

CITY OF BUCHANAN COMMISSION MINUTES
January 12, 2004

A regular meeting of the City Commission was held at City Hall, 302 N. Redbud Trail, Buchanan, Michigan Monday, January 12th and called to order by Mayor Scanlon at 8:01 p.m.

Call to Order

The Pledge was recited by all in attendance. Reverend Tom Fox, Portage Prairie United Methodist Church gave the Invocation.

Pledge/Invocation

Commissioners present: David Hagey, Flora Ann King, Susan Lee, Marlon McGuire, Earl Scanlon

Roll Call

Commissioner absent: None

Staff present: City Manager Mike Hughes, Clerk Gladys Bybee, Treasurer Juli O'Bryant

Guests/Visitors present: On-Site Manager for Severn Trent Don Grady, Community 13 visitors Housing Initiative (CHI) Executive Director Jim Oleksak

Al Butzbaugh, Berrien County Circuit Court Judge (newly appointed) introduced himself and gave brief biography. Lyle Sumerix, Friends of Oak Ridge Cemetery President reported a \$500 donation to the group and announced the upcoming meeting.

Public Comments

Hagey moved, seconded by King to amend the Agenda to include a Report by Community Housing Initiative (CHI). Roll call vote unanimous. Hagey moved, seconded by McGuire to approve the Agenda as amended. Roll call vote unanimous. Lee moved, seconded by Hagey to approve the Consent Calendar as amended. Roll call vote unanimous.

Consent Calendar

Agenda with inclusion

- Agenda with inclusion
- Minutes: December 22, 2003 Regular Meeting – January 6, 2004 Work Session Summary
- Check numbers 44762 to 44850 in the amount of \$210,517.27
- Budget Amendment, General Fund needed to re-budget \$528,000 for the North Days Ave. Project
- 2004 Annual Meeting Dates & Times
- Appoint Janis Sexton and Darlene Clevenger to the Fine Arts Council through 2007
- Appoint Tracy Diplo to the DDA and TIFA Boards through 2005
- Appoint Alice Kring to the TIFA Board through 2006

Hughes noted that a Citizens Participation Form from Marlin Lowery for the DDA was not found (only for Plan Commission).

Dec. 22 & Jan. 26
Minutes
Checks
Budget Amendment
2004 Annual
Meeting
Dates/Times
Appointments: Fine
Arts Council, DDA,
Downtown TIF &
Andrews Farm TIF

O'Bryant reported the status/projects of the Treasurer Department including the electronic transactions and summer school tax collection for later discussion.

Grady explained in detail: tree removal, street patching, plow blades, new cemetery supervisor, water reports, water foreman training, water operator, mercury minimization plan and sludge hauling (Public Services Department: Monthly Status Report for December) while all reviewed the report. The Mercury Plan was discussed with Commission and public.

Oleksak explained the two issues with the Rehabilitation Programs, status of the Programs and submittal of homeowner and rental rehabilitation grants. Discussion was shared.

Reports

Treasurer

Public Services

Community Housing
Initiative

Hughes summarized the budget cuts necessary for the General Fund due to projected State revenue sharing cut of \$68,955. After shared discussion ***Lee moved seconded by King to approve the Budget Amendment in the General Fund by decreasing the amount of \$71,879 as recommended by City Staff. Roll call vote unanimous.***

Old Business

Budget Amendment
2003-04 Budget Cuts

O’Bryant briefly explained the Resolution to Authorize Electronic Transactions Under Public Act 738 of 2002. ***The following resolution was offered by Commissioner King and seconded by Commissioner Lee.***

WHEREAS, Electronic payments of public funds are required for some federally mandated transactions of public funds, and electronic payments have become a commonly accepted practice by banks and other financial institutions, and

WHEREAS, Public Act 738 of 2002, effective December 30, 2002, authorizes cities to make electronic transactions involving public funds by electronic payment, debit, or credit transfer processed through an automated clearing house, and

WHEREAS, PA 738 authorizes a city treasurer to enter into an ACH arrangement for a national and governmental organization that has authority to process electronic payments (ACH), including, but not limited to, the national automated clearing house association and the federal reserve system, and

WHEREAS, The Buchanan City Commission deems that it is in the best interest of the city to make certain city financial transactions by electronic payments as described in PA 738.

NOW, THEREFORE BE IT HEREBY RESOLVED, That the Buchanan City Commission authorizes the City to utilize electronic transactions in compliance with the written procedures and internal controls developed and adopted by the Treasurer as the City’s ACH policy and presented to the City Commission on January 12, 2004.

Resolution
2004.01/02
Negotiate Summer
School Tax Fee

Motion carried by unanimous roll call vote. Resolution 2004.01/01 approved.

The following resolution was offered by Commissioner Hagey and seconded by Commissioner McGuire.

WHEREAS, the City agrees to collect the total summer school taxes as certified by the School District for the levy on July 1, 2004 for property located within the City; and

WHEREAS, the School District agrees to pay City costs of assessment and collection in the negotiated amount; and

WHEREAS, no later than June 1, 2004, the School District shall certify to the Treasurer the school millage to be levied on property for summer school tax collection in 2004; now, therefore,

BE IT RESOLVED, that the Treasurer is authorized and directed to negotiate with the School District on behalf of the City of Buchanan: for the reasonable expenses for collection of the district’s summer property tax levy that the City may bill under MCLA 280.1611 or MCLA 280.1612. Any such proposed agreement shall be brought before the City Commission for its approval.

Resolution
2004.01/03,
Suspending Policy
Governing Lot Sales
at Andrews Farm
Industrial Park

Motion carried by unanimous roll call vote. Resolution 2004.01/02 approved.

Hagey moved, seconded by Lee to approve the Resolution suspending the Policy governing lot sales at Andrews Farm for the purpose of entering into discussion to sell Lot 4.

WHEREAS, the Buchanan City Commission adopted “A Policy Governing Lot Sales at Andrews Farm Industrial Park”, hereafter referred to as “Policy”, on July 10, 1989; and

WHEREAS, the Buchanan City Commission amended said Policy on or about the 2nd day of November, 1994; and

WHEREAS, the Buchanan City Commission is desirous of revising said Policy.

NOW, THEREFORE, BE IT RESOLVED that the Buchanan City Commission hereby suspends the operation of the Policy pending further action thereon.

Public Hearing, Sale
of Lot 4

Motion carried by unanimous roll call vote. Resolution 2004.01/03 approved.

The Mayor called the Public Hearing to order at 8:48 p.m. to recognize/invite public comments regarding the sale of Lot 4 in Andrews Farm Industrial Park. Hughes explained Lot 4 was the last parcel available in the park, his negotiation with Premier Tool and Die to sell for \$12,000, and Andrews Farm Tax Increment Finance Authority reviewed and sends favorable recommendation to sell. Dewey Bicard, 811 Terre Coupe opposed the industrial development. Nancy Bicard questioned the cost of the lot compared to other lots. Public and Commission

shared discussion
with Premier
Representatives
Steve Endres and
John Yore. The
Mayor closed the
public hearing at
9:04 p.m. **Lee**

Old Business continued

Resolution 2004.01/01, Electronic Transactions

moved seconded by King to direct the City Manager to draft a Purchase Agreement and Right of First Refusal for the sale of Lot 4 in Andrews in Andrews Farm Industrial Park with a 40 foot easement on the west side of the property. Roll call vote unanimous.

Express 1, Partial Release of Economic Development Agreement

After brief discussion and confirmation of Hughes reviewing release with City Attorney Hyrns, ***Hagey moved seconded by McGuire to approve the Partial Release of Economic Development Agreement on .25 of an acre within Lot 12, at Andrews Farm Industrial Park, for Express 1. Roll call vote unanimous.***

Express 1, Partial Release of Mortgage

After review of the City Attorneys letter and shared discussion regarding the Release of Mortgage of approximately .25 of an acre within Lot 12 at the Andrews Industrial Park for Express 1, ***Hagey moved seconded by King to approve the Partial Release of Mortgage as presented. Roll call vote unanimous.***

New Business
Dial-A-Ride Radio Purchase

All discussed the letter from Judy Phillips, Manager of Buchanan Dial-A-Ride requesting the purchase of three (3) mobile radios for the buses. All discussed the quote, equipment, longevity and availability of funds. ***King moved seconded by McGuire to approve the purchase of communication radios for the DAR buses not to exceed \$6,000. Roll call vote unanimous.***

City Manager Comments

Hughes commented:

- C-Saw lease agreement forthcoming
- Received support from Commission on Maurice Nelson letter as requested
- Thanked Reed Mann for the earlier tour of his business, Custom Milling and urged visits
- Date/time of interview with Gloria on Radio Station WNIL

Commissioner's Comments

All Commissioners voiced congratulations to Miss Buchanan, Lindsay Colip and thanked Reed and Pam Mann for the tour of their Custom Milling business.

King commented:

- Commended youth Scott Warner for his attendance and interest in City government

Lee commented:

- Thanks to the Bicard's for their attendance and comments

McGuire commented:

- Concerns for sidewalk snow removal at crosswalks
- Happy New Year

Scanlon commented:

- Hopeful for resolving issues with Downtown Grants
- Urged attendance to Recreation Board Meeting to discuss Skateboard Park
- Thanked Scott Warner for attendance
- Thanked and Welcomed Premier Tool and Die; Encourages new business.

Adjournment

Lee moved, seconded by King to adjourn the meeting at 9:27 p.m. Voice vote carried unanimous.

Gladys M. Bybee, CMC-City Clerk

Earl J. Scanlon III, Mayor

Old Business continued

Public Hearing, Sale of Lot 4

CITY OF BUCHANAN COMMISSION MINUTES
January 26, 2004

A regular meeting of the City Commission was held at City Hall, 302 N. Redbud Trail, Buchanan, Michigan Monday, January 26th and called to order by Mayor Scanlon at 8:00 p.m.

Call to Order

The Pledge was recited by all in attendance. Reverend Lowell Kosak, Buchanan Church of Christ gave the Invocation.

Pledge/Invocation

Commissioners present: David Hagey, Flora King, Susan Lee, Marlon McGuire, Earl Scanlon

Commissioner absent: None

Staff present: City Manager Mike Hughes, Clerk Gladys Bybee, Cemetery Supervisor John Raines

Guests/Visitors present: Representative Neal Nitz, Senior Services Board President Mary Ellen Robards and Senior Services Director Ann Sidmore 9 visitors

Roll Call

John Behnke, Candidate for Berrien County Sheriff introduced himself and gave brief biography. All shared discussion with Stella Proud regarding more care taken on plowing of streets. Hughes suggestion discussion at the next work session.

Public Comments

Hagey moved, seconded by McGuire to amend the Checks to add check 44937 in the amount of \$480.00 to MSHDA as requested. Roll call vote unanimous. King moved, seconded by Scanlon to approve the Consent Calendar as amended. Roll call vote unanimous.

- Agenda
- Minutes: January 12, 2004 Regular Meeting – January 12, 2004 Off-Site Tour
- Check numbers 44851 to 44937 in the amount of \$179,885.70
- List of Election Inspectors for Monday, February 2 Lake Michigan College (LMC) Millage Renewal Special Election

Consent Calendar

Agenda

Jan. 12 Minutes

Checks with addition

Election Inspectors

Robards thanked the Commission for support and explained the Buchanan Senior Services February Newsletter and calendar while all reviewed. Sidmore distributed and explained the January report and brochure. All shared questions/discussions. Both ladies asked that the Commission give favorable support to the Center during the upcoming budget process.

Bybee reported the status of the Clerk/Elections Department including the Special Election on Monday. The feedback received on the website was discussed briefly.

Raines gave biography and explained his goals/programs for the Cemetery, possibly including a nursery in the open space. He announced that he was also responsible for Cemetery office hours, sidewalk clearing and tree trimming throughout the City. Greetings were shared.

Reports

Senior Services

Clerk/Election

Introduce new
Cemetery Supervisor

Hughes summarized the changes in the lease purchase agreement with C-Saw for 101 W. Smith Street. Discussion was shared. Due to concerns with monitoring the responsibilities of the BEA and enforcement of Lease the Agreement was tabled until the next meeting.

Hughes gave overview of discussions to terminate the Severn Trent contract that expires in April 2005. He recommended termination prior to the 2004-2005 budget and hiring a Public Services Director for Wastewater, Water, Cemetery, and Streets. Commission and Hughes shared discussion regarding proper licenses/certifications necessary along with liability exposure. ***King moved seconded by McGuire to grant authority to the City Manager to submit a letter of termination to Severn Trent as required by the contract and approve the hiring of a Public Services Director as recommended and requested. Roll call vote to approve the motion carried by majority. YEA: Scanlon, Lee, King, McGuire. NAY: Hagey.***

Old Business

C-Saw Agreement

Severn Trent Letter
of Termination

Lee left at 9:24 p.m.

Hughes explained the Draft Request for Proposal (RFP) to market the old library building at 117 W. Front Street while all reviewed the draft. He anticipated bringing the final

Draft Request for
Proposal (old
library)

RFP to the Commission on February 9th and open the proposals on April 26th. After brief discussion, Hughes urged Commission input.

Hughes announced the letter from Recreation Director Wayne Writer on the status of developing a Skate Park that was distributed earlier. He recommended the City act as a fiduciary for a Skate Board Project. ***Hagey moved seconded by King to establish a Skate Park Trust Fund for donations from the public. Roll call vote unanimous.*** Mayor Scanlon challenged the public to match the cities \$10,000. by fund raising.

All reviewed the letter from Recreation Director Wayne Writer requesting \$4,800 to update the 5Year Parks & Recreation Plan. After brief discussion of paying \$2,800 now and \$2,000 in the 2004-2005 budget ***Hagey moved seconded by King to approve the 2003-2004 Budget Amendment in the amount of \$3,250 by moving \$750. to Capital Outlay as presented. Roll call vote unanimous.*** Noted to budget \$2,000 in next fiscal budget for Park & Recreation.

After brief review of the Contract to update the 5 Year Recreation Plan, ***Hagey moved seconded by McGuire to waive the bid process and contract with Randy Rood in the amount of \$4,800. Roll call vote unanimous.***

After Hughes explained reasoning and noting the changes to the Downtown Homeowner Rehabilitation Guidelines ***King moved seconded by McGuire to accept the revisions to the Guidelines as presented. Roll call vote unanimous.***

After Hughes explained reasoning and noting the changes to the Downtown Rental Rehabilitation Guidelines ***King moved seconded by McGuire to accept the revisions to the Guidelines as presented. Roll call vote unanimous.***

Hughes commented:

- Review of the Personnel Policy and Employee Handbook as distributed with action at next meeting
- Would be attending the State of State Address as invited by Representative Neal Nitz
- Interviewed by Moccasin Elementary School and WNIL Here's Gloria Program
- Projects needing to be discussed at a Work Session. Thursday February 12th at 7:30 p.m.

King commented:

- Complimented Dick Proud on his efforts with the Trail
- Urged participation with the McCoy Creek clean-up

Hagey commented:

- Gladness with increased meeting attendance, groups and volunteers
- Pleased with the RFP for the old library
- Reminder to all to vote Monday
- Saddened by the death of long time resident/activist, Attorney Bill Desenberg

McGuire commented:

- Acknowledged 54 persons for Senior Services Blood Drive
- Michigan's 167th birthday
- Masonic Lodge #68 150th Anniversary

Scanlon commented:

- Thanks to Representative Nitz for his "Night Out" at City Hall
- Impressed by numbers at Senior Center activities
- Pleased with all excitement for Trail, Creek Clean-up, Talk Show Interview & Skate Park

King moved, seconded by McGuire to adjourn the meeting at 10:05 p.m. Voice vote carried unanimous.

Skate Park Trust Fund

New Business

Budget Amendment for Park & Recreation

Contract for Park & Recreation 5 year Plan update

Downtown Homeowner & Rental Rehabilitation Guideline Revision

City Manager Comments

Commissioner's Comments

Adjournment

CITY OF BUCHANAN COMMISSION MINUTES
February 9, 2004

A regular meeting of the City Commission was held at City Hall, 302 N. Redbud Trail, Buchanan, Michigan Monday, February 9th and called to order by Mayor Scanlon at 8:00 p.m.

Call to Order

The Pledge was recited by all in attendance. Reverend Sheldon Seltzer, Seventh Day Adventist Church gave the Invocation.

Pledge/Invocation

Commissioners present: David Hagey, Flora King, Marlon McGuire, Earl Scanlon

Commissioner absent: Susan Lee

Staff present: City Manager Mike Hughes, Clerk Gladys Bybee, Police Chief Brian Russell

Guests/Visitors present: Public Services Director Don Grady, Vice-Chairman for RAM LOVE Sheldon Seltzer, G2 Design Studio Representative Curt TerHaar and Daryl Veldman with Wightman & Associates, Dial-A-Ride Director Judy Phillips
21 visitors

Roll Call

All shared discussion with Stella Proud after she requested fee waiver to use the Senior Center for the Rural School Reunion.

Public Comments

King moved, seconded by McGuire to approve the Consent Calendar as presented. Roll call vote unanimous.

- Agenda
- Minutes: January 26, 2004 Regular Meeting
- Check numbers 44938 to 45036 in the amount of \$151,962.12

Consent Calendar

Agenda
Jan. 26 Minutes
Checks

Seltzer distributed the 2003 RAM/LOVE Inc. Year End Financial Report including Persons Served. He announced that the Redbud Area Ministries would be withdrawing their relationship with LOVE Inc., thanked all organizations for their monetary support and commended the volunteers. Discussion shared.

Reports

RAM LOVE

Grady explained in detail: equipment repairs, salt truck conversion, tree removal, water reports, water main break, water system review by MDEQ, and meeting with MDEQ for Millrace dredging (Public Services Department: Monthly Status Report for January) while all reviewed the report. Discussion/questions shared.

Public Services

Russell commended RAM LOVE for their services. He explained issues and projects and went through the 2003 Annual Incident Tally while all reviewed the statistical report. Russell did note a glitch in the software and discussion/questions shared.

Police/Code
Enforcement Dept.

TerHaar and Veldman set up a display of the proposed rendering of the Front Street Streetscape Project (from Oak St. to 400 E. Front). TerHaar, Landscape Architect distributed booklets of the project and explained his proposal in detail. Commission and Public shared discussion/questions. Veldman explained costs came in under budget and requested what amenities the Commission wished to include in the bid specifications and which ones to bid as alternates. Hughes announced the funding sources, support from DDA and all discussed the roundabout proposed for Redbud/ Front intersection. Veldman confirmed the choice of amenities (planters, benches, etc.). ***King moved seconded by McGuire to accept the Streetscape design recommendation as presented by Daryl Veldman and Curt TerHaar. Roll call vote unanimous. Hagey moved seconded by King to approve the base bid of \$663,000 and bid the drinking fountain, traffic signage, district sign, clock, fence at the culvert and upgraded tree grates as alternates. Roll call vote unanimous.*** It was the consensus of the Commission to pursue a plan and do further study into the roundabout.

Old Business

Front Street
Streetscape

All reviewed and discussed the written opinions from Attorney Jim Enright regarding the 101 W. Smith St. liability/responsibility as requested at the last meeting. ***Hagey moved seconded by McGuire to approve the Lease Purchase Agreement with C-Saw as presented. Roll call vote unanimous.***

Hughes recalled the Request for Proposals (RFP) for the old library building, 117 W. Front St. and recommended that the RFP be noticed in several papers outside the area. ***Hagey moved seconded by McGuire to release the RFP to begin marketing the sale of 117 W. Front Street with a maximum of \$3,500 to spend on advertising. Roll call vote unanimous.***

Phillips explained and answered questions about the Project Zero for Buchanan Dial-A-Ride. ***King moved seconded by McGuire to approve the Project Zero Agreement as presented. Roll call vote unanimous.***

Phillips explained the Local Public Transportation 2005 State Grant Application. ***The following resolution was offered by Commissioner Hagey and seconded by Commissioner McGuire.***

Whereas, pursuant to Act No. 51 of the Public Acts of 1951, as amended (Act 51), it is necessary for the City of Buchanan to provide a local transportation program for the state fiscal year of 2004-05 and, therefore, apply for state financial assistance under provisions of Act 51; and

WHEREAS, it is necessary to certify that no changes in eligibility documentation have occurred during the past state fiscal year; and

WHEREAS, the 10e (18) accessibility plan for this agency has been reviewed and approved by the Local Advisory Council; and

WHEREAS, the City of Buchanan has reviewed and tentatively approved the proposed balanced operating budget and funding sources of \$12,968 estimated federal funds, \$73,823 estimated state funds, \$51,654 estimated local funds and \$10,000 estimated farebox revenues, budget total estimated operating expenses of \$148,455; and

WHEREAS, said budget includes estimated operating expenses and a capital request for Buchanan Dial-A-Ride.

NOW THEREFORE BE IT RESOLVED that the City of Buchanan does hereby make its intentions known to provide public transportation services and to accept 49 USC s 5311 (formerly Section 18) assistance in accordance with Act 51; and 5307 funds, and

HEREBY authorizes Julianne M. O'Bryant as Transportation Coordinator, for all public transportation matters for FY 2003-05.

Motion carried by unanimous roll call vote. Resolution 2004.02/02 to apply for financial assistance for fiscal year 2004-2005 under Act No. 51 of Public Act of 1951 approved.

Hughes explained the Bid Waiver submitted by Fire Chief Weaver to purchase 17 Firefighter's uniforms. ***King moved seconded by Hagey to waive the bid and approve the purchase of the uniforms in the amount of \$1,283.50. Roll call vote unanimous.***

Grady explained the Bid Waiver to purchase a bucket for the loader at the WWTP. ***Hagey moved seconded by McGuire to waive the bid process and approve the purchase for the bucket from Moyer & Company in the amount of \$4,676.94. Roll call vote unanimous. King moved seconded by McGuire to approve the budget amendment from 501.590.939 to 501.590.933 to purchase the bucket. Roll call vote unanimous.***

Hagey moved seconded by King to set Public Hearing on February 23, 8:00 p.m. to invite/hear public comments for the purpose of considering Premier Tool & Die Cast Corporation application request for an Industrial Facilities Exemption Certificate. Roll call vote unanimous.

Hughes explained the key changes in the Employee Handbook and Non-Union Employees Personnel Policy. ***The following resolution was offered by Commissioner***

Old Business
continued

C-Saw Agreement

Request for
Proposal-117 W.
Smith Street

New Business

Project Zero, Dial-A-
Ride

Resolution
2004.02/02, Local
Public
Transportation 2005
Grant

Bid Waiver,
Firefighter's
uniforms

Bid Waiver/Budget
Amendment, Loader
bucket for WWTP

Set Public Hearing
for Premier Tool &
Die IFEC
Application

Employee Handbook
Personnel Policy

King and seconded by Commissioner McGuire. A RESOLUTION ADOPTING EMPLOYEE HANDBOOK AND NON-UNION EMPLOYEES PERSONNEL POLICIES DATED FEBRUARY 9, 2004

Resolution
2004.02/03,
Employee Handbook
& Non-Union
Employees
Personnel Policy

WHEREAS, it is appropriate to review and revise personnel policies from time to time; and WHEREAS, the City Commission seeks to improve work practices and increase professionalism within the workplace.

NOW, THEREFORE, BE IT RESOLVED THAT: the City Commission of the City of Buchanan approve and adopt the Employee Handbook and Non-Union Employees Personnel Policies dated February 9, 2004.

Motion carried by unanimous roll call vote. Resolution 2004.02/03 read and approved.

Policy for snow
removal

Hughes explained the concerns that have been received about snow plowing and cleaning sidewalks. All discussed the current process of clearing sidewalks for the schools and crossing guards, developing a policy for sidewalk snow removal, property/business owner’s responsibility, code enforcement, and possibly plowing snow to middle of street downtown. Commission heard concerns from residents and business owners. Hughes confirmed to develop a policy.

“Clean Waters’ sign
at Riverfront Park

Hughes reported that the St. Joseph Power Squadron was requesting to post a sign, “Clean Waters”, at Riverfront Park that promotes eliminating pollution in our waters. **Scanlon moved seconded by McGuire to approve the sign at Riverfront Park with City Manager overseeing the placement. Roll call vote unanimous.**

Community
Showcase

Hughes explained the “Community Showcase” being a public exhibit format of all the great things that are happening in Buchanan (i.e. Trail, Streetscape, etc.) held at the Senior Center on Thursday April 15th from 4:30 to 7:00 p.m.

**City Manager
Comments**

Hughes commented:

- Beginning recruitment for a Public Services Director
- Annual Planning Meeting at Fernwood
- Commendation to Police Chief Russell for apprehending an alleged burglar
- Urged attendance to MML Legislative Conference and upcoming events/meetings
- Trail Committee flyer distributed: “Name the Trail and Poster Contest”

**Commissioner’s
Comments**

King commented:

- Condolences to Warren Weaver on the loss of his mother
- Concern for numerous keys around town for the Teen Center

McGuire commented:

- Condolences to Warren Weaver
- Pleased with tonight’s attendance

Scanlon commented:

- Condolences to Warren Weaver
- Commended RAM LOVE

Adjournment

McGuire moved, seconded by King to adjourn the meeting at 11:26 p.m. Voice vote carried unanimous.

Gladys M. Bybee, CMC-City Clerk

Earl J. Scanlon III, Mayor

New Business continued

CITY OF BUCHANAN COMMISSION MINUTES
February 23, 2004

A regular meeting of the City Commission was held at City Hall, 302 N. Redbud Trail, Buchanan, Michigan Monday, February 23rd and called to order by Mayor Scanlon at 8:00 p.m.

The Pledge was recited by all in attendance. Reverend Lowell Kosak, Church of Christ gave the Invocation.

Commissioners present: David Hagey, Flora King, Susan Lee, Marlon McGuire, Earl Scanlon

Commissioner absent: none

Staff present: City Manager Mike Hughes, Clerk Gladys Bybee, Assessor Gordon Schreiber

Guests/Visitors present: Southwestern Michigan Economic Growth Alliance Director Sharon Witt, Chamber of Commerce President and Arts & Historical Joint Committee Spokesperson Alice Kring
16 visitors

Resident Lyle Sumerix commented that the proposed roundabout on Front Street was impractical and gave other suggestions. Neal Nitz, State Representative thanked the Commission for hosting his after office hours at City Hall for the past few months.

Lee moved, seconded by McGuire to approve the Consent Calendar as presented. Roll call vote unanimous.

- Agenda
- Minutes: February 9, 2004 Regular Meeting / February 12, 2004 Work Session
- Check numbers 45037 to 45133 in the amount of \$316,631.17

The Mayor noted that the Assessor would be heard before the arrival of Alice Kring.

Schreiber reported on his written report while all reviewed. He explained past and upcoming Board of Review meetings, review of building permits, research of downtown building square footage and use, identified businesses that were not on the tax roles and removed some that were no longer in business, finalizing the 2004 assessment roles and thanked staff for assistance.

Kring reported that each group (Common, Fine Arts, Preservation Society) was gearing up for the summer season and bringing forth budgets for the Joint Committee to review. She displayed the joint placemat that would be circulated to several restaurants in the area for advertising events and requested favorable outcome for continued funding for the cultural programming.

