

**CITY OF BUCHANAN COMMISSION MINUTES**  
**JANUARY 10, 2005**

A regular meeting of the City Commission was held at City Hall, 302 N. Redbud Trail, Buchanan, Michigan Monday, January 10 and called to order by Mayor Scanlon at 8:00 p.m. The Pledge was recited by all in attendance. Reverend Sheldon Seltzer, Seventh Day Adventist Church gave the Invocation.

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

Commissioner absent: none

Staff present: City Manager Mike Hughes, Public Services Director Rick Smigielski, Police Sergeant JT Adkerson, City Clerk Gladys Bybee

Guests/Visitors present: 05 visitors

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

- Agenda
- Minutes from rescheduled regular Meeting December 28, 2004
- Checks 47139 to 47227 in the amount of \$187,434.41

Hughes reported that he had spoken with and received a second proposal from Dale Price to Purchase Teen Center in the amount of \$15,000 to allow Price to move his current business. Commissioner Hagey arrived at 8:08 p.m.

Discussion/questions shared in regards to the property. ***King moved seconded by Moore to deny the proposal request, keep the offer on file and notify Mr. Price if the Commission decided the property were for sale. Roll call vote unanimous.***

Hughes announced his proposal for the sale of property referred to as Old Library, 107 W. Front Street. He explained the letter to solicit realtors with the "lottery process" and discussion/questions were shared. Commissioners reaffirmed the process.

Hughes explained the need to call a Public Hearing to invite/hear public comments on an Ordinance adopting the Michigan Motor Vehicle Code that is on file for review in the Clerks office. ***Hagey moved seconded by King to call the Public Hearing for Monday January 24 at 8:00 p.m. Roll call vote unanimous.***

***King moved seconded by Moore to call a Public Hearing for Monday, January 24 to invite/hear public comments on an Ordinance adopting the Uniform Traffic Code. Roll call vote unanimous.***

***King moved, seconded by Moore to approve the resolution as presented.***

**CITY OF BUCHANAN, COUNTY OF BERRIEN, STATE OF MICHIGAN**

**RESOLUTION TO NEGOTIATE THE SUMMER SCHOOL TAX COLLECTION FEE**

**WHEREAS**, the City agrees to collect the total summer school taxes as certified by the School District for the levy on July 1, 2005 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, 2005, the School District shall certify to the Treasurer the school millage to be levied on property for summer school tax collection in 2005; 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.

**Call to Order**

**Pledge/Invocation**

**Roll Call**

**Consent Calendar**

Agenda  
December 28  
Minutes  
Checks

**Old Business**

Proposal to Purchase  
the Teen Center  
Denied

Sale of old library  
process

**New Business**

Call Public Hearing,  
MI. Motor Vehicle  
Code and Uniform  
Traffic Code

Resolution  
2005.01/01,  
Negotiate Summer  
School Tax  
Collection

AYES: David Hagey, Flora King, Marlon McGuire, Patricia Moore, Earl Scanlon III  
**Roll call vote unanimous. RESOLUTION 2005.01/01 DECLARED ADOPTED** this 10th day of January 2005.

Bid Waiver, Police Dept. Computer

Hughes introduced the Bid Waiver to Purchase Police Department Computer. Sergeant Adkerson explained the computer, purchase and quote process in detail. Discussion/questions shared between Adkerson, Hughes and Commission. **Moore moved seconded by McGuire to approve the bid waiver to purchase the specialized computer in the amount of \$2,044.95. Roll call vote unanimous.**

Bid Waiver, Budget Amendment to purchase police car and equipment

Hughes reviewed the lease purchase of the 2005 Ford Crown Victoria Police Unit for \$21,366.27; \$7,122.09 annual payment (as discussed during budget process). Adkerson explained in detail the process of receiving quotes, equipment, bid waiver and budget amendment. Commission urged the Manager and Adkerson to order the vehicle in maroon. The color was discussed. **Moore moved seconded by King to approve the bid waiver and budget amendment to purchase the equipment for the new police vehicle as requested. Roll call vote unanimous.**

Budget Amendment, City Commission

Budget Amendment Election

After review of the budget amendment document, **King moved seconded by Moore to approve the Budget Amendment to Increase City Commission/Public Relations budget in the amount of \$1,200. Roll call vote unanimous.**

City Manager Comments

**Moore moved seconded by King to approve the Budget Amendment to Increase City Clerk/Contractual in the amount of \$700. Roll call vote unanimous.**

**Hughes** commented:

- Why the Public Hearing cancelled for the adoption of the Property Maintenance Code
- Personal statement of benefits for employees done annually and distributed to Commission
- Dates/times Public Hearing for Recreation Plan update and Open House for Chief Russell

Commissioner's Comments

**King** commented:

- Heard concerns of excessive speed of snow plowing and spray from them reaching the business windows
- 2004 a wonderful year for projects and Commended the City Manager
- Urged citizens to volunteer and get involved

**Moore** commented:

- Heard concerns of plowing snow onto sidewalks
- Thanks to the Police Department Escort of stranded senior citizens
- Also shared Kings comments

**McGuire** commented:

- Enjoyed the basketball game
- Welcome new owners of Inside Lane purchasers
- Urged attendance to participate in the Senior Center Blood Drive
- Congratulations to JT on being appointed Acting Police Chief and Jayme O'Bryant on her winning the Punt, Pass & Kick State Contest

**Scanlon** commented:

- Good luck to Miss Buchanan contestants
- Congratulations to JT on being appointed Acting Police Chief
- Clarification that the City Election Resolution extending terms was not for personal gain as he heard concerns as such

Adjournment

**McGuire moved seconded by Hagey to adjourn the meeting at 8:59 p.m. Voice vote carried.**

**CITY OF BUCHANAN COMMISSION MINUTES**  
**JANUARY 24, 2005**

A regular meeting of the City Commission was held at City Hall, 302 N. Redbud Trail, Buchanan, Michigan Monday, January 24 and called to order by Mayor Scanlon at 8:00 p.m. The Pledge was recited by all in attendance. Reverend Chris Kruchkow, Faith United Methodist Church gave the Invocation.

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

Commissioner absent: none

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

Guests/Visitors present: Sharon Vargo, Partner from Plante Moran 14 visitors

Reed Mann was concerned about the continuity of all different colored trucks in the Department of Public Works. He urged the Commission to oppose the burgundy squad cars. Stella Proud asked for the Commission to consider providing a walkway across Front Street from the Post Office. All discussed a possible safety issue. She was also concerned about the snow plow traveling at high rates of speed. Hughes reported that the city vehicles are being monitored.

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

- Agenda
- Minutes: Regular Meeting January 10, 2004 & Work Session Summary January 10, 2005
- Checks 47228 to 47328 in the amount of \$137,340.21
- Reappoint JT Adkerson, Jim King, and Margaret Young to the Board of Review to another two (2) year term through January 2007

Treasurer Juli O'Bryant reported on the collection of taxes, electronic payment method, Host Agency for two (2) AARP workers, quarterly newsletter, and preliminary work on the 2004-2005 budget. Brief discussion was shared.

Sharon Vargo from Plante Moran presented the 2003-2004 Audit. She explained in detail the Financial Report with Additional Information while Commissioners reviewed. Vargo stated a good clean audit without incident. Hughes reported that progress was being made with the Rate Study of the Water and Sewer Utility (due to expenses exceeding revenue). Hughes noted concern for loss of State Shared Revenue. Commission thanked city staff & Vargo.

Hughes reported that the Buchanan Art Center Board wished to reopen negotiation to acquire the "Old Library", 117 W. Front Street. He introduced Marie Remington, Mary Lister and Monroe Lemay in attendance on behalf of the Art Center. Hagey called a Point of Order that the Commission voted, as applicable by Charter to have a lottery for the sale of public property and the City Manager changed the course of direction. Discussion was shared regarding the vote that was taken to place the parcel with Realtor's. Mary Lister reported on the Art Boards previous actions and asked to reopen negotiation between the Art Center Board and the City. Commissioners discussed suspending the listing by lottery sale of the building and heard from Art Center Board Director, Monroe Lemay. A disagreement ensued about support from the Commission to utilize the building for an Art Center, the gavel was heard and the Mayor called the meeting to order. Marie Remington and Mary Lister explained the position that the Art Center Board wished to pursue the use of the old library. Hagey stated his position was to

**Call to Order**

**Pledge/Invocation**

**Roll Call**

**Public Comments**

**Consent Calendar**

Agenda  
December 28  
Minutes  
Checks

**Reports**

Treasurer Dept.

