compliance in its annual PA 152 Frequently Asked Questions document, "if the public employer is found not to be in compliance with 2011 Public Act 152, the public employer would face all sanctions generally available to enforce a law."

**RECOMMENDATION:**

That the New Buffalo City Council adopt the 80%/20% cost sharing model for all employee groups (non-union, POLC and AFSCME Union).



**RESOLUTION 24-\_\_\_\_\_**

**RESOLUTION TO ADOPT THE ANNUAL 80/20 OPTION AS SET FORTH IN PUBLIC ACT 152 OF 2011 (THE PUBLICLY FUNDED HEALTH INSURANCE CONTRIBUTION ACT)**

**WHEREAS**, Public Act 152 of 2011 (the "Act") was passed by the State legislature and signed by the Governor on September 24, 2011; and

**WHEREAS**, the Act contains three options for complying with the requirement of the Act; and

**WHEREAS**, the three (3) options are as follows:

- 1) Section 3 - "Hard Caps" Option - limits a public employer's total annual health care costs for employees based on coverage levels, as defined in the Act;
- 2) Section 4 - "80/20" Option - limits a public employer's share of total annual health care costs to not more than 80%. This option requires an annual majority vote of the governing body;
- 3) Section 8 - "Exemption" Option - a local unit of government, as defined in the Act, may exempt itself from the requirements of the Act by an annual 2/3 vote of the governing body; and

**WHEREAS**, the City Council has decided to adopt the annual 80/20 option as its choice of compliance under the Act.

**NOW THEREFORE BE IT RESOLVED** the New Buffalo City Council elects to comply with the requirements of 2011 Public Act 152, the Publicly Funded Health Insurance Contribution Act, by adopting the annual 80/20 option for the medical benefit plan coverage year of January 1, 2024 through November 30, 2024.

**Dated:** January 16, 2024

Yeas: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

Abstain: \_\_\_\_\_

**RESOLUTION DECLARED:**

**CERTIFICATION**

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 16<sup>th</sup> day of January, 2024.

\_\_\_\_\_  
Ann M. Fidler, City Clerk





---

**TO:** Mayor Humphrey and the New Buffalo City Council

**FROM:** Darwin Watson, City Manager

**DATE:** January 16, 2024

**RE:** Poverty Exemption Income Guidelines and Asset Level Test

---

**ITEM BEFORE THE COUNCIL:**

Approval of the Poverty Exemption Income Guidelines and Asset Level Test for the City of New Buffalo

**DISCUSSION:**

MCL 211.7u of the General Property Tax Act, MCL 211.1, et. seq., allows a property tax exemption for the principal residence of persons who, in the judgment of the supervisor and board of review, by reason of poverty, are unable to contribute to the public charges.

To be eligible for the exemption, a person must own and occupy the principal residence for which the exemption is requested, file a claim (each year the exemption is sought) with the supervisor or board of review on the city/township's form, along with federal and state income tax returns for all persons residing in the principal residence, show proof of ownership, and meet federal income standards annually determined by the U.S. Office Department of Health and Human Services or standards adopted by the local assessing unit's governing body (if the local assessing unit's standards are less strict than the federal guidelines).

MCL 211.7u was significantly altered by PA 390 of 1994 and was further amended by PA 620 of 2002 and PA 104 of 2003. Pursuant to MCL 211.7u(2)(e), local governing bodies are required to adopt guidelines that set income levels for their exemption guidelines and those income levels **shall not be set lower** by a city or township than the federal poverty guidelines updated annually by the U.S. Department of Health and Human Services.

In order to determine a taxpayer's eligibility for poverty exemption guidelines, PA 390 of 1994 states that the poverty exemption guidelines established by the governing body of the local assessing unit **shall** also include an asset level test. An asset test means the amount of cash, fixed assets or other property that could be used, or converted to cash for use in the payment of property taxes for the year the property exemption claim was filed. The asset test should calculate a maximum amount permitted and all other assets above that amount should be considered as available.

**RECOMMENDATION:**

That the New Buffalo City Council approves the establishment of the Poverty Exemption Income Guidelines and Asset Level Test.