Kring noted that the Chamber of Commerce had developed a new mission statement and explained the upcoming events, noted that she would be returning to request street closures for Buchanan Fest in September, urged Commissioners to become citizen's supporters of the Chamber and commended Director Michelle Klarich.

The Mayor opened the Public Hearing at 8:13 p.m. to invite/hear public comments on the Application for an Industrial Facilities Exemption Certificate (IFEC) from Premier Tool & Die Cast Corporation, 835 Terre Coupe Road. Witt introduced Steve Endres and Dave Shembarger from Premier and explained the 12 year tax abatement request. No public comments were heard. Commissioner's shared brief questions/discussion. The Mayor closed the Public Hearing at 8:17 p.m. ***Hagey moved seconded by King to grant the Industrial Facilities Exemption Certificate for 12 years and approve the Resolution as presented.***

Call to Order

Pledge/Invocation

Roll Call

Public Comments

Consent Calendar

Agenda
Feb. 9 & 12 Minutes
Checks

Reports

Assessor

Arts & Historical
Joint Committee

Chamber of
Commerce

Old Business

Public Hearing-
Premier Tool & Die
IFEC

WHEREAS,
pursuant to Michigan

Public Act 198 of 1974, M.C.L. 207.551 et seq. ("Act 198") after duly noticed public hearing held on June 28, 1982, this Buchanan City Commission (the "Commission") by resolution established the Andrews Farm Industrial Park's "Industrial Development District - 58-01-82" located at 835 Terre Coupe Road, Buchanan, Michigan; and

Resolution
2004.02/06

WHEREAS, Premier Tool & Die Cast Corporation (the "Applicant") has filed an application for an Industrial Facilities Exemption Certificate (the "Certificate") with respect to personal property at 835 Terre Coupe Road facility; and

WHEREAS, before acting on said application the Commission held a public hearing on February 23, 2004 at the Buchanan City Hall, at which hearing the Applicant, the Assessor and a representative of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

WHEREAS, real property improvements and the installation of personal property (the "Project") had not begun earlier than six (6) months before the date of the acceptance of the application for the Certificate; and

WHEREAS, completion of the Project is calculated to and will at the time of issuance of the Certificate have the reasonable likelihood to retain, create, or prevent the loss of employment in Buchanan City.

NOW, THEREFORE, BE IT RESOLVED by the Buchanan City Commission that:

1. The Commission finds and determines that the granting of the Certificate considered together with the aggregate amount of the certificates currently in force under Act No. 198 shall not have the effect of substantially impeding the operation of the Buchanan City Commission (the "Commission"), or impairing the financial soundness of a taxing unit which levies an ad valorem property taxes in the City.
2. The Letter of Agreement between the Applicant and the City is hereby approved.
3. The Application for the Certificate is hereby approved and when issued shall remain in force and effect for a period of 12 years.

North Detroit Street
Dedication/
Acceptance

Roll call vote unanimous. Resolution 2004.02/06 declared adopted.

Hughes announced that the Plan Commission had sent favorable recommendation that the City accept dedication of North Detroit Street from B.G. Green. He recommended that the manhole be raised and the City Attorney review final documents. There was brief discussion between Green, Hughes and Commission. **King moved seconded by Hagey to accept the Release of Right-of-Way (Offer of Dedication) dated January 19, 2004, with the requirement to raise the manhole and contingent upon City Attorney review of final documents. Roll call vote unanimous.**

Middleton Court
Dedication/
Acceptance

Hughes explained the Plan Commission worked with Orville Worvey on several issues and were now giving favorable recommendation that the City accept dedication of Middleton Court. He recommended that the City Attorney review final documents. **Hagey moved seconded by McGuire to accept the dedication of Middleton Court contingent upon City Attorney final review. Roll call vote unanimous.**

G2 Design Proposal-
Task II-Priority Site
Area Master
Planning

Hughes explained the Task II-Priority Site Area Master Planning (Common, north parking lot, & farmers' market area) from G2 Design Studio through Wightman & Associates, Inc. while all reviewed the proposal. After shared discussion regarding the proposed time schedule, **Hagey moved seconded by King to approve the landscape design from G2 Studios through Wightman Associates, Task II-Priority Site Area Master Planning, with the completion target date of March 19th in the amount of \$7,480 as recommended. Roll call vote unanimous.**

Set Public Hearing
for Closeout of Third
Street Infrastructure
CDBG Loan

After brief explanation from Hughes, **Hagey moved seconded by Lee to set a Public Hearing on March 8, 8:00 p.m. to invite/hear public comments to inform the public of the results on the THIRD STREET INFRASTRUCTURE PROJECT CDBG LOAN, MSC 990012, in the amount of \$350,000, as required by MEDC prior to close out. Roll call vote unanimous.**

**King moved
seconded by
McGuire to approve
the Resolution for
changing Michigan
Employee**

Old Business continued

Public Hearing-Premier Tool & Die IFEC

Retirement System (MERS) Benefits, establishing a B-2 Benefit Multiplier for the General (1) and the SEIU Local (10) groups (See Resolution attached). Roll call vote unanimous. Resolution 2004.02/07 declared adopted.

Hughes reported that Fire Chief Weaver (City Representative) had been attending County Emergency Management meetings and recommended support in developing a Hazardous Mitigation Plan. ***King moved seconded by Lee to approve the Resolution as follows:***

WHEREAS, the Berrien County Office of Emergency Preparedness is developing a Hazard Mitigation Plan that will satisfy the requirements of the Disaster Mitigation Act of 2000 and 44CFR 201.6. The plan will identify, analyze and prioritize significant hazards in the county. The plan will also outline strategies to effectively lessen the impacts of hazards (mitigation strategies).

WHEREAS, local units of government that wish to receive funding for hazard mitigation projects from the Hazard Mitigation Grant Program will be required (by the Federal Emergency Management Agency) to create or participate in the creation of an approved local hazard mitigation plan satisfying the requirements of the Disaster Mitigation Act of 2000.

WHEREAS, the Berrien County Office of Emergency Preparedness will develop a plan that reflects the needs and concerns of the community and the local units of government within the county. In addition, mitigation strategies may need to be implemented at the local level or with cooperation from the local units. To achieve these objectives, local input is an essential element of the planning process.

NOW THEREFORE, BE IT RESOLVED that the City Commission of the City of Buchanan will support the County's efforts in developing the Hazard Mitigation Plan. The City of Buchanan will participate in the hazard mitigation planning process by doing the following:

- select a representative that will serve as a liaison between the county and the local unit by attending meetings throughout the planning process to develop and prioritize hazards and mitigation strategies (if no one from the local unit can attend a scheduled meeting, a meeting summary will be sent to the local unit);
- complete and return the hazard identification and community profile worksheets;
- allow County staff to present the draft plan at a board/council meeting;
- provide comments and suggestions on the draft plan to ensure that the plan reflects the needs of the local unit;
- and consider adopting a resolution of support for the final Hazard Mitigation Plan before it is adopted by the County Board of Commissioners.

Motion carried by roll call vote unanimous. Resolution 2004.02/08 declared adopted.

Scanlon moved seconded by King to go into Closed Session at 9:02 p.m. to discuss the City Manager evaluation as requested by Hughes and to review December 8, 2003 minutes for collective bargaining. Roll call vote unanimous. The Mayor reconvened the meeting at 10:32 p.m. with no decisions made in closed session. ***Lee moved seconded by Hagey to approve the December 8, 2003 closed session minutes. Roll call vote unanimous.***

Hagey moved seconded by Lee to amend Article II, 2.1 of the contract with Hughes to approve a salary increase from \$55,000 to \$60,500 effective this date in lieu of the fixed 3% increase as stated in Article II, Section 2.2 of the Employment Agreement dated February 24, 2003. The City Manager, as part of the position, shall make himself available via cell phone at times including those not considered normal working hours. As a consideration of this availability the City of Buchanan will allow personal use of the City's cell phone up to \$50.00 per month, and change the word from may to SHALL in the second sentence of Article II, Section 2.3(a). Roll call vote unanimous. (The clerk received the evaluation forms from the Mayor to include in Hughes personnel file.

New Business

Hazard Mitigation
Planning, Resolution
2004.02/08

Closed Session:

December 8
Collective
Bargaining Closed
Session Minutes
City Manager
Evaluation

Agreement Change

Hughes commented:

- March 8th tour of
113/115 E. Front
Street building

for the Commission

- Resolved issue with Stella Proud regarding seniors paying same rental fee to use Senior Center
- Thanked the City Commission for support and anticipates the future

**Commissioner's
Comments**

King commented:

- Commended the Senior Services for providing breakfast for the Chamber PERC breakfast
- Looking forward to Mayors Exchange with Cassopolis
- Pleased with this evening's meeting attendance

Lee commented:

- Thanked the community for all their involvement with the City
- Thanked Hughes for his hard work

Hagey commented:

- Commended tonight's attendance and all volunteerism
- Commended Dick Proud, the Trail Committee and Sub-Committees
- Commended Hughes

McGuire commented:

- Encouraged by attendance to the earlier Trail Committee meeting
- Thanked Representative Nitz for his time in Buchanan
- Noted the Chili supper fundraiser

Scanlon commented:

- Praised Hughes
- Elated about conversation and excitement in Buchanan, hopeful for continuance
- Invited and welcomed ideas whether agree or disagree
- Thanked Representative Nitz for his time in Buchanan and assistance with the tour of the State Capital. Thanked Representative LaSata for his participation with the tour
- Shared discussion with Commissioner's to direct the City Manager to contact and resolve the sidewalk issue with James Jesse, 109 Redbud Trail

Adjournment

King moved, seconded by McGuire to adjourn the meeting at 10:47 p.m. Voice vote carried unanimous.

Gladys M. Bybee, CMC-City Clerk

Earl J. Scanlon III, Mayor

City Manager Comments

CITY OF BUCHANAN COMMISSION MINUTES
March 8, 2004

A regular meeting of the City Commission was held at City Hall, 302 N. Redbud Trail, Buchanan, Michigan Monday, March 8th and called to order by Mayor Scanlon at 8:00 p.m.

The Pledge was recited by all in attendance. Reverend Len Bailey, Buchanan Church of the Nazarene gave the Invocation.

Commissioners present: David Hagey, Flora King, Susan Lee, Marlon McGuire, Earl Scanlon

Commissioner absent: none

Staff present: City Manager Mike Hughes, Clerk Gladys Bybee

Guests/Visitors present: Public Services Director Don Grady, FTC&H Representative Mike Townley
5 visitors

Lee moved, seconded by McGuire to approve the Consent Calendar as presented. Roll call vote unanimous.

Agenda

Minutes: February 23, 2004 Regular Meeting

Check numbers 45134 to 45235 in the amount of \$191,185.97

Signature Designation Form for 2003-2004 Homeowner Rehabilitation Program

Grady explained in detail: equipment repairs to the International dump truck, burials, tree removal & job interviews with the Cemetery Department along with Water Department reports, main break, operator, meter repairs, pumpage report & cross connection report (Public Services Department: Monthly Status Report for February) while all reviewed the report. Discussion/questions shared.

It was confirmed that the Fire and Building Departments report would be rescheduled.

The Mayor opened the Public Hearing at 8:09 p.m. to inform the public of the results on the \$350,000 CDBG Loan and invite/hear public comments regarding the closure of the Third Street Infrastructure Project Community Development Block Grant (CDBG) Loan, MSC 9900112. Hughes reported the upgrades to water, sewer, storm sewer along Third Street for the McCoy Creek Industrial Park with paving on Third Street in the total amount of \$798,855.72 and creation of 20 new qualifying jobs. He explained the original Michigan Economic Development Corporation (MEDC) requirement of creating 35 jobs and was awaiting outcome information from MEDC. No public comments were heard. Commissioner's shared questions/discussion. The Mayor closed the Public Hearing at 8:17 p.m. Commission requested that Hughes submit a letter on behalf of the City to include with the closeout documents.

Hughes explained the Release with James and Jeanette Jesse regarding the ongoing sidewalk debate and recommended that the City settle the debate and pay half of the amount of replacement as per the program. After review and discussion of several letters and the Agreement ***Lee moved seconded by King to accept the Release in the amount of \$1,643.50 paid to Mr. & Mrs. Jesse contingent upon the endorsement by James and Jeanette Jesse. Roll call vote unanimous.***

Hughes summarized the changes to the Downtown Development Authority (DDA) Bylaws that the DDA approved and recommended that the City Commission adopt. After discussion regarding the conflict of term with Mayor, Commissioner and Chamber President, ***Hagey moved seconded by King to approve the DDA Bylaws with a change in the length of term to reflect one (1) year for the Mayor, Commissioner and Chamber President under Article II-2-a. Roll call vote unanimous.***

Hughes explained the current brush pickup that occurs two (2) days per week each

Call to Order

Pledge/Invocation

Roll Call

Consent Calendar

Agenda

Feb. 9 & 12 Minutes

Checks

MSHDA Signature

Designation form

Reports

Public Services

Old Business

Public Hearing-Third Street Infrastructure Project, CDBG Loan Closeout

Release between Jesse & City

New Business

DDA Bylaws

Brush pickup & Yard waste

month throughout the season from the cemetery crews. Discussion/questions shared between Commission members and Hughes. Hughes recommended changing the brush pickup to once a month and develop/schedule other necessary services. ***Scanlon moved seconded by King to pickup brush once a month and notify residents' on the website/channel 12. Roll call vote unanimous.*** It was confirmed to report feedback/input, continue storm cleanup and possibly make future adjustments. Hughes explained yard waste (bag) pickup that occurs each Thursday of the month and recommended that the day be changed to Monday. ***Scanlon moved seconded by Lee to pickup bags on Monday of each week instead of Thursday during the season. Roll call vote unanimous.***

Grady announced that Michael Townley would arrive at 9 p.m., so he would explain the Countywide Program for National Pollutant Discharge Elimination System (NPDES). Townley from Fishbeck, Thompson, Carr & Huber, Inc. (FTC&H) explained the NPDES Phase II Storm Water Regulations for Berrien and Cass Counties 2001 to 2003 accomplishments, 2004 activities and future NPDES Phase II requirements along with FTC&H Professional Services Proposal. After shared discussion, ***King moved seconded by Lee to accept the Phase II Storm Water Regulations Proposal for Professional Services from FTC&H with two (2) annual payments of \$3,355 each for years 2005 & 2006. Roll call vote unanimous.***

Hughes commented:

- Updates on downtown projects
- Attorney reviewing snow removal code and draft policy delivered with packets. Discussion shared
- Guest from SMC at Plan Commission Meeting to discuss a City Master Plan
- Upcoming events and increased persons on e-news list

Lee commented:

- Thanked Mr. & Mrs. Tenace for the tour of the rehabilitated apartments through the MSHDA Grant Program

King commented:

- Thanked Mr. & Mrs. Tenace for the tour
- Encouraged attendance from other Commissioners to the Firefighters Award Banquet

McGuire commented:

- Commended Senior Center Soup & Salad Supper
- Thanked Mr. & Mrs. Tenace for the tour
- Condolences to the Morley Family
- Happy St. Patrick's Day

Hagey commented:

- With tour of apartments, asked if the parking situation downtown was addressed. Hughes confirmed that it needed to be addressed.
- Condolences to the Proud Family

Scanlon commented:

- Condolences to the Morley and Proud Families
- Commended John Garmire and Cub Scout Troop 541 for banquet
- Wished luck to Miss Buchanan for Miss Blossomland
- Skate Park meeting March 23 at 7:30 p.m.

Hagey moved, seconded by Lee to adjourn the meeting at 9:29 p.m. Voice vote carried unanimous.

Brush & Yard waste pickup

NPDES Phase II Storm Water Regulations, FTC&H Proposal

City Manager Comments

Commissioner's Comments

Adjournment

Gladys M. Bybee, CMC-City Clerk

Earl J. Scanlon III, Mayor

New Business continued

CITY OF BUCHANAN COMMISSION MINUTES
March 22, 2004

A regular meeting of the City Commission was held at City Hall, 302 N. Redbud Trail, Buchanan, Michigan Monday, March 22nd and called to order by Mayor Scanlon at: 8:00 p.m.

The Pledge was recited by all in attendance. Stella Proud gave the Invocation.

Commissioners present: Flora King, Susan Lee, Marlon McGuire, Earl Scanlon

Commissioner absent: David Hagey

Staff present: City Manager Mike Hughes, Fire Chief/Building Inspector Warren Weaver, Clerk Gladys Bybee

Guests/Visitors present: Barry Visel and Jeff Reese, AEP Representatives

11 visitors

Dennis Smedley distributed photographs of hazards along the “Scenic McCoy Creek Walkway” from Front Street to Redbud Trail North along with the pedestrian bridge across McCoy Creek next to the former Clark Experimental Lab. He explained in detail and requested the issues be addressed. Hughes explained the design architect would be reviewing the walkway downtown however the bridge property private and individually owned. Discussion shared with Hughes and Commission. **Stella Proud** reported on the Senior Services Pancake Breakfast and commended Warren Weaver, Clyde Weaver and Mike Hughes. She asked about a decision on waiving the rental fee for the senior building for the School Reunion. Discussion was shared. Hughes replied that the policy does not address individual seniors. Contacting an organization for support was discussed and McGuire requested that Proud contact him. Proud stated her concern about the antiquated aerial map hanging on the wall behind Commissioners. **Brett Wikowski**, Chairman of County Board of Commissioners announced his candidacy for Berrien County Treasurer and gave a brief biography.

Lee moved, seconded by McGuire to approve the Consent Calendar as presented. Roll call vote unanimous.

Agenda

Minutes: Regular Meeting & Off Site Visit – March 8 / Annual Planning Meeting – March 13

Check #45236 to 453320 in the amount of \$149,031.02

Banner Placement, Redbud Track & Trail on July 1 through July 5

Banner Placement, Chamber of Commerce on June 7 through June 19

It was confirmed that the Joint Water-Sewer Board report would be rescheduled.

Warren Weaver distributed written reports for 2003 prior to meeting for both fire and building inspection. He went through them briefly while all reviewed. He also announced the Fire Department was short three (3) firefighters. Discussion/Questions shared.

Hughes summarized the Park and Fishing Pier on the St. Joseph River by the Buchanan Dam owned by AEP and stated the pier was closed for two (2) years with previous City Manager working on relocating it. AEP wants the pier removed permanently as it was a danger and agreed to assist with engineering to relocate the pier at the Riverfront Park however grant funding not available. Commission interest in relocating the pier at Riverfront Park or using the material as an observation deck was discussed. Reese explained erosion of the bank was the safety issue and a lot of vandalism with AEP not providing liability. Commission agreed to utilizing the lumber and move to Riverfront Park if environmentally safe.

Call to Order

Pledge/Invocation

Roll Call

Public Comments

Consent Calendar

Agenda

March 8 & 13

Minutes

Checks

Banner Placement

Redbud TNT &

Chamber

Reports

Fire & Building

Inspection

Old Business

AEP Fishing Pier by
the Buchanan Dam

Hughes explained the Governors initiative to build “Cool Cities” and recommended adoption. After brief discussion regarding Cool Cities **King moved seconded by Lee to approve the Resolution as submitted.**

A Resolution establishing a “Local Cool Cities Advisory Group” (LCCAG)

Whereas, in November 2003, Michigan Governor Jennifer Granholm developed a “Cool Cities” program and the City of Buchanan Representatives attended the 9th Annual Michigan Council for Arts and Cultural Affairs Conference, Creating Cool; and

Whereas, Governor Granholm released the “Michigan Cool Cities Initial Report” in December 2003 outlining an overview of “Cool Cities” and delivered the *State-of-the-State Address* with “Cool Cities Initiative” being one (1) of the seven(7) point plan to Grow Michigan’s Economy; and

Whereas, Buchanan was presented with the Buchanan Downtown Blueprint 2003 in December through a partnership for Blueprints for Michigan Downtowns, and

Whereas, the City of Buchanan began revitalization of its downtown area in 2002 along with participating in the Governor’s “Cool City Initiative” and wishes to continue efforts in becoming a “Cool City” by establishing a “Local Cool Cities Advisory Group” (LCCAG).

Be it resolved that a diverse group of citizens from all sectors of the community be appointed to offer input into what makes a city “Cool”, better known as the “Local Cool Cities Advisory Group” (LCCAG) for the City of Buchanan; and

Be it further resolved this Advisory Group will consist of one (1) person from the Plan Commission, Recreation Board, Fine Arts Council, Common Committee, Preservation Society, Downtown Development Authority, Buchanan Community School Faculty and Student, District Library Board or Friends of the Library, Chamber of Commerce Board, Friends of the Trail Committee and a Buchanan Business.

Voting for: Earl Scanlon, Marlon McGuire, Flora King, Susan Lee

Absent: David Hagey

Roll call vote unanimous. Resolution 2004.03/09 establishing a “Local Cool Cities Advisory Group” (LCCAG) declared adopted.

Current Berrien County **Sheriff Paul Bailey** announced his candidacy for remaining Sheriff for another four (4) year term. He explained past performances and goals for the next term. Bailey commended Fire Chief Weaver and Police Chief Russell and announced that four (4) additional units were assigned to South County. He reported the County received a grant and would be having exercise training at Buchanan this May. He distributed handouts and a 2003 annual report.

Hughes commented:

- Regular office hours for Cemetery Supervisor Jon Raines at Cemetery
- Budget Work Session March 29 cancelled and rescheduled for April 14th at 7:30 p.m.
- His absence for vacation

Lee commented:

- Congrats to City of Buchanan Tree City
- Thanks to Brett, Paul and Stella for their comments/concerns

King commented:

- Status of the Eclipse, in receipt of complaint about cigarette butt collection in front of Eclipse
- Pleased that the Cemetery has office hours
- Priority meeting for the Commissioners very good
- Thanks to Mike for his informative Memo’s

Public Comments

City Manager Comments

Commissioner’s Comments

McGuire commented:

- Thanks to meeting attendee’s

New Business

Local Cool Cities Advisory Group Resolution 2004.04/09

- Bucks Basketball Team doing well, Good Luck
- Good Work Session for Commissioner priorities
- City needs trash cleanup
- Increase Code Enforcement Office
- Receipt of complaints about two hour parking limit downtown, handicap parking abused
- Urge attendance to Fernwood.

**Commissioner's
Comments
continued**

Scanlon commented:

- Good luck Bucks
- Skate Park meeting
- Congrats to Weaver for 35 years service and Mike Baker, Firefighter of the Year
- Thanks to AEP Officials and other visitors

King moved, seconded by Lee to adjourn the meeting at 9:11 p.m. Voice vote carried unanimous.

Adjournment

Gladys M. Bybee, CMC-City Clerk

Earl J. Scanlon III, Mayor

CITY OF BUCHANAN COMMISSION MINUTES
April 12, 2004

A regular meeting of the City Commission was held at City Hall, 302 N. Redbud Trail, Buchanan, Michigan Monday, April 12 and called to order by Mayor Scanlon at: 8:01 p.m.

The Pledge was recited by all in attendance. Reverend Len Bailey, Buchanan Church of the Nazarene gave the Invocation.

The Mayor read and presented a Proclamation declaring April 11 to April 17 White Cane Week to Vern Kuehn, Lions Club President. Kuehn spoke briefly about the Lions Mission, projects in the community and white cane sales.

Commissioners present: David Hagey, Flora King, Susan Lee, Marlon McGuire, Earl Scanlon

Commissioner absent: none

Staff present: City Manager Mike Hughes, Clerk Gladys Bybee

Guests/Visitors present: Public Services Director Don Grady, Keila Sanchez from Wightman & Associates, Design Landscaper from G2 Design Curt TerHaar
9 visitors

Dick Proud, updated the Commission on the Trail. He explained the sub-committees actions throughout the winter and requested that the Trail Committee be allowed to spread wood chips with the bobcat along a path off of the trail. After he explained in detail, Hughes spoke briefly about the engagement with the DPW working with the Trail Committee on Phase 1 during normal work hours. After shared discussion, Hughes confirmed to bringing draft of Phase 1 to the April 26th meeting. Discussion/questions were shared between the Commission, Manager and Proud. ***King moved to allow Proud to bring chips into Spafford Woods with small equipment by the City employees during normal business hours.*** Proud assured the Commission that he had been corresponding with the Recreation Board to be included in the Five Year Plan. Commission concurred that the Trail Committee and Skate Park Committee be under the auspices of the Recreation Board. ***King rescinded her motion.*** Hughes confirmed the direction of the Commission and noted their consideration, upon receipt of formal request/plan, at the next meeting.

Lee moved, seconded by Hagey to approve the Consent Calendar as presented. Roll call vote unanimous.

Agenda

Minutes: Regular Meeting March 22

Checks:#45321 to 45429 in the amount of \$166,942.60

Banner Placement for Buchanan School Farm Plow Day

Traffic Control Order #239, "No Parking" sign 25'-50' north side of Third St. east of Moccasin
Local Cool Cities Advisory Group (LCCAG) Appointments of Karen Falkenstein, Don Holmes, Richard Proud, Tracey Dippo, and Alice Kring

Lions Club report heard earlier.

Joint Water-Sewer Board report delayed due to absence.

Grady explained in detail: maintenance on all DPW trucks, sewer lateral replacement, street sweeping, installation of City Hall fence, installation of loader bucket for Wastewater, Park cleanup, Cemetery tree cutting & burials, water reports and EPA required Vulnerability Assessment and mercury minimization plan (Public Services Department: Monthly Status Report for March) while all reviewed the report. Discussion/questions shared.

Hughes reported that 2 proposals were received for the adaptive reuse of old library building, 117 W. Front Street with copies distributed prior to meeting. He announced receipt from

Call to Order

Pledge/Invocation

Roll Call

Public Comments

Consent Calendar

Agenda

March 22 Minutes

Checks

Banner Placement

Traffic Control

Order #239

LCCAG

Appointment

Reports

Public Services

Old Business

Library Building

Proposals

Digital Ventures, LLC from Jeffrey Antisdell in the amount of \$10,000. and K Barker Enterprises, LLC for \$70,000. After shared discussion, Commission requested Work Session to review proposals and continue discussion.

Design
Recommendation for
Days Avenue
Culvert Opening
Project, Buchanan
Common Area and
North Parking Lot

Hughes introduced Keila Perez from Wightman and Curt TerHaar from G2 Design. TerHaar presented his design concept for the North Parking Area including the walkthrough and creek bridge between the businesses to Front Street. Discussion/questions shared. He then presented the design Concept for the Buchanan Common Area including a Farmer’s Market and a new parking area west of Oak Street by the Fire Station and explained in detail. Hughes explained the discussion from the DDA meeting when the Area’s were reviewed. Estimated costs for the North Parking Lot about \$500,000 and \$750,000 for the Common Area. The Days Avenue Culvert opening addendum (bridge and slope of west creek bank) was discussed. **King moved to accept the recommended Design Concepts as presented by G2 Design.** Discussion clarified the addendum to change the slope of the Creek opening. **McGuire seconded the motion. Motion carried by roll call vote.**

Days Ave. Bid
Front Street
Streetscape Bid

Hughes reported that bids could not be awarded for the Days Avenue Culvert Opening Project or the Front Street Streetscape Project as Release of Funds letters had not been received from Michigan Economic Development Corporation (MEDC), thus the bid award could not be done. He explained the required process for State Historic Improvement Preservation Office (SHPO) and MEDC.