2003-2004 Audit

**Old Business**

Sale of old library process  
Request to reopen negotiation with Art Center Board

support all volunteer groups. After brief discussion the Mayor reiterated that the City Manager move forward with the lottery sale of the building and the Art Center Board could submit a proposal.

Sale of old library process

Acting Police Chief JT Adkerson presented a brochure with the maroon/burgundy color for the police vehicle as requested by Commission. Gail Conrad and Kelly Conrad stated their concerns of safety and recognition with a burgundy colored car and urged the Commission to select white with burgundy lettering. Discussion was shared. Adkerson shared his research information and discussion/questions shared. **King moved seconded by Moore to purchase a white police car with maroon lettering. Roll call vote unanimous.**

Police Vehicle Color

The Mayor opened the Public Hearing at 9:25 p.m. to invite/hear public comments on an Ordinance adopting the Michigan Motor Vehicle Code. Hughes, Adkerson and Commission shared discussion. Stella Proud supported the update and commented that the junk vehicles be cleaned up. The Mayor closed the Public Hearing at 9:31 p.m. **McGuire moved seconded by Moore to approve the Ordinance as presented**

**Public Hearing Ordinance 364.01/05, Adopting the Michigan Vehicle Code**

**CHAPTER 98 – TRAFFIC AND VEHICLES ARTICLE II. UNIFORM TRAFFIC CODE AND VEHICLE CODE**

THE CITY OF BUCHANAN, BERRIEN COUNTY, MICHIGAN.

An Ordinance amending Chapter 98, TRAFFIC AND VEHICLES, Article II, Uniform Traffic Code and Vehicle Code, by adopting by reference the Michigan Motor Vehicle Code. All ordinances inconsistent with this ordinance are repealed.

THE CITY OF BUCHANAN ORDAINS:

Section 1. Code and Amendment and Revision Adopted.

The Michigan Motor Vehicle Code, 1949 PA 300, MCL 257.1 to 257.923, as amended by Act No. 61 Public Acts of 2003 effective September 30, 2003, and all future amendments and revisions to the Michigan Motor Vehicle Code when they are effective in this state are incorporated and adopted by reference.

Section 2. References In Code.

References in the Michigan Motor Vehicle Code to "local authorities" shall mean the City of Buchanan, Michigan.

Section 3. Notice to be Published.

The City Clerk shall publish this ordinance in the manner required by law and shall publish, at the same time, a notice stating the purpose of the Michigan Motor Vehicle Code and the fact that a complete copy of the code is available to the public at the office of the City Clerk, Buchanan City Hall for inspection.

Section 4. Penalties.

The penalties provided by the Michigan Motor Vehicle Code are adopted by reference, provided, however, that the city may not enforce any provision of the Michigan Vehicle Code for which the maximum period of imprisonment is greater than 93 days.

Section 5. Savings.

All proceedings pending and all rights and liability existing, acquired, or incurred at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the Ordinance in force at the time such proceedings were commenced. This Ordinance shall not be construed to alter, affect, or abate any pending prosecuting or prevent prosecution hereafter instituted under any Ordinance specifically or impliedly repealed or amended by the Ordinance for offenses committed prior to the effective date of this Ordinance.

Section 6. Repeal.

The provisions of Ordinance No. 350.2000 and provisions of any other ordinance or ordinances inconsistent with the provisions of this ordinance are repealed as of the effective date of this Ordinance.

Section 7 Effective Date

Introduced and Filed on this 10th day of January, 2005 and effective immediately after the date of adoption and publication as required by Section 7.4 of the City Charter.

DULY ADOPTED this 24th day of January, 2005, by the City Commission of the City of Buchanan, Berrien County, Michigan, having PASSED by a vote of 5 in favor and 0 opposed.

**Roll call vote unanimous. ORDINANCE 364.01/05 ADOPTED**

The Mayor opened the Public Hearing at

**Old Business continued**

9:33 p.m. to invite/hear public comments on an Ordinance adopting the Uniform Traffic Code. No public comments were heard and the Mayor closed the Public Hearing at 9:34 p.m. **Moore moved seconded by King to approve the ordinance as presented.**

CHAPTER 98 TRAFFIC AND VEHICLES ARTICLE II. UNIFORM TRAFFIC CODE AND VEHICLE CODE

THE CITY OF BUCHANAN, BERRIEN COUNTY, MICHIGAN.

An Ordinance amending Chapter 98, TRAFFIC AND VEHICLES, Article II, Uniform Traffic Code and Vehicle Code, by adopting by reference the Uniform Traffic Code inconsistent with this Ordinance are repealed.

THE CITY OF BUCHANAN ORDAINS:

Section 1. Code and Amendment and Revision Adopted.

The Uniform Traffic Code for Cities, Townships, and Villages as promulgated by the director of the Michigan Department of State Police pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328 and made effective October 30, 2002, and all future amendments and revisions to the Uniform Traffic Code when they are promulgated and effective in this state are incorporated and adopted by reference.

Section 2. References In Code.

References in the Uniform Traffic Code for Cities, Townships, and Villages to a "governmental unit" shall mean the City of Buchanan, Michigan.

Section 3. Notice to be Published.

The City Clerk shall publish this ordinance in the manner required by law and shall publish, at the same time, a notice stating the purpose of the Uniform Traffic Code and the fact that a complete copy of the code is available to the public at the office of the City Clerk, Buchanan City Hall for inspection.

Section 4. Penalties.

The penalties provided by the Uniform Traffic Code for Cities, Townships, and Villages are adopted by reference.

Section 5. Savings.

All proceedings pending and all rights and liability existing, acquired, or incurred at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the Ordinance in force at the time such proceedings were commenced. This Ordinance shall not be construed to alter, affect, or abate any pending prosecuting or prevent prosecution hereafter instituted under any Ordinance specifically or impliedly repealed or amended by the Ordinance for offenses committed prior to the effective date of this Ordinance.

Section 6. Repeal.

The provisions of Ordinance No. 350.2000 and provisions of any other ordinance or ordinances inconsistent with the provisions of this ordinance are repealed as of the effective date of this Ordinance.

Section 7 Effective Date

Introduced and Filed on this 10th day of January, 2005 and effective immediately after the date of adoption and publication as required by Section 7.4 of the City Charter.

DULY ADOPTED this 24th day of January, 2005, by the City Commission of the City of Buchanan, Berrien County, Michigan, having PASSED by a vote of 5 in favor and 0 opposed.

**Roll call vote unanimous. ORDINANCE 365.01/05 ADOPTED**

After brief explanation from Hughes, **Moore moved seconded by King to authorize the City Manager as Certifying Officer for MSHDA Grant #MSC-2004-0388-MDC. Roll call vote unanimous.**

After shared discussion, **Hagey moved seconded by King to approve the Resolution as presented.**

City of Buchanan County of Berrien, State of Michigan

AUTHORIZING RESOLUTION

**WHEREAS**, Police Chief Brian Russell resigned from the position in January which necessitates a process to fill the vacancy of Police Chief; and

**Old Business**  
**continued**  
**Public Hearing**  
Ordinance  
365.01/05, Adopting  
the Uniform Traffic  
Code

Authorize City  
Manager as  
Certifying Officer

Resolution  
2005.01/02, Police  
Chief Recruitment  
Schedule

**WHEREAS,**

the Schedule for Police Chief Recruitment is as follows:

**January 28<sup>th</sup>** - Post job advertisements

**January 28<sup>th</sup> to March 1<sup>st</sup>** - Focus groups with City Commission, Department Heads, Police Department, Interview Panel

**January 28<sup>th</sup> to March 1<sup>st</sup>** - Interview Panel Develops Interview Questions

**March 1<sup>st</sup>** - Deadline for submission of job applications

**March 7<sup>th</sup>** - Narrow applicants to 5 -7 candidates for interviews

**Week of March 21<sup>st</sup>** - Interviews conducted, written testing (possible)

**March 28<sup>th</sup>** - Narrow candidates to maximum of 3, conduct reference checks, community visits, schedule 2<sup>nd</sup> interviews

**Week of April 11<sup>th</sup>** - 2<sup>nd</sup> Interviews conducted

**April 25<sup>th</sup>** - Job Offer Made; contingent upon physical, psychological testing and background check

**April 9<sup>th</sup>** - Completion of testing

**June 20<sup>th</sup>** - New Police Chief Starts

**NOW, THEREFORE, BE IT RESOLVED THAT:** The City of Buchanan City Commission does hereby grant consent to the City Manager to hire a Police Chief as applicable to Section 4.9 of the City Charter; and.