**CITY OF NEW BUFFALO  
RESOLUTION 24-\_\_\_\_\_**

**POVERTY EXEMPTION INCOME GUIDELINES AND ASSET TEST**

**WHEREAS**, the adoption of guidelines for poverty exemptions is required of the New Buffalo City Council; and

**WHEREAS**, the principal residence of persons, who the Assessor and Board of Review determines by reason of poverty to be unable to contribute to the public charge, is eligible for exemption in whole or in part from taxation under Public Act 390 of 1994 (MCL 211.7u); and

**WHEREAS**, pursuant to PA 390 of 1994, the City of New Buffalo, Berrien County adopts the following guidelines for the Board of Review to implement. The guidelines shall include but not be limited to the specific income and asset levels of the claimant and all persons residing in the household, including any property tax credit returns, filed in the current or immediately preceding year; and

**WHEREAS**, to be eligible, a person shall do all the following on an annual basis:

- 1) Be an owner of and occupy as a principal residence the property for which an exemption is requested.
- 2) File a claim with the supervisor/assessor or Board of Review, accompanied by federal and state income tax returns for all persons residing in the principal residence.
- 3) Assets include but are not limited to, real estate other than the principal residence, personal property, motor vehicles, recreational vehicles and equipment, certificates of deposit, savings accounts, checking accounts, stocks, bonds, life insurance, retirement funds, etc.
- 4) Produce a valid driver's license or other form of identification if requested.
- 5) Produce, if requested, a deed, land contract, or other evidence of ownership of the property for which an exemption is requested.
- 6) Meet the federal poverty income guidelines as defined and determined annually by the United States Department of Health and Human Services or alternative guidelines adopted by the governing body providing the alternative guidelines do not provide eligibility requirements less than the federal guidelines.
- 7) The application for an exemption shall be filed after January 1, but one day prior to the last day of the December Board of Review. The filing of this claim constitutes an appearance before the Board of Review for the purpose of preserving the right of appeal to the Michigan Tax Tribunal; and

**WHEREAS**, the following are the 2023 federal poverty income guidelines which are updated annually by the United States Department of Health and Human Services; and

**WHEREAS**, the annual allowable income includes income for all persons residing in the principal residence as follows:



**Federal Poverty Guidelines for 2023**

Size of Family Unit	Poverty Guidelines
1	\$14,580
2	\$19,720
3	\$24,860
4	\$30,000
5	\$35,140
6	\$40,280
7	\$45,420
8	\$50,560
Each additional person, add	\$5,140

**WHEREAS**, an Asset Test will also be considered. The guidelines are as follows:

- Assets to the total household may not exceed an amount of \$15,160 (\$30,240 if married).

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that the supervisor/assessor and Board of Review shall follow the above stated policy and federal guidelines in granting or denying an exemption.

**DATED:** January 16, 2024

AYES:

NAYS:

ABSENT:

ABSTAIN:

DECLARED:

**CERTIFICATE**

I hereby certify that the foregoing is a true and complete copy of a resolution offered and adopted by the City Council of the City of New Buffalo, Michigan, at a regular meeting thereof held on the 16<sup>th</sup> day of January, 2024.

---

Ann M. Fidler, City Clerk



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**TO:** Mayor Humphrey and the New Buffalo City Council

**FROM:** Darwin Watson, City Manager

**DATE:** January 16, 2024

**RE:** Alternate Date for July Board of Review meeting

---

**ITEM BEFORE THE COUNCIL:**

Approval of resolution setting an alternate date for the July Board of Review meeting

**DISCUSSION:**

The City of New Buffalo's Board of Review ("the Board") is established by the City's Charter, Chapter 9 and the Michigan General Property Tax Law Act 206, 1893, as amended. The Board reviews the annual assessment roll and hears appeals of real and person property assessments. The Board also corrects "clerical errors, mutual mistakes of fact, and homestead status" relative to the current and prior year's assessment rolls.

The Board meets three (3) times annually (March, July and December). The March meeting is to review the annual assessment roll and to hear real and personal property assessment appeals. The July and December meetings are for the purpose of correcting "clerical errors and mutual mistakes of fact". Since the passage of Proposal A in 1993, the Board's responsibilities have been expanded to address the Principal Residence Exemption Program.

According to MCL 211.53b, cities are required to hold July's Board of Review meetings on the Tuesday following the third Monday of July. Public Act 122 of 2008 Section 53b, 7b amended PA 206 to allow for the City to pass a resolution for alternate starting dates for the July meeting to be an alternative meeting date during the week of the third Monday in July.

**RECOMMENDATION:**

That the New Buffalo City Council approves the resolution allowing for an alternate July 2024 Board of Review date.