Buchanan Blueprint
2003 Adoption

Hughes explained the recommendation from Hyatt Palma to adopt the Blueprint 2003 Plan for the City of Buchanan. He noted that the Downtown Development Authority approved the Blueprint as a guideline. Discussion/questions were shared with Commission, public and Hughes. **Lee moved seconded by Hagey to approve the Buchanan Blueprint 2003 as a guideline. Roll call vote unanimous.**

Community
Showcase Signup

Hughes announced the Community Showcase and requested Commissioner participation. Commissioners confirmed attendance but couldn’t commit to working a table.

New Business
Resolution
2004.04/10, Summer
School Tax
Collection Fee

King moved seconded by Lee to approve the following Resolution as submitted.

RESOLUTION TO APPROVE THE SUMMER SCHOOL TAX COLLECTION FEE IN THE SUM OF \$3,093.18 PER SCHOOL DISTRICT

WHEREAS, the City agrees to collect the total summer school taxes as certified by the School District for the levy on July 1, 2004 for property located within the City; and

WHEREAS, the School District agrees to pay City costs of assessment and collection in the amount of \$1.42 per parcel totaling \$ 3,093.18; and

WHEREAS, no later than June 1, 2004, the School District shall certify to the Treasurer the school millage to be levied on property for summer school tax collection in 2004;

NOW, THEREFORE BE IT RESOLVED, that the Treasurer is authorized and directed to charge Buchanan Community School, Berrien County Intermediate School and Lake Michigan College \$3,093.18 each (\$1.42 per parcel), on behalf of the City of Buchanan: for the reasonable expenses for collection of the district’s summer property tax levy that the City may bill under MCLA 280.1611 or MCLA 280.1612.

Voting for: David Hagey, Earl Scanlon, Marlon McGuire, Flora King, Susan Lee

Roll call vote unanimous. Resolution 2004.04/10 declared adopted.

Public Hearing Call,
SMCAS Ballot
Proposal

A Public Hearing was called for April 26, 2004 to Invite/Hear comments concerning the distribution of the FY2004-2005 SMCAS Special Assessment Levy Ballot Proposal and proposed Budget for fiscal year 2004-2005, this includes the special assessment in the amount of \$10.00 per dwelling.

Bid Waiver, 4”
Compound meter for
Water Dept.

Grady explained the Bid Waiver for a 4” compound meter that needed replaced at Metea Court. Hughes reported that meter had already been ordered due to loss of revenue from the current malfunctioning meter. He explained and recommended a Charter amendment to the provision requiring bids for purchases over \$1,000. **Hagey moved seconded by Lee to approve**

**the bid waiver to
purchase the 4”
compound meter for
the Water**

Old Business continued

Library Bldg. Proposals

Department. Roll call vote unanimous.

**City Manager
Comments**

Hughes commented:

- Reminder for the Budget Work Shop on Wednesday and SMEGA Annual Meeting
- Ordered new steel for capping walkway along the creek behind downtown businesses and repaired handrail across the creek off of Third Street
- Thanked Jennifer and United Federal Credit Union for Easter Egg Hunt
- Mayors Exchange with Cassopolis-Hughes announced dates. Commission concurred to June 15th and 17th

All Commissioners welcomed Hughes back from vacation.

Lee commented:

- Thanks to Buchanan Lions for their involvement in the Community
- Commended and Congratulated all on the Trail Committee
- Thanks for Pancake Breakfast and Easter Egg Hunt

McGuire commented:

- Fireman's Breakfast
- Congratulations to Police Department on solving the break-in
- In receipt of concerns: Excessive late night noise, biking and roller blades downtown
- Concerned about negative attitudes within the City when numerous new businesses and activity in town and Congratulations to those Businesses
- Congratulations to Herald Palladium for receipt of award
- Requested to open gates at Common. Commission concurred after discussion.

King commented:

- Ditto remarks and absolutely agree with Lee and McGuire comments

Hagey commented:

- Requested registration submittal fee for Michigan State Housing Development Authority (MSHDA) Conference and urged Hughes to attend
- Excited about Cool Cities Initiative grants available, urges submittal

Scanlon commented:

- Commended Lions Club and urged support
- Was pleased to work the Pancake Breakfast and commended the Easter Egg Hunt
- Skate Park sub-committee meeting tomorrow night

Adjournment

Lee moved, seconded by McGuire to adjourn the meeting at 10:16 p.m. Voice vote carried unanimous.

Gladys M. Bybee, CMC-City Clerk

Earl J. Scanlon III, Mayor

New Business continued

CITY OF BUCHANAN COMMISSION MINUTES
April 26, 2004

A regular meeting of the City Commission was held at City Hall, 302 N. Redbud Trail, Buchanan, Michigan Monday, April 26 and called to order by Mayor Scanlon at: 8:01 p.m.

The Pledge was recited by all in attendance. No Invocation was heard.

The Mayor read Arbor Day Proclamation and Volunteer Week Proclamation.

Commissioners present: David Hagey, Flora King, Marlon McGuire, Earl Scanlon

Commissioner absent: Susan Lee

Staff present: City Manager Mike Hughes, Clerk Gladys Bybee

Guests/Visitors present: District Library Board Member JoEllen Bellaire, Dial-A-Ride
Director Judy Phillips 12 visitors

Mayor Scanlon opened the Public Hearing at 8:04 p.m. and invited public comments concerning the distribution of the FY 2004-2005 Southwestern Michigan Community Ambulance Services (SMCAS) Special Assessment Levy and proposed SMCAS budget for fiscal year 2004-2005, which includes the special assessment in the amount of \$10.00 per dwelling. Also the consideration to place a Southwestern Michigan Community Ambulance Services (SMCAS) millage renewal for four consecutive years, 2004-2008, on the August 3, 2004 Primary Election Ballot. Scanlon gave brief explanation and no public comments were heard. The Mayor closed the Public Hearing at 8:05 p.m.

Joellen Bellaire asked the status of paving/repair of Main Street from the city limits to Third Street. Hughes explained submittal of Main Street to go through the Niles/Buchanan/Cass Area Transportation Study (NATS) Program for assisted funding. Brief discussion was shared.

King moved, seconded by McGuire to amend the Consent Calendar to add to the Agenda item F. "Library Reuse Proposals" under Old Business and item F. "Mortgage Subordination" under New Business. Roll call vote unanimous. King moved seconded by McGuire to approve the Consent Calendar as amended. Roll call vote unanimous.

- Agenda
- Minutes: Regular Meeting – April 12 / Budget Review Sessions – April 14 & 19
- Check #45430 to 45514 in the amount of \$127,563.84
- Banner Placement-Great Buchanan Cruise In, June 24th to July 1st
- Traffic Control Order #240, Place "Stop Sign" on Dewey Street in place of Yield Sign at Third Street east of Redbud Trail
- Traffic Control Order #241, Place "No Outlet Sign" on Ottawa St. north of Third St.
- Local Cool Cities Advisory Group (LCCAG) Appointments: Wayne Writer-Recreation Board Member, Craig Sumerix-DDA Representative, Hayley Burks-Student Representative, Kay Welsh-Buchanan School Board Representative
- Resignation from Plan Commission Member, Clarence Bibbs
- Street Closure, Front Street from American Legion, 403 E. Front Street to Oak Ridge Cemetery
- Street Closure, Oak St from Roe St. to the South end/May 15th from 7 a.m to 4 p.m.

JoEllen Bellaire reported that the attendance at the Library has increased in several areas for the past year. She explained new rules, policies, programs and Jack Knight Café now open. She asked what the intention for the cities option on the second floor was.

Call to Order

Pledge/Invocation

Proclamations

Roll Call

PUBLIC HEARING

Public Comments

Consent Calendar

Agenda Amendment
April 12 Minutes
Checks
Banner Placement
Traffic Control
Order #240 & 241
LCCAG
Appointment
Plan Commission
Resignation
Street Closure, Front Street
Street Closure, Oak Street

Reports

District Library

King moved seconded by McGuire to approve the following Resolution as submitted:

Resolution 2004.04/12, TO PLACE A SOUTHWESTERN MICHIGAN COMMUNITY AMBULANCE SERVICES (SMCAS) MILLAGE RENEWAL FOR FOUR (4) CONSECUTIVE YEARS 2005-2008 ON THE AUGUST 3, 2004 BALLOT AND TO APPROVE THE SPECIAL ASSESSMENT LEVY

BE IT RESOLVED, That the CITY OF BUCHANAN, Berrien County, Michigan, does hereby join together with the CITY OF NILES, and the TOWNSHIPS OF NILES, BERTRAND, and BUCHANAN (Berrien County), and the TOWNSHIP OF HOWARD (Cass county), hereinafter collectively referred to as "Municipalities" do hereby agree as follows:

- A. To establish and create a special assessment district, the boundaries of which shall be the combined boundaries of all of the Municipalities who adopt a similar resolution.
- B. Such special assessment district shall be for the purpose of providing funds for the maintenance and operation of the Southwestern Michigan Community Ambulance Service (hereinafter "SMCAS"), defraying such expenses by a special assessment on the lands and premises in the City of Buchanan and the other Municipalities, combined.
- C. If the special assessment district is approved at the election as hereafter set out, the special assessment shall then be levied, collected, and annually determined as set out in Act 33 of the Public Acts of 1951, as amended or hereafter amended.
- D. The question of raising funds for the financial support of SMCAS by the establishment of a special assessment district and annual special assessment levied throughout the special assessment district shall be submitted to the electors of the special assessment district at the next general election to be held August 3, 2004, upon the following ballot question:

Southwestern Michigan Community Ambulance Service

"Shall the Cities of Niles and Buchanan, and the Townships of Bertrand, Buchanan, and Niles in Berrien County, and the Township of Howard in Cass County, in combination, establish and create a special assessment district for a period of four consecutive years following this election, being the years 2005, 2006, 2007 and 2008 the boundaries of which shall be the combined boundaries of all such municipalities, for the purpose of an annual special assessment which shall not exceed annually \$20.00 per parcel assessed, to provide funds for the operation and maintenance of the Southwestern Michigan Community Ambulance Service (SMCAS) levied on the lands and premises in the special assessment district as provided by Act 33 of the Public Acts 1951, as amended or hereafter amended?"

E. This special assessment district shall be considered established, created, and effective upon a majority vote in favor of the above ballot question of the total votes in all six Municipalities combined. A majority vote against the ballot question in one or more of the Municipalities separately shall not defeat the ballot question or prohibit a special assessment district overall vote in favor of it.

F. If there shall be an affirmative vote on this ballot question, the Municipalities shall then meet separately at a public meeting to take the following action:

1. To establish by resolution, the special assessment district, the boundaries of which shall be the boundaries of the six municipalities combined.
2. To determine the amount of the special assessment levy.
3. To direct the assessing officers or supervisors to spread the special assessment on all of the lands and premises in the district which are specifically benefited by SMCAS according to benefits received to defray the expenses in SMCAS on the following manner:
 - a. Unit: "unit" is defined as any portion of a parcel which receives a special benefit from the availability of ambulance services.
 - b. Residential: Each improved parcel shall be assessed for each separate dwelling or residential unit, excluding all unimproved property.
 - c. Agricultural: Each improved parcel shall be assessed for each separate dwelling or residential unit, excluding all unimproved property.
 - d. Commercial: Each improved parcel shall be assessed, excluding unimproved property. If more than one commercial business is located on a single improved parcel, each commercial business which operates a separate, exclusive area or unit, upon such parcel, shall be separately assessed.
 - e. Industrial: Each improved parcel shall be assessed, excluding unimproved property. If an industrial business occupies an improved property with other businesses, each separate business occupying a separate, exclusive area or unit on such parcel shall be separately assessed.
 - f. Tax exempt: Municipal, Public School, State, and Federal property shall be excluded.
 - g. Dwelling is defined as a living unit, whether occupied or unoccupied, permanent (as in a house) or temporary (as in a mobile home) and all multifamily facilities will be considered to have the number of dwellings equal to the number of living units.

Old Business

Resolution
2004.04/12, SMCAS
Ballot Proposal with
Special Assessment

h. A
campground shall be
treated as a single unit

for assessment purposes and each permanent dwelling situated on the campground shall be assessed in addition thereto. Each rental "hook-up" shall not be considered as a separate unit.

i. Each mobile home located in a mobile home park shall be specially assessed with the average number of mobile homes located in the mobile home park during the calendar year to be used as the basis of the special assessment for the year the assessment is levied.

j. A hotel or motel shall be assessed as one unit for each hotel and motel and one unit for each dwelling unit permanently occupied or which is available for permanent occupancy as of the date of the assessment.

4. The Municipalities shall then each hold a hearing on objections to the distribution of the special assessment levy.

5. The Municipalities each shall thereafter annually determine the amount to be assessed in the district for SMCAS, shall direct the assessing officers or supervisors to distribute the special assessment levy, and shall hold a hearing on the estimated costs and expenses of SMCAS and on the distribution of the levy.

6. The special assessment once determined, shall be placed in special column provided in the regular tax roll and shall be distributed and shall become due and be collected at the same time as other city or township taxes are assessed, levied, and collected, and shall be returned in the same manner for non-payment.

Roll call vote unanimous. Resolution 2004.04/12 declared adopted.

Hagey moved seconded by McGuire to approve the following Resolution as submitted:

Resolution 2004.04/13, APPROVING THE SOUTHWESTERN MICHIGAN COMMUNITY AMBULANCE SERVICES (SMCAS) BUDGET AND SPECIAL ASSESSMENT FOR FISCAL YEAR 2004-2005

BE IT RESOLVED, that the CITY OF BUCHANAN, in conjunction with the City of Niles, the Townships of Niles, Buchanan, Bertrand in Berrien County, and the Township of Howard in Cass County, pursuant to a certain joint assessment district resolution for the support of SMCAS adopted April 26, 2004 and approved by the majority vote of the electorate on August 8, 2000, does hereby take the following action:

1. The special assessment district, pursuant to such resolution, is hereby established.
2. The proposed SMCAS financial budget for fiscal year 2004-2005 indicating an assessment of \$10.00 is hereby approved.
3. The amount of the special assessment is \$10.00 and the assessing officer is directed to spread the assessment as provided in the joint resolution along with the December 2004 tax assessment to be due and collected as provided in the joint resolution.
4. As a further clarification of the parcel/units to be assessed, as set out in paragraph 3 of the joint resolution, the assessing officers are directed to levy the assessment amount of \$10.00 per unit as follows:
 - a. Campground – One unit for the campground itself and one unit for each permanent dwelling situated on the campground. Each rental "hook-up" will not be considered as a separate unit.
 - b. Mobile Home Park – One unit for each mobile home, the number of mobile homes being determined by the average number of mobile homes located in the mobile home park for the calendar year in which the special assessment is levied.
 - c. Hotels and Motels – One unit for each hotel and motel and one unit for each living unit occupied by a permanent resident.
 - d. Commercial – One unit for each improved parcel, which shall include all contiguous commercial parcels as one unit and one unit for each dwelling therein.
 - e. Residential – One unit for each dwelling that is occupied or is available for occupancy and is permanently affixed.
 - f. Where provisions herein are inconsistent with the joint resolution, these provisions herein shall supersede such provisions and be controlling.
5. The Public Hearing of the City of Buchanan to hear comments to the distribution of the \$10.00 special assessment levy was held at City Hall, 302 N. Redbud Trail, Buchanan, MI 49107 on April 26, 2004 at 8:00 p.m., local time.

Roll call vote unanimous. Resolution 2004.04/13 declared adopted.

Old Business continued

Resolution 2004.04/12, SMCAS Ballot Proposal with Special Assessment

Resolution
2004.04/13 SMCAS
2004-2005
Budget

**Hagey moved
seconded by King
to approve the
following
Resolution:**

Resolution 2004.04/11, RESOLUTION ESTABLISHING POLICY FOR THE FORMATION OF COMMISSION, BOARD, COUNCIL SUBCOMMITTEES

Subcommittees

WHEREAS, The City of Buchanan may, based on community vision, priorities, goals and objectives require from time to time the formation of subcommittees to serve in various capacities; and

WHEREAS, These subcommittees may be formed to research, raise funds, assist in the development of plans, make recommendations on policies and procedures for consideration and any other project task that may be delegated by the supervising commission, board, or council; and

WHEREAS, The subcommittee will report to an existing supervising commission, board, or council that has been established by the City Charter and authorized by the State of Michigan; and

WHEREAS, The appropriate supervising commission, board or council will review the formation of a subcommittee in context of community plans, city commission priorities, and city projects/programs, etc.; and

WHEREAS, The appropriate supervising commission, board or council will make a recommendation to either form or not form a subcommittee; and

WHEREAS, A recommendation to the City Commission to form a subcommittee should include: procedures and policies, duties and tasks, time frames, goals and objectives, etc; and

WHEREAS, In all cases, the commission, board or council will appoint a member of its own to serve on the subcommittee to provide ongoing updates to the supervising commission, board or council; and

WHEREAS, When a need is identified by any commission, board, council or city staff; a recommendation shall be made to the City Commission for consideration of an official formation of a subcommittee; and

Be it resolved, when a need is identified by the City Commission that may necessitate the formation of a subcommittee, the City Commission will refer the matter to the appropriate supervising commission, board or council; and

Be it further resolved, upon the recommendation from a commission, board, council or city staff, the City Commission will consider approval by resolution the formation of an official subcommittee; and

Be it further resolved, in the event that the City Commission determines that the formation of a committee is necessary, but no existing commission, board, or council is appropriate for subcommittee formation, then the City Commission may establish an ad hoc committee that reports to the City Commission or the City Manager.

Be it further resolved, that an official subcommittee will act on behalf of the best interests of the City of Buchanan and operate under the financial, legal and regulatory requirements and duties of the City of Buchanan; and

Be it further resolved, an official subcommittee will require an annual resolution of continuation to ensure productivity and effectiveness.

Roll call vote unanimous. Resolution 2004.04/11 declared adopted.

King moved seconded by McGuire to approve the following Resolution:

Resolution 2004.04/14, Recognizing the Friends of the Trail as a Subcommittee under the auspices of the Recreation Board

Whereas, the City Commission has endorsed a Trail Project over the past several years; and

Whereas, numerous area residents have gathered in unity to develop and pursue a Trail through the City and have become known as Friends of the Trail; and

Whereas, the Friends of the Trail have been diligently working and seeking to develop pathways through E.B. Clark Woods on the Southside of McCoy's Creek; and

Whereas, the need has been identified to officially acknowledge the Friends of the Trail Committee.

Be it resolved, in accordance with Resolution 2004.04/11, a Friends of the Trail Committee is officially formed and shall report to the Buchanan Area Recreation Board.

Roll call vote unanimous. Resolution 2004.04/11 declared adopted.

Scanlon moved seconded by Hagey to approve the following Resolution:

Resolution 2004.04/15, RECOGNIZING THE SKATE PARK COMMITTEE AS A SUBCOMMITTEE UNDER THE AUSPICES OF THE RECREATION BOARD

Whereas, the City Commission has endorsed a Skate Park Project over the past few years; and

Whereas, several area families have gathered in unity to develop and pursue a Skate Park; and

Whereas, these Families have been diligently working, seeking and raising funds to construct a Skate Park within the City of Buchanan; and

Resolution
2004.04/14,
Recognize Friends
of the Trail as
Subcommittee

Resolution
2004.04/15,
Recognize Skate
Park Committee as
Subcommittee

Whereas, the need has been identified to officially acknowledge the Skate Park Committee.

Old Business continued

Resolution
2004.04/11, Policy
for the formation of

Be it resolved, in accordance with Resolution 2004.04/11, a Skate Park Committee is officially formed and shall report to the Buchanan Area Recreation Board.

Recognize Skate Park Committee as Subcommittee

Roll call vote unanimous. Resolution 2004.04/15 declared adopted.

Hughes presented black/white copy of the booklet of McCoy’s Creek Trail Phase I project to public in attendance for passing around to review. He explained in detail the plan and budget for each segment (six total) in Phase I and commended Kevin Barker for his drawing. Questions/discussion was shared. **King moved to accept Phase I as presented. McGuire seconded and roll call vote unanimous.**

McCoy’s Creek Trail Phase I

Senior Center Rental Fee

Hughes reported that surveys had been obtained from other Senior Centers/rental places and suggested that the Senior Center rental fee decrease to \$50.00 with a senior rate at 30.00 (security deposit to remain \$50.00). **King moved seconded by McGuire to approve the fee change for the Senior Center as recommended.** Discussed that Senior Board authorize age discretion and no fee charge for legitimate 501-3-C organizations. **Roll call vote unanimous.**

Library Reuse Request for Proposals

Kevin Barker explained his request for proposal to purchase the library building at 117 W. Front Street to supply the Buchanan Art Center with a facility. Monroe Lemay, Director of Buchanan Art Center explained the art education program including art exhibitions of local artists, studio art spaces and gift shop for arts& crafts, books, stationary and art supplies. Questions/discussion shared regarding financing the building, job creation and time frame for opening. **Jeffrey Antisdel** explained the reuse of the building for an art museum and commercial art exhibition center. Questions/discussion shared regarding financing the building, job creation and time frame for opening. (More discussion at following Work Session)

New Business
Public Hearing Call 2004-05 Budget
Public Hearing Call 324 E. Dewey Swap

King moved seconded by McGuire to Call Public Hearing for Monday May 10, 2004 at 8:00 p.m. to hear comments concerning the adoption of the Buchanan City Fiscal Year 2004-2005 Budget. Roll call vote unanimous.

King moved seconded by Hagey to Call Public Hearing for Monday May 10, 2004 at 8:00 p.m. to hear comments concerning a Property Swap Agreement for 324 E. Dewey Street. Roll call vote unanimous.

Niles/Buchanan YMCA sign request

Hughes explained YMCA Barometer Sign Placement on the Northwest corner of Front Street and Redbud Trail. All discussed the placement, maintenance and length of time for the sign (to be reviewed at next meeting).

Cool Cities Grant-Framers’ Market

Hughes explained meeting with Local Cool Cities Advisory Group (LCCAG) and their recommendation for a Farmers’ Market with “Cool Cities” grant submittal by May 7, 2004 and requested direction from Commission. **Hagey moved seconded by McGuire to support the Farmers’ Market submittal as recommended.** Discussion was shared. **Roll call vote unanimous.**

Resolution 2004.04/16, Dial-A-Ride to Accept Financial Assistance

Hagey moved seconded by McGuire to approve the following:

Resolution 2004.04/16, DIAL A RIDE PROJECT AUTHORIZATION ACCEPTING FINANCIAL ASSISTANCE FOR FISCAL YEAR 2004, SECTIONS 5311/5307 OF THE FEDERAL TRANSIT ACT OF 1991

Whereas, the operations contract for the City of Buchanan Dial-A-Ride system may be extended by mutual agreement of the parties concerned, and

Whereas, the operations contract for the City of Buchanan Dial-A-Ride system will expire on September 30, 2003:

NOW THEREFORE, BE IT RESOLVED: that the operations contract for the Buchanan Dial-A-Ride system between the City of Buchanan and Transportation Management, Inc., a Michigan Corporation, are hereby extended through September 30, 2004; and

BE IT FURTHER RESOLVED, that all terms of the contract shall remain in effect through the period of said contract, and

BE IT FURTHER RESOLVED, that the City Manager, Michael Hughes is hereby authorized to endorse the Operations Contract.

Roll call vote unanimous. Resolution 2004.04/16 declared adopted.

Hughes explained the need for mortgage subordination for

Old Business continued

Resolution 2004.04/15,

113/115 E. Front Street from the rental rehabilitation program. Discussion/questions shared. ***Hagey moved seconded by King to subordinate the priority of rental rehabilitation deferred payment mortgage of 113/115 E. Front Street in favor of a mortgage to Huntington National Bank in the amount of \$48,000. Roll call vote passed by majority. YEA: Scanlon, Hagey, King. NAY: McGuire***

Mortgage
Subordination
113/115 E Front St.

Public Comments

Kathy Kingery thanked Commission for their support and positive attitude and commended. Barker and Antidel for interest in the Community.

**City Manager
Comments**

Hughes commented:

- Upcoming events: MML Annual Conference (Scanlon interested), DARE Graduation, McCoy's Creek Cleanup
- TV Fox 28 News interview about downtown revitalization

**Commissioner's
Comments**

King commented:

- Complimented the District Library and Senior Center
- Commended School Farm for Plow Day

McGuire commented:

- Congratulated Tennis Coach Steve Bender and Girl's Soccer
- Pleased that the Junior Varsity Catcher is recovering
- Urged volunteers for the Soap Box Derby
- Asked status of McCoy Creek opening construction

Hagey commented:

- Applauded all volunteers/Groups and looking forward to Center for the Arts
- Support for the Trail
- Urges involvement with Creek cleanup

Scanlon commented:

- Looking forward to Creek cleanup
- Complimented Senior center for hosting Senior Showcase and Chamber PERC Breakfast
- Skate Park meeting with actual trial equipment. Requesting garage sale donations for fundraising
- Members of the Commission agree to disagree and get along for the better of the Community

Adjournment

King moved, seconded by Scanlon to adjourn the meeting at 9:42 p.m. Voice vote carried.

Gladys M. Bybee, CMC-City Clerk

Earl J. Scanlon III, Mayor

New Business continued

CITY OF BUCHANAN COMMISSION MINUTES
May 10, 2004

A regular meeting of the City Commission was held at City Hall, 302 N. Redbud Trail, Buchanan, Michigan Monday, May 10th and called to order by Mayor Scanlon at: 8:01 p.m.

The Pledge was recited by all in attendance. Reverend Tom Fox, Portage Prairie United Methodist Church gave the Invocation.

Commissioners present: David Hagey, Flora King, Marlon McGuire, Earl Scanlon

Commissioner absent: Susan Lee

Staff present: City Manager Mike Hughes, Clerk Gladys Bybee

Guests/Visitors present: Joint Water Sewer Board Chairman Dick Chubb, Dial-A-Ride Director Judy Phillips, Public Services Director Don Grady

15 visitors

John Garmire, 808 W. Front Street, Apt. 89 announced his concern of the third softball field and t-ball field at the sports complex at McCoy's Creek Park not being completely developed. He explained the Third Softball Field (\$5,000) and t-ball field (\$5,000) to be developed for girl's softball at McCoy's Creek Park was approved 6-26-2000 (during his tenure as a Commissioner). Commission reviewed photos of litter in the park while Garmire reported landscaping never completed, not handicap accessible, men's softball league interfering with girls games. Questions/Discussions shared. Hughes confirmed that he requested accounting from the Men's Softball League.

Judy Wolf, Chicago Street (property adjacent to the MillRace) asked the status of dredging and the cause of the low water. The Mayor reported that a quote was received to dredge the Race and the Commission had thought about utilizing it for a trail; but are working on the issue.