**BE IT FURTHER RESOLVED THAT:** The City Manager is hereby authorized to offer the position of Police Chief within the salary range of \$48,000 to 51,155.

**Roll call vote unanimous. RESOLUTION 2005.01/02 DECLARED.**

*Hagey moved seconded by McGuire to appoint McGuire as Commissioner to the Police Chief Interview Panel. Roll call vote unanimous.* Commission thanked Hughes for including their input in the Resolution.

Hughes explained the MRF Purchase Agreement with the Landfill that included the intention to negotiate for three (3) pieces of equipment. After shared discussion, there were no objections to selling the two (2) pieces of equipment and retaining the fork lift.

*Hagey moved seconded by McGuire to approve the resolution as presented.*

**WHEREAS,** George D. Goodman has served the Michigan Municipal League as Executive Director for 22 years; and

**WHEREAS,** in 1987, his expertise was recognized when he was one of seven persons across the country who were recognized by Common Cause with its Public Service Achievement Award; and

**WHEREAS,** in 1998, he was selected as a Fellow of the National Academy of Public Administration, which is chartered by Congress to provide and counsel on all matters of public policy; and

**WHEREAS,** he has held numerous civic leadership roles including Chair of the United Way of Michigan, Board Member of Starr Commonwealth and of Youth for Understanding, and Chair of the Washtenaw County Community College Foundation; and

**WHEREAS,** he has served as President of the Michigan Municipal League Foundation since its inception in 1991; and

**WHEREAS,** he has actively promoted sharing of Michigan's local government expertise with local officials in developing nations throughout the world through exchange programs; now

**THEREFORE BE IT RESOLVED,** that the City of Buchanan does hereby recognize and acknowledge the contributions and efforts made by George D. Goodman over his many years of service to Michigan's cities and villages; and

**BE IT FURTHER RESOLVED,** that a copy of this resolution be presented to George D. Goodman on the occasion of his retirement from the Michigan Municipal League.

**Roll call vote unanimous. RESOLUTION 2005.01/03 DECLARED ADOPTED.**

After brief explanation from Hughes, *Hagey moved seconded by King to authorize the City Manager to endorse the Joint DEQ Permit with IR to authorize Horizon Environmental for construction to mitigate along the banks on McCoy's Creek. Roll call vote unanimous.*

**Old Business**

**continued**

Resolution

2005.01/02, Police

Chief Recruitment

Schedule

Appoint

Commissioner to

Police Chief

Interview Panel

MRF Equipment

Sale

**New Business**

Resolution

2005.01/03,

Recognize and

Acknowledge

George Goodman

Authorize City

Manager to endorse

Joint Permit of banks

on McCoy's Creek

Stella Proud commended the Commission for following the Charter.

JT Adkerson announced that the basement of the Police Department was flooded with water causing the furnace to go out and commended the DPW for fast response to correct the problem. Thankful for the Team Work.

Kathy Kingery urged the Commission not to change the long time motto "A Fine Place to Live".

**Hughes** commented:

- Request of a meeting to review the landscape recommendation (distributed) from Curt Terhaar for plantings and location (distributed)
- Blueprint report filed, copy to Commission
- 43 street lamp pole shafts to be replaced (out of 64) by installing company; cause explained
- 2004-2005 Budget Schedule reviewed; dates/times established
- PERC Breakfast at Buchanan Meadows, HOSPICE Facility very nice
- MML Legislative Conference reservations due
- Meeting with DPW and belief that snow removal issues resolved; compliments replacing complaints. Thanks to DPW and Cemetery for snow removal

**Manager  
Comments**

**Moore** commented:

- Truly enjoy meetings and thanks to all for participation

**King** commented:

- Commend Public Works on handling snow fall
- Sad that Chief Russell era over but looking forward to a new beginning

**McGuire** commented:

- Go Bucks
- Happy Valentines Day
- Sympathy on the passing of Dean Swem
- Abuse of handicap parking downtown
- Pleased with nine new businesses and asked if Hughes "List of Accomplishments" were public record

**Hagey** commented:

- Sincerely asked Hughes and the Art Center Board not to take earlier comments personally
- Commended Hughes on his accomplishments

**Scanlon** commented:

- Thanks to O'Bryant, DPW and Cemetery
- Complete support for the Art Board
- Pleased with citizen participation and input

**Commissioner's  
Comments**

**Adjournment**

***Hagey moved seconded by McGuire to adjourn the meeting at 10:27 p.m. Voice vote carried.***

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Gladys M. Bybee, CMC-City Clerk

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Earl J. Scanlon III, Mayor

**Public Comments**

**CITY OF BUCHANAN COMMISSION MINUTES**  
**FEBRUARY 14, 2005**

A regular meeting of the City Commission was held at City Hall, 302 N. Redbud Trail, Buchanan, Michigan Monday, February 14 and called to order by Mayor Scanlon at 8:01 p.m. The Pledge was recited by all in attendance. Deacon Roy Mark, Church of Christ gave the Invocation.

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

Commissioner absent: none

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

Guests/Visitors present: 17 visitors

Mary Ellen Robards, Past Senior Services Chairman commended and thanked the City Commission, Manager, Clerk and Administrative Secretary for their support and assistance. Mike Bell, Attorney on behalf of the Art Center Board asked to be included on the Agenda for an Art Center Proposal for the Library Building at 117 W. Front St. prior to an official contract with a Realtor for the sale of the building. Bell explained the Lease proposal that included little or no responsibility on behalf of the city and Art board responsible for capital improvement expenses. Discussion shared regarding the status on selection of the Realtor. Hagey called a Point of Order that the Charter was amended at a special election to sell public property without referendum and that process for the "Sale of Public Property" had not been followed through. The Mayor requested that a Lease Proposal be brought forward for the Commission to review. It was verified that the Lease Proposal would be put on the next Agenda.

***Hagey moved seconded by Moore to amend the Consent Calendar to include a "Call for a Public Hearing to hear/invite comments on the disposition/sale of the library building at 117 W. Front St." Roll call vote unanimous.***

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

- Agenda as amended
- Minutes: Regular Meeting January 24, 2004 and Special Meeting February 9, 2005
- Checks 47329 to 47462 in the amount of \$353,261.65
- Appointment of Al Whitfield to the Buchanan Common Committee
- Call Public Hearing on March 14th at 8:00 p.m. to invite/hear comments for the Zoning Code Amendment: Building Design Standards; Design Review Committee
- Approve five (5) Discharge of Mortgage's and authorize City Manager to endorse: 301 N. Main St., 202 S. Oak St., 14 S. Redbud Trl., 103 E. Dewey St., 216 E. Dewey St.
- Call Public Hearing on February 28th at 8:00 p.m. to invite/hear comments for the disposition/sale of the library building at 117 W. Front Street.

Hughes reported three bids received for the bid award to purchase twelve (12) Self Contained Breathing Apparatus for the Fire Department (grant in the amount of \$46,464 from FEMA). He explained the 90/10 purchase and ***King moved seconded by Moore to purchase the self contained breathing apparatus for the fire Department in the amount of \$52,875 to Westshore Fire Inc. as submitted and recommended. Roll call vote unanimous.***

After brief explanation from Hughes, ***Moore moved seconded by Hagey to approve the Contract for Project Zero for Buchanan Dial-A-Ride FY2005. Roll call vote unanimous.***

**Call to Order**

**Pledge/Invocation**

**Roll Call**

**Public Comments**

**Consent Calendar**

Amended Agenda

January 24 and  
February 9 Minutes

Checks

Common Committee  
Appointment

Public Hearing Call

Discharge of  
Mortgages

Public Hearing Call

**Old Business**

Bid Award, Self  
contained breathing  
apparatus for Fire  
Dept.

**New Business**

Dial-A-Ride Project  
Zero

The Mayor read the Resolution Recognizing and Honoring Ms. Eular Baker on her 90th Birthday the 28th day of February, 2005. Applause was heard. **Moore moved seconded by Hagey to approve the resolution as read.**

**WHEREAS**, Ms. Eular Baker was the seventh child of ten siblings born to Henry and Isidora Harris; and **WHEREAS**, Eular Baker has seven children, twenty-two grandchildren, twenty-five great grandchildren, six great-great grandchildren and spent many years with her husband Walter here in Buchanan City at 306 Richards Street; and

**WHEREAS**, Eular survived the massive flood caused by a levy breaking in Greenville, Mississippi in 1927 and was "cited" in the National Catholic Charities Magazines for leadership contributions made during the 1993 bombing of the Regency Towers in Oklahoma City resulted in 189 deaths and numerous victims; and

**WHEREAS**, Eular has embraced former President Clinton and First Lady, Hillary Rodham Clinton while riding with the Honored "Old Guard" (United States Army) assigned to the White House National Press Core. She sat with the National VIP's at Arlington National Cemetery to hear then President Clinton's Memorial Day Speech; and

**WHEREAS**, Eular was a Member on Buchanan's Board of Directors Historical Society as well as a Member of the Buchanan Senior Citizens Center, obtained her General Education Diploma at the age of 65 and continues to this day proving supportive services to "no and low" income families.