**CITY OF NEW BUFFALO  
RESOLUTION 24-\_\_\_\_**

**ALTERNATE DATE FOR THE JULY BOARD OF REVIEW**

**WHEREAS**, Section 53b of the General Property Tax Act, MCL 211.53b, requires a Board of Review that meets in July to meet on Tuesday following the third Monday in July; and

**WHEREAS**, assessors who work for multiple units are not always able to attend the Board of Review meeting for each unit when they meet on the same day; and

**WHEREAS**, Public Act 122 of 2008, effective February, 2022, allows an alternate July Board of Review meeting date during the week of the third Monday in July; and

**WHEREAS**, it will benefit the residents of the City of New Buffalo to have the assessor available to assist the Board of Review and taxpayers in processing tax appeals and poverty exemptions;

**NOW, THEREFORE, BE IT RESOLVED** that any day the week of the third Monday of July has been selected as the meeting date of the July Board of Review by the City of New Buffalo City Council.

The foregoing resolution offered by Council Member \_\_\_\_\_ and seconded by Council Member \_\_\_\_\_.

DATED: January 16, 2024

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 16<sup>th</sup> day of January, 2024.

\_\_\_\_\_  
Ann M. Fidler, City Clerk



---

**TO:** Mayor Humphrey and the New Buffalo City Council

**FROM:** Darwin Watson, City Manager

**DATE:** January 16, 2024

**RE:** Alternate Date for December Board of Review meeting

---

**ITEM BEFORE THE COUNCIL:**

Approval of resolution setting an alternate date for the July Board of Review meeting

**DISCUSSION:**

The City of New Buffalo's Board of Review ("the Board") is established by the City's Charter, Chapter 9 and the Michigan General Property Tax Law Act 206, 1893, as amended. The Board reviews the annual assessment roll and hears appeals of real and person property assessments. The Board also corrects "clerical errors, mutual mistakes of fact, and homestead status" relative to the current and prior year's assessment rolls.

The Board meets three (3) times annually (March, July and December). The March meeting is to review the annual assessment roll and to hear real and personal property assessment appeals. The July and December meetings are for the purpose of correcting "clerical errors and mutual mistakes of fact". Since the passage of Proposal A in 1993, the Board's responsibilities have been expanded to address the Principal Residence Exemption Program.

According to MCL 211.53b, cities are required to hold December's Board of Review meetings on the Tuesday following the second Monday of December. Public Act 122 of 2008 Section 53b, 7b amended PA 206 to allow for the City to pass a resolution for alternate starting dates for the December meeting to be an alternative meeting date during the week of the second Monday in December.

**RECOMMENDATION:**

That the New Buffalo City Council approves the resolution allowing for an alternate December 2024 Board of Review date.



**CITY OF NEW BUFFALO  
RESOLUTION 24-\_\_\_\_**

**ALTERNATE DATE FOR THE DECEMBER BOARD OF REVIEW**

**WHEREAS**, Section 53b of the General Property Tax Act, MCL 211.53b, requires a Board of Review that meets in July to meet on Tuesday following the third Monday in July; and

**WHEREAS**, assessors who work for multiple units are not always able to attend the Board of Review meeting for each unit when they meet on the same day; and

**WHEREAS**, Public Act 122 of 2008, effective February 2022, allows an alternate December Board of Review meeting date during the week of the third Monday in December; and

**WHEREAS**, it will benefit the residents of the City of New Buffalo to have the assessor available to assist the Board of Review and taxpayers in processing tax appeals and poverty exemptions;

**NOW, THEREFORE, BE IT RESOLVED** that any day the week of the third Monday of December has been selected as the meeting date of the 2023 December Board of Review by the City of New Buffalo City Council.

The foregoing resolution offered by Council Member \_\_\_\_\_ and seconded by Council Member \_\_\_\_\_.

DATED: January 16, 2024

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 16<sup>th</sup> day of January, 2024.

\_\_\_\_\_  
Ann M. Fidler, City Clerk



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**TO:** Mayor Humphrey and the New Buffalo City Council

**FROM:** Darwin Watson, City Manager

**DATE:** January 16, 2024

**RE:** Participation in the Aqueous Film-Foams Product Liability Litigation Settlements with 3M and DuPont

---

**ITEM BEFORE THE COUNCIL:**

Approval of participating in the Aqueous Film-Foams Product Liability Litigation Settlements with 3M and DuPont

**DISCUSSION:**

After several years of negotiation, nationwide settlements have been reached relating to the potentially harmful compounds used in firefighting foam and a host of consumer products containing per – and polyfluorinated substances known collectively as PFAS. These compounds have been detected at varying levels in drinking water around the nation. Public water systems sued several PFAS manufacturers alleging that they suffered harm resulting from the presence of PFAS in drinking water systems and/or because of the need to monitor for the presence of PFAS. Settlements were reached against two manufacturers of these compounds, 3M Company, (“3M”) and E.I. DuPont de Nemours and Company, (“DuPont”).