Joseph Kim, resident of Niles-daughter in Buchanan Youth Softball/Baseball Association (BYSBA). Girls and boys pay same price, but are treated differently. I.e. better fields, third field not handicap accessible, no electric, substandard equipment, no dug-outs or bathroom facility. He confirmed he had spoken with Ms. Linda Starkweather, Chair of BYBSA. All shared discussion. **Brandy Lowrance**, 4090 E. River Road announced her safety concern about third field not being handicap accessibility. **Sherry Rutherford**, 2934 Front Street stated her concerns (Girl's practices changed numerous times caused by Men's League taking over) and was told that the issues were with the City. Commission requested that Recreation Director Wayne Writer, BYBSA Chair Linda Starkweather and Men's League Chair Al Fisher be present.

King moved, seconded by Hagey to approve the Consent Calendar as submitted. Roll call vote unanimous.

- Approve Agenda
- Approve Minutes: Regular Meeting & Work Session– April 26
Special Meeting & Budget Work Session – May 3, 2004
- Approve Check #45515 to 45597 in the amount of \$128,617.61
- Street Closure Request: Oak Street from Front Street to Charles Court

Chairman of the Joint Water-Sewer Board Dick Chubb along with being Buchanan Township Supervisor reported that the Water-Sewer Board was discussing construction of a water line to the Landfill as suggested by DEQ. He announced a meeting Thursday to discuss a joint agreement between Buchanan City and Townships of Bertrand, Niles, & Buchanan. W-S Board suggesting to install at west side of Rynearson Road, including a fire hydrant. Landfill to pay for lines and service would be available to Apartments and 8 single homes. Discussion shared.

Call to Order

Pledge/Invocation

Roll Call

Public Comments

Consent Calendar

Agenda
April 26 & May 3
Minutes, Work
Sessions
Checks
Street Closure, Oak
Street

Reports

Joint Water-Sewer
Board

Grady
explained in detail:

maintenance on all trucks, Park's cleanup, railing over McCoy Creek replacement, North Parking Lot Walkway repair, expediting leaf removal with purchase of specialized truck, Days Avenue tree lawns, weed treatment, cemetery cleanup, brush pickup, burials, water reports, Vulnerability Assessment, and WWTP maintenance (Public Services Department: Monthly Status Report for April) while all reviewed the report. Photos of Creek and Walkway repairs reviewed and discussion/questions shared.

Public Services

The Mayor opened the Public Hearing at 8:48 p.m. and invited written or verbal comments concerning the adoption of the Fiscal Year 2004-2005 Budget. The clerk reported receipt of two written requests from the Joint Art & Historical Committee, Downtown Development Authority and Downtown Tax Increment Finance Authority for the Commission to grant favorable recommendation in support of the Arts & Cultural budget. Hughes gave a brief overview/summary and stated that the budget was tight due to State Revenue Sharing cuts. He announced the 7% increase on water and sewer rates with the delinquent penalty fee increasing from 5% to 10% on all past due invoices. The Mayor closed the Public Hearing at 9:00 p.m. The Budget document available for review at City Hall with final adoption on Monday May 24th.

Old Business
Public Hearing
2004-2005 Budget

The Mayor opened the Public Hearing at 9:01 p.m. and invited written or verbal comments concerning a Property Swap Agreement for 324 E. Dewey Street (a.k.a. Old Carbon Building). Hughes explained the Charter requirement (8.7.) and announced that Kevin Barker was in attendance to answer any questions. He explained in detail the odd shaped parcels that would be exchanged. The entrance and McCoy Pond Park parking lot owned by Barker (west side of building) and parcel east of the building owned by the City. Discussion/ questions shared with Barker. The Renaissance Zone discussed with John Garmire. The Mayor closed the public hearing at 9:09 p.m. After brief clarification, **King moved seconded by McGuire to amend Tract 1 to be west and Tract 2 to be east and approve the corrected Resolution:** Exchange of Property between the City of Buchanan (a portion of McCoy's Pond Park) and K. Barker Enterprises, L.L.C., located at 324 E. Dewey Street

Public Hearing
Real Property
Exchange

WHEREAS, the City of Buchanan owns property located at 500 East Third Street, Buchanan, Michigan, Tax ID No. 11-58-0700-0003-02-1; and

WHEREAS, K. Barker Enterprises, L.L.C. owns property located at 324 E. Dewey Street, Buchanan, Michigan, Tax ID No. 11-58-0700-0002-02-4; and

WHEREAS, the Buchanan City Commission has been advised that Tract 1 is a .43-acre parcel split from 11-58-0700-000-02-4 on the west side of the Barker building and is adjacent to the City-owned park; that the parcel contains some asphalt parking, concrete sidewalks and grass areas; and that the lot has 120.24 feet of road frontage along Front Street; and

WHEREAS, the Buchanan City Commission has been advised that Tract 2 is a 1.82-acre parcel split from 11-58-0700-0003-02-1 on the north and east side of the Barker building; that the parcel contains some wooded areas along the old railroad right-of-way and grassy areas that slope down toward the building; and that the lot has 59.37 feet of road frontage along front Street and 37.45 feet of frontage along Dewey Street on the north end of the building; and

WHEREAS, the Buchanan City Commission has been advised that Tract 1 and Tract 2 have comparable values based on their location and potential use; and

WHEREAS, the Buchanan City Commission wishes to exchange the property currently owned by it and referred to above as Tract 2, for the property currently owned by K. Barker Enterprises, L.L.C., and referred to above as Tract 1;

NOW, THEREFORE, LET IT BE RESOLVED that the Buchanan City Commission hereby authorizes the exchange of property owned by the City of Buchanan located in the City of Buchanan, County of Berrien, State of Michigan and further described as follows:

From the Southwest corner of Section 25, Town 7 South, Range 18 West, measure North 42° 07' East 49.5 feet to the Southwest corner of Lot 2, Assessor's Plat No. 1, City of Buchanan,

Resolution
2004.05/17,
Property Exchange
with K. Barker
McCoy Pond Park

Reports continued

according to the recorded plat thereof as being recorded in the Register of Deeds Office for Berrien County, thence measure North 86° 31' East, along the Northerly line of Front Street, 281.38 feet, thence measure North 0° 24' East 11.00 feet, thence continuing along said Northerly line measure South 89° 50' East 241.30 feet to the Southwest corner of Lot 3 of said Plat and the point of beginning of this description; thence North 09° 51' 57" West, along the Westerly line of Lot 3 of said Plat, 349.82 feet (previously described as North 09° 51' 30" West, 349.76 feet); thence South 89° 57' 30" West 105.53 feet (previously described as West, 105.50 feet); thence North 18° 45' 27" West (previously described as North 18° 50' West) 37.45 feet; thence North 80° 12' 01" East 299.78 feet; thence South 28° 29' 21" East 142.77 feet; thence Southwesterly 269.95 feet along a curve to the right with a radius of 580.80 feet, said curve having a chord bearing and distance of South 19° 55' 24" West 267.52 feet (previously described as 270.14 feet with a chord bearing and distance of South 19° 53' 19" West, 267.71 feet); thence South 33° 13' 44" West 64.72 feet (previously described as South 33° 09' West 64.65 feet) to the Northerly line of Front Street; thence North 89° 55' 55" West, along said Northerly line, 59.37 feet (previously described as North 89° 50' West 59.61 feet) to the point of beginning. Containing 1.82 acres, more or less. Subject to any easements or restrictions of record;

for property owned by K. Barker Enterprises, L.L.C., located in the City of Buchanan, County of Berrien, State of Michigan and further described as follows:

From the Southwest corner of Section 25, Town 7 South, Range 18 West, measure North 42° 07' East 49.50 feet to the Southwest corner of Lot 2, Assessor's Plat No. 1, City of Buchanan, according to the recorded plat thereof as being recorded in the Register of Deeds Office for Berrien County, thence measure North 86° 31' East along the Northerly line of Front Street, 138.99 feet to the point of beginning of the land herein described; thence North 00° 26' 01" East 140.45 feet (previously described as North 00° 24' East 140.33 feet); thence North 45° 31' 32" East (previously described as North 45° 30' 40" East) 113.47 feet; thence South 10° 07' 48" East 216.00 feet to said North line of Front Street; thence South 86° 30' 58" West (previously described as South 86° 31' West), along said North line, 120.24 feet to the point of beginning. Containing 0.43 acres more or less. Subject to any easements or restrictions of record.

LET IT FURTHER BE RESOLVED that the exchange of the property referred to above shall be without the exchange of any money between the parties, except for the payment of costs, closing fees, etc.

LET IT FURTHER BE RESOLVED that the City Manager and the City Attorney for and on behalf of the City of Buchanan shall prepare all documents required for the exchange of the above-mentioned property, which shall be similar in form to the Real Estate Exchange Agreement attached hereto and marked as "Exhibit A".

Roll call vote unanimous. Resolution 2004.05/17 declared adopted.

Hughes requested that the appointment to the DDA be tabled as requested by Commission Lee. After commitment from Hagey, ***Scanlon moved seconded by King to appoint David Hagey to be the second representative for Commission on the DDA. Roll call vote unanimous.***

After brief discussion and explanation from Dial-A-Ride Director Judy Phillips, ***Hagey moved seconded by McGuire to approve the following Resolution:***

2004.05/18, Dial A Ride Project Authorization accepting extra financial assistance for fiscal year 2004, sections 5311/5307 of the Federal Transit Act of 1991

Old Business continued

Resolution
2004.05/17,
Property Exchange
with K. Barker
McCoy Pond Park

Commissioner
Appointment to
DDA

Resolution
2004.05/18, Dial-A-
Ride to Accept
Financial Assistance

WHEREAS,
pursuant to Section
5311 (formerly
Section 18) of the

Federal Transit Act of 1991, it is necessary for the City of Buchanan to provide a local transportation program for the State fiscal year 2003-04 and therefore apply for State financial assistance under provisions of Section 5311/5307 of the Federal Transit Act of 1991; and **WHEREAS**, it is necessary to certify that no changes in eligibility documentation have occurred during the past State fiscal year; and

WHEREAS, the 10e (18) accessibility plan amendment for this agency has been reviewed and approved by the City of Buchanan; and

WHEREAS, the City of Buchanan has reviewed and approved the MDOT Authorization No. 2002-0022/Z3/R1, Project No. 781090 providing federal funds not to exceed 10.95% of actual eligible operating costs, Revision 1, estimated to be an additional \$3,028.00 for 2003-04.

NOW, THEREFORE BE IT RESOLVED that the City of Buchanan does hereby make its intentions known to provide public transportation services and to accept Section 5311 operating assistance in accordance with the Federal Transit Act; and

BE IT FURTHER RESOLVED that the City of Buchanan authorizes Julianne O'Bryant as Transportation Coordinator, and Earl J. Scanlon III, Mayor of the City of Buchanan to jointly execute MDOT Agreement No. 2002-0022/Z3/R1, Project No. 781090 for the Commission for 2003-04 Section 5311 Federal operating assistance for its administration of the Federal Transit Act for FY 2003-04.

Roll call vote unanimous. Resolution 2004.05/18 declared adopted.

Hughes explained the request for the City to authorize construction of the upper path in E.B. Clark Woods as outlined in the McCoy's Creek Trail Plan Phase I. He explained the construction request and explained that two employees would excavate the area during normal business hours and volunteers (will sign waiver) would spread wood chips along the excavated path. After shared discussion, **King moved seconded by Hagey to construct the upper path as outlined and explained. Roll call vote unanimous.**

Hughes explained NATS (Niles-Buchanan-Cass Area Transportation Study) to modify the FY 2004 Transportation Improvements Program (TIP) so that the Main Street Project would be an "advance construct" at \$96,000 and recommended (based on NATS Committee meeting) that the City Commission designate the Main Street Project as advance construct. Discussion/questions shared and Hughes replied that money would come from Major & Local Streets fund balance with construction either late fall with NATS in all probability reimburse the City \$76,800. **Hagey moved seconded by King to authorize the City Manager to pursue the NATS TIP Program to designate Main Street from Third to Front Street and Fifth Street to the city limits as advance construct. Roll call vote unanimous.**

Hughes explained the bid waiver for lights at the softball fields @ \$4,368 due to storm damage and had been submitted/received from Insurance. **McGuire moved seconded by King to approve the bid waiver and work from All Phase Electric in the amount of \$4,368. Roll call vote unanimous.**

Hughes explained the bid waiver for the electrical boxes at the softball fields. **McGuire moved seconded by King to approve the bid waiver and award and work from Wolverine Electric Contracting in the amount of \$3,885. Roll call vote unanimous.**

Hughes explained the certification process and issues with boom arm on the Bucket Truck. **Hagey moved seconded by King to approve the bid waiver, authorize the repairs by Delphi Body Works in the amount of \$3,750. for the Tower Truck repair and pay from capital reserve. Roll call vote unanimous.**

John Garmire urged all to attend the Scoutarama Festivities and explained in detail.

King moved seconded by McGuire to go into closed session for discussion of Purchase Real Property and Collective Bargaining at 9:55 p.m. Roll call vote unanimous.

Old Business continued

Resolution

2004.05/18, Dial-A-Ride to Accept Financial Assistance

McCoy Creek Trail Plan: Phase I

New Business
Main Street Improvement/NATS

Bid Waiver, Softball Field Lights

Bid Waiver, Softball Field electrical boxes

Bid Waiver, Tower Truck Repair

Public Comments

Closed Session

The Mayor reconvened the meeting at 11:00 p.m.

Hagey moved seconded by McGuire to approve February 23, 2004 Closed Session Minutes for City Manager Evaluation as reviewed in Closed Session. Roll call vote unanimous.

**City Manager
Comments**

Hughes commented:

- Thanked Gladys & Michelle for assisting with the Cool Cities grant
- Pre construction meeting today with Selge and Northern Construction for Days Avenue Culvert Opening and Front Street Streetscape, beginning target date May 24th. Letter to be sent to area property owners. Groundbreaking Ceremony on Friday May 21st , time to be announced
- Concerns/issues on purchases of Cemetery lots from resident or non resident; bring back proposal
- Last call for annual MML Conference, 9-29 to 10-2 at Mackinaw Island
- Request by Judy Bellaire for the City to pay for port-a-jon. Free one obtained.
- Upcoming events

**Commissioner's
Comments**

King commented:

- City doesn't normally provide port-a-jon for Garden Club

McGuire commented:

- Creek cleanup
- Addition on High School looking good
- Urged interest in Soap Box Derby
- Commended the police for bike patrol

Hagey commented:

- Asked Hughes the status of easements on both sides of Race
- Reminder next Monday & Tuesday will attend MSHDA Conference
- Reiterate that surplus unavailable for 2004-2005. Revenue may not fund 2004-2005 Budget
- Urged attendance to May 25th Blueprints Award Ceremony in Lansing

Scanlon commented:

- Urged attendance to Creek cleanup and DARE Program
- Asked Hughes dates of Mayors Exchange with Cassopolis
- Hopeful for enough funding for Cities 2004-2005 Budget

Adjournment

Hagey moved seconded by McGuire to adjourn the meeting at 11:24 p.m. Voice vote carried.

Gladys M. Bybee, CMC-City Clerk

Earl J. Scanlon III, Mayor

CITY OF BUCHANAN COMMISSION MINUTES
May 24, 2004

A regular meeting of the City Commission was held at City Hall, 302 N. Redbud Trail, Buchanan, Michigan Monday, May 24th and called to order by Mayor Scanlon at 8:04 p.m.

The Pledge was recited by all in attendance. Reverend Lowell Kosak, Buchanan Church of Christ gave the Invocation.

Commissioners present: David Hagey, Flora King, Marlon McGuire, Earl Scanlon

Commissioner absent: Susan Lee

Staff present: City Manager Mike Hughes, Clerk Gladys Bybee, Treasurer Juli O'Bryant

Guests/Visitors present: Karin Falkenstein, Fine Arts Council and Marvin Pruitt, American Legion

11 visitors

Phyllis Ruetz requested that storm sewers (catch basins) be cleaned out in the heights. Discussion shared with Commission and Manager.

Scanlon moved seconded by Hagey to amend the Agenda to include F. under New Business: Resignation of Susan Lee, H. under Consent Calendar: Revised Street Closure and include check 45677 to Diamond Construction in the amount of \$2,197. Roll call vote unanimous.

King moved, seconded by Hagey to approve the Consent Calendar as amended. Roll call vote unanimous.

- Approve Agenda with inclusions
- Approve Minutes: Regular Meeting – May 10
- Approve Check #45598 to 45677 in the new amount of \$97,191.83
- Street Closure Request: Front Street from Redbud to Oak, Days Avenue from Front to Roe and Oak Street from Front to Charles Court
- Street Closure Request: Oak Street from Roe Street to the South end
- Banner Placement Form, Buchanan in Bloom Garden Tour
- Certify Delinquent Water & Sewer Bills totaling \$3,028.07 to the 2004 Summer Tax Roll
- Street Closure, Oak Street from Front Street to the Teen Center

Jan Nowak, Director of Children's Center Inc. announced the opening of a Licensed Child Care business in the K. Barker Building, 324 E. Dewey Street. She explained in detail, distributed posters to Commission and questions/discussion was shared.

Karin Falkenstein, Fine Arts Council President distributed brochures of Tin Shop Programs. She explained a first increased ticket price in 5 years with added June & September events as heat pump installed. She explained the programs and probable vacancies on the Board.

Marvin Pruitt, American Legion reported on the Memorial Day Parade, the past 11 month's rehabilitation of the building and welcomed retired flags for the Ceremony during Buchanan Fest. Discussion/questions shared.

Treasurer Juli O'Bryant reported her department was preparing for 2004 summer taxes, annual audit, summer newsletter, forthcoming acceptance of electronic utility payments and sales of Community Wide Garage Sales.

Hughes briefly summarized the budget work shops and public hearings. ***Hagey moved seconded by McGuire to adopt the 2004-2005 Budget and approve the following resolution:***

Call to Order

Pledge/Invocation

Roll Call

Public Comments

Consent Calendar

Agenda

May 10 Minutes
Checks
Street Closure's

Banner Placement
Certify Delinquent
Water/Sewer bills
Street Closure-
Revised

Reports

Children's Center,
Inc.
Fine Arts Council

American Legion

Treasurer
Department

Old Business

2004-2005 Budget
Resolution
2004.05/19

WHEREAS, in
accordance with

Chapter 9 of the City Charter of the City of Buchanan governing budget procedure and general finance, and in compliance with the requirements of the Michigan Uniform Accounting and Budgeting Act, a balanced budget has been set up for the City of Buchanan for the fiscal year of July 1, 2004 through June 30, 2005; and

Resolution
2004.05/19

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Buchanan that the following sums are adopted for the 2004-2005 fiscal year for the purposes set forth below:

General Government	City Commission	\$ 35,548.
\$344,855.	City Manager	102,304.
	Elections	20,475.
	Assessor	31,550.
	City Clerk	47,624.
	Treasurer	107,354.
Public Safety	Police Department/Code Enforcement	\$ 768,783.
\$963,228.	Crossing Guards	24,840.
	Fire Department	124,766.
	Building Inspection	44,839.
DPW & Cemetery	DPW/Streets	\$ 306,376.
\$469,288.	Cemetery	162,912.
Parks & Recreation	Parks & Recreation	\$ 35,197.
\$35,197.		
Other	Building & Grounds	\$ 68,126.
\$191,672.	Teen Center	11,087.
	Rental Property	6,309.
	Misc. Costs/Transfers	<u>106,150.</u>
Total General Fund		\$2,004,240.
	Major Streets	\$ 362,828.
	Local Streets	214,654.
	Street Repair & Maintenance	293,715.
	Water & Sewer Enterprise	1,047,532.
	1991-93 Michigan Transportation Bond	82,165.
	Downtown TIF District	23,989.
	Andrews Farm TIF District	110,500.
	Downtown Development	32,075.
	1997A Series W & S Revenue Bond	68,895.
	2000 W&S Bond-Liberty Heights	106,315.
	MTB-Liberty Heights	40,528.
	Third Street Brownfield	47,860.
	River Street Brownfield	2,000.
	Smith Street Brownfield	<u>27,000.</u>
Total Other Funds		\$ 2,460,056.
Total Budget Including General Fund		\$4,464,296.

BE IT FURTHER RESOLVED that the City Commission of the City of Buchanan authorizes levy of 17.1000 mills on real and personal property within the City of Buchanan for municipal operating purposes.

BE IT FURTHER RESOLVED that the City Commission of the City of Buchanan hereby authorizes the levy 0.50 mills on real and personal property within the City of Buchanan for Dial-a-Ride.

BE IT FURTHER RESOLVED that the City Commission of the City of Buchanan authorizes the levy of one half of the above stated millage rates on real and personal property on the separate tax rolls under Act 198, Industrial Facilities Tax Districts.

Old Business continued

2004-2005 Budget

**BE IT FURTHER
RESOLVED** that the
City Commission
authorizes the water

and sewer rates, effective July 1, 2004, as follows:

	Water	Sewer	Ready to Serve (RTS)
City	\$1.94/1000 gal.	\$3.84/1000 gal.	\$17.16 Bi-monthly
Township	2.28/1000 gal.	4.50/1000 gal.	20.42 Bi-monthly

BE IT FURTHER RESOLVED that the total budget for the City of Buchanan for the fiscal year 2004-2005 in the amount of \$4,464,296. as presented by the City Manager is hereby approved and adopted by the City Commission of the City of Buchanan.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to make budgetary transfers within the departments in accordance with the departmental totals established through this budget, and that all transfers within departments may be made only by further action of the City Commission, pursuant to the provisions of the Michigan Uniform Accounting and Budgeting Act.

Roll call vote unanimous. Resolution 2004.05/19, Adopting 2004-2005 Budget approved.

Draft Purchase Agreement of old library building, 117 W. Front Street

Hughes summarized the two proposals for adaptive reuse of the old library building, 117 W. Front Street received from Jeff Antidel and Kevin Barker in which modified proposal of terms were submitted. He explained the modification in detail. After brief discussion between Commission and Barker Hughes requested to direct the City Attorney to draft a Purchase Agreement. **Hagey moved seconded by McGuire to instruct the City Manager and City Attorney to draft a purchase agreement with K. Barker Enterprises. Roll call vote unanimous.**

New Business
Public Hearing
Resolution
2004.05/20,
Authorizing
submittal of
Homeowner
Rehabilitation
MSHDA Grant

The Mayor opened the Public Hearing at 8:40 p.m. and invited written or verbal comments concerning a proposed Homeowner Rehabilitation application for a grant under the Housing Resource Fund from Michigan State Housing Development Authority in the amount of \$360,000. In addition, leveraging funds shall equal twenty-five percent (25%) of the total program cost (excluding administrative costs) shall be provided by eligible program recipients as local match for the project. Hughes reported the November 2003 grant application was not funded and a reapplication would be submitted. He explained the MSHDA concern and recommendation to change the third party administrator. No public comments heard. The Mayor closed the public hearing at 8:45 p.m.

Hagey moved seconded by King to approve the Authorizing Resolution as follows:

WHEREAS, the City of Buchanan is committed to continue and strengthen the residential base with housing rehabilitation and housing development; and

WHEREAS, the Homeowner Rehabilitation program seeks to continue the planning to revitalize and develop the housing stock in the City of Buchanan; and

WHEREAS, the Buchanan City Commission authorizes the City in cooperation with Greater Niles Community Development Corporation (CDC) to submit and application for a "Homeowner Rehabilitation program in the amount of \$360,000 to Michigan State Housing Development Authority; and

WHEREAS, no project costs will be incurred prior to a formal grant award, completion of the environmental review procedures and formal written authorization to incur costs is received from Michigan State Housing Development Authority.

NOW, THEREFORE, BE IT RESOLVED THAT: The City Manager, Michael Hughes is hereby authorized to sign all related application forms on behalf of the City of Buchanan.

Roll call vote unanimous. Resolution 2004.05/20 declared adopted.

Public Hearing
Resolution
2004.05/21,
Authorizing
submittal of Rental
Rehabilitation
MSHDA Grant

The Mayor opened the Public Hearing at 8:46 p.m. and invited written or verbal comments concerning a proposed Rental Rehabilitation application grant under the Community Development Block Grant Program, Title 1 of the Housing and Community Development Act of 1974 in the amount of \$500,000. In addition, leveraging funds shall equal twenty-five percent (25%) of the total program cost (excluding administrative costs) shall be provided by eligible program recipients as local match for the project. Hughes reported the November 2003 grant application was not funded and a reapplication would be submitted. He explained the

MSHDA concern and recommendation to change the third party administrator. No public comments heard. The Mayor

Old Business continued

2004-2005 Budget
Resolution 2004.05/19

closed the public hearing at 8:48 p.m.

Hagey moved seconded by McGuire to approve the Authorizing Resolution as follows:

WHEREAS, the City of Buchanan is committed to the continued revitalization of the downtown; and **WHEREAS**, the Rental Rehabilitation program seeks to continue the planning to revitalize the downtown area; and

WHEREAS, the Buchanan City Commission authorizes the City in cooperation with Greater Niles Community Development Corporation (CDC) to submit and application for a "Rental Rehabilitation program in the amount of \$500,000 to Michigan State Housing Development Authority; and

WHEREAS, no project costs will be incurred prior to a formal grant award, completion of the environmental review procedures and formal written authorization to incur costs is received from Michigan State Housing Development Authority.

NOW, THEREFORE, BE IT RESOLVED THAT: The City Manager, Michael Hughes is hereby authorized to sign all related application forms on behalf of the City of Buchanan.

Roll call vote unanimous. Resolution 2004.05/21 declared adopted.

Hughes explained the Sub recipient Agreement with Greater Niles Community Development Corporation (CDC) to administer the Michigan State Housing Authority (MSHDA) rehabilitation projects. Tim Batton introduced himself and explained CDC and welcomed the opportunity to work with the City. **King moved seconded by Hagey to approve the Agreement as presented. Roll call vote unanimous.**

King moved seconded by Hagey to excuse the absences of Commissioner Susan Lee for the previous six (6) months due to illness. Roll call vote unanimous.

Hughes explained bid waiver request to overhaul Well Pump 1A from Peerless Midwest. After shared discussion, **King moved seconded by McGuire to approve the bid waiver request to overhaul Well 1A Pump from Peerless Midwest in the amount of \$7,300. Roll call vote unanimous.**

Hagey moved seconded by King to accept the written resignation from Susan Lee as City Commissioner effective immediately. Roll call vote unanimous.

Hagey moved seconded by King to go into Closed Session at 8:56 p.m. to discuss Purchase or Lease of Real Property. The Mayor reconvened the meeting at 9:30 p.m.

King moved seconded by Hagey to approve May 10, 2004 Closed Session Minutes for Collective Bargaining and Purchase or Lease of Real Property as reviewed in Closed Session. Roll call vote unanimous.