**NOW THEREFORE**, be it resolved by the virtue of the authority vested in me Earl Scanlon III., as Mayor of the City of Buchanan, recognize and honor Ms. Eular Baker on her 90th Birthday the 28th day of February, 2005 and, be it further resolved that this original resolution be formally presented to Eular Baker.

**Roll call vote unanimous. RESOLUTION 2005.02/04 DECLARED ADOPTED.**

Smigielski explained the cost estimates received for the electrical repairs needed at the WWPT and recommended approval. **Hagey moved seconded by King to approve the bid waiver for the purchase of the electrical repairs not to exceed \$4,802 as recommended. Roll call vote unanimous.**

The Commission recognized the youths in attendance from Boy Scout Troop 541

**Hughes** commented:

- Requested Commissioners to turn in comment sheets for annual planning meeting
- USDA Grant award delayed to March 1 for Farmer's Market
- Lottery held for Realtor; Angela Nutto from Prudential Realty
- Commended Bobby Blaylock and Mike Adams for Firefighters Certification
- Main Street resurfacing project status change with construction completion date July 7<sup>th</sup> with patching to continue until start date
- PERC Breakfast at Fernwood.

**King** commented:

- Thinking spring and looking forward to planning session and attending MML Legislative Conference with other Commissioners

**Moore** commented:

- Looking forward to seeing Art Center proposal
- Thanks for support and Happy Valentines Day

**McGuire** commented:

- Happy Valentines Day
- Commended Buchanan Wrestling Team
- Acknowledge Black History month
- Hearing concerns about vehicles parking on tree lawns
- Confirmed that Farmers Market and Trail Grants pursued

**New Business**

**continued**

Resolution  
2005.02/04,  
Recognize Eular  
Baker on her 90<sup>th</sup>  
Birthday

Bid Waiver, WWTP  
Electrical Repairs

**Public Comments**

**Manager  
Comments**

**Commissioner's  
Comments**

**Hagey** commented:

- Congratulation to Firefighters Blaylock and Adams. Commended Fire Fighters and Cook Nuclear for providing training.
- Pleased that every new street light working

**Scanlon** commented:

- Apologized for being tongue tied
- Thanks for all in attendance

**Adjournment**

***King moved seconded by McGuire to adjourn the meeting at 8:55 p.m. Voice vote carried.***

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Gladys M. Bybee, CMC-City Clerk

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Earl J. Scanlon III, Mayor

**CITY OF BUCHANAN COMMISSION MINUTES**  
**FEBRUARY 28, 2005**

A regular meeting of the City Commission was held at City Hall, 302 N. Redbud Trail, Buchanan, Michigan Monday, February 28 and called to order by Mayor Scanlon at 8:02 p.m. The Pledge was recited by all in attendance. Reverend Jill Rasmussen-Baker, First Presbyterian Church gave the Invocation.

The Mayor and Commissioner Flora King presented Certificates for Dedication & Service to the Fine Arts Council to former members, Carla Cole and Margaret Mitenbuler McCormick. Fine Arts Council President accepted on behalf of Margaret Mitenbuler McCormick.

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

Commissioner absent: none

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

Guests/Visitors present: Karin Falkenstein, Fine Arts Council President and Dick Proud, Friends of the Trail Chairman

86 visitors

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

- Agenda
- Minutes: Regular Meeting February 14, 2004
- Checks 47463 to 47544 in the amount of \$230,922.65
- Resolution in support of the Buchanan Fine Arts Council to continue utilizing city owned property, better known as the Tin Shop Theatre

**WHEREAS**, the Buchanan City Commission declared support of the Buchanan Fine Arts Council on April 22, 1985 with a Resolution (#12,952) and again in 200 with Resolution 11; and

**WHEREAS**, the previous Resolution was for a period of 60 months and will expire March 2005; and

**WHEREAS**, the Buchanan Fine Arts Council continues its plan for cultural development within the City of Buchanan; and

**WHEREAS**, the City Commission for the City of Buchanan continues its desire to support those goals and objectives and holds title to a parcel of property located at the southwest corner of Roe Street and Days Avenue in the City of Buchanan; and

**WHEREAS**, it is the desire of the City to retain said property without dedication to any particular purpose.

**NOW, THEREFORE, BE IT RESOLVED** that the City owned property at the southwest corner of Roe Street and Days Avenue in the City of Buchanan, be for their use and development for a period not to exceed 60 months from date of action.

**BE IT FURTHER RESOLVED** that the City Commission of the City of Buchanan retains the right to rescind this declaration of use in the event the Fine Arts Council for the City of Buchanan should cease to utilize said property or in the event the City Commission of the City of Buchanan should find a necessary use commensurate with the revitalization of the downtown area; provided, however, in such a later event, reimburse the Fine Arts Council for any expenditures of funds on said property.

**BE IT FURTHER RESOLVED** that the Fine Arts Council for the City of Buchanan shall have a first right of extension of said use of said property.

RESOLUTION 2005.02/05 DECLARED ADOPTED on the 28th day of February, 2005.

Karin Falkenstein commended Cole and McCormick for their over-and-above dedication to the Fine Arts Council and Tin Shop Theatre. She reported the statistics on attendance and funds over the past year and planned performances for the 2005 season. Commission and Falkenstein shared discussion.

**Call to Order**

**Pledge/Invocation**

**Presentation of  
Certificates of  
Appreciation**

**Roll Call**

**Consent Calendar**

Agenda

February 14 Minutes

Checks

Resolution 05,  
Support Fine Arts  
Council to utilize Tin  
Shop Theatre

**Reports**

Fine Arts Council

Assessor Gordon Schreiber introduced himself and reported his accomplishments since August of 2004 while Commission reviewed written report. Commission and Schreiber shared discussion.

Assessor Dept.

McCoy's Creek Trail

Dick Proud reported on the progress of the Trail through EB Clark Woods and the construction of the observation deck. He thanked all volunteers involved with work and/or supplying material and circulated signs with Commissioners that would be posted on the top of nine (9) posts along the Trail. He explained the planned continuation of the Trail, amenities, Creek clean-up on 5-21 and encouraged participation.

**Old Business**  
Public Hearing, 117  
W. Front Street

The Mayor opened the Public Hearing to invite/hear public comments regarding the sale of the old library building at 117 W. Front Street at 8:43 p.m.

**Mike Bell**, Local Attorney and Art Center Board member thanked the Commission and asked that they enter into a Lease Agreement that would minimize the risk for the City by allowing the Board to make capital improvements in lieu of rent. He explained in detail the Art Board proposal that included program scheduling and financial information. Bell commented about the large crowd in attendance to support the Art Center and requested support from the Commission. Bell asked for a show of hands in support of the Art Center and for the commission to pass a motion for Hughes and City Attorney to discuss a lease agreement. A majority of all in attendance showed support. The clerk confirmed that written letters of support were received from Mark Nixon, Carla Johnson and Anne Binder.

**Jill Rasmussen-Baker**, 115 W. Front Street spoke favorable of the Art Center facility and appreciative as art is good for the mind.

The Mayor closed the Public Hearing at 8:55 p.m. Commissioner questions/discussion was shared with Bell. Moore asked about in-kind contributions for events. McGuire asked the terms/commitments of the board members. King stated support both personally and as a Commissioner for the Art Center. Hagey stated he didn't support the proposal to commit future Commissions. He proposed a motion that a monthly contribution be placed in escrow to bring the building up to code and any funds remaining in escrow could then be placed towards the purchase. Traditional landlord/tenant or non-traditional lease discussion shared. Bell explained legally necessary improvements and encouraged the non-traditional lease. Hughes suggested that two commissioners work as a negotiation team with the Art Board.

***Hagey moved to delay entering into a Realtor Listing Agreement for 60 days and authorize the City Manager Mike Hughes to enter into discussion regarding a lease proposal with the Buchanan Art Center Board for the old library building at 117 W. Front Street. McGuire seconded the motion and a roll call vote confirmed unanimous.***

The Mayor called a recess at 9:16 p.m. and reconvened the meeting at 9:20 p.m.