The City of New Buffalo (“the City”) has received notice that it is considered a Phase I water system that is eligible to participate in the 3M and DuPont settlements. The City is required to submit claim forms for both settlements and provide results of water testing in order to be considered for funding by the settlement administrators. Payments are primarily earmarked for class member public water systems as restitution and remediation for alleged PFAS contamination, which includes the installation of upgraded filtration systems and increased expenses associated with the systems. Additionally, the settlements also include the payment of attorney fees for water systems that hired counsel to sue these companies on their behalf as well as expenses in administering the settlements.

The settlements require the participating water systems to (i) agree to the settlement terms and ii) to release claims against 3M and DuPont relating to PFAS that has entered or may reasonable be expected to enter the drinking water or drinking system as well as costs for installing, maintaining, operating, treating or monitoring for PFAS and any increased costs or damages relating to PFAS from any product manufactured by these companies.





**RECOMMENDATION:**

That the New Buffalo City Council approves participating in the Aqueous Film-Foams Product Liability Litigation Settlements with 3M and DuPont and agrees to the terms of the settlement(s). Additionally, the City Council authorizes the Water Superintendent and City Manager to take such further action as is necessary to be eligible to receive settlement funds.



**CITY OF NEW BUFFALO  
RESOLUTION 24-\_\_\_\_\_**

**RESOLUTION APPROVING PARTICIPATION IN THE AQUEOUS FILM-FOAMS PRODUCT LIABILITY  
LITIGATION SETTLEMENTS WITH 3M AND DUPONT**

**WHEREAS**, after several years of negotiation, nationwide settlements have been reached relating to the potentially harmful compounds used in firefighting foam and a host of consumer products containing per – and polyfluorinated substances known collectively as PFAS; and

**WHEREAS**, these compounds have been detected at varying levels in drinking water around the nation; and

**WHEREAS**, public water systems sued several PFAS manufacturers alleging that they suffered harm resulting from the presence of PFAS in drinking water systems and/or because of the need to monitor for the presence of PFAS; and

**WHEREAS**, settlements were reached against two manufacturers of these compounds, 3M Company, (“3M”) and E.I. DuPont de Nemours and Company, (“DuPont”); and

**WHEREAS**, the settlement with 3M, as the primary manufacturer and distributor of these products with these compounds, requires the company to pay between \$10.5 billion to \$12.5 billion dollars over a period up to 10 years; and

**WHEREAS**, the settlement with DuPont is for \$1.185 million dollar; and

**WHEREAS**, the City of New Buffalo has received notice that it is considered a Phase I water system that is eligible to participate in the 3M and DuPont settlements; and

**WHEREAS**, the City is required to submit claim forms for both settlements and provide results of water testing in order to be considered for funding by the settlement administrators; and

**WHEREAS**, payments are primarily earmarked for class member public water systems as restitution and remediation for alleged PFAS contamination, which includes the installation of upgraded filtration systems and increased expenses associated with the systems; and

**WHEREAS**, the settlements also include the payment of attorney fees for water systems that hired counsel to sue these companies on their behalf as well as expenses in administering the settlements; and

**WHEREAS**, the settlements require the participating water systems to (i) agree to the settlement terms and ii) to release claims against 3M and DuPont relating to PFAS that has entered or may reasonable be expected to enter the drinking water or drinking system as well as costs for installing, maintaining, operating, treating or monitoring for PFAS and any increased costs or damages relating to PFAS from any product manufactured by these companies; and

**NOW THEREFORE BE IT RESOLVED**, the City of New Buffalo agrees to the terms of the 3M and DuPont settlements, a Release of Claims against 3M and DuPont related to PFAS as provided in the



settlements, and that the funds received from the settlements be spent as required by the settlements for restitution, remediation, or upgrading the water system to improve filtration and monitoring for the presence of PFAS; and

**NOW THEREFORE BE IT FURTHER RESOLVED**, the City of New Buffalo authorizes the Water Superintendent and City Manager to take such further action as is necessary to be eligible to receive settlement funds; and

**THEREFORE, BE IT FINALLY RESOLVED**, the election, agreement, and authorization in this Resolution are subject to completion of all other necessary actions by the Court and the other parties required to finalize the settlements as described herein.