Hughes commented

- Thanks to all volunteers, great McCoy Creek cleanup, consider annual event
- Mayors Exchange with Cassopolis, brief agenda announced
- Property swap on Dewey Street at the June 14 meeting
- Distributed letter regarding easements along the Millrace. Letter to Attorney and expect answer by next meeting
- Follow up on Girl's Softball Field and review of history. Going to set up a meeting as BYSBA now aware of issues.
- Pictures of opening deteriorated culvert distributed after meeting.
- Tour of Bliss Bldg. (Tom Gauthier) June 14th at 7 p.m. (Rental Rehab Recipient)
- Attendance to Governors Award banquet, Sharon Witt honored with an award.
- Problems with the Annual Spring Cleanup Day. Set up and cancelled. Direct calls to Mike
- Preparation for Memorial Day Weekend. Mayor throwing first pitch for BYSBA
- MDOT schedule to place signs on US Bypass 31 McDonalds, Subway, Hilltop and Marathon Station
- Tourist Oriented signage on US 12 (brown signs). Joint Committee possibly funding
- Storm damage, no one hurt. Will pick up brush, creating overtime.
- Welcome sign at McCoy Pond Park painted

New Business continued

Public Hearing

Resolution
2004.05/21,
Authorizing
submittal of Rental
Rehabilitation
MSHDA Grant

Sub Recipient Grant
Administration
Agreement with
CDC

Excuse Absences of
Commissioner Susan
Lee
Bid Waiver to
overhaul Well Pump
1A

Resignation of Susan
Lee

Closed Session
Minutes, Closed
Session May 10,
2004

City Manager
Comments

All Commissioners
voiced regrets on the
resignation of Susan

Lee and wished her better health.

**Commissioner's
Comments**

King commented:

- Pleased with opening of the Creek-husband visited numerous times
- Buchanan Garden Club Annual Perennial Sale on Memorial Day
- Thanks to the City for assisting with Garden Tour June 12th

McGuire commented:

- Watched Soap Box Derby practices
- Pleased to participate with Creek cleanup and thanks to volunteers

Hagey commented:

- Open seat, 30 days to fill vacancy, anyone interested should fill out citizens' participation form by June 11 and be present at the 14th meeting.
- Interested in easements along the Mill race
- June very busy month with activities from volunteer organizations. Thanks to all of volunteers.

Scanlon commented:

- Great time at Creek Cleanup, thanks to all who helped
- Urge attendance to Parade
- Urge donations for Skate Park Garage Sale Fundraiser
- Review of the creek opening
- Interested persons apply for Commissioner opening and Commission concurred to noon deadline on June 11th for vacancy paperwork.

Hagey moved seconded by McGuire to adjourn the meeting at 10:02 p.m. Voice vote carried.

Adjournment

Gladys M. Bybee, CMC-City Clerk

Earl J. Scanlon III, Mayor

CITY OF BUCHANAN COMMISSION MINUTES
JUNE 14, 2004

A regular meeting of the City Commission was held at City Hall, 302 N. Redbud Trail, Buchanan, Michigan Monday, June 14th and called to order by Mayor Scanlon at 8:00 p.m.

The Pledge was recited by all in attendance. Pastor Thomas Nowak, St. Paul Lutheran Church gave the Invocation.

Commissioners present: Flora King, Marlon McGuire, Earl Scanlon

Commissioner absent: David Hagey

Staff present: City Manager Mike Hughes, Clerk Gladys Bybee

Guests/Visitors present: Tom Fehlner, Buchanan Preservation Society (Pears Mill), Public Services Manager Don Grady

13 visitors

Reed Mann thanked the Public and Commission for support of the Soap Box Derby.

Scanlon moved, seconded by McGuire to amend the Consent Calendar portion of the Agenda to exclude the appointment of Marlin Lowery to the DDA/TIFA as requested by Mr. Lowery. Roll call vote unanimous.

King moved, seconded by McGuire to approve the Consent Calendar as amended. Roll call vote unanimous.

- Approve Agenda
- Approve Minutes: Regular Meeting – May 24
- Approve Check #45678 to 45782 in the amount of \$138,912.76
- Appoint Catherine Greenway to the DDA/TIFA Board for a four (4) year term
- Reappoint Mary Lysy to the District Library Board for a four (4) year term

Tom Fehlner, Preservation Society President distributed the four (4) page Annual Report for 2003 and explained the pre-season, season and post-season activities at Pears Mill. He requested volunteers, noted concerns for the low water through the Millrace and permanent bathroom facility, and announced the need to update the facility to be barrier free.

Don Grady explained the four (4) departments briefly: equipment repair, Park cleanup, Common fence removal, planter removal, Days Avenue, thunder storm, Cemetery work, water reports, vulnerability assessment completion, water main break and NPDES sampling (Public Services Department: Monthly Status Report for May) while all reviewed the report. Brief discussion was shared about catch basin cleaning and brush pickup.

Clerk Gladys Bybee reported vacancies on City Boards-Councils-Committees, Channel 17, 2004 Elections, two (2) Commissioner Seat term endings, and upcoming meetings with County Clerk regarding school elections.

The Mayor asked for attendance of the five (5) interested candidates (**Reed Mann, Marlin Lowery, Patricia Moore, Rebecca Kaltenbach present; Lawrence Goldberg absent**) to fill the vacancy created by Susan Lee. Mann, Lowery, Moore and Kaltenbach introduced themselves and shared discussion/questions with Commissioner's. The Mayor requested a motion and explained the process. **Scanlon moved, seconded by McGuire to appoint Reed Mann to the vacant Commissioner Seat. Roll call vote unanimous.** The City Clerk administered the Oath of Office to Reed Mann and he took his seat as Commissioner.

Call to Order

Pledge/Invocation

Roll Call

Public Comments

Consent Calendar

Agenda
May 24 Minutes
Checks
DDA/TIFA Board
appointment
District Library
Board
Reappointment

Reports

Preservation Society

Public Services

Clerks Department

Old Business

City Commission
Appointment to
Commissioner
vacancy

Hughes explained the request from David Reitz for placement of a directional sign at the end of Chicago St. on the east side of Redbud for his business at 301 Days Avenue (The GNU Store).

King moved, seconded by McGuire to refer the request to the Plan Commission for proper review and referral and also recommended that Mr. Rietz submit more detailed information. Roll call vote unanimous.

Municipal Bldg.
Planning RFP

Hughes explained in detail the Request for Proposal (RFP) for Architectural Services for the Municipal Building Planning. After brief review and questions **Mann moved, seconded by King to approve release of the Municipal Building Planning Request for Proposal. Roll call vote unanimous.**

Water/Sewer Rate
Study RFP

Hughes explained in detail the Request for Proposal (RFP) for a Water/Sewer Rate Study. After brief review and questions **King moved, seconded by McGuire to approve release of the Water/Sewer Rate Study Request for Proposal. Roll call vote unanimous.**

Letter to State
Legislators

Hughes explained the letter of support to the State Legislators, on behalf of the City Commission, regarding the Commerce Center Bill legislation. After brief discussion **King moved, seconded by McGuire to approve the letter of support and submit as requested. Roll call vote unanimous.**

Closed Session
Minutes, Closed
Session May 24,
2004

Mann moved seconded by McGuire to go into Closed Session at 9:26 p.m. to discuss Collective Bargaining and Purchase or Lease of Real Property. The Mayor reconvened the meeting at 10:11 p.m.

Mann moved, seconded by McGuire to approve May 24, 2004 Closed Session Minutes for Purchase or Lease of Real Property as reviewed in Closed Session. Roll call vote unanimous.

City Manager
Comments

Hughes commented:

- Reminder of visit to Cassopolis for Mayors' Exchange
- Thanks and Congratulations to all volunteers and participants for Soap Box Derby, Garden Club Tour, Pears Mill
- Thanks to Tom Gauthier for tour of his building (recipient of Rental Rehabilitation Grant)

Commissioner's
Comments

King commented:

- Garden Club tour very successful
- Looking forward to Cassopolis visit on Thursday

McGuire commented:

- Sympathetic with businesses during streetscape construction
- Pleased with Soap Box Derby, Garden Tour and Memorial Day Parade

Mann commented:

- Thanks to the Commission for support and anticipates the opportunity

Scanlon commented:

- Welcome Reed Mann
- Heard a lot of good comments about the Soap Box Derby

Adjournment

King moved seconded by McGuire to adjourn the meeting at 10:21 p.m. Voice vote carried.

Gladys M. Bybee, CMC-City Clerk

Earl J. Scanlon III, Mayor

New Business

The GNU Store Sign Request

CITY OF BUCHANAN COMMISSION MINUTES
JUNE 28, 2004

A regular meeting of the City Commission was held at City Hall, 302 N. Redbud Trail, Buchanan, Michigan Monday, June 28th and called to order by Mayor Scanlon at 8:01 p.m.

The Pledge was recited by all in attendance. Reverend Tom Fox, Portage Prairie United Methodist Church gave the Invocation.

Commissioners present: David Hagey, Flora King, Marlon McGuire, Earl Scanlon, Reed Mann

Commissioner absent: none

Staff present: City Manager Mike Hughes, Police Chief Brian Russell, Clerk Gladys Bybee

Guests/Visitors present: None

9 visitors

Roger Zilke introduced himself as a Candidate for Berrien County Drain Commissioner and gave a brief biography.

Hughes requested to add a check to the register, 45873, in the amount of \$12,650. to Rohl's Construction and announced new total.

King moved, seconded by Mann to amend the Check Register by including check 45873 to Rohl's Construction in the amount of \$12,650. and approve the Consent Calendar with the amended check amount. Roll call vote unanimous.

- Approve Agenda
- Approve Minutes: Special Meeting – June 9 / Regular Meeting – June 14
- Check #45783 to 45873 in the amount of \$365,757.29 as amended
- Reappointed Kathy Kingery and Dick Gault to the Buchanan Fine Arts Council for a four (4) year term ending in 2008
- Reappointed Jim King and Roger Long to the Construction Board of Appeals for a two (2) year term ending in 2006
- Discharge of Mortgage, Deferred Loan James & Polly Wanbaugh dated May 28, 1993 in the amount of \$10,000
- Resolution 2004.06/23, Signature Authorization for Reed Mann to endorse checks (attached)

Police Chief Russell distributed report for almost first six (6) months of 2004 and reported the successful mock disaster, Relay for Life Golf Outing cancelled due to weather, a few crimes solved, future scheduled events, patrol, training grant submitted for emergency vehicle operations, traffic control orders forthcoming and vehicle repair. Brief discussion/questions shared between Russell and Commission. General Order of the Community Volunteer Program explained briefly. Russell explained the status of Code Enforcement and discussion was shared (hours cut due to budget constraints).

Hughes summarized the actions from the Plan Commission on the Sign Ordinance. **Hagey moved, seconded by McGuire to call a Public Hearing on Monday July 26th to hear written or verbal comments on a proposed Sign Ordinance. Roll call vote unanimous.**

Hughes summarized the prior approval from the Commission for the Purchase Agreement in the amount of \$12,000 to sell Lot 4, Andrews Farm Industrial Park to Premier Tool & Die contingent on Section 1 of the Drain and Water Easement. **King moved to approve the sale of Lot 4 to Premier Tool & Die contingent that Article 1 be worked out before the sale. McGuire seconded the motion and roll call vote unanimous.**

Call to Order

Pledge/Invocation

Roll Call

Public Comments

Consent Calendar

Agenda

June 14 Minutes
Checks

Fine Arts Council
reappointment
Construction Board
of Appeals
reappointment
Discharge of
Mortgage
Resolution
2004.06/23

Reports

Police
Department/Code
Enforcement

Old Business

Public Hearing Call,
Sign Ordinance

Purchase Agreement,
Lot 4, Premier Tool
& Die

Hughes
announced the use of

the remaining grant monies for public walkway as approved by Michigan Economic Development Corporation and explained in detail. After shared discussion of the walkway and crosswalks, ***Hagey moved, seconded by McGuire to authorize Hughes to approach MEDC and Northern Construction for a proper change order to construct the public walkway. Roll call vote unanimous.***

Hagey moved seconded by King to call a Public Hearing for Monday July 26, 2004 at 8:00 p.m. to hear written and/or verbal comments on the amendment of the Zoning Code. Roll call vote unanimous.

Hughes commented:

- Distributed the rendering of the custom directional sign for downtown and requested to include Farmer's Market on the sign. After discussion, Commission concurred.
- Reviewed Mayors' Exchange with Cassopolis and thanked Commissioner King for hosting the dinner.
- Update on Days Avenue and Culvert opening projects and necessary amendment to the DEQ Permit as contaminated soil found during excavation
- Disney discontinued showing of movies in outdoor gatherings, thus the Common movies would be changed with notice out immediately
- Letter of response from Legislators
- Rendering of new Street Signs downtown

King commented:

- Numerous negative phone calls about downtown project. Project in City plan for a long time and concerns appreciated.

McGuire commented:

- Thanks to Flo & Jim for hosting Mayors' Exchange dinner with Cassopolis
- Regrets for missing the Car Show and movie

Hagey commented:

- Infrastructure improvements list discussed from previous years. Natural progression with the improvement and development of downtown.
- Urged attendance to Commission meetings.

Scanlon commented:

- Great Car Show and Movie Saturday evening
- Enjoyed the visit to Cassopolis for Mayors Exchange
- All Commissioners available via phone, email, personal

Hagey moved seconded by McGuire to adjourn the meeting at 9:17 p.m. Voice vote carried.

Gladys M. Bybee, CMC-City Clerk

Earl J. Scanlon III, Mayor

Public Hearing Call,
Sign Ordinance

New Business

Public Hearing Call,
Zoning Ordinance
Amendment

**City Manager
Comments**

**Commissioner's
Comments**

Adjournment

CITY OF BUCHANAN COMMISSION MINUTES
JULY 12, 2004

A regular meeting of the City Commission was held at City Hall, 302 N. Redbud Trail, Buchanan, Michigan Monday, July 12th and called to order by Mayor Scanlon at 8:00 p.m.

The Pledge was recited by all in attendance. No Invocation was heard.

Commissioners present: David Hagey, Flora King, Marlon McGuire, Earl Scanlon, Reed Mann

Commissioner absent: none

Staff present: City Manager Mike Hughes, Fire Chief Warren Weaver, Director of Public Services Rick Smigielski, City Clerk Gladys Bybee

Guests/Visitors present: No guests 9 visitors

Hughes introduced Rick Smigielski whom was hired as Public Services Director. Greetings were shared.

Hagey moved to amend the minutes to reflect the attendance of Reed Mann at the last meeting, McGuire seconded the motion and a roll call vote was unanimous. Hughes requested to add reappointment of Craig Sumerix to the DDA/TIFA. Mann moved, seconded by Hagey to approve the inclusion and roll call vote unanimous. Hagey moved seconded by King to approve the Consent Calendar as amended. Roll call vote unanimous.

- Agenda as amended
- June 28, 2004 Regular Meeting Minutes as amended with the inclusion of Reed Mann being in attendance.
- Checks 45874 to 45959 in the amount of \$401,577.91
- Appointment of Sheila Daly to the Buchanan Area Recreation Board through 2007 as recommended by the Board
- Two appointments to the Downtown Development Authority, Downtown TIFA and Andrews Farm TIFA: Tammie Herrman to fulfill the vacant term through 2006 created by Reed Mann and Craig Sumerix for a second term through 2008
- Resolution 2004.07/24, Proclaiming July as Recreation and Parks Month (see attached)

Fire Chief Weaver distributed reports for Building Inspection and Fire (Jan.-June) and announced two (2) vacancies on the Fire Department. He reported changes to lighting with the Streetscape Project just east of Redbud on Front and delay to Days Avenue Culvert due to the contaminated soil although permit received from DEQ. He explained the Fire and Building Department reports while all reviewed. There was brief discussion regarding the efficient time of response to fire calls. Hughes thanked the Chief for his assistance with the downtown projects and discussion was shared.

Hughes reported discussion with MEDC for a project (Smith Street Culvert) modification due to the delay in receiving a permit from the DEQ. He explained and requested permission from the Commission to terminate the Smith Street Culvert Modification Loan from MEDC. *Hagey moved, seconded by Mann to authorize the City Manager to contact MEDC to begin termination of the Smith Street Culvert Loan due to the delays. Roll call vote unanimous.*

Hughes introduced the request from Jeanne Arbanas, Redbud Challenge Race Director. Arbanas distributed brochures for the 5K Race through E.B. Clark Woods Trail and explained the Race during Buchanan Fest in detail. Discussion and questions were shared and Hughes noted that waiver of liability was reviewed by the City Attorney. *Hagey moved seconded by King to approve the idea of the Redbud Challenge 5K Extreme Run with the stipulation that the Organizers meet with the City Manager, Police and Fire Chief. Roll call vote unanimous.*

Call to Order

Pledge/Invocation

Roll Call

Public Comments

Consent Calendar

Agenda

June 28 Minutes

Checks

Recreation Board
Appointment
DDA-TIFA, TIFA
Reappointment &
Appointment

Resolution
2004.06/23

Reports

Fire Department
Building Inspection

Old Business

Smith Street Culvert
Loan Termination

Redbud Challenge
5K Extreme Run
Consideration

Hughes explained the Department Head Performance Ratings Forms, including performance pay while Commission reviewed. Discussion/questions shared regarding the evaluation process. ***Hagey moved seconded by Mann to accept the Evaluation documents as policy as presented by the City Manager. Roll call vote unanimous.***

Performance Ratings
Forms Policy, Dept.
Heads

Hughes commented:

- Received thank you note from Buchanan Garden Club for assistance preparing for the Garden Club Walk.
- Receipt of Rental Rehabilitation Grant in the amount of \$243,900. for 6 additional units.
- Commendation and Thanks to DPW from Craig Sumerix for assistance with the Car Show
- DPW cleaning Ren Zone (Third Street) property for marketing and commended them for the great job on EB Clark Woods placing wood chips
- Receipt of formal letter from the Preservation Society urging City to dredge the Millrace
- Receipt of \$2,000. grant from Niles/Buchanan Rotary for a Observation Deck along the Trail
- Receipt of \$700. grant from Gateway for signage along the Trail
- Removal of the concrete dam at the Third Street pump house volunteered by the St. Joseph Fly Fishing Association as soon as permit from DEQ received
- Dates and times of upcoming events

**City Manager
Comments**

All Commissioners expressed condolences to the clerk on the loss of her mother.

King commented:

- Thanks to City Manager for weekly memo
- Condolences to family of Kenny Hill

**Commissioner's
Comments**

Mann commented:

- Customers comments from out of town, "pleased to see what is happening downtown"
- Encouraged residents to shop/buy within the City

McGuire commented:

- Construction projects going well
- Congratulation to Steve Bender as Male Coach of the Year
- Worked Redbud Track & Trail, 21,000 people
- Condolences on the passing of prior County Sheriff Bob Kimmerly

Hagey commented:

- Regrets absence from upcoming Planning Commission Meeting
- Thanks to Manager and Clerk for hard work on grants
- Support for the Mill Race dredging
- Pleased that the downtown is being very busy
- Welcome Public Service Director, Rick Smigielski

Scanlon commented:

- Pleased with the continuation of the downtown grant program
- Urged attendance to Buchanan Day at the Cove

Adjournment

Hagey moved seconded by McGuire to adjourn the meeting at 8:49 p.m. Voice vote carried.

Gladys M. Bybee, CMC-City Clerk

Earl J. Scanlon III, Mayor

New Business

CITY OF BUCHANAN COMMISSION MINUTES
JULY 26, 2004

Call to Order

A regular meeting of the City Commission was held at City Hall, 302 N. Redbud Trail, Buchanan, Michigan Monday, July 26th and called to order by Mayor Scanlon at 8:01 p.m.

Pledge/Invocation

The Pledge was recited by all in attendance. Reverend Leonard Bailey, Buchanan Church of the Nazarene gave the Invocation.

The Mayor presented a plaque to Susan Lee for her past service as City Commissioner. Greetings were shared.

Roll Call

Commissioners present: David Hagey, Flora King, Marlon McGuire, Earl Scanlon, Reed Mann

Commissioner absent: none

Staff present: City Manager Mike Hughes, Director of Public Services Rick Smigielski, City Clerk Gladys Bybee

Guests/Visitors present: Don Grady, Public Services On-Site Manager, Chamber President and Joint Arts & Historical Chairperson Alice Kring and General Manager of the Southeast Berrien County Landfill Dave Jones

12 visitors

Public Comments

Bill Baber introduced himself as a Candidate for State House of Representatives-78th District and gave a biography.

Michael Ruelle from United Way distributed a report of the 2002, 2003, 2004 grants awarded within the Buchanan/Galien area and explained in detail. She introduced Marty Golob, President of United Way and thanked the City Commission for opting to participate with the United Way campaign.

Lawrence Maloney, Developer and home buyer distributed a brief report and requested financial assistance to acquire a market analysis for \$23,500. He explained his proposal for redevelopment of the old building at 1207 Redbud Trail.

Chris Seibenmark, Assistant for State Senator Ron Jelinek announced that brochures were available and explained the state budget had not been passed yet along with other happenings in Lansing legislation.

Consent Calendar

Hagey moved, seconded by King to exclude from the Agenda the Public Hearing for the Zoning Ordinance as more review was needed by the Plan Commission. Roll call vote unanimous. Hagey moved, seconded by Mann to accept the Agenda as amended. Roll call vote unanimous. Hagey moved seconded by McGuire to approve the Consent Calendar as amended. Roll call vote unanimous.

Agenda

July 12 Minutes

Checks

Buchanan Fest
Banner
Traffic Control
Order 242
Resolution
2004.07/25

- Agenda as amended
- Minutes: Regular Meeting July 12, 2004 / Work Session – July 19, 2004
- Checks 45960 to 46058 in the amount of \$762,843.63 after brief questions about check #44975 and #46041
- Banner for Buchanan Fest-A Community Celebration
- Traffic Control Order #242 (making a four-way stop at Days/Chicago), Place “Stop” signs on Days Avenue and Chicago St. along with new “Stop Ahead” signs 50’ to 75’ from intersections
- Resolution 2004.07/25, Requesting that no change be made in Federal Election Laws to allow for the delay, in any form or manner, of the November 2, 2004 Election (attached)
- Acceptance of the Offer of Dedication of Middleton Court

Final Acceptance of
Middleton Court

- Appointment of
Patricia Moore
to the Plan

- Commission to fulfill vacant term through 2005
- Street Closure Request – August 28th, Buchanan Fest
 - 1) Roe St. (Days Ave. west to Oak St.)
 - 2) Front St. (Redbud Trail west to Oak St.)
 - 3) Oak St. (Railroad St. (south end) north to Roe St.)
 - 4) Days Ave. (Front St. south to Roe St.)
 - 5) Front St., Terre Coupe, Chicago St.
 - 6) Oak Street (Front St. south to Charles Ct.) (leaving alley open for apartments on Front St.)

Consent Calendar continued

Plan Commission Appointment
Buchanan Fest Street Closures

Dave Jones, Southeast Berrien County Landfill General Manager announced the hours of operation of the Landfill and Recycling. He reported 21 full time employees, October 9th Household hazardous waste collection, construction of a new cell, leachate collection from the Wastewater Treatment Plant and landfill tours for school students.

Reports

Southeast Berrien County Landfill

Alice Kring, Joint Arts & Historical District Chairperson reported the city funds were distributed for programming by the Committee for Pears Mill, Tin Shop and The Common for their season functions. She explained that individual brochures and joint placemats were distributed around the area to market the districts functions and central air was installed at the Tin Shop Theatre this season. Discussion was shared.

Joint Arts & Historical District

Alice Kring, Chamber of Commerce President thanked the Commission for the street closures for Buchanan Fest and reviewed the schedule of events including Awards. She explained the weekend and welcomed talent for the Talent Contest, parade entries, raffle ticket sellers and MC's. She also reported that the Silver Hawks at The Cove had 950 attendees from Buchanan.

Chamber of Commerce

Don Grady, Public Services reported equipment repair, park cleanup, tree planting, Schirmer Park Trail, cleaning E. Third Street property, repairs to the Common ceiling, brush pick-up, burials, water reports, Vulnerability Assessment submittal, Days Avenue water service connection changes, Well 1A completed and inspected, Annual Consumer Confidence report, Wastewater compliance evaluation inspection and severe storm tree damage. Grady explained that he distributed lists to City Departments and was working with Smigielski due to July 30th being his last day. Hagey thanked Grady and Severn Trent for their expertise and improvements. Scanlon and Hughes thanked Grady for his services.

Department of Public Services

The Mayor opened the Public Hearing at 8:50 p.m. to hear written or verbal comments concerning an Ordinance appealing the existing sign ordinance establishing signage regulations, incorporated into Chapter 76 of the City of Buchanan Code of Ordinances. Hughes explained the need and changes to the proposed Sign Ordinance with forthcoming permitting process procedure/fees as recommended by the City Attorney. Discussion/questions were shared between the Commission and Hughes. Alice Kring asked the requirement for signs in the commercial district and fee structure. Hughes explained and replied that the fees would be adopted in the City Schedule of Fees. The hearing closed at 9:28 p.m. **King moved seconded by McGuire to adopt the Sign Ordinance as presented. Roll call vote unanimous. Ordinance 361.07/04 adopted with an effective date off August 10th.** (Ordinance attached)

Old Business

Public Hearing Sign Ordinance 361.07/04

After brief discussion **Scanlon moved, seconded by Mann to appoint Flora King as the Commission Representative to the Fine Arts Council. Roll call vote unanimous.**

Commissioner Flora King appointment to Fine Arts Council

Hughes explained the Plan Commission recommendation and requirements for the GNU Store Sign request. No motion was heard.

GNU Store Sign Request

Hughes reported the proposals received for a Water/Sewer Rate Study and recommended Rehmann Robson as the lowest bidder of the most qualified and responsive. After discussion, **Hagey moved, seconded by Mann to award the bid to Rehmann Robson in the amount of \$12,900 as recommended by the City Manager. Roll call vote unanimous.**

Water/Sewer Rate Study Award

Hughes explained the numerous submissions of Proposals for the Municipal Buildings Architectural Services that was distributed to Commissioners on Friday and recommended that a work session be called to review, and possibly interview the architects. Work Session scheduled for August 9th directly following the regular commission meeting.

Hagey moved, seconded by Mann to call a Public Hearing for Monday August 23, 2004 at 8:00 p.m. to consider an application to grant an Industrial Facilities Exemption Certificate for C & S Machine Products at 215 and 448 Post Rd. Roll call vote unanimous.

Hagey moved, seconded by McGuire to accept the CDBG Grant Agreement between the Michigan State Housing Development Authority and City of Buchanan , Grant Number MSC-2004-0388-MDC in the amount of \$243,900 for Downtown Rental Rehabilitation along with granting authority to the City Manager or City Clerk to endorse relative documents for said grant. Roll call vote unanimous.

Scanlon moved, seconded by McGuire to appoint the Mayor as the City Voting Delegate to the Michigan Employees' Retirement System (MERS). Roll call vote unanimous.

Hagey moved seconded by McGuire to appoint Flora King as the City Voting Delegate to the Michigan Municipal League (MML). Roll call vote unanimous.

Hughes explained the letter from the City Attorney requesting a rate increase. After discussion *Hagey moved, seconded by King to approve the increase to \$135.00 an hour as requested. Roll call vote unanimous.*

Mr. Maloney explained that he would pay back the City with interest if his idea for a Nursing Facility at 1207 N. Redbud Trail came to fruition. Discussion was shared between Manager, Maloney and Commission regarding the possibility of receiving grant funding for the study.