**New Business**  
MDOT Contract,  
Main Street

Hughes explained the MDOT Contract 05-5010 for work along Main Street from Front Street to Third Street and from Fifth Street to Elizabeth Street; including curb and gutter work; and all together with necessary related work. Discussion was shared. ***Hagey moved seconded by McGuire to approve the Contract and Resolution as presented.***

Resolution 06  
Authorizing City  
Manager & Clerk to  
endorse

A RESOLUTION AUTHORIZING OFFICIALS TO ENDORSE CONTRACTS BETWEEN THE CITY OF BUCHANAN AND MICHIGAN DEPARTMENT OF TRANSPORTATION (MDOT)

**WHEREAS**, pursuant to Federal law, monies have been provided for the performance of certain improvements on public roads; and

**WHEREAS**, the project is being programmed with the Federal Highway Administration, for implementation with the use of Federal Funds under Surface Transportation Program; and

**WHEREAS**, the parties have reached an understanding with each other regarding performance of the project work and have set forth the understanding in the form of a written contract.

**THEREFORE, BE IT RESOLVED:** that the City of Buchanan authorizes Michael Hughes, City Manager and Gladys M. Bybee, Clerk of the City of Buchanan, to jointly execute MDOT Contract No. 05-5010.

**Roll call vote unanimous. RESOLUTION 2005.02/06 DECLARED ADOPTED.**

Hughes explained and recommended the proposal from Southeast Berrien County Landfill Authority to purchase equipment owned by the City of Buchanan for \$17,500 (Material Recovery Facility equipment includes used Clark Forklift, Loading Ramp and Electronic Scale). Scanlon reported on his attendance from the Landfill Board meeting. After shared discussion, **King moved to approve the sale of the equipment as presented. Moore seconded and roll call vote unanimous.**

Hughes distributed a rendering with dimensions of the proposed sign for McCoy’s Creek Trail. Discussion on placement and material of the sign was shared with Proud, Hughes and Commission. **Moore moved, seconded by McGuire to approve the bid waiver to purchase McCoy’s Creek Trail sign from Gitchell Signs at \$2,025 as budgeted. Roll call vote unanimous.**

Hughes explained the contamination to Well #3 due to the high water table and discussion was shared. **Moore moved seconded by Hagey to approve the Bid Waiver for cleaning of Well #3 from Peerless Midwest for \$1,995 as presented. Roll call vote unanimous.**

Hughes reported his discussion of downtown plantings with local greenhouses Buchanan Floral and Bill Vite at estimated costs of \$3,000 to \$5,000. He explained that he would be requesting quotes for plantings in the dish, curb and hanging planters and his meeting with Buchanan Garden Club for their interest. Mae Proud, Garden Club Member explained her concern for members climbing ladders to tend plants. Discussion was shared with all.

Hughes explained the letter received from Habitat for Humanity to return, by quit claim deed, the property at 907 Victory Street that the City dedicated to Habitat several years ago. Discussion of what to do with the property was shared. Hagey confirmed that Habitat would be forfeiting rights to the property and Hughes confirmed to take the necessary steps to resolve.

City resident Bill Wah distributed a hand out with questions regarding the status of the Teen Center and mission/programs for City youth and teens. He explained the previous work at the Teen Center by the Board and asked for Commission views. Discussion was shared with Commission and Recreation Plan to be given to Wah.

**Hughes** commented:

- Need Commissioner annual priorities for Annual Planning Meeting
- Scheduled meeting with Interview Panel to hire a Police Chief

**Moore** commented:

- Appreciated show of support for Art Center and attendance to meeting

**King** commented:

- Appreciated show of support for Art Center and attendance to meeting
- Looking forward to all day planning session
- Heard comments of Appreciation for the City Manager

**New Business continued**

Resolution 06 Authorizing City Manager & Clerk to endorse

Sale of personal property: Forklift, loading ramp, electronic scale

Bid Waiver, McCoy’s Creek Sign

Bid Waiver, Cleaning Well #3

Downtown Planting discussion

907 Victory Street return from Habitat for Humanity

**Public Comments**

**Manager Comments**

**Commissioner’s Comments**

**Hagey** commented:

- Art Center fantastic, believes a Plan is needed

**McGuire** commented:

- Pleased with the crowd
- Pothole concerns delivered to Smigielski
- Would like to see Commissioner on Art Board

**Scanlon** commented:

- Commended Carla Cole, Margaret McCormick and Fine Arts Council for the administration of the Tin Shop Theatre
- Excited for the Art Center
- Thanks to all in attendance

**Adjournment**

*King moved seconded by Moore to adjourn the meeting at 10:26 p.m. Voice vote carried.*

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Gladys M. Bybee, CMC-City Clerk

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Earl J. Scanlon III, Mayor

**Commissioner's Comments continued**

**CITY OF BUCHANAN COMMISSION MINUTES**  
**MARCH 14, 2005**

A regular meeting of the City Commission was held at City Hall, 302 N. Redbud Trail, Buchanan, Michigan Monday, March 14 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, Patricia Moore, Earl Scanlon III

Commissioner absent: none

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

Guests/Visitors present: Sheldon Seltzer , Redbud Area Ministries President  
6 visitors

Reverend Bailey commended the Buchanan Boy's Basketball Team for their great season.

***Moore moved seconded by King to amend the Agenda to include check number 47631 in the amount of \$1,443.32 to Berrien County Treasurer and a report from Redbud Area Ministries given by Sheldon Seltzer. Roll call vote unanimous.***

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

- Agenda with inclusion
- Minutes for Regular Meeting February 28, 2005
- Checks 47545 to 47631 in the amount of \$191,966.68
- Appoint Linda Fox to the Fine Arts Council as a Niles Township Representative, term ending 2007
- Banner placement - Buchanan School Farm Old Fashion Plow Day – April 8 to April 24
- Accept Quit Claim Deed from Habitat for Humanity for 907 Victory St.

Reverend Sheldon Seltzer distributed written statistics and reported that the name had changed to Redbud Area Ministries (RAM) that included 11 churches and welcomed other churches to belong. He explained that RAM was an organization serving the Buchanan and Galien Community School District designed to involve members in each church in responding to individual and family in need. Discussion/questions shared with Commission.

The Mayor opened the Public Hearing to invite/hear public comments regarding the adoption of a Zoning Ordinance Amendment to Article III, Definitions and Use of Terms; Article XXII, Site and Building Façade Plan Review; and Article XXIV, Board of Zoning Appeals at 8:17 p.m. Hughes provided a summary of the amendment devised by the DDA and Plan Commission for the design review in the central business district. Discussion/questions were shared. No public or written comments received. The Mayor closed the public hearing at 8:24 p.m.

***Hagey moved seconded by Moore to adopt Ordinance 2005.03/363, Zoning Ordinance Amendment as presented. Roll call vote unanimous (see attached).***

Discussion/questions shared regarding the Proposals for Downtown Plantings received from Buchanan Floral and Vite Greenhouses. Hughes explained the proposals in detail and noted that nothing was submitted from local company owner Dave Zelmer. ***McGuire moved seconded by Moore to approve the proposal from Buchanan Floral in the amount of \$3,400. Roll call vote unanimous.***

**Call to Order**

**Pledge/Invocation**

**Roll Call**

**Public Comments**

**Consent Calendar**

Amended Agenda  
February 28 Minutes

Checks

Appointment to Fine  
Arts Council  
Banner Placement-  
School Farm

Return of 907  
Victory parcel

**Reports**

Redbud Area  
Ministries

**Old Business**

Public Hearing,  
Zoning Ordinance  
Amendment  
2005.03/363

Acceptance of  
proposal for  
downtown planting

**Hughes commented:**

- Encouraged Commissioner attendance to PERC Breakfast, Legislative Conference and Region II meeting in Decatur
- Believes advancement with Priorities and Goals and appreciates Commission attendance to Saturdays Annual Planning meeting

**Commissioner's  
Comments**

**Moore** commented:

- Enjoyed Coffee with a Cop on Sunday and encouraged future attendance
- Go Bucks

**King** commented:

- Go Bucks
- Attendance to Eagle Scout Honor Gathering; Congratulations to Brenton Barczykowski

**McGuire** commented:

- Congratulations to Buchanan Basketball Team
- Happy St. Patrick's Day
- See a lot of dog walking and not removing/picking up feces
- Parking situation downtown

**Scanlon** commented:

- Go Bucks, Very proud of all Buchanan sports
- Thanks to all for hard work at High School with 57 Hockey teams in the City this past weekend

**Closed Session**

***King moved seconded by Hagey to go into Closed Session for the City Manager Evaluation at 8:50 p.m. Roll call vote unanimous***

The Mayor reconvened the meeting with no decisions made in closed session at 10:05 p.m.