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 16<sup>TH</sup> day of January, 2024.

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Ann M. Fidler, City Clerk



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**TO:** Mayor Humphrey and the New Buffalo City Council

**FROM:** Darwin Watson, City Manager

**DATE:** January 16, 2024

**RE:** Auction to Dispose of the City of New Buffalo's Obsolete and Surplus Property

---

**ITEM BEFORE THE COUNCIL:**

Approval of using Rangerbid for the disposal of the City of New Buffalo's Obsolete and Surplus Property

**DISCUSSION:**

Cities purchase goods on a regular basis and from time to time it becomes necessary to dispose of them. The city has some items that have reached their useful life and/or are surplus in nature, that include a 2016 Ford Police vehicle and some random bicycles. City staff would like to dispose of these items via an auction. In the past, the city has utilized Rangerbid to facilitate the auction proceedings and would like to do so at this time. City staff will prepare a list and provide it to Rangerbid.

**RECOMMENDATION:**

That the New Buffalo City Council approves using Rangerbid to dispose of the city's surplus property.



**CITY OF NEW BUFFALO  
RESOLUTION 24-\_\_\_\_\_**

**AUCTION TO DISPOSE OF THE CITY OF NEW BUFFALO'S OBSOLETE AND SURPLUS PROPERTY**

**WHEREAS**, cities purchase goods on a regular basis and from time to time it becomes necessary to dispose of them; and

**WHEREAS**, city has some items that have reached their useful life and/or are surplus in nature, that include a 2016 Ford Police vehicle and some random bicycles; and

**WHEREAS**, city staff would like to dispose of these items via an auction; and

**WHEREAS**, in the past, the city has utilized Rangerbid to facilitate the auction proceedings and would like to do so at this time; and

**WHEREAS**, city staff will prepare a list and provide it to Rangerbid.

**NOW THEREFORE BE IT HEREBY RESOLVED** that the New Buffalo City Council approves using Rangerbid to dispose of the city's obsolete and surplus property.

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 16<sup>th</sup> day of January, 2024.

---

Ann M. Fidler, City Clerk



---

**TO:** Mayor Humphrey and the New Buffalo City Council

**FROM:** Darwin Watson, City Manager

**DATE:** January 16, 2024

**RE:** DirecTV Uniform Video Service Agreement

---

**ITEM BEFORE THE COUNCIL:**

Approval of renewed Uniform Video Service Agreement with DirecTV

**DISCUSSION:**

The City of New Buffalo signed a franchise agreement with AT&T Michigan in 2014 and that agreement was transferred from AT&T Michigan to DirecTV in 2021. The terms and conditions of the original agreement remained intact with the transfer.

The agreement is set to expire and DirecTV would like to renew the agreement, keeping the original terms and conditions, for an additional 10 years. It is a standard franchise agreement allowed by the Cable Act of 1984 and DirecTV would pay a 5% video service provider fee (the maximum allowed by law) for the duration of the agreement. For FY 2023, the City received \$61,221 and \$29,788 so far for FY 2024.

**RECOMMENDATION:**

That the New Buffalo City Council approves renewing the Uniform Video Service Agreement with DirecTV for a 10-year term.



**CITY OF NEW BUFFALO  
RESOLUTION 24-\_\_\_\_\_**

**UNIFORM VIDEO SERVICE AGREEMENT WITH DIRECTV**

**WHEREAS**, the City of New Buffalo signed a franchise agreement with AT&T Michigan in 2014 and that agreement was transferred from AT&T Michigan to DirecTV in 2021; and

**WHEREAS**, the terms and conditions of the original agreement remained intact with the transfer; and

**WHEREAS**, the agreement is set to expire and DirecTV would like to renew the agreement, keeping the original terms and conditions, for an additional 10 years; and

**WHEREAS**, it is a standard franchise agreement allowed by the Cable Act of 1984 and DirecTV would pay a 5% video service provider fee (the maximum allowed by law) for the duration of the agreement; and

**WHEREAS**, for FY 2023, the City received \$61,221 and \$29,788 so far for FY 2024.

**NOW THEREFORE BE IT HEREBY RESOLVED** that the New Buffalo City Council approves renewing the Uniform Video Service Agreement with DirecTV for a 10-year term.

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 16<sup>th</sup> day of January, 2024.