Hagey moved seconded by McGuire to go into closed session to discuss Collective Bargaining at 10:02 p.m. Roll call vote unanimous. The Mayor reconvened the meeting at 10:55 p.m. *King moved, seconded by McGuire to approve the collective bargaining closed session minutes from July 14, 2004 as reviewed in closed session. Roll call vote unanimous.*

Hughes commented:

- Third Street file and Smith Street loan through MEDC closed
- MEDC approved use of additional dollars for walkway between Front Street and north parking lot
- Large excavator arriving on Tuesday to remove east wall along creek
- Discussion shared about creek opening and Front streetscape work being on schedule with Hughes noting that street lights and benches received

King commented:

- Commended City Crews for the storm relief and cleanup
- Work downtown interesting and going well
- Commended Hughes

Mann commented:

- Excited about work downtown
- Group of 200 motorcycles through downtown on Sunday
- Pleased with interest from Architects for municipal buildings
- Thanks to Chamber for sponsoring Day at the Cove with Silver Hawks
- Thanks to Don Grady for his work
- Thanks to DPW, Police and Fire for commitments during and after storms
- Thanks to Mike

Old Business

Work Session to review Municipal Bldgs. proposals

New Business

Call Public Hearing for IFEC Application

CDBG Grant Agreement with MSHDA for Rental Rehabilitation

MERS Voting Delegate

MML Voting Delegate

City Attorney Fee Increase

Public Comments

Closed Session

Collective Bargaining

City Manager Comments

Commissioner's Comments

McGuire commented:

- Thanks to Susan Lee for her

dedication on the commission

- Congratulations to Mason Lodge for 150 years
- Urged residents to vote

Scanlon commented:

- Commended DPW crews for storm damage, heard positive comments from the public
- Thanks to Susan Lee
- Enjoyed Chamber sponsored Day at the Cove
- Congratulations to Masons

Adjournment

Hagey moved seconded by McGuire to adjourn the meeting at 11:06 p.m. Voice vote carried.

Gladys M. Bybee, CMC-City Clerk

Earl J. Scanlon III, Mayor

Commissioner's Comments continued

CITY OF BUCHANAN COMMISSION MINUTES
AUGUST 9, 2004

A regular meeting of the City Commission was held at City Hall, 302 N. Redbud Trail, Buchanan, Michigan Monday, August 9th and called to order by Mayor Scanlon at 8:01 p.m.

The Pledge was recited by all in attendance. Reverend Tom Fox, Portage Prairie United Methodist Church gave the Invocation.

Commissioners present: David Hagey, Flora King, Marlon McGuire, Earl Scanlon, Reed Mann

Commissioner absent: none

Staff present: City Manager Mike Hughes, Director of Public Services Rick Smigielski, Treasurer Juli O'Bryant, City Clerk Gladys Bybee

Guests/Visitors present: 6 visitors

Charlie LaSata introduced himself as candidate for Circuit Court Judge, distributed brochures, gave a brief biography and welcomed questions.

Tom Fox, former Senior Services Board Member stated he appreciates the cooperation of City Commission for enabling the Center to continue and hopes for support until tax dollars are received.

Scanlon moved, seconded by King to amend the Agenda to include Discharge of Mortgage under new business as requested. Roll call vote unanimous.

Hagey moved seconded by Mann to approve the Consent Calendar as amended. Roll call vote unanimous.

- Agenda as amended
- Minutes: Regular Meeting July 26, 2004
- Checks 46059 to 46175 in the amount of \$809,059.83

The July monthly Status Report from the Public Services Department was distributed.

Bybee reported the four (4) candidates that would be on the November ballot, County recount, Polling Place Accessibility funding, School elections, openings on Boards/Committees, Channel 17, Website, and status of housing grants.

Hughes reported that he was contacted by Chuck Eckenstahler, from CITE Partners to reduce Building Permit fees by fifty percent (50%), the same as in 2000. Commissioners discussed the cost of building permit fees, neglected maintenance of the lots and lack of marketing over the last several years. No action was taken.

Hughes reported that the 2004-05 City Commission Priorities were refined after discussion at a previous work session and was now available for the City Commission to consider. He read the list and confirmed the list would be reviewed and altered annually. Discussion/questions shared with agreement that items not in sequential order. ***Mann moved seconded by Hagey to approve the List of Priorities dated August 6, 2004 as presented. Roll call vote unanimous.***

John Reding, ADP Payroll Service District Manager explained the EZ Labor Manager Software (clock-in/clock-out service). Hughes recommended the service as a tool for accountability and management, explained two (2) new internet accesses would be needed and an implementation plan developed. Questions/discussion shared between Commission, Manager and Treasurer. The existing contract for payroll was discussed and start date estimated for October 1, 2004.

Hagey moved seconded by McGuire to approve the ADP Payroll Service and EZ Labor Manager Software to be effective October 1, 2004. Roll call vote unanimous.

Call to Order

Pledge/Invocation

Roll Call

Public Comments

Consent Calendar

Agenda

July 26 Minutes

Checks

Reports

Public Services
Report
Clerk/Election

Old Business

Request to reduce
Building Permit Fees

2004-2005 Priorities

New Business

ADP Payroll Service

O'Bryant reported multiple problems with the existing network and requested a bid waiver as the new Computer Network was over \$1,000 along with approval to purchase the new system including labor. She explained that three (3) quotes were solicited with costs received under budget estimate (\$7,200). ***Mann moved seconded by McGuire to accept the bid waiver and the purchase and installation of the network in the amount of \$5,591.48. Roll call vote unanimous.***

Computer Network
Bid Waiver

Hagey confirmed the approved discharge according to 1998 minutes as reviewed. After brief discussion, ***Hagey moved seconded by King to reaffirm approval of the Discharge of Mortgage dated June 2, 1992 between William R. and Kathleen J. Farhat and the City of Buchanan and authorize the Mayor and City Clerk to endorse the document. Roll call vote unanimous.***

Discharge of
Mortgage - Farhat

**City Manager
Comments**

Hughes commented:

- All concurred to schedule ribbon cutting ceremony at the clock August 23, 7:30 p.m. prior to regular Commission Meeting and hold meeting at the Common
- First newspaper article sent to Berrien County Record regarding downtown streetscape
- Receipt of letter from Gary Zervas and Melody Hankins (Gary Z's) commended City Staff and Selge workers for their work on the streetscape project.

King commented:

- Gary Zervas also spoke with husband Jim offering positive remarks about the City Manager and workers
- Suggests welcoming/thanking attendees and Channel 17 watchers at the beginning of all meetings

**Commissioner's
Comments**

Mann commented:

- Soap Box Derby Booth at Berrien County Fair
- Pleased with the rip rap on the Common side of the creek opening

McGuire commented:

- Congratulations to candidates and proposals that were successful from the Primary
- Glad that Mayors health is better
- Forewarn drivers on Chicago/Days, now a four-way Stop
- Proposed another Creek cleanup
- Received another complaint on catch basins

Hagey commented:

- Also received complaints on catch basins
- Glad to see Mayor with better health
- Urged citizens to review List of Priorities and welcomed input

Scanlon commented:

- Pleased with the Priority List as a communication tool and welcomed input
- Urged attendance for the 23rd meeting
- Thanked Tom from Selge Construction for extra effort for businesses and customers during the Front Street construction
- Commended the DPW and Cemetery workers for brush/storm cleanup

Adjournment

Hagey moved seconded by McGuire to adjourn the meeting at 9:06 p.m. Voice vote carried.

Gladys M. Bybee, CMC-City Clerk

Earl J. Scanlon III, Mayor

New Business

CITY OF BUCHANAN COMMISSION MINUTES
AUGUST 23, 2004

A regular meeting of the City Commission was held at the Buchanan Common, corner of Days Avenue and Roe Street, Buchanan, Michigan Monday, August 23rd and called to order by Mayor Scanlon at 8:06 p.m.

The Pledge was recited by all in attendance. Reverend Jill Rasmussen-Baker, First Presbyterian gave the Invocation.

Commissioners present: Flora King, Marlon McGuire, Earl Scanlon, Reed Mann

Commissioner absent: David Hagey

Staff present: City Manager Mike Hughes, Director of Public Services Rick Smigielski, City Clerk Gladys Bybee

Guests/Visitors present: Assessor Gordon Schreiber and Southwestern Michigan Economic Growth Alliance Director Sharon Witt 14visitors

Chris Seibenmark, Assistant to State Senator Ron Jelinek, on behalf of Jelinek, congratulated the City Officials for the Downtown Streetscape Projects and thanked them for the invite to the Ribbon Cutting Ceremony.

David Bailey concerned about the damage and disappearance of the white oak trees donated and planted at the Common by the elementary class in 1999. He urged training for city workers to maintain all the trees throughout the City. Discussion was shared with the Mayor, City Manager and Bailey with regard to the City having an arborist employee and tree replacement.

Dave Weaver congratulated and thanked all for the downtown projects.

Alice Kring, Chamber of Commerce President thanked all for the projects and reminded all of Buchanan Fest

King moved seconded by McGuire to approve the Consent Calendar as presented. Roll call vote unanimous.

- Agenda
- Minutes: Regular Meeting August 9, 2004 / Work Session Summary August 9, 2004
- Checks 46176 to 46293 in the amount of \$2,519,817.55
- 2004 Downtown Rental Rehabilitation Project Guidelines
- Reappointment of Carla Cole, Robyn Dickey and Diane Loeffler to the Fine Arts Council to a four year term expiring in 2008
- Resolution 2004.08/26, Accepting Financial Assistance for fiscal year 2003-2004, sections 5311/5307 of the Federal Transit Act of 1991 (additional funding)
- Street Closure Request: Smith Street from High School parking lot to Terre Coup

Schreiber introduced himself and explained his Assessor report since February while all reviewed. He thanked the office staff for assistance.

Sharon Witt, SMEGA announced 37 retention visits during this 2004 year, increased employees, growing businesses in area, new applications for tax abatement with 15 new jobs and 18 prospects in area.

The Mayor opened the Public Hearing and invited public comments on the Application for an Industrial Facilities Exemption Certificate (IFEC) from C&S Machine Products at 215 and 448 Post Road at 8:35 p.m. Witt explained both applications and spoke briefly about tool & die companies. No public comments were heard. The public hearing closed at 8:40 p.m. after brief

Call to Order

Pledge/Invocation

Roll Call

Public Comments

Consent Calendar

Agenda
August 9 Minutes
Checks
Fine Arts Council
Reappointments
Resolution
2004.08/26,
Financial Assistance
for DAR
Smith Street Closure

Reports

Assessor Department

Southwestern
Michigan Economic
Growth Alliance

Old Business

Public Hearing,
IFEC for C&S
Machine

discussion. **Mann moved seconded by King to approve the**

following resolution:

RESOLUTION GRANTING AN INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE FOR C & S MACHINE PRODUCTS, INC., 448 POST ROAD

WHEREAS, pursuant to Michigan Public Act 198 of 1974, M.C.L. 207.551 et seq. ("Act 198") after duly noticed public hearing held on June 28, 1982, this Buchanan City Commission (the "Commission") by resolution established the Andrews Farm Industrial Park's "Industrial Development District – 58-01-82" located at 448 Post Road, Buchanan, Michigan; and

WHEREAS, C & S Machine Products (the "Applicant") has filed an application for an Industrial Facilities Exemption Certificate (the "Certificate") with respect to personal property at 448 Post Road facility; and

WHEREAS, before acting on said application the Commission held a public hearing on August 23, 2004 at the Buchanan City Hall, at which hearing the Applicant, the Assessor and a representative of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

WHEREAS, real property improvements and the installation of personal property (the "Project") had not begun earlier than six (6) months before the date of the acceptance of the application for the Certificate; and

WHEREAS, completion of the Project is calculated to and will at the time of issuance of the Certificate have the reasonable likelihood to retain, create, or prevent the loss of employment in Buchanan City.

NOW, THEREFORE, BE IT RESOLVED by the Buchanan City Commission that:

1. The Commission finds and determines that the granting of the Certificate considered together with the aggregate amount of the certificates currently in force under Act No. 198 shall not have the effect of substantially impeding the operation of the Buchanan City Commission (the "Commission"), or impairing the financial soundness of a taxing unit which levies an ad valorem property taxes in the City.
2. The Letter of Agreement between the Applicant and the City is hereby approved.
3. The Application for the Certificate is hereby approved and when issued shall remain in force and effect for a period of 12 years.

AYES:Flora King, Reed Mann, Marlon McGuire, Earl Scanlon

ABSENT: David Hagey

Roll call vote unanimous. Resolution 2004.08/27 declared adopted.

King moved seconded by McGuire to approve the following resolution:

RESOLUTION GRANTING AN INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE FOR C & S MACHINE PRODUCTS, INC., 215 SOUTH POST ROAD

WHEREAS, pursuant to Michigan Public Act 198 of 1974, M.C.L. 207.551 et seq. ("Act 198") after duly noticed public hearing held on June 28, 1982, this Buchanan City Commission (the "Commission") by resolution established the Andrews Farm Industrial Park's "Industrial Development District – 58-01-82" located at 215 South Post Road, Buchanan, Michigan; and

WHEREAS, C & S Machine Products (the "Applicant") has filed an application for an Industrial Facilities Exemption Certificate (the "Certificate") with respect to personal property at 215 South Post Road facility; and

WHEREAS, before acting on said application the Commission held a public hearing on August 23, 2004 at the Buchanan City Hall, at which hearing the Applicant, the Assessor and a representative of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

WHEREAS, real property improvements and the installation of personal property (the "Project") had not begun earlier than six (6) months before the date of the acceptance of the application for the Certificate; and

WHEREAS, completion of the Project is calculated to and will at the time of issuance of the Certificate have the reasonable likelihood to retain, create, or prevent the loss of employment in Buchanan City.

NOW, THEREFORE, BE IT RESOLVED by the Buchanan City Commission that:

1. The Commission finds and determines that the granting of the Certificate considered together with the aggregate amount of the certificates currently in force under Act No. 198 shall not have the effect of substantially impeding the operation of the Buchanan City Commission (the "Commission"), or impairing the financial soundness of a taxing unit which levies an ad valorem property taxes in the City.
2. The Letter of Agreement between the Applicant and the City is hereby approved.

Old Business**continued**

Public Hearing,
IFEC for C&S
Machine

Resolution
2004.08/27
448 Post Road

Resolution
2004.08/28
215 Post Road

3. The Application for the Certificate is hereby approved and when issued shall remain in force and effect for a period of 12 years.

Resolution proposed by Commissioner King; supported by Commissioner McGuire.

AYES: Flora King, Reed Mann, Marlon McGuire, Earl Scanlon

ABSENT: David Hagey

Roll call vote unanimous. Resolution 2004.08/28 declared adopted.

Hughes explained in detail the 2004 Street Paving Bid Award and read the amounts aloud. Discussion shared with Commission and Manager about repairing Main Street (Spring) through the NATS Program. **McGuire moved, seconded by King to award the bid to the lowest bidder, Wendorf in the amount of \$8,140. Roll call vote unanimous.**

Hughes explained briefly the "Architect Interview Questions" that was developed. King reported that she would not be in attendance for the interviews on August 31st.

Hughes explained the purpose of the request to consider approval of 2004-05 McCoy's Creek Trail Budget. All reviewed the budget as presented while Hughes explained in detail and confirmed the general or recreation fund budgets would not increase. **King moved seconded by McGuire to approve the McCoy's Creek Trail budget for 2004-2005 as submitted. Roll call vote unanimous.**

Hughes commented:

- Dorothy Harris hired as Receptionist/Secretary through the partnership with AARP
- Two persons being sought for maintenance/general cleanup through the AARP Program

King commented:

- Thanked those in attendance for coming to the Common
- Thanked the members of the Trail Committee and all who organized the Streetscape Ribbon Cutting Ceremony
- Commended the City Manager for seeing the Streetscape to fruition

Mann commented:

- Praised the Streetscape Ribbon Cutting Ceremony
- Great response at the Berrien County Fair Soap Box Derby Booth
- Thanked the State of Michigan and Governor Granholm for providing grants

McGuire commented:

- Reminded all of the Blood Drive at the Senior Center and opening of School
- Pleased to see the positive emails
- Thanked Commission and Police for Crossing Guard communication devices

Scanlon commented:

- Thanked Hughes for following through with the Streetscape Project
- Urged caution to drivers due to school opening and wished Good Luck to Bucks
- Proud of the Downtown Improvements and urged attendance to Buchanan Fest
- Thanked to the Businesses for their patience during construction

Mann moved seconded by McGuire to adjourn the meeting at 9:05 p.m. Voice vote carried.

Gladys M. Bybee, CMC-City Clerk

Earl J. Scanlon III, Mayor

Resolution
2004.08/28

New Business

2004 Street Paving
Bid Award
Architect Interview
Questions

2004-2005 McCoy's
Creek Trail Budget

**City Manager
Comments**

**Commissioner's
Comments**

Adjournment

Old Business continued

Public Hearing, IFEC for C&S Machine

CITY OF BUCHANAN COMMISSION MINUTES
SEPTEMBER 13, 2004

A regular meeting of the City Commission was held at City Hall, 302 N. Redbud Trail, Buchanan, Michigan Monday, September 13th and called to order by Mayor Scanlon at 8:00 p.m.

The Pledge was recited by all in attendance. Reverend Leonard Bailey, Buchanan Church of the Nazarene gave the Invocation.

Commissioners present: David Hagey, Flora King, Marlon McGuire, Earl Scanlon, Reed Mann

Commissioner absent: none

Staff present: City Manager Mike Hughes, Director of Public Services Rick Smigielski, Police Chief Brian Russell, City Clerk Gladys Bybee

Guests/Visitors present: Senior Nutrition Director Sally Klute and Chamber of Commerce President Alice Kring 12 visitors

Len Bailey read a letter from the Buchanan Area Ministerial Association in support for the Eclipse and commended Chad, Dana and the Benkert children for their continued work with area youth.

Hagey moved seconded by McGuire to approve the Consent Calendar as presented. Roll call vote unanimous.

- Agenda
- Minutes: Regular Meeting August 23, 2004 / Work Session Summary August 31, 2004
- Checks 46294 to 46423 in the amount of \$797,005.94
- Reappointment of Jim King, Dennis Dudycha and Darla Main-Schneider to the Zoning Board of Appeals to a three (3) year term expiring in 2007
- Reappointment of Ralph McDonald, Jason Lietz, William Norton and Darla Main-Schneider to the Plan Commission to a three (3) year term expiring in 2007
- Street Closure Request for Smith Street from Phelps to W. Chicago
- Resignation from Diane Curry as a member of the Buchanan District Library Board
- Appointment of Rebecca Kaltenbach to the District Library Board to fulfill the vacant term through 2007
- Cooperative Agreement with Senior Nutrition, October 1, 2004 to September 30, 2005 with no changes

Sally Klute distributed brochures and samples of actual lunches along with an emergency meal (2 day) that is distributed both at the Senior Center and home bound. She announced the statistics from October 1, 2003 to current for both distributions. Discussion shared.

Alice Kring thanked the City for supporting Buchanan Fest and commended all city staff and Michelle Klarich. She thanked the businesses for support. She explained the events and other organizations involved. Discussion and greetings were shared. Kring also announced Chamber sponsorship of a Holiday Decoration Drive (decorate 25 poles) and hopeful for a donation from the City.

Commissioners acknowledged the Public Services Report for August and questioned the testing from a certified water technician. Hughes and Smigielski confirmed that arrangements were being made with previous technician along with plans for staff to obtain certification.

Hughes reported that a detailed request from Lawrence Maloney for Grant Assistance (\$23,500) was included in the packets and Mr. Maloney was in attendance. Maloney explained the status of his venture to survey & market the property at 1207 Redbud Trail into a Senior

Call to Order

Pledge/Invocation

Roll Call

Public Comments

Consent Calendar

Agenda
August 23 Minutes
Checks

Zoning Board of
Appeals & Plan
Commission
Reappointments

Smith Street Closure
District Library
Board Appointment

Senior Nutrition
Agreement

Reports

Senior Nutrition

Chamber of
Commerce-
Buchanan Fest

Public Services

Old Business

Request for Grant
Funding-Denied

Citizen Extended Care Facility. After shared discussion, **Hagey moved to deny the funding request as it was a personal and high risk venture, McGuire supported the motion.** Noted that Hughes had discussion with MEDC and they would not financially support an individual business. **Roll call vote unanimous.**

Hughes reviewed the process for selection of an Architectural Firm for the preliminary work for the municipal buildings and requested selection of three (3) firms to do further reference checks and site visits. After discussion of the four (4) most favorable Architectural firms **Scanlon moved seconded by Hagey to accept Barker Nestor, Inc., Gove Associates, The Design Forum and CDPA Architects for further interview. Roll call vote unanimous.**

Hughes explained the process for transfer of liquor license. After brief discussion **McGuire moved seconded by King to approve Resolution 2004.08/29, Request from J & B Thompson Enterprises, Inc. to transfer ownership of 2004 Class C Licensed business with dance permit, located at 259 E. Front Street from Fullback Corporation. Roll call vote unanimous.**

Hughes explained the bid award with the receipt of only one bid to purchase a Grasshopper Lawnmower with snow blade from funds in the Equipment Reserve fund. Discussion of clearing the downtown sidewalks was shared with future discussion of responsibility. Hughes reported that a policy for sidewalk snow removal/clearing would be forthcoming. **Mann moved seconded by Hagey to award the bid of the grasshopper lawnmower to HFS Tractor as recommended. Roll call vote unanimous.**

Hughes explained the bid waiver to purchase 4x4 Pickup Truck through State Purchase for the Wastewater Treatment Department out of the water/sewer equipment reserve fund as budgeted. After brief discussion with Smigielski regarding the model change, **Hagey moved seconded by Mann to waive the bid process and approve the purchase through State Purchase of the 4 x 4 pickup as recommended. Roll call vote unanimous.**

Hughes explained the locations of the miscellaneous Concrete Repair Work, recommended the lowest bid from Nieboer Concrete and announced the totals of bids received. Discussion was shared between Commission, Hughes and Smigielski. **King moved seconded by McGuire to award the concrete bid to Nieboer Concrete as so stated. Roll call vote unanimous.**

Jim King was concerned about the trees downtown if the snow is being left on the sidewalks. **Don Ryman**, County Commissioner reported that the County Budget would be approved as anticipated and opposed the State tax change law that would change the dates of the 2005 tax structure for dates of collection. Brief discussion was shared.

King moved seconded by Hagey to go into closed session to discuss Collective Bargaining, Purchase of Property and Litigation at 9:22 p.m. Roll call vote unanimous. The Mayor reconvened the meeting at 11:21 p.m. **Hagey moved, seconded by McGuire to approve the collective bargaining closed session minutes from July 26, 2004 as reviewed in closed session. Roll call vote unanimous.**

Hughes commented:

- Reminder of the Trail party at Common and Buchanan Art Center hosting Shirley Roti-Roti art work

King commented:

- Commended the September 11 event sponsored by Legion
- Urged citizens to meet candidates for City Commission

McGuire commented:

- Commended Football team and supporters
- Commended Legion for September 11, Patriots Day

Old Business continued

Request for Grant
Funding-Denied

Architectural Firm
for Municipal
Buildings further
review

New Business

Resolution

2004.08/29

Liquor License
Transfer, 259 E.
Front Street

Mower Bid Award

4x4 Pickup Truck
Bid Waiver &
Purchase-WWTP

Concrete Repair
Work Bid Award

Public Comments

Closed Session

City Manager Comments

Commissioner's Comments

Scanlon commented:

- Go Bucks

- Apologized for being unaware of and not attending September 11, Patriots Day event
- Many local persons in war and full support of the Troops

Adjournment

King moved seconded by McGuire to adjourn the meeting at 11:27 p.m. Voice vote carried.

Gladys M. Bybee, CMC-City Clerk

Earl J. Scanlon III, Mayor

Commissioner's Comments continued

**CITY OF BUCHANAN COMMISSION MINUTES
September 27, 2004**

Call to Order

A regular meeting of the City Commission was held at City Hall, 302 N. Redbud Trail, Buchanan, Michigan Monday, September 27th and called to order by Mayor Scanlon at 8:01 p.m.

Pledge /Invocation

The Pledge was recited by all in attendance. Reverend Tom Fox, Portage Prairie United Methodist Church gave the Invocation.

Roll Call

Commissioners present: David Hagey, Flora King, Marlon McGuire, Earl Scanlon, Reed Mann

Commissioners absent: none

Staff present: City Manager Mike Hughes, Administrative Secretary, Jennifer Harrington, Fire Chief/Building Inspector Warren Weaver, Police Chief Brian Russell, Director of Public Services Rick Smigielski

Guests/Visitors present: 4 visitors

Public Comments

Rev. Tom Fox thanked the city for their support of the 911 ceremony and apologized for not notifying the city of when and where the ceremony was going to be. There has been discussion regarding the ceremony that is being planned for 2005. Once there is more information available, the city will be notified.

Consent Calendar

King moved seconded by Hagey to approve the Consent Calendar as presented. Roll call vote unanimous.

- Agenda
- Minutes – Regular meeting September 13, 2004
- Checks 46424 to 46518 in the amount of \$687,731.10
- Master Plan Update Proposal
- Request to use McCoy's Pond Park – Cystic Fibrosis Fun Run

Old Business

Call for Public Hearing on Monday October 25th to hear comments on an amendment to the Sidewalk Ordinance. The ordinance will require that all property owners (residential and commercial) remove snow from the sidewalks. There was a ***motion by Hagey, supported by McGuire to set a Public Hearing for October 25th at 8:00 regarding the Sidewalk Ordinance. Roll Call vote unanimous.***

Resolution 2004.09/30

Hughes explained the purpose of the grant program. After brief discussion, there was a ***motion by Mann, supported by McGuire to authorize City Manager Michael Hughes to sign all related application forms on behalf of the City of Buchanan for the submittal of a grant to the US Department of Agricultural, Rural Business Enterprise Grant program for the purpose of constructing a farmers' market with the total local match in the amount of \$39,100. Roll call vote unanimous.***

Presentation of Marketing Plan Proposal – Perry Ballard Inc.

Bill Downey from Perry Ballard Inc., conducted a presentation to the City Commission regarding marketing for the City of Buchanan. After a presentation, and discussion between Downey, Hughes, and City Commission, everyone was in agreement to have Mr. Downey compile more information and discuss it further at next meeting. No motion needed.