February 9, 2005  
Closed Session  
Minutes

***Moore moved seconded by McGuire to approve Closed Session Minutes from February 9, 2005 as reviewed in Closed Session. Roll call vote unanimous.***

All shared harmonious comments to City Manager Hughes. After shared discussion, ***Scanlon moved seconded by King to increase the City Manager salary to \$64,500 effective 2-24-05, the City shall purchase a vehicle, not to exceed \$20,000, for business and personal use, increase the severance package to one (1) year, and increase annual sick days to seven (7). Roll call vote unanimous.***

City Manager  
Contract change

Hughes thanked the Commission and staff for his accomplishments.

**Adjournment**

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

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Gladys M. Bybee, CMC-City Clerk

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Earl J. Scanlon III, Mayor

**Manager Comments**

**CITY OF BUCHANAN COMMISSION MINUTES**  
**MARCH 28, 2005**

A regular meeting of the City Commission was held at City Hall, 302 N. Redbud Trail, Buchanan, Michigan Monday, March 28 and called to order by Mayor Scanlon at 8:04 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, Patricia Moore, Earl Scanlon III

Commissioner absent: none

Staff present: City Manager Mike Hughes, Public Services Director Rick Smigielski, Acting Police Chief JT Adkerson, City Clerk Gladys Bybee

Guests/Visitors present:  
16 visitors

Jeanne Arbanas thanked the City and United Federal Credit Union for sponsoring the Easter Egg Hunt and offered to adopt, by the Brownie Troop 714, a flower pot downtown.

***King moved seconded by Moore to approve the consent calendar as presented. Roll call vote unanimous.***

- Agenda
- Minutes: Regular Meeting March 14, 2005 and 2005-2006 Annual Planning Work Session March 12, 2005
- Checks 47632 to 47694 in the amount of \$64,563.19
- Resolution 2005.03/07, A Resolution for assistance to a Buchanan area family under tragic circumstances (see attached)

Acting Police Chief JT Adkerson distributed and explained his report for the Police Department for the past three (3) months while all reviewed. Discussion/questions were shared with Commission and Adkerson. The Mayor requested a break down of information (disposition) regarding Code Enforcement.

Hughes announced his negotiations for the old Library Building with Attorney Mike Bell and explained the basic elements of the Lease Purchase Agreement with the Buchanan Art Center. Bell recalled a conversation with City Attorney Hyns and all discussed the condition of the building. All shared discussion and Bell requested a motion to approve the lease with changes as discussed and an additional addendum with a second option to purchase. ***Scanlon moved, seconded by Moore to approve the Lease Purchase Agreement with the clarified changes including the addendum. Roll call vote unanimous.***

Hughes introduced Mark Nottley from Rehmann Robson who performed the Water and Sewer Utility Rate Study. Nottley presented his report to the Commission and explained the 5 year executive and technical report including exhibits and appendix. He explained in detail the executive summary and all shared discussion of rates. Nottley welcomed future questions and Hughes explained that the report would be reviewed during the budget process.

Hughes announced that Recreation Director Wayne Writer could not attend and he explained the Five Year Park and Recreation Plan while all reviewed. ***Moore moved, seconded by McGuire to accept the Plan and approve the Resolution as submitted.***

A Resolution to adopt a five year Park and Recreation Plan.

**Call to Order**

**Pledge/Invocation**

**Roll Call**

**Public Comments**

**Consent Calendar**

Agenda  
March 14 Minutes  
March 12 Minutes  
Checks  
Resolution 07,  
Assistance due to  
tragic circumstances

**Reports**

Police Dept.-  
Code Enforcement

**Old Business**

Lease Purchase  
Agreement with Art  
Center  
117 W. Front St.

Water and Sewer  
Rate Study Report

5 Year Park &  
Recreation Plan  
Resolution 08

WHEREAS, it is a primary function of the Buchanan Area Recreation Board to maintain a current plan for City parks and recreation areas, facilities and programs, and WHEREAS, the Board has analyzed the cultural and physical resources of the City including an inventory of existing recreation facilities, and WHEREAS, the Board has established a plan of action for the improvement of park facilities and recreational opportunities in Buchanan.

NOW, THEREFORE, BE IT RESOLVED, that the 2005 Buchanan Community Recreation Plan is hereby adopted by the Buchanan City Commission as a reference document for future decision making.

***Roll call vote unanimous. Resolution 2005.03/08 declared adopted.***

Hughes introduced Deeja “Dee Dee” Thompson and explained the request to raise funds to purchase a sign to distinguish the Victory Street Park by having a Three on Three Basketball Tournament at Victory St. Park. Miss Thompson explained her proposal for Saturday April 30<sup>th</sup> beginning at 8:00 a.m. Hughes announced that Street closure forms would be forthcoming. Thompson reported that she had obtained rules for a tournament held in Cassopolis, registration and sign up forms at all the schools and asked for consideration to use the Victory Street Park and assistance to provide port-a-pots. Shared discussion/questions followed. ***Moore moved to grant exclusive use of the park on April 30<sup>th</sup> and use of empty lot at 907 Victory Street for parking. McGuire seconded and roll call vote unanimous.***

**Hughes** commented:

- City facility tours available before budget work shop at 8:00 p.m. Wednesday April 6<sup>th</sup> at the Cemetery
- Congratulation to Chief Weaver and Fire Department for grant to upgrade radios
- Joint meeting to hear proposal from Perry Ballard Wednesday April 27<sup>th</sup> at 8:00 p.m.
- Upcoming MML Region 2 meeting in Decatur, SMEGA Annual Board Meeting, Berrien County Annual Public Officials Day. Please reserve
- Commended Jennifer Harrington and the United Federal Credit Union for Easter Egg Hunt; pictures passed around

**King** commented:

- Thanked JT Adkerson for report
- Sidewalk up the hill on Front Street needs cleanup (south side)
- Concerned about the condition of building next to empty lot on south side of Front Street
- Stella Proud ill but sends good wishes for Spring

**Moore** commented:

- Pleased with attendance to MML meeting in Lansing with other commissioners

**McGuire** commented:

- Thanked Adkerson for police report
- Cautioned parents on whereabouts of children
- Congratulations to Art Center
- Sidewalk repair needed on north side of Front Street up town

**Scanlon** commented:

- Glad all enjoyed the Easter Egg Hunt
- Wonderful learning experience at MML meeting
- Thanks to JT, would like follow up results from Code Enforcement
- Reminder of time change

**Old Business**  
**continued**

5 Year Park &  
Recreation Plan  
Resolution 08

**New Business**

Exclusive Use of  
Victory Street Park  
for Park fundraiser

**Manager**  
**Comments**

**Commissioner's**  
**Comments**

***King moved seconded by Hagey to go into Closed Session at 9:56 p.m. to review the closed session minutes from March 14, 2005. Roll call vote unanimous***

The Mayor reconvened the meeting with no decisions made in closed session at 10:01 p.m.

***Hagey moved seconded by Moore to approve Closed Session Minutes from March 14, 2005 as reviewed in Closed Session. Roll call vote unanimous.*** **Adjournment**

***King moved seconded by Moore to adjourn the meeting at 10:02 p.m. Voice vote carried.***

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Gladys M. Bybee, CMC-City Clerk

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Earl J. Scanlon III, Mayor

**Closed Session**

March 14, 2005 Closed Session Minutes

**CITY OF BUCHANAN COMMISSION MINUTES**  
**APRIL 11, 2005**

A regular meeting of the City Commission was held at City Hall, 302 N. Redbud Trail, Buchanan, Michigan Monday, April 11 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.

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

Commissioner absent: none

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

Guests/Visitors present: Alice Kring, Joint Committee Representative  
5 visitors

Jeanne Arbanas, 5K Extreme Chairman challenged the City Commission, City Manager, Police Department and Chamber of Commerce to be the Team to collect the most funds and have a team member finish the race to receive all funds collected for their Buchanan City charity project. Bags were distributed.

***Scanlon moved to amend the Agenda to include City Manager Evaluation under Old Business. Moore seconded the motion and roll call vote unanimous.***

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

- Agenda as amended
- Minutes: Regular Meeting March 28, 2005 - Cemetery Tour and Budget Work Session  
April 6, 2005 - Special Meeting April 6, 2005
- Checks 47695 to 47788 in the amount of \$95,964.18
- Street Closure June 25<sup>th</sup> and August 27<sup>th</sup>: Front from Redbud to Oak and Days from Front to Roe for the Great Buchanan Cruise In
- Appointed Liz Miller to Common Committee as recommended
- Appointed Darla Main-Schneider and Ralph McDonald to the Design Review Committee
- Proclamation in Observance of White Cane Week April 10<sup>th</sup> to April 16<sup>th</sup>, 2005

Alice Kring, Representative for the Joint Committee reported that all groups were working together for placemats and brochures and to complete the 2005 budget. All shared discussion of scheduling. Kring announced full funding for the Stop, Lunch and Listen Program and an updated report in May for Buchanan Fest.