---

Ann M. Fidler, City Clerk



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**TO:** Mayor Humphrey and the New Buffalo City Council

**FROM:** Darwin Watson, City Manager

**DATE:** January 16, 2024

**RE:** Board Appointments – Board of Review

---

**ITEM BEFORE THE COUNCIL:**

Approval of board appointment to the City of New Buffalo Board of Review

**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.

Annually, the City of New Buffalo appoints members to the Board of Review for the upcoming year. The city has received an application from an interested community member to serve in that capacity. The term of these appointments are for one (1) year and expire December 31, 2024.

**RECOMMENDATION:**

That the New Buffalo City Council approves the appointment to the Board of Review.





**CITY OF NEW BUFFALO  
RESOLUTION 24-\_\_\_\_\_**

**BOARD OF REVIEW APPOINTMENTS**

**WHEREAS**, per the New Buffalo City Charter and Code of Ordinances, the Mayor makes recommendations for board appointments with final approval by the City Council; and

**WHEREAS**, annually, the City of New Buffalo appoints members to the Board of Review for the upcoming year; and

**WHEREAS**, the city has received an application from an interested community member to serve in that capacity; and

**WHEREAS**, the term of these appointments are for one (1) year and expire December 31, 2023.

**NOW THEREFORE BE IT RESOLVED**, that the New Buffalo City Council approves the appointments to the Board of Review.

DATED: January 16, 2024

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 16<sup>th</sup> day of January, 2024.

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Ann M. Fidler, City Clerk



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**TO:** Mayor Humphrey and the New Buffalo City Council

**FROM:** Darwin Watson, City Manager

**DATE:** January 16, 2024

**RE:** Participation in the New Buffalo Recreation Authority

---

**ITEM BEFORE THE COUNCIL:**

Approval of providing written notice of withdrawal from the New Buffalo Recreation Authority

**DISCUSSION:**

The City of New Buffalo is a member of the New Buffalo Recreation Authority ("NBARA"). Some concerns have been expressed about the direction of the board and benefit of the city's participation as a member. Section 4.3 of the Articles of Incorporation states that "a member municipality may withdraw from membership in the NBARA as of December 31 following at least one years' prior written notice to the other members".

**RECOMMENDATION:**

That the New Buffalo City Council approves the city submitting a letter to the other members of the New Buffalo Recreation Authority informing of its intent to withdraw, effective December 31, 2025.



**CITY OF NEW BUFFALO  
RESOLUTION 24-\_\_\_\_\_**

**UNIFORM VIDEO SERVICE AGREEMENT WITH DIRECTV**

**WHEREAS**, the City of New Buffalo is a member of the New Buffalo Recreation Authority (“NBARA”); and

**WHEREAS**, Some concerns have been expressed about the direction of the board and benefit of the city’s participation as a member; and

**WHEREAS**, Section 4.3 of the Articles of Incorporation states that “a member municipality may withdraw from membership in the NBARA as of December 31 following at least one years’ prior written notice to the other members”.

**NOW THEREFORE BE IT HEREBY RESOLVED** that the New Buffalo City Council approves the city submitting a letter to the other members of the New Buffalo Recreation Authority informing of its intent to withdraw, effective December 31, 2025..

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 16<sup>th</sup> day of January, 2024.

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Ann M. Fidler, City Clerk



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**TO:** Mayor Humphrey and the New Buffalo City Council

**FROM:** Darwin Watson, City Manager

**DATE:** January 14, 2024

**RE:** Ordinance to Repeal Article XIII of Chapter 2 and amend Chapters 7 and 14 of the City's Code of Ordinances – First Reading

---

**ITEM BEFORE THE COUNCIL:**

First reading to repeal Article XIII of Chapter 2 and amend Chapters 7 and 14 of the City's Code of Ordinances

**DISCUSSION:**

In August 2019, the City Council established the Parks and Harbor Commission. This was a combination of the Harbor Commission and Parks and Recreation Board. Per the support documentation, it was stated that "historically, it has been difficult to maintain a quorum for both the Parks Board and the Harbor Commission throughout the year". Moreover, the two (2) Boards have overlapping responsibilities for navigational facilities, harbors, and recreational opportunities that make direction and communication difficult. Recently, there has been a desire to disestablish the Parks and Harbor Commission and to re-establish the Harbor Commission and Parks and Recreation Board. The City Attorney has prepared an ordinance to repeal Article XIII of Chapter 2 and amend Chapters 7 and 14 of the City's Code of Ordinances.