Establish Trick or Treat Hours

Hughes recommends that Trick or Treat hours be set for Saturday, October 30th from 6:00-7:30 p.m. Already scheduled for that day is the Halloween parade (sponsored by the Moose) and a movie at The Common (sponsored by August James/ProRail). The candy check that is conducted by the police department will be held in the parking lot at the Senior Center. Scanlon stated that he would like to see everything that is being planned on that day needs to be posted on Channel 17, and on the city's web-site. After brief discussion, there was a ***motion by Hagey, supported by King to establish Trick or Treat hours for Saturday, October 30th from 6:00 – 7:30 p.m. Roll call vote unanimous.***

Declare personal public property as surplus for auction purpose

Hughes stated that there is a public auction scheduled for October 9th at 10:00 a.m. at The Common. The items that are being auctioned have come from the Police Dept., Dept. of Public Works, and City Hall. After brief discussion, there was a ***motion by Hagey, supported by Mann to have a public auction on October 9th, 10:00 a.m. at The Common. Roll call vote unanimous.***

Purchase of Police Cruiser Camera - \$3,800

Hughes stated that the police dept. has been having trouble with their in-car cameras. Hughes also noted that he is recommending that the city purchase a new camera which includes a microphone and installation for \$3,800. After discussion, there was a ***motion by King, supported by Mann to purchase an in-car camera for the police department totaling \$3,800. Roll call vote unanimous.***

Fire Service Mutual Aid Agreement

After discussion between Fire Chief Weaver, Mike Hughes, and City Commission, there was a ***motion by Hagey, supported by McGuire to table this agenda item until the City Attorney can further review. Roll call vote unanimous.***

Public Comments

None

City Manager Comments

Hughes commented:

- Setting dates for site visits for architects finalists
- Reminder that he will be out of the office for MML convention Sept. 29 - Oct. 1

Commissioner's Comments

King commented:

- Questioned how the wreathes were going to hang on the new lamp posts
- Remind citizens of the donations that are being accepted for the new wreaths
- Urged citizens to be aware of who is running for City Commissioner

Hagey commented:

- Curious on why some of the new lamp post lights are already out
- Curious on what the cement foundations are on the corner of Oak St. and Main St.
- Thanks to Hughes for all of this hard work on the grants
- Noted that the Arts & Historical District is doing a great job with the Tin Shop, The Common, Pears Mill

Mann commented:

- Commended that the downtown hand railing by the creek opening looks wonderful

McGuire commented:

- Congrats to Buchanan football team and girls tennis team
- Downtown hand railing by the creek opening looks great

Scanlon commented:

- Go Bucks
- Remind of Halloween Parade – October 30th

Adjournment

Mann moved seconded by King to adjourn the meeting at 9:25 p.m. Voice vote carried.

Jennifer Harrington, Admin. Secretary

Earl J. Scanlon III, Mayor

CITY OF BUCHANAN COMMISSION MINUTES

OCTOBER 11, 2004

A regular meeting of the City Commission was held at City Hall, 302 N. Redbud Trail, Buchanan, Michigan Monday, October 11th and called to order by Mayor Scanlon at 8:02 p.m.

The Pledge was recited by all in attendance. Reverend Tom Fox, Portage Prairie United Methodist Church gave the Invocation.

Commissioners present: David Hagey, Flora King, Marlon McGuire, Earl Scanlon, Reed Mann

Commissioner absent: none

Staff present: City Manager Mike Hughes, Director of Public Services Rick Smigielski, Police Chief Brian Russell, City Clerk Gladys Bybee

Guests/Visitors present: Dave Casey, Buchanan Community Schools Superintendent
12 visitors

Stella Proud asked why the downtown benches were facing the buildings, why Dial-A-Ride would not assist two (2) handicapped persons at the Senior Center and why she hadn't received her cemetery deed (nor had Linda Smith). Hughes explained the bench concern in detail and confirmed to review the other issues. King replied that she was checking into the Dial-A-Ride issue.

King moved seconded by Mann to approve the Consent Calendar as presented. Roll call vote unanimous.

- Agenda
- Minutes for the regular Meeting September 27, 2004
- Checks 46519 to 46626 in the amount of \$412,130.37
- Banner for Buchanan Fire Department Annual Pancake Breakfast

Dave Casey distributed brochures of the Annual Education Report as required by "No Child Left Behind" legislation to the Commission. He explained the report in detail and announced that the report was on the website. He also reported on increased enrollment, the status of the new gymnasium, November Chamber of Commerce PERC Club Breakfast in the new gym, walking in the new gym for citizens and a Lease Agreement endorsed with the BYSBA for acreage at the School Farm. Casey shared discussion/questions with public and Commission.

Hughes explained the Sidewalk Snow Removal Policy for downtown and summarized the Resolution. Discussion between Manager and Commission included the previous purchase of the new snow blower, accumulated snow on the curbs from City plows, and plowing snow to the center of street. Smigielski explained his discussions of options/scenarios with department workers that would be tried during the season.

Hughes explained the proposal for the Marketing Plan by Perry Ballard, Inc. and the budget amendment to pay for the Plan. He announced that the DDA approved \$2,740 towards the plan and introduced Bill Downey, Perry Ballard Representative and discussion/questions shared between Commission and Downey. **Mann moved seconded by Hagey to approve the budget amendment and branding proposal from Perry Ballard in the amount of \$12,000. Roll call vote unanimous.**

Smigielski reported on the bid opening for steel hand railing at the WWTP for material only with staff performing the work. He explained and discussion was shared. **Hagey moved seconded by King to approve the lowest bid for hand railing at the WWTP to Tuttle Aluminum & Bronze, Inc. in the amount of \$20,026 as recommended. Roll call vote unanimous.**

Call to Order

Pledge/Invocation

Roll Call

Public Comments

Consent Calendar

Agenda
Sept. 27 Minutes
Checks
Fire Dept. Banner

Reports

Buchanan
Community School

Public Services

Old Business

Sidewalk Snow
Removal

Marketing Plan,
Perry Ballard, Inc.

New Business

Steel Hand railing,
WWTP

Smigielski
reported on the bid

opening for aluminum grating at the WWTP for material only with staff performing the work. After discussion, **Mann moved seconded by McGuire to approve the lowest bid for aluminum grating at the WWTP to Brown-Campbell Co. in the amount of \$2,565 as recommended. Roll call vote unanimous.**

Aluminum grating,
WWTP
Holiday Decoration
Purchase

Hughes explained his discussion with the DDA and all reviewed the placement map of holiday decorations (wreaths) on the streetlights downtown. He requested that the City Commission consider the purchase of Holiday Decorations for downtown in the amount of \$1,400. Discussion/questions shared between Hughes and Commission. **Mann moved seconded by King to approve the expenditure of \$1,400 towards the purchase of holiday decorations. Roll call vote unanimous.**

Police Union
Contract Ratification

Hughes explained the final proposal to ratify the Police Union Contract. After brief discussion on the pension language, Commission concurred to a future resolution capping the B-4. **Hagey moved seconded by McGuire to ratify the union contract with the stipulation that the Agreement be reviewed by the Attorney. Roll call vote unanimous.**

Public Comments

Cathy Hemphil introduced her business, Blossomland, and greetings were shared. **Stella Proud** announced her concern about headstones at the cemetery being damaged by mowers and horse droppings along the trail. Brief discussion shared.

City Manager Comments

Hughes commented:

- Streetlight manufacturer visiting due to outages
- Project site visit on Friday for architecture done by Barker Nestor and visits to remaining sites on October 22
- Explained attendance to the work shops at the MML Conference and explained that the Buchanan Blueprints Program was highlighted at the Conference. Discussion was shared.

Commissioner's Comments

King commented:

- Her attendance to the work shops at the MML Conference and explained the many benefits attributed to attending the Conference. She confirmed to share her handouts.

Mann commented:

- Attended the Auction on Saturday with a good turn out
- Commended the railing around the creek, curbs and handicap space painting downtown
- Urged citizens to bring comments/concerns to City Hall or Commission meetings instead of approaching City employees
- Commended City employees

McGuire commented:

- Proud of the football team (7 and 0)
- Salmon running, encouraged visitors
- Congratulations to Jonathon Corwin student state trooper of the year from Buchanan
- Senior Citizens Center exercise class increased attendance (33) on 9-27-04

Hagey commented:

- Questioned if the Soap Box Derby acquired the Cushman Scooters from the Auction
- Gave Mike business card for streetlight problem
- Asked for update about the Renaissance zone inquiry

Scanlon commented:

- Go Bucks, urged attendance to the game
- Urged attendance to the Halloween Parade

Adjournment

Hagey moved seconded by Mann to adjourn the meeting at 9:30 p.m. Voice vote carried.

Gladys M. Bybee, CMC-City Clerk

Earl J. Scanlon III, Mayor

New Business continued

CITY OF BUCHANAN COMMISSION MINUTES

OCTOBER 25, 2004

A regular meeting of the City Commission was held at City Hall, 302 N. Redbud Trail, Buchanan, Michigan Monday, October 25th and called to order by Mayor Scanlon at 8:00 p.m.

The Pledge was recited by all in attendance. No Invocation was heard.

Commissioners present: David Hagey, Flora King, Marlon McGuire, Earl Scanlon, Reed Mann

Commissioner absent: none

Staff present: City Manager Mike Hughes, Police Chief Brian Russell, City Clerk Gladys Bybee

Guests/Visitors present: Wayne Writer, Recreation Board Director, Richard Wonacott, Plan Commission Chairman

16 visitors

Stella Proud asked for an update on the Dial-A-Ride (DAR) driver issue, concerned that her husband's headstone foundation was incorrect and possible water leak as the grave flooded. Bybee recalled her discussion with DAR Director Judy Phillips and brief discussion was shared. Proud was assured the other issues would be reviewed.

Don Bumstead, 320 Lake Street presented his copy of a Complaint Form from 1999 regarding his broken sidewalk (not repaired) caused by I&M trimming a tree within the tree lawn. After shared discussion, Bumstead was assured that his complaint would be researched.

King moved to amend the Agenda to include the Street Closure request from the Moose for the Halloween Parade under the Consent Calendar. Roll call vote unanimous.

King moved seconded by McGuire to approve the consent calendar as amended. Roll call vote unanimous.

- Agenda with inclusion
- Minutes: Regular Meeting October 11, 2004 – Work Session October 11, 2004 – Special Meeting October 15, 2004
- Checks 46627 to 46720 in the amount of \$215,441.90
- Street Closure for the Halloween Parade from the Senior Center to the Moose Lodge

Director Wayne Writer distributed the Fall Report for the Recreation Board and explained membership/staffing, capital projects, cooperative efforts, supervised playground, and five year recreation plan. A current roster of the staff/members was also attached.

Chairman Richard Wonacott reported a quiet summer and fall, recently approved two (2) special land permits, and a residential property split. He announced the future project of updating the Buchanan Master Plan.

Chief Russell explained his report on the Police Department/Code Enforcement (7-1-04 through 9-30-04) while all reviewed. The purchase of a Digital camera for a vehicle would be forthcoming and a cost for a new police vehicle was explained. Discussion/questions were shared with Commission and public.

The Mayor Opened the Public Hearing at 8:34 p.m. to invite/hear public comments on an Amendment to the Sidewalk Ordinance. Hughes explained the clarification of changes. Bumstead was concerned about the elderly clearing the remainder of the snow leftover from the bobcat. Kathy Kingery reported that the post office would not deliver mail if snow was not cleared by mailboxes. The Mayor closed the public hearing at 8:38 p.m. After brief discussion, Mann moved, seconded by McGuire to approve the Ordinance as presented.

Call to Order

Pledge/Invocation

Roll Call

Public Comments

Consent Calendar

Agenda
October.11 Minutes
Checks
Street Closure for
Halloween Parade

Reports

Recreation Board

Plan Commission

Police Dept./Code
Enforcement

Old Business

Public Hearing,
Ordinance 362.10/04
Sidewalks

SIDEWALKS

Sidewalks

AN ORDINANCE AMENDING CHAPTER 86, ARTICLE III, BY ADDING AS
NEW SECTIONS. 86-67, 86-68, 86-76, AND 86-77.

THE CITY OF BUCHANAN ORDAINS: Chapter 86, Article III, "Sidewalks", of the Buchanan Code of Ordinances is amended as follows:

Sec. 86-66. Penalty.

Any violation of this article is punishable as provided in section 1-15 of this Code.

Sec. 86-67. Duty to keep sidewalk clean.

The owner or occupant of any lands and premises abutting upon any public sidewalk shall keep the same free of all sand, rubbish, dirt and litter and shall remove promptly all snow which shall fall thereon and all ice which shall form thereon.

Sec. 86-68. Obstructions and encroachments.

No person shall obstruct or encroach upon any public sidewalk in any manner whatsoever.

Sec. 86-69. Maintenance.

All sidewalks within the city shall be kept in good repair by the owner of the lot adjacent to such sidewalk. Whenever any sidewalk within the city shall require repair because it is defective or unsafe as determined by the city manager, the city manager shall give the owner written notice and the owner shall repair the sidewalk within 60 days. If the owner fails to repair the sidewalk within 60 days after service of notice, the city manager shall report this to the city commission, requesting that authorization be granted to repair such sidewalk. If the city commission shall make a determination to repair such sidewalk it shall order the city manager to do all work required to repair such sidewalk and it shall determine the time for payment by the owner of the adjacent lot for the work which has been done.

Sec. 86-70. Installation areas.

The city commission may by resolution designate any area within the city where sidewalks do not exist as a sidewalk installation area and, when so designated, sidewalks shall be ordered to be constructed in such area by a notice sent to each property owner. Notice procedures for installing sidewalk in installation areas shall be in accordance with the current special assessment ordinance and policies as amended.

Sec. 86-71. Enforcement.

(a) It shall be the duty of the city manager or his designate to make a survey of sidewalk conditions in the city at least once each year. The city manager or his designate shall mail a notice to each property owner advising him of his responsibility to repair defective and unsafe sidewalk adjacent to his lot. The annual survey shall be based on reasonable standards to eliminate defective and unsafe sidewalk. Such standards may be set by resolution by the city commission.

(b) Failure of the city manager or his designate to notify the owner of the adjacent lot of the existence of hazardous sidewalk shall not be construed as negligence on the part of the city or relieving the owner of the adjacent lot of his responsibility to maintain and keep sidewalks in good repair.

Sec. 86-72. Grades, specifications.

All sidewalk work shall be done in strict conformity to the alignment and grade as established by the city manager or his designate and shall be constructed according to specifications as set forth in section 86-75.

Sec. 86-73. Permit to Construct or Repair.

No sidewalk located on the public right-of-way shall be constructed or repaired in the city unless a permit has been obtained from the city manager or his designee. A permit shall be required for all new construction and for repair of sidewalks where more than more than 32 square feet of sidewalk is repaired at one time. There shall be no fee for such permit. The permit may be revoked by the city manager or his designate for any violation of this article and the work ordered to be redone to conform to this article. This section does not preclude the responsibility of a penalty for such violation.

Sec. 86-74. Cost of repair and construction.

All sidewalk repair and construction work shall be paid by the owner of the adjacent lot in accordance with the special assessment ordinance and policies as adopted by the city commission.

Sec. 86-75. Specifications for construction and repair of public sidewalk.

All sidewalks shall be constructed in accordance with the specifications set forth in the "City of Buchanan Specifications for Construction of Improvements," as the same was approved by resolution of the city commission.

Sec. 86-76. Repeal.

Chapter 86, Article III, Sidewalks, Sections 86-66 through 86-73 is hereby repealed.

Sec. 86-77. Effective date.

This ordinance shall become effective fifteen (15) days after

Old Business continued

Public Hearing, Ordinance 362.10/04

enactment and publication (November 19, 2004) pursuant to Chapter 7, Section 7.4 and Section 7.5 of the Charter of the City of Buchanan, Michigan.

Sidewalks

Roll call vote unanimous. Ordinance 362.10/04 declared adopted.

MADE, PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF BUCHANAN, BERRIEN COUNTY, MICHIGAN, ON THE 25 DAY OF OCTOBER, 2004, AND IT WAS PUBLISHED IN THE Berrien County Record NEWSPAPER ON October 7, 14, & 21, 2004.

Resolution
2004.10/31,
Sidewalk Snow
Removal

Hughes summarized the Resolution Adopting Sidewalk Snow Removal Policy. After shared discussion, **Mann moved seconded by Hagey to approve the Resolution.** The Mayor read the Resolution in its entirety.

RESOLUTION APPROVING THE POLICY FOR SIDEWALK SNOW REMOVAL

WHEREAS, as stated in the Buchanan City Code of Ordinances, property owners are responsible for the maintenance of their respective sidewalks, which includes removal of snow; and

WHEREAS, the Buchanan Police Department, through Code Enforcement will require property owners to maintain their respective sidewalks and will issue penalties for those that do not comply as described in the ordinance; and

WHEREAS, Public Services will remove snow on sidewalks defined by the Buchanan Community School system as “priority” sidewalks during the occurrence of significant accumulation. “Significant accumulation” will be at the discretion of the Public Services Director or his/her designee; and

WHEREAS, Public Services will remove snow buildup on downtown sidewalks on a periodic basis due to continued snow accumulation. The Public Services Director or his/her designee will decide the frequency of snow removal within the downtown based on snow accumulation; and

WHEREAS, Public Services will periodically remove snow from crosswalks designated as crossing guard stations. The crossing guard locations are designated by the Buchanan Police Department in cooperation with Buchanan Community Schools. The Public Services Director or his/her designee will decide the frequency of snow removal from crosswalks based on snow accumulation.

NOW, THEREFORE, BE IT RESOLVED THAT: The City of Buchanan City Commission does hereby approve the Sidewalk Snow Removal Policy so stated above.

Roll call vote unanimous. Resolution 2004.10/31 declared approved.

New Business

Buchanan
Art Center
Proposal
for Option
on District
Library
building
second
floor

Mike Bell, Attorney on behalf of the Art Center Board explained that the Art Board met with the Library Board to discuss an Art Center on the second floor of the library building and requested comments from the Commission (due to the City’s option on the second floor through 2011). He distributed a brochure from the Art Center, introduced board members in attendance and requested that Hughes be allowed to authorize the City Attorney to draft an option for the Art Board to utilize the second floor of the district library building. Comments were shared with Bell, Hughes and Commission. **Hagey moved that the City agree to relinquish the option of the 2nd floor of the District Library building contingent on the district library board and Buchanan art center board entering into a lease agreement for the use of the 2nd floor and after review from the City Attorney, Attorney for the District Library Board and the Art Center Board. King seconded the motion and roll call vote unanimous.**

Teen
Center
Purchase
Offer

All reviewed the letter of proposal from Dale Price to purchase the Teen Center.

Hughes announced that Price called and wished to withdraw his offer. After Hughes read the proposal, **Hagey moved seconded by McGuire to refuse the offer. Roll call vote unanimous.**

Resolution
2004.10/32
Designate
Fund
Balance

Hughes explained the funds leftover from South Days Avenue from Roe to Carroll.

King moved seconded by McGuire to approve the Resolution as presented.

A RESOLUTION TO DESIGNATE SURPLUS GENERAL FUND BALANCE AND APPROVING PROJECT EXPENDITURES FROM DESIGNATED GENERAL FUND BALANCE

WHEREAS, The City has Designated Funds remaining from the completed South Days Reconstruction Project of \$124,127 due to project costs being completed under budget, and

WHEREAS, Surplus
General Fund Balance
in the amount of
\$124,127 will be
classified as

Old Business continued

Public Hearing, Ordinance 362.10/04

“Designated Reserve Fund Balance” for future projects: and

WHEREAS, the City Commission approves these monies spent from the “Designated Reserve Fund Balance” for future Common Area Improvements: and

BE IT RESOLVED, that the Buchanan City Commission authorizes that:

1. The City Treasurer may Designate surplus funds from the completed South Days Reconstruction project in the amount of \$124,127
2. The City Treasurer may expend “Designated Reserve Fund Balance” for future Common Area Improvements.

Roll call vote unanimous. Resolution 2004.10/32 declared approved.

After brief explanation by Hughes, **Hagey moved seconded by Mann to approve the Budget Amendment in General Fund-City Commission in the amount of \$519,773 for the remaining McCoy Creek Culvert expenditures in fiscal year 2004-2005 and the future Common Area Improvement expenditures. Roll call vote unanimous.**

After Hughes summarized the history of the Materials Recovery Facility (MRF) building sale to the Landfill in the amount of \$25,000, the Charter was reviewed for sale of public property. **Hagey moved to set a public hearing for November 22nd at 8:00 p.m. to hear comments regarding the sale of public property. King seconded the motion and roll call vote unanimous.**

Hughes reported the issue of the light pole base being on Pri Mar property (201 E. Front Street) and the need for an Agreement. He explained Wightman Associates will absorb the cost and pay for legal fees due to the incorrect survey. After shared discussion, **Hagey moved seconded by King to approve the License Agreement with Pri Mar as presented. Roll call vote unanimous.**

Hughes explained the DDA developed design standards and recommended them to the Plan Commission; Plan Commission now recommending approval from the City Commission. **King moved seconded by Mann to set a public hearing for November 8th at 8:00 p.m. to hear comments regarding the Design Standards in the Central Business District. Roll call vote unanimous.**

Hughes explained the Bid Waiver for the purchase with installation of the hand railing for the handicap accessible ramp to the entrance of City Hall due to necessity on Election Day. **Mann moved seconded by Hagey to approve the bid waiver for the hand railing in the amount of \$3,070 taken from account 103.970.038. Roll call vote unanimous.**

Hughes explained his proposed Policy for Theft of City Property. Discussion shared. **Mann moved seconded by King to approve the policy as presented. Roll call vote unanimous.**

After discussion, **Hagey moved seconded by McGuire to appoint the City Manager to MML Liability and Property Pool for voting purposes. Roll call vote unanimous.**

Hagey moved seconded by King to approve the Dial-A-Ride Resolution as presented.

A RESOLUTION EXTENDING OPERATION OF THE CITY OF BUCHANAN DIAL-A-RIDE SYSTEM

Whereas, the operations contract for the City of Buchanan Dial-A-Ride system may be extended by mutual agreement of the parties concerned, and

Whereas, the operations contract for the City of Buchanan Dial-A-Ride system will expire on September 30, 2004:

NOW THEREFORE, BE IT RESOLVED: that the operations contract for the Buchanan Dial-A-Ride system between the City of Buchanan and Transportation Management, Inc., a Michigan Corporation, are hereby extended through September 30, 2005; and

BE IT FURTHER RESOLVED, that all terms of the contract shall remain in effect through the period of said contract, and

BE IT FURTHER RESOLVED, that the City Manager, Michael Hughes is hereby authorized to endorse the Operations Contract.

Roll call vote unanimous Resolution 2004.10/33 declared approved.

Stella Proud asked about the property/building at Terre Coupe/Front Street and announced that Shirley Roti-Roti would be moving her Art Display Studio and urged visitors to visit.

New Business continued

Resolution
2004.10/32
Designate
Fund
Balance

Budget Amendment
General Fund

Set Public Hearing
Sale of MRF
Building

License Agreement
with Pri Mar (light
pole)

Set Public Hearing
Design Standards

Bid Waiver, City
Hall Hand railing

Policy: Theft of City
Property

Resolution
2004.10/33, Extend
Dial-A-Ride

Public Comments

Jack Arbanas asked about the status of the Renaissance Zone. **Kim Moyer**

asked about the use of the buildings in the Renaissance Zone. **Kathy Kingery** commended the Commission on the Downtown Streetscape.

Hughes commented:

- Holiday lights on 63 poles, wreaths at accented intersections with live greens, and possibly banners
- Willie Brown developed wooden boxes to store wreaths, pictures passed around
- Second round of Architect visits, choice of architect for municipal building forthcoming
- New Network server installed, commended Juli O'Bryant
- New payroll computerized punch-in, punch-out system installed (ADP)
- Camp Madrin Homeowners wished to sponsor a bench by giving monetary donation. Credited fund for bench.

King commented:

- Enjoyed the buildings tour
- Open house at American Legion Oct. 30th
- Urged attendance to Children's Halloween parade
- Berrien County Courthouse program on Hazardous Materials

McGuire commented:

- Great Fireman's Pancake Breakfast, thanks for attendance, urged donations for Fire Department
- Urged attendance to Trek or Treat; Trail Committee to pass out candy along Trail
- Leaf pickup underway
- Play off time for Buchanan Bucks Football
- Remember to vote

Hagey commented:

- Hopes for good turn out for Election; encourage voters

Scanlon commented:

- Great job Bucks; first time ever for football play offs
- Girl's Tennis 10th at State. Proud of what youth are doing
- Attendance to Berrien Springs Council Meeting on November 1 due to football game challenge
- Attended Fireman's Breakfast
- Urged attendance to Halloween Parade; announced list of events for the day.

King moved seconded by McGuire to go into Closed Session to discuss litigation at 10:12 p.m. Roll call vote unanimous. The Mayor reconvened the meeting at 10:34 p.m. **Hagey moved, seconded by McGuire to approve the collective bargaining, litigation, purchase property closed session minutes from September 13, 2004 as reviewed in closed session. Roll call vote unanimous.**

King moved seconded by Mann to adjourn the meeting at 10:35 p.m. Voice vote carried.

Gladys M. Bybee, CMC-City Clerk

Earl J. Scanlon III, Mayor

**City Manager
Comments**

**Commissioner's
Comments**

CLOSED SESSION

Minutes 9-13-04

Closed Session

Adjournment

Public Comments continued

CITY OF BUCHANAN COMMISSION MINUTES

NOVEMBER 8, 2004

A regular meeting of the City Commission was held at City Hall, 302 N. Redbud Trail, Buchanan, Michigan Monday, November 8th and called to order by Mayor Scanlon at 8:02 p.m. The Pledge was lead by the Scorpion Patrol of Cub Scouts Pack 541 and recited by all in attendance. Reverend Leonard Bailey, Buchanan Church of the Nazarene gave the Invocation.

After the Mayor acknowledged the boys for completing their requirements, he and Commissioner McGuire presented the eight (8) Cub Scouts Pack 541 youths the Citizens Activity Pins. Congratulations and applause was heard.

The Mayor reported Patricia Moore and David Hagey were the two (2) new Commissioners elected, however their jobs required them to be out of town for the meeting. He explained Charter Section 5.6. and announced the Oath's would be taken at the end of the week.

Commissioners present: Reed Mann, Marlon McGuire, Earl Scanlon

Commissioner absent: David Hagey, Flora King,

Staff present: City Manager Mike Hughes, Director of Public Services Rick Smigielski, Police Chief Brian Russell, Fire Chief Warren Weaver, City Clerk Gladys Bybee

Guests/Visitors present: 23 visitors

Mann moved seconded by McGuire to appoint Scanlon as Mayor. Roll call vote unanimous. Mann moved seconded by McGuire to appoint Hagey as Mayor Pro Tem. Roll call vote unanimous.

Mann moved seconded by Scanlon to amend the Agenda by excluding 6.A., Report by Friends of Oak Ridge Cemetery Chairman Lyle Sumerix. Roll call vote unanimous. Mann moved seconded by McGuire to approve the Consent Calendar as amended. Roll call vote unanimous.

- Agenda as amended
- Minutes: Regular Meeting October 25, 2004
- Approve Checks 46721 to 46849 in the amount of \$93,171.87
- 3% salary increase for City Treasurer
- December Meeting change to Tuesday December 28, 2004
- Certify Delinquent Township Water & Sewer Bills to the 2004 Winter Tax Roll

Rick Smigielski, Public Services Director showed infrared pictures of the motor for a grit collector at the Wastewater Plant that was assessed and in dire need of preventative maintenance. Discussion was shared with public and Commission.