Hughes reported conversation with City Attorney Hyrns to rezone 117 W. Front Street (old library building) or obtain a Special Use Permit. He explained in detail the plan Commission process to rezone and recommended, from both he and Attorney, the rezoning. ***Hagey moved seconded by McGuire to initiate a rezoning of 117 W. Front Street from residential to central business district. Roll call vote unanimous.***

Hughes announced the compilation from the City Commission Annual Planning Priorities Meeting for FY 2005-06. All discussed including the new list with the old one. ***Moore moved seconded by McGuire to approve the List of Priorities for 2005-2006 as presented. Roll call vote unanimous.***

**Call to Order**

**Pledge/Invocation**

**Roll Call**

**Public Comments**

**Consent Calendar**

Agenda as amended

March 28 Minutes

April 6 Minutes

Checks

Street Closure

Common Committee

Appointment

Design Review

Committee

Appointment

White Cane Week

Proclamation

**Reports**

Joint Committee

**Old Business**

Initiate Rezoning of

117 W. Front St.

2005-2006 List of

Priorities

Scanlon reported his conversation with City Attorney Hyrns request for clarification to the City Managers Contract. He and Hughes explained a vehicle allowance as a more accountable process than providing a vehicle and paying a bi-weekly wage and health insurance for the one-year severance package. After discussion ***King moved seconded by Moore to change the City Manager Contract by withdrawing the former approval of granting Hughes a personal vehicle in the amount of \$20,000 and approve an annual car allowance of \$450.00 a month and a severance package to include a bi-weekly wage and health insurance for one-year. Roll call vote unanimous.***

**New Business**  
Public Hearing Call,  
Burning Ordinance  
Amendment

Hughes reported working with the Fire Department and City Attorney to draft language/ amendment to the Open Burning Ordinance. ***King moved seconded by McGuire to call public hearing on May 9, 2005 at 8:00 p.m. for Amendment to City Ordinance – Chapter 42, Article II. Open Burning. Roll call vote unanimous.***

**Public Comments**

Alice Kring announced an opening to sponsor a breakfast on Saturday morning or any other event at Buchanan Fest for the Skateboard Park Group to raise funds.

**Manager  
Comments**

**Hughes** commented:

- Coordination of a community planting day, May 15
- Police Department large item clean-up May 13 & 14
- Reminder of Budget Work session on Wednesday beginning at the Wastewater Plant
- Reminder of upcoming meeting dates and times

**Commissioner's  
Comments**

All Commission members and Hughes shared their concern, disgust and grief over the vandalism that occurred to the observation deck, bench and historic interest sign near McCoy's Creek.

**King** commented:

- Commended Public Services Director Rick Smigielski for the improvements at the Cemetery

**McGuire** commented:

- Urged support of White Cane Week
- Recognized deaths of local citizens
- Thanked Smigielski for the Public Services report

**Hagey** commented:

- Congratulated Smigielski on his Environmental Certification

**Adjournment**

***Hagey moved seconded by McGuire to adjourn the meeting at 8:50 p.m. Voice vote carried.***

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Gladys M. Bybee, CMC-City Clerk

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Earl J. Scanlon III, Mayor

**Old Business continued**  
City Manager Contract

**CITY OF BUCHANAN COMMISSION MINUTES**  
**APRIL 25, 2005**

A regular meeting of the City Commission was held at City Hall, 302 N. Redbud Trail, Buchanan, Michigan Monday, April 25 and called to order by Mayor Scanlon at 8:00 p.m. The Pledge was recited by all in attendance. Reverend Jill Rassmussen-Baker, Buchanan First Presbyterian Church gave the Invocation.

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

Commissioner absent: none

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

Guests/Visitors present: Dial-A-Ride Director Judy Phillips, American Legion Commander and Friends of the Cemetery Chairman Lyle Sumerix

12 visitors

**Kimberly Haines** recognized her daughter from Buchanan High School and explained a School Government Project to request the State to install a left arrow light at the corner of Third Street and US 12 in Niles Township due to the numerous deaths at that intersection including the parents of two Buchanan High School students. She asked the Commission and public to support, by endorsing the Petition. **Lyle Sumerix** reported on the Memorial Day Parade and a forthcoming Street Closure from the Legion. He explained the summer project of lights being installed in the Cemetery to shine on the flags.

**Acting Chief Adkerson** reported that Officer Edgerle and Officer Bennett knocked on doors and spoke with residents' about witnessing the vandalism to the downtown city bench and two (2) persons were identified and caught. He reported that the Department was still working on the vandalism to the Trail. All commended Officer Edgerle and Officer Bennett.

**King moved seconded by Moore to approve the consent calendar as presented. Roll call vote unanimous.**

- Agenda
- Minutes: Regular Meeting April 11, 2005 – Budget Review Summary April 11, 2005 – Tour and Budget Review Summary April 13, 2005 – Tour Work Session April 20, 2005
- Checks 47789 to 47859 in the amount of \$98,609.54
- Appoint Jeanne Arbanas to Fine Arts Council to fulfill a partial term ending 2005
- Call for Public Hearing, May 9, 2005 8:00 p.m. to hear comments concerning the property tax millage rate proposed to support the proposed 2005-2006 FY Budget
- Resolution 2005.05/10, Approve Summer School Tax Collection Fee
- Street Closure April 30 and May 14: Oak Street – Soap Box Derby Rally Race and Local Race
- Street Closure April 30: Victory and Arctic – 3 on 3 Basketball Tournament
- Proclamation in Observance of Arbor Day April 29, 2005
- Resolution 2005.05/09, National D.A.R.E. Day
- Banner on Redbud May 31 to June 20 – Community Wide Garage Sale
- Banner on Front Street August 1 to 29 – Buchanan Fest
- Banner on Front Street June 11 to 26 – Great Buchanan Cruise In
- Banner on Redbud August 13 to 28 – Great Buchanan Cruise In
- Modification to Union Salary Table to include Wastewater Treatment Plant Maintenance Worker

**Call to Order**

**Pledge/Invocation**

**Roll Call**

**Public Comments**

**Consent Calendar**  
Agenda as amended

April 11 Minutes  
Budget Review &  
Work Session  
Summary  
Checks  
Fine Arts Council  
Appointment  
Call Public Hearing

Resolution 10  
Street Closure's  
Arbor Day  
Proclamation  
Resolution 9  
Banner's

Modification to  
Union Salary Table

Commissioner Hagey arrived at 8:17 p.m.

Lyle Sumerix, Chairman clarified the Friends official name "Friends of Oak Ridge Cemetery". He reported the schedule for cleaning the head stones and urged attendance, volunteers available to answer questions the weekend before and weekend of Memorial holiday. He recognized members Ron Bennett, Barbara Sumerix and Donna Lace whom were in attendance. Copies of sign renderings distributed to Commission; one with names of deceased that was exhumed and moved to Oak Ridge from Kathryn Cemetery and one for names of persons buried in Potters Field (final design to be brought forth). Friends of Oak Ridge Cemetery motto: "Preserving our Heritage". Discussion shared.

Smigielski reported on the proposed five-year Cemetery Master Plan and thanked Mr. Sumerix and the members for assisting with developing the Plan. He announced the draft Plan available at City Hall for review and summarized the contents of the plan. **King moved seconded by McGuire to adopt the Cemetery Five-year Master Plan for Oak Ridge Cemetery. Roll call vote unanimous.**

**Moore moved seconded by McGuire to approve the Resolution accepting financial assistance Section 5311 Dial-A-Ride FY2004/05 as proposed. Roll call vote unanimous.** Resolution 2005.05/11 declared adopted and attached to these minutes.

Judy Phillips explained the request to collect the voter approved .75 mills for Dial-A-Ride instead of the .50 collected in prior years due to increased costs in fuel and insurance. Discussion was shared between Phillips, Hughes and Commission and Financial History, Financial Projections and Ridership History reviewed. The Mayor reiterated that the collection of the full millage approved by the voter's was a part of the 2005-2006 budget.