**RECOMMENDATION:**

That the New Buffalo City Council approves the first reading of the ordinance to repeal Article XIII of Chapter 2 and amend Chapters 7 and 14 of the City's Code of Ordinances.

**CITY OF NEW BUFFALO  
BERRIEN COUNTY, MICHIGAN**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO REPEAL ARTICLE XIII OF CHAPTER 2 OF THE CITY OF NEW BUFFALO CODE OF ORDINANCES, AND TO AMEND ARTICLE I OF CHAPTER 7, AND ARTICLE II OF CHAPTER 14 IN ORDER TO DISESTABLISH THE PARKS AND HARBOR COMMISSION AND RECREATE THE PARK AND RECREATION BOARD AND HARBOR COMMISSION AS SEPARATE BOARDS**

THE CITY OF NEW BUFFALO ORDAINS:

Section 1. Repeal. Article XIII, “Park and Harbor Commission,” of Chapter 2, “Administration,” is hereby repealed in its entirety.

Section 2. Amendment. Article I, “Park and Harbor Commission,” of Chapter 7, “Harbor,” is hereby amended in its entirety to read as follows:

**ARTICLE I  
Harbor Commission**

**Section 7-1. Commission created.**

There is hereby recreated a Harbor Commission for the City.

**Section 7-2. Composition; appointments; filling vacancies.**

- A. Composition. The Harbor Commission shall consist of five 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.
- B. Appointments. Appointments made to the Harbor Commission shall provide for staggered terms of office. Appointments to fill expired positions on such commission shall be for a period of three years, and shall be made by the Mayor with the consent of the majority of the City Council at the regular organizational meeting of the City Council following the regular City election.
- C. Alternate members. The Mayor with the consent of the majority of the City Council may appoint up to two alternate members, who shall have the same membership requirements as regular Harbor Commission members. Alternate members have voice and vote on the Harbor Commission in the event a regular Harbor Commission member is absent. At the time of appointment as alternate members, the City Council shall designate one alternate to serve first in the event of an absence during a meeting, with the other alternate member serving if the first alternate member is unavailable, or in the event of a second absence during a meeting.
- D. Filling vacancies. Appointments to fill vacancies on the Harbor Commission shall be for a period of time equivalent to the unexpired term of that office. Appointments to fill such vacancies shall be made by the Mayor with the consent of the majority of the City Council, but shall be made within 60 days of the date such vacancy occurs.

**Section 7-3. Compensation of members.**

The members of the Harbor Commission shall serve without compensation and shall not be considered employees of the City.

**Section 7-4. Organization; officers; quorum.**

The members of the Harbor Commission shall within 20 days after their appointment in the first instance, and thereafter annually within 20 days following the regular organizational meeting of the City Council following the regular City election, organize and elect one of their members chairperson, one of their members vice chairperson, and one of their members or another person not serving on the Commission as secretary. The Harbor Commission may select other such officers as it may deem advisable and expedient. A majority of the Harbor Commission shall constitute a quorum for the transaction of business.

**Section 7-5. Meetings; rules of procedure.**

The Harbor Commission shall establish by general rule the time and place for holding all regular and special meetings of such board and the manner of giving notice thereof. The Harbor Commission is also authorized to establish by general rule procedures for the transaction of its business.

**Section 7-6. Removal of members.**

The City Council shall have power and authority to remove any member of the Harbor Commission for malfeasance, misfeasance, misconduct, or neglect of duty after having given such member notice and an opportunity to be heard.

**Section 7-7. Powers and duties; policies, rules, and regulations concerning harbor.**

The Harbor Commission shall study and make recommendations to the City Council concerning policies, rules, regulations, and ordinances dealing with the management, government, maintenance, operation, and use of the harbor, waterways, channels, municipal docks, or other navigational facilities which are under the control of the City. The reasonableness and necessity of any such policies, rules, regulations, or ordinances shall be determined by the City Council after a review thereof. All such policies, rules, regulations, and ordinances, after adoption and publications by the City Council, shall be enforced by the appropriate City officials in like manner as any other provision of this chapter or other ordinance of the City.

**Section 7-8. Budget.**

The Harbor Commission shall annually submit to the City Manager, at a date of the City Manager's choosing, a proposed budget showing in detail the amount of money which, according to the judgment of the Harbor Commission, may be necessary for harbor purposes, and the supervision, maintenance and operation thereof during the fiscal year, which fiscal year shall correspond to that of the City. The proposed budget submitted and recommended by the Harbor Commission may be increased, modified, or adopted by the City Council in its sole discretion, as the City Council may deem advisable and expedient.