The Mayor opened the Public Hearing at 8:17 p.m. to invite/hear public comments on Adoption of Building Design Standards for the Downtown Business District as referred to in Article XI, C-3 Central Business District in the City of Buchanan, Michigan Comprehensive Zoning Amendment-2003. No written comments received, nor public comments heard. Hughes explained the Standards and process in detail. The Public Hearing closed at 8:21 p.m.

Mann moved seconded by McGuire to continue the public hearing to consider approval of City of Buchanan, Michigan Central Business District Design Standards by reference until the November 22 regular City Commission meeting. Roll call vote unanimous.

Mann moved seconded by McGuire to table the selection of an Architect for the Municipal Buildings Project until the November 22 regular City Commission meeting. Roll call vote unanimous.

Call to Order

Pledge/Invocation

Citizens Activity
Pins presentation to
Cub Scouts Pack 541

Roll Call

Mayor & Mayor Pro
Tem Appointments

Consent Calendar

Agenda
October 25 Minutes
Checks
City Treasurer
increase
December meeting
change
Delinquent Utility
Bills

Reports

Public Services

Old Business

Public Hearing,
Building Design
Standards

Table Architect for
Municipal Building
Project

Weaver reported that
Fire Dept. pagers

were out of warranty and difficulties with having them serviced. He explained the expiration of the current 800 mhz radio service and the two (2) quotes he received for an annual service contract for both. He requested a bid waiver and authorization to enter into the lowest contract that would cover the pagers and radios. ***Mann moved seconded by McGuire to authorize the Contract with SMR Communications in the amount of \$1,800. Roll call vote unanimous.***

Mobile Vision Police
Unit Camera System
Bid Waiver

Chief Russell explained the request for the Bid Waiver in the amount of \$6,554.41 for a Mobile Vision Police Unit Camera System from Mobile Vision. There was further discussion of a future purchase of a new computer and leasing another camera. Russell confirmed he was proposing to buy one camera with system, lease another camera and purchase another camera when a new patrol car is purchased. ***Mann moved seconded by McGuire to approve the bid waiver to purchase the Mobile Vision Police Unit Camera System in the amount of \$6,554.41 and lease another camera as the copier lease payment will be available as recommended by Chief Russell. Roll call vote unanimous.***

Water Pump Bid
Waiver

Smigielski explained the request for the Bid Waiver to replace the WWTP Non-Potable Water Pump not to exceed \$1,882. ***Mann moved seconded by McGuire to approve the bid waiver to purchase the water pump not to exceed \$1,882 as requested and recommended. Roll call vote unanimous.***

City Manager
Comments

Hughes commented:

- Congratulated Scanlon on Mayor appointment
- Friends of Trail built observation deck at E.B. Clark Woods; show power point presentation at next meeting
- Attended the Annual Chamber of Commerce Dinner; very well attended. Announced the recipients of the Awards that were given by the Chamber
- Manufacturer of Street Lights in and working on lights and planter arms
- The need for a work session to discuss potential lease agreement with Senior Center and Sale of old Library (set for after next regular meeting)

Commissioner's
Comments

Mann commented:

- Thanked Gene Wesner for the donation of the vehicle to review Architects buildings
- Announced the 2005 Soap Box Derby schedule and confirmed he would be requesting closure on Oak Street for events

McGuire commented:

- Thanks to Mann
- Congratulated the Football Team
- Proud of the Scouts and pleased with their attendance
- Urged contributions for the Fire Dept. request for funds
- Encouraged honor for the veterans on Veterans Day and support for the President

Scanlon commented:

- He and Hughes attended Stark School and were presented with posters from students pledging to be drug free
- Went to Constantine for Bucks Football game, very proud of team
- Proud of the Cub Scouts in attendance
- Thanked Mann for attending tonight's meeting and confirmed the swearing in of the new Commissioners by Friday

Adjournment

Mann moved seconded by McGuire to adjourn the meeting at 8:54 p.m. Voice vote carried.

Gladys M. Bybee, CMC-City Clerk

Earl J. Scanlon III, Mayor

New Business

Radio Service Contract bid Waiver, Fire Department

CITY OF BUCHANAN COMMISSION MINUTES

NOVEMBER 22, 2004

A regular meeting of the City Commission was held at City Hall, 302 N. Redbud Trail, Buchanan, Michigan Monday, November 22nd and called to order by Mayor Scanlon at 8:00 p.m.

The Pledge was recited by all in attendance. Reverend Dave Meister, Buchanan First United Methodist Church gave the Invocation.

The Mayor acknowledged Reed Mann for his time served on the Commission and presented him with a Plaque of Appreciation. Mann spoke briefly.

Commissioners present: David Hagey, Flora King, Marlon McGuire, Patricia Moore, Earl Scanlon

Commissioner absent: none

Staff present: City Manager Mike Hughes, Director of Public Services Rick Smigielski, City Clerk Gladys Bybee

Guests/Visitors present: 13 visitors

James Statzer, 114 S. Redbud Trail thanked the City for the opportunity with the Homeowner Rehab Program. He summarized the code enforcement issue with an accessory building on his property and was concerned with repairing the historical structure that would cause him a financial hardship. He requested that the City grant some relief due to his hardship. He presented a letter to the City Clerk to duplicate for the Commission members. **Stella Proud** congratulated David Hagey and Patricia Moore to their newly elected terms. She commended the group on the observation deck that was built along the McCoy's Creek Trail.

Hagey moved seconded by McGuire to approve the Consent Calendar as presented. Roll call vote unanimous.

- Agenda
- Minutes: Regular Meeting November 8, 2004
- Checks 46849 to 46925 in the amount of \$135,592.10
- Street Closure Request, Front St. from McCoy's Pond Park to Senior Center on Oak Street
- Corporate Authorization Resolution from Chemical Shoreline Bank, Accounts Payable
- Corporate Authorization Resolution from Chemical Shoreline Bank, Payroll Account
- Banner Placement Request – Buchanan Art Center

Hughes explained and summarized the Central Business District Design Standards that were developed and approved by the Downtown Development Authority and Downtown TIFA and recommended favorable approval of the Standards. After discussion with Commissioner's and public, *King moved seconded by Moore to approve the Central Business Design Standards as submitted. Roll call vote unanimous.*

Hughes explained and summarized the process to select an Architect for the Municipal Buildings Project. After discussion with Commissioner's regarding inquiries from firms, *Scanlon moved seconded by McGuire to select Barker-Nestor as the Architectural Firm to enter into a contract for services related to the programming and conceptual design of a Municipal Building. Roll call vote unanimous.*

The Mayor opened the Public Hearing at 8:34 p.m. to invite/hear comments on the Sale of the Material Recycling Facility (MRF) located on premises of the Southeast Berrien County Landfill located at 3200 Chamberlain Rd. Hughes summarized the process of the City acquiring the building through a Clean Michigan Initiative Grant and recommended the approval of Purchase Agreement, Bill of Sale and Quit Claim Deed to Sell the MRF to Southeast Berrien

Call to Order

Pledge/Invocation

Presentation to Reed Mann

Roll Call

Public Comments

Consent Calendar

Agenda
November 8 Minutes
Checks
Street Closure Request
Chemical Shoreline Bank Authorization
Buchanan Art Center Banner

Old Business

Central Business District Building Design Standards

Architect for Municipal Building Project

New Business

Sale of the Material Recovery Facility

County Landfill in the amount of \$25,000. The Mayor closed the public hearing at 8:43 p.m.

Hagey moved seconded by King to approve the sale of the MRF Building to the Landfill. Roll call vote unanimous.

Hughes explained the process to adopt the Development and Tax Increment Finance Plan and confirmed that the plans were on file with the City Clerk for review. **Moore moved seconded by King to call the public hearing for December 13, 2004 at 8:00 p.m. to invite/hear public comments on the proposed Development Plan and Tax Increment Financing Plan.**

Hughes explained the Cemetery Lot Purchase Policy and requested the Commission to consider approval of the policy. There was brief discussion between public, Hughes and Commission to establish and define a policy to be fair and equal. **Hagey moved, seconded by McGuire to approve the Cemetery Lot Policy as presented. Roll call vote unanimous.**

King moved seconded by Moore to accept the resignation as the designated Commissioner on the Plan Commission from Lon McGuire. Roll call vote unanimous.

Hagey moved seconded by McGuire to appoint Moore as the Commissioner to serve on the Plan Commission. Roll call vote unanimous.

Smigielski explained that the clarifier bearings had to be replaced at the WWTP causing the request to purchase new bearings to keep in stock, as they are not readily available when necessary. **McGuire moved seconded by Hagey to approve the sole source bid waiver purchase from Walker Industries not to exceed \$1,348. Roll call vote unanimous.**

Hughes presented a power point viewing of the construction of McCoy's Creek Observation Deck #1 along the Trail. He explained the \$2,000 grant from Berrien County Solid Waste, \$2,000 grant from Niles-Buchanan Rotary and donations from other companies/persons. He recognized all that brought the observation deck to fruition. Positive comments were heard from the public.

Hughes commented:

- Fire Department grant in the amount of \$46,464 for breathing apparatus
- Meeting with Friends of the Cemetery to work on a Capital Improvement Plan
- Ingersoll Rand hired Horizon Environmental to do bank stabilization remediation work
- Positive Newspaper articles regarding improvements in Buchanan
- Flood plain map update and open house at Berrien County to review
- Settlement with I&M through Tax Tribunals about tax assessments
- Holiday lighting ceremony
- Sub Committees working on banners and downtown business owners to decorate storefront windows
- Will distribute a survey for information to include in the Master Plan that the Plan Commission is currently working on
- Welcome Commissioner Moore

Members welcomed newest Commissioner Patricia Moore and wished all a Happy Thanksgiving.

King commented:

- Thanks to Reed Mann
- Congratulations to Dick Proud
- Commended the High School for the PERC Club Breakfast and urged public to visit the new gymnasium and other construction
- Congratulations to Hagey on his third term on the Commission

Moore commented:

- Thanks for a warm welcome
- Thanks for support from Citizens of Buchanan and looking forward to future on City Commission

New Business continued

Call Public Hearing for Downtown TIFA & Development Plan

Cemetery Lot Purchase Policy

Commissioner Resignation from Plan Commission
Commissioner Appointment to Plan Commission

Bid Waiver, Clarifier Bearing purchase

McCoy's Creek Trail Observation Deck

City Manager Comments

Commissioner's Comments

McGuire commented:

- Thanks to Reed Mann
- Congratulations Girl's Tennis Team
- Leaf Pick up almost complete for the season
- Congratulations to Gateway on their Anniversary

Hagey commented:

- Thanks to Reed Mann
- Thanks to DDA/TIFA members for tremendous amount of work on Plans. Thanks to all volunteer groups
- Urged persons to get involved with the City
- Thanked citizens for support in his campaign to continue another 3 year term as Commissioner

Scanlon commented:

- Urged attendance to Tree lighting
- Congratulations to Hagey on third term

Adjournment

Hagey moved seconded by McGuire to adjourn the meeting at 9:40 p.m. Voice vote carried.

Gladys M. Bybee, CMC-City Clerk

Earl J. Scanlon III, Mayor

Commissioner's Comments continued

CITY OF BUCHANAN COMMISSION MINUTES

DECEMBER 13, 2004

A regular meeting of the City Commission was held at City Hall, 302 N. Redbud Trail, Buchanan, Michigan Monday, December 13 and called to order by Mayor Scanlon at 8:00 p.m. The Pledge was recited by all in attendance. No Invocation was heard.

The Mayor acknowledged the Buchanan High School Seniors for their dedicated efforts in raising funds for the McCoy's Creek Trail Project. PJ Pollack explained the "Penny War Project" between classes that raised \$320. in coins contributed to the Trail. Richard Proud presented Certificate of Appreciations to PJ Pollack, Nathan Layher, Sarah Wesner and Chris Martin (Ashley Warta not in attendance) while the Mayor and Mayor Pro Tem Hagey commended the young adults.

Commissioners present: David Hagey, Flora King, Marlon McGuire, Patricia Moore, Earl Scanlon

Commissioner absent: none

Staff present: City Manager Mike Hughes, Director of Public Services Rick Smigielski, City Clerk Gladys Bybee

Guests/Visitors present: Friends of Oak Ridge Cemetery Chairman Lyle Sumerix, DDA Director Michelle Klarich, John Jackson, McKenna & Associates

18 visitors

Lyle Sumerix, American Legion Commander announced students Katlin and Jessica Eastman organized an Illuminated Walk on December 22nd in honor and memory of the Buchanan Community veterans away from home during the holidays. Brief discussion was shared.

Moore moved seconded by King to approve the Consent Calendar as presented. Roll call vote unanimous.

- Agenda
- Regular Meeting Minutes from November 22, 2004
- Checks 46926 to 47063 in the amount of \$343,862.49
- Resolution 2004.12/34, Recognizing and Honoring Ms. Maude Thompson
- Employee Incident Policy #P2004-11-0001
- Job Application Policy #G2004-12-0001

Lyle Sumerix presented Mayor Scanlon with a T-shirt from the Friends of Oak Ridge Cemetery and distributed brochures. He introduced his wife Barb and Russ and Mary Chadderton. He commended the Chadderton's for numerous hours on the computer logging headstones and genealogical historical data. Sumerix explained his report in detail while all reviewed and questions were shared regarding their 501-3-C status, acceptance of donations and fundraising efforts.

Michelle Klarich recognized the current members with Ralph McDonald and Cathy Greenway in attendance. She commended the past DDA/TIFA members and members of the sub-committees for their extra efforts towards the downtown. She explained the projects for the past year in detail and questions were shared. Klarich announced receipt of \$4,347. from private contributions and distributed holiday lighting brochures and a list of donors to Commission.

The Mayor opened the Public Hearing at 8:49 p.m. to invite/hear public comments on the proposed Development Plan and Tax Increment Financing Plan, prior to consideration to approve the Plans. Judy Smith, Buchanan District Library announced the Library Board supported the DDA, but opposed any revenue being diverted from the Library to the DDA. No written comments received. Hughes reported that because the plan was an update and not new,

Call to Order Pledge/Invocation

Certificate of Appreciations

Roll Call

Public Comments

Consent Calendar

Agenda
November 22
Minutes
Checks
Recognition to
Maude Thompson
Employee Incident
Policy
Job Application
Policy

Reports

Friends of Oak
Ridge Cemetery

DDA/TIFA

Old Business

Public Hearing,
Downtown
Development
District Area Tax
Increment Financing
Plan and
Development Plans

taxing entities could not opt out and introduced John Jackson from McKenna & Associates. Jackson explained both plans in detail with verbal and written presentations. The Mayor closed the Public Hearing at 9:02 p.m. Hughes recommended a modification to include McCoy's Creek Pond Dredging at a cost of \$40,000 with the McCoy's Creek Millrace dredging in Phase III. Hughes and Jackson confirmed the tax capturing that would be continued and discussion was shared with Commission. **Hagey moved seconded by King to approve Resolution 2004.12/35 as recommended and presented.**

RESOLUTION APPROVING THE AMENDMENT TO DOWNTOWN DEVELOPMENT DISTRICT AREA TAX INCREMENT FINANCING AND DEVELOPMENT PLANS

WHEREAS, the City Commission of the City of Buchanan held a Public Hearing on December 13, 2004, to hear comments on the adoption of the amendment to the Tax Increment Financing and Development Plans for the Downtown Development District Area, said amendment being attached hereto as Exhibit A (TIFA Plan); and

WHEREAS, the Commission has determined that the Plans, as amended, constitute a public purpose; and

WHEREAS, the Plans as submitted meets the requirements set forth in Section 16(2) of Act 450, Public Acts of 1981, as amended; and

WHEREAS, the proposed method of financing the developments proposed in the Plans, as amended, is feasible and the Authority has the ability to arrange the financing; and

WHEREAS, the development is reasonable and necessary to carry out the purposes of Act 450 of the Public Acts of 1981, as amended; and

WHEREAS, the development is in reasonable accord with the approved Master Plan with the City of Buchanan; and

WHEREAS, public services are or will be adequate to service the development area; and

WHEREAS, changes in streets, open spaces and public parking areas are reasonable necessary for the project and for the community; and

WHEREAS, no zoning changes, changes in street levels or intersections are anticipated.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission of the City of Buchanan hereby approves the proposed amendment to the "Tax Increment Financing and Development Plan" for the Downtown Development District, and makes this amendment a part of the Tax Increment Financing and Development Plan for that area, as originally adopted by the City Commission of the City of Buchanan in December 1984.

Adopted this 13th day of December, 2004.

YEAS: Hagey, King, McGuire, Moore, Scanlon

NAYS: none

ABSTAIN: none

ABSENT: none

Roll call vote unanimous. RESOLUTION DECLARED ADOPTED.

Hughes noted that discussion was held earlier in the year to change election dates and term limits as allowed under Election Consolidation Legislation. After shared discussion, **Hagey moved seconded by Moore to call a Public Hearing for December 28, 2004 at 8:00 p.m. to invite/hear comments on a resolution to change the date on which it holds its regular election for local offices to the even year election date that also would extend Commission terms to four (4) years. Roll call vote unanimous.**

Hughes explained the three (3) year Data Processing Contract with Berrien County Informational Systems to process the summer school tax cycle, including tax rolls, notices and reports. **King moved seconded by Moore to approve the Data Processing Contract as proposed. Roll call vote unanimous.**

Moore moved seconded by McGuire to approve the Supplement Agreement with Berrien County Informational Systems as proposed. Roll call vote unanimous.

Smigielski explained the Control System for Schirmer Parkway Pump Station flow controls in the amount of \$3,987 to replace the system. There were questions/discussion between Commission and Smigielski regarding age and assessment of equipment. **Moore moved seconded by McGuire to approve the bid waiver as proposed. Roll call vote unanimous.**

Old Business

continued

Public Hearing,
Resolution
2004.12/35
Downtown
Development
District Area Tax
Increment Financing
Plan and
Development Plan

New Business

Call for Public
Hearing to discuss
City Election date &
term changes

Data Processing
Contract with
Berrien County
Supplement
Agreement with
Berrien County

Bid Waiver,
Schirmer Parkway
Pump Station

King moved seconded by Moore to call a Public Hearing for January 10, 2005 at 8:00 p.m. to invite/hear public comments on an Amendment to the City Code of Ordinances, Adoption of 2003 International Property Maintenance Code. Roll call vote unanimous. Hughes explained briefly.

Public Hearing, 2003
International
Property
Maintenance Code

**City Manager
Comments**

Hughes commented:

- Meeting regarding Candle Walk, no assistance from City needed
- Sheila Daily emailed compliments to City Workers for downtown decorations
- January 12 Recreation Board Public Hearing to invite comments on the Buchanan Area Recreation Five Year Plan
- MRF Sale Closing complete
- A defect with downtown street lights and being worked on by manufacturer
- Very few complaints received and Thanks to DPW and Cemetery staff on leaf pick-up

**Commissioner's
Comments**

Each Commissioner wished all a Happy and Safe Holiday.

King commented:

- Wished Hughes a safe journey and enjoyable vacation
- Large gathering of limbs and dumpster on Remus Drive
- Very proud of Downtown

Moore commented:

- Commended all that worked on the very well attended Lighting Ceremony and looks forward to continuation
- Congratulated Jim Wagner , new employee at Cemetery

McGuire commented:

- Attended open house at RAM LOVE and felt very welcomed
- Welcome new businesses in town
- Commended students on downtown window painting project
- Congratulated Jamie O'Bryant on her win at Punt, Pass & Kick State Finals
- Buck fever continuation with Basketball

Hagey commented:

- Urged attendance to upcoming Local Art Auction

Scanlon commented:

- Upheld sports bargain and attended the Berrien Springs Council meeting
- Thanked Jennifer Harrington, Phil Gorbitz, Santa, Mrs. Claus and all employees for their hard work with the Holiday Lighting Ceremony
- A lot of soldiers away from Buchanan, urged attendance to Candlelight walk
- Thanked all that donated over \$4,000 for holiday lighting
- Commended and praised all volunteers for Buchanan

Adjournment

King moved seconded by McGuire to adjourn the meeting at 9:41 p.m. Voice vote carried.

Gladys M. Bybee, CMC-City Clerk

Earl J. Scanlon III, Mayor

New Business continued

CITY OF BUCHANAN COMMISSION MINUTES
DECEMBER 28, 2004

A rescheduled (due to holiday) regular meeting of the City Commission was held at City Hall, 302 N. Redbud Trail, Buchanan, Michigan Tuesday, December 28 and called to order by Mayor Scanlon at 8:00 p.m.

The Pledge was recited by all in attendance. Reverend Tom Fox, Portage Prairie United Methodist Church gave the Invocation.

Commissioners present: Flora King, Marlon McGuire, Patricia Moore, Earl Scanlon III

Commissioner absent: David Hagey

Staff present: City Manager Mike Hughes, City Clerk Gladys Bybee

Guests/Visitors present: 04 visitors

Reverend Fox thanked the Commission and stated he enjoyed being a part of the Community working together. **Stella Proud** was concerned about lights out on Days and Main and suggested small green evergreens be placed in empty planter pots downtown. Hughes announced that defective ballast was the cause of the light outages that are being fixed.

King moved seconded by Moore to approve the Consent Calendar as presented. Roll call vote unanimous.

- Agenda
- Regular Meeting Minutes from December 13, 2004 and Summary of Work Session on November 22, 2004
- Checks 47064 to 47138 in the amount of \$125,214.88
- 2005 Annual Meeting Dates & Times

The Mayor Opened the Public Hearing at 8:09 p.m. to invite/hear public comments on changing Election Dates and Term limits as allowed under Election Consolidation Legislation. John Garmire was concerned that the legislation addressed limiting number of terms of a Commissioner. Hughes explained the election consolidation legislation. Discussion was shared between Garmire and Commission. No written comments received, notice given as applicable. The public hearing closed at 8:19 p.m. Hughes and the clerk explained the Resolution in detail. ***King moved, seconded by McGuire to approve the resolution as presented.*** The Mayor read the Resolution in its entirety.

City of Buchanan, County of Berrien, State of Michigan

WHEREAS, Public Act 298 of 2003 provides that all elections shall be held on four regular election dates which occur in February, May, August and November, and

WHEREAS, Public Act 292 of 2004 provides that elections to fill city offices shall be held on the odd year November election date, the even-year November election date or annually on the November election

date and primary elections for city offices shall be held on the August election date, and

WHEREAS, certain cities are extended the opportunity to modify the election date contingent on the city's adoption of a resolution between September 1, 2004 and December 31, 2004, and

WHEREAS, Public Act 292 of 2004 prescribes the method for passage of a resolution including the requirement of holding a public hearing, and

WHEREAS, the required public hearing was held on Tuesday December 28, 2004 with citizens and Council members afforded an opportunity to comment on the selected election dates, and

WHEREAS, the City of Buchanan currently holds its regular election for local offices annually on the November election date and desires to **change** the date on which it holds its regular election for local offices to the even-year November election date.

Call to Order

Pledge/Invocation

Roll Call

Public Comments

Consent Calendar

Agenda
November 22
Minutes
Checks

Old Business

Public Hearing,
Election Dates and
Term Change

Resolution
2004.12/36

NOW, THEREFORE, BE IT RESOLVED that the City of Buchanan RESOLVES to hold its regular election for local offices on the even-year November election date which is the first Tuesday after the first Monday of November.

Election Dates and Term Change

AYES: Flora Ann King, Marlon McGuire, Patricia Moore, Earl Scanlon III

ABSENT: David Hagey

RESOLUTION 2004.12/36 DECLARED ADOPTED this 28th day of December 2004.

New Business

Resolution

2004.12/37

Approving Policy for Credit Card Use

Hughes announced the occasional dilemma to purchase items or register for events and explained the development of the proposed Credit Card Use Policy. Discussion was shared with Hughes and Commission. *The following resolution was offered by Commissioner Moore and seconded by Commissioner McGuire.*

WHEREAS, Public Act 266 of 1995, became effective January 8, 1996, and this act authorizes the use of credit cards by local units of government for appropriate expenses, and

WHEREAS, Public Act 266 of 1995, sets specific criteria which must be followed and a written policy must be adopted by resolution, and

WHEREAS, the written policy of the City of Buchanan is as follows:

- a. The City Manager with assistance from the Treasurer will be responsible for the issuance, accounting, monitoring, and retrieval and generally for overseeing compliance with this credit card policy.
- b. The credit card may be used only by an officer or Department Head for the purchase of goods or services for the official business of the City of Buchanan.
- c. The officer or Department Head using the credit card must submit documentation detailing the goods or services purchased, cost, date of purchase, and the official business.
- d. The officer or Department Head issued the credit card is responsible for its protection and custody and shall immediately notify the City Manager or Treasurer if the card is lost or stolen.
- e. The officer or Department Head must immediately surrender the card upon termination of employment.
- f. The City has an established system of internal accounting controls to monitor the use of the credit card.
- g. The City has an established system of internal accounting controls for the approval of credit card invoices before payment is made.
- h. Any credit card balance, including interest due on the extension of credit under the credit card arrangement shall be paid for within thirty (30) days of the initial statement date.
- i. Disciplinary measures for the authorized use of the credit card by an officer or employee of the City will be consistent with applicable federal, state or local laws.

And:

WHEREAS, The total combined authorization credit limit of all credit cards issued by the City of Buchanan shall not exceed \$1,000 per credit card.

NOW, THEREFORE BE IT HEREBY RESOLVED, that the Buchanan City Commission authorizes the City to utilize Credit Cards according to the Adopted Credit Card Policy.

AYES: Earl Scanlon, Flora King, Marlon McGuire, Patricia Moore

NAYS:

ABSTAIN:

ABSENT: David Hagey

RESOLUTION 2004.12/37 DECLARED ADOPTED this 28th day of December 2004.

City Manager Comments

Hughes commented:

- Police Chief Brian Russell resigned. Friday January 14th Open House, request input for comments. Will be appointing Sergeant Adkerson as Acting Police Chief during the process to hire a Chief
- Legislative Conference upcoming, urged Commissioner attendance.
- Removal of snow between sidewalk and curb by 5 or 6 workers on Sunday

All shared Holiday Greetings

Old Business continued

Resolution 2004.12/36

King commented:

- Commended the School students on the artistry in downtown building storefront windows
- Very compassionate Candlelight Walk for soldiers away from the Community for the holidays
- Trash container still on Remus Drive
- Enjoyable City Employee Holiday Luncheon

Moore commented:

- Congratulations to Chief Russell

McGuire commented:

- Congratulations and best wishes to Chief Russell
- Commended the snow removal efforts
- Commended the Youths on organizing the Candlelight Walk
- Good Luck Notre Dame and Michigan
- Thoughts and prayers for tsunamis victims

Scanlon commented:

- Best of luck to Chief Russell
- Confident of Sergeant Adkerson acting as Police Chief
- Reiterated the greatness of community involvement
- Commended three teenagers for Candlelight Walk. 441 persons serving in the military from the Buchanan Community
- Best wishes for the family of Marquette Bowen in hopes that she is found.

Adjournment

King moved seconded by McGuire to adjourn the meeting at 8:56 p.m. Voice vote carried.

Gladys M. Bybee, CMC-City Clerk

Earl J. Scanlon III, Mayor

Commissioner's Comments