Section 3. Amendment. Article II, "Park and Harbor Commission," of Chapter 14, "Parks and Recreation," is hereby amended in its entirety to read as follows:

**Article II  
Park and Recreation Board**

**Section 14-21. Created.**

There is hereby recreated a Park and Recreation Board for the City.

**Section 14-22. Composition; appointment and terms of members; filling vacancies.**

- A. Composition. The Park and Recreation Board shall consist of five 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.
- B. Appointments. Appointments made to the Park and Recreation Board shall provide for staggered terms of office. Appointments to fill expired positions on such board shall be for a period of three years, and shall be made by the Mayor with the consent of the majority of the City Council at the regular organizational meeting of the City Council following the regular City election.
- C. Alternate members. The Mayor with the consent of the majority of the City Council may appoint one alternate member, who shall have the same membership requirements as regular Park and Recreation Board members. The alternate member has voice and vote on the Park and Recreation Board in the event a regular Park and Recreation Board member is absent.
- D. Filling vacancies. Appointments to fill vacancies on the Park and Recreation Board shall be for a period of time equivalent to the unexpired term of that office. Appointments to fill such vacancies shall be made by the Mayor with the consent of the majority of the City Council, but shall be made within 60 days of the date such vacancy occurs.

**Section 14-23. Compensation of members; members not to be employees of City.**

Members of the Park and Recreation Board shall serve without compensation and shall not be considered employees of the City.

**Section 14-24. Organization; officers; quorum.**

The members of the Park and Recreation Board shall within 20 days after their appointment in the first instance, and thereafter annually within 20 days following the regular organizational meeting of the City Council following the regular City election, organize and elect one of their members chairperson, one of their members vice-chairperson, and one of their members secretary. The Board may elect such other officers as it may deem advisable and expedient. A majority of the Board shall constitute a quorum for the transaction of business.

**Section 14-25. Meetings; rules of procedure.**

The Park and Recreation Board shall establish by general rule the time and place for holding all regular and special meetings of such board and the manner of giving notice thereof. The Board is also authorized to establish by general rule procedures for the transaction of its business.

**Section 14-26. Removal of members.**

The City Council shall have the power and authority to remove any member of the Park and Recreation Board for malfeasance, misfeasance, misconduct, or neglect of duty after having given such member notice and an opportunity to be heard.

**Section 14-27. Powers and duties: policies, rules and regulations concerning City parks, playgrounds and recreation areas.**

The Park and Recreation Board shall study and formulate policies as to the maintenance, control, and regulation of all City parks, recreational areas, and playgrounds. It shall also make recommendations to the City Council as to ways of improving, planning, and developing outdoor and indoor recreational, educational, and social facilities and programs for the community. The reasonableness and necessity of any such policy, rule, or regulations appertaining to any City park, recreational area, playground, recreation program, or construction shall be determined by the City Council after a review of the recommendation of the Park and Recreation Board.

**Section 14-28. Gifts, appropriations and bequests.**

The Park and Recreation Board is hereby empowered and authorized to solicit, receive, and acquire gifts, appropriations, bequests, donations, or endowments of money, funds, or property from any person, which shall be immediately turned over to the City Council and shall be used for the creation, improvement, maintenance, and operations of the City parks and recreation programs.

**Section 14-29. Budget.**

The Park and Recreation Board shall annually submit to the City Manager, at a date of the City Manager’s choosing, a proposed budget showing in detail the amount of money which, according to the judgment of the Board, may be necessary for park and recreation purposes, and the supervision, maintenance, and operation thereof during the ensuing fiscal year, which fiscal year shall correspond to that of the City. The proposed budget submitted and recommended by the Park and Recreation Board may be increased, modified, or adopted by the City Council in its sole discretion, as the City Council may deem advisable and expedient.

Section 4. Disestablishment of Predecessor Board. The board currently known as the Park and Harbor Commission is hereby disestablished.

Section 5. 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: \_\_\_\_\_

**ORDINANCE DECLARED ADOPTED.**

**CERTIFICATION**

This is a true and complete copy of Ordinance No. \_\_\_\_ adopted at a regular meeting of the New Buffalo City Council held on \_\_\_\_\_, 2024.

\_\_\_\_\_  
John Humphrey, Mayor

\_\_\_\_\_  
Amy Fidler, Clerk

Adopted:  
Published:  
Effective:

4891-6300-5313 v1 [74113-1]