Hughes presented the 2005-2006 FY Budget as required by Charter 9.2. He summarized the Budget and cautioned the Commission about being frugal with the City Operational Budget. He explained the financial concerns in the Water and Sewer Enterprise Funds and the necessary water/sewer rate increase to cover the expenses of maintaining the Departments. He urged attendance to the Public Hearing on May 9<sup>th</sup>. There was discussion of the past numerous studies of the Wastewater Treatment Plant and upgrades to the Water, the current rate study and the presentation of a balanced budget. Commissioners welcomed public input and requested that Department Heads be in attendance at the Public Hearing.

Hughes reported on three bids received for portable toilet service within the City and recommended award to the next lowest bidder due to challenges in the past with the current (lowest) vendor while all reviewed. **McGuire moved seconded by Moore to award the bid to Joys' John for portable toilet service as recommended. Roll call vote unanimous.**

Hughes reported the meetings with Recreation Director Wayne Writer to review the Tournament Field Use Policy, Buchanan Area Recreation Board. He summarized the policy. After shared discussion, **King moved seconded by McGuire to approve the Tournament Field Use Policy as recommended. Roll call vote unanimous.**

Chief Weaver reported receipt of only one complete bid for the turn out gear. After brief discussion, **Moore moved seconded by Hagey to award the bid to Moses Fire Equipment as recommended for 2 sets of Turnout gear. Roll call vote unanimous.**

### Reports

Friends of Oak Ridge Cemetery

### Old Business

Cemetery Master Plan

Resolution 11, DAR Financial Assistance

Dial-A-Ride Millage

City Manager Submittal, 2005-06 FY Budget

### New Business

Bid Award, Portable Toilets

Tournament Field Use Policy

Bid Award, Turn Out Gear

**Hughes commented:**

- Applying for two grants; Friends of the Trail and Creek Cleanup
- Receipt of calls about the Open Burning Ordinance Amendment and a statement to be published (copies distributed to Commission)
- Received approval to include Front Street in NATS Long Range Plan for federal funding
- Recognized the DPW and Garden Club for correcting the sinking gazebo on Front/Oak
- Announced upcoming meeting dates and times and Downtown Community Planting Day

**Commissioner's  
Comments****King** commented:

- Enjoyed attending GIS meeting in St. Joe

**Moore** commented:

- Thanks to City Staff and employees for tours, information and dedication. Encouraged public to thank employees

**McGuire** commented:

- Urged participation with Arbor Day Celebration, Community Clean up and Creek Clean up
- Thanked Police Department and private citizens for information on vandalism
- Welcomed new businesses

**Hagey** commented:

- Congratulated Officer's Edgerle and Bennett for solving the vandalism case
- Thanked Department Heads and employees for departmental tours

**Scanlon** commented:

- Congratulated Officer's Edgerle and Bennett on solving vandalism
- Commended staff and employees for departmental tours
- Urged attendance to 3 on 3 Basketball Tournament sponsored by High School Students & Creek Cleanup meeting

**Adjournment**

*Hagey moved seconded by McGuire to adjourn the meeting at 9:42 p.m. Voice vote carried.*

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Gladys M. Bybee, CMC-City Clerk

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Earl J. Scanlon III, Mayor

**Manager Comments**

**CITY OF BUCHANAN COMMISSION MINUTES**  
**MAY 9, 2005**

A regular meeting of the City Commission was held at City Hall, 302 N. Redbud Trail, Buchanan, Michigan Monday, May 9th and called to order by Mayor Scanlon at 8:01 p.m. The Pledge was recited by all in attendance. No Invocation was heard.

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

Commissioner absent: none

Staff present included City Manager Mike Hughes, Treasurer Juli O'Bryant, Public Services Director Rick Smigielski, Acting Police Chief JT Adkerson, Fire Chief Warren Weaver, City Clerk Gladys Bybee

Guests/Visitors present were Senior Services Director Ann Sidmore and 10 visitors.

Stella Proud reported that she was quite concerned as resident Don Bumstead had not had his sidewalk repaired yet, she's aware of a person interested in opening a restaurant, and that the Donut Shop was closing.

***Hagey moved seconded by King to approve the Consent Calendar as presented and requested that the Mayor read the resolutions recognizing Clara Cornwell and Michael Reybuck. Roll call vote unanimous.***

- Agenda
- Minutes: Regular Meeting April 25, 2005 – Work Session Summary April 27, 2005
- Checks 47860 to 47960 in the amount of \$61,430.04
- Appointment of Alan Ferguson to the Fine Arts Council to term ending 2008, Vanessa Burns to the Common Committee to term ending 2008 and William Wah to the Design Review Committee
- Reappointment of Don Trull and Michelle Klarich to the Common Committee for a second term
- Street Closure May 30: Front Street for Memorial Day Parade
- Budget Amendment, Revenue received from Front Street Streetscape Fund and Expenditure paid to same
- Call Public Hearing to hear/invite comments concerning the distribution of the FY 2005-2006 Southwestern Michigan Community Ambulance Services (SMCAS) Special Assessment Levy and proposed SMCAS budget for fiscal year 2005-2006, which includes the special assessment in the amount of \$13.00 per dwelling.
- Resolution 2005.05/12, Recognizing Clara Cornwell as an outstanding participant in the eleventh annual READING RAINBOW Young Writers and Illustrators contest and ask all citizens to join me in recognizing the talents of this young writer and illustrator and, be it further resolved that this original resolution be formally presented to Clara Cornwell along with a Certificate of being an Exceptional Buchanan Representative
- Resolution 2005.05/13, Recognizing Michael Reybuck as an outstanding participant in the eleventh annual READING RAINBOW Young Writers and Illustrators contest and ask all citizens to join me in recognizing the talents of this young writer and illustrator. and, be it further resolved that this original resolution be formally presented to Michael Reybuck along with a Certificate of being an Exceptional Buchanan Representative

**Ann Sidmore** thanked the Commission for the opportunity to report on the Senior Services and for all the support from the City. She reported that a full time director, Alice Hopkins will be new full-time Director. Greetings were shared.

**Call to Order**  
**Pledge/Invocation**

**Roll Call**

**Public Comments**

**Consent Calendar**

Agenda  
April 25 Minutes  
& Work Session  
Summary  
Checks  
Fine Arts Council,  
Common Committee  
& Design Review  
Committee  
Appointments  
Street Closure

Budget Amendment

Call Public Hearing

Resolution 12,  
Recognizing Clara  
Cornwell

Resolution 13,  
Recognizing Michael  
Reybuck

**Reports**  
Buchanan Senior  
Services

The Mayor opened the Public Hearing at 8:15 p.m. to hear comments concerning the property tax millage rate and water and sewer increase proposed to support the proposed 2005-2006 FY Budget. No public comments were heard. Hughes summarized the Budget and water and sewer rate increases. He announced the amount of water and sewer increases due to net operating loss for the past four (4) years. Discussion was shared between Commission and Hughes. The Mayor closed the public hearing at 8:31 p.m. and announced final adoption at the May 23rd meeting.

Public Hearing,  
2005-2006 FY  
Budget

The Mayor opened the Public Hearing at 8:32 p.m. to hear comments concerning an Ordinance Amendment to Chapter 42, Article II. Open Burning. Hughes provided a summary of the amendment, reported receipt of confused phone callers, and read the change. He explained in detail his responses to concerns of establishing responsibility. The clerk reported that one email was received from Carla Cole questioning responsibility if the property owner did not start the fire. Hughes confirmed that he spoke with Cole. Larry Granger, 319 Lake Street questioned burning of downed limbs and was concerned about the size of the fire. Discretion was discussed. Acting Chief Adkerson explained the incidents' at the Granger residence. Stella Proud asked about her responsibility for property she owned and rented in the City. After brief discussion the Mayor closed the public hearing at 8:57 p.m.

Public Hearing,  
Ordinance  
Amendment  
2005.05/366

*Hagey moved, seconded by McGuire to approve Ordinance Amendment 2005.05/366 as presented. Roll call vote unanimous.*

**AN ORDINANCE AMENDING CHAPTER 42, FIRE PREVENTION AND PROTECTION, ARTICLE II – OPEN BURNING**

CHAPTER 42, FIRE  
PREVENTION  
AND  
PROTECTION,  
ARTICLE II –  
OPEN BURNING

An ordinance amending Chapter 42, Fire Prevention and Protection, Article II, Open Burning, to prohibit the open burning of designated materials without a permit or approval by the City of Buchanan and by establishing owner liability.

**BE IT ORDAINED** by the City Commission of the City of Buchanan, Berrien County, Michigan, that the City of Buchanan Code of Ordinances is amended as follows:

**ARTICLE II. OPEN BURNING**

**Sec. 42-31. Penalty.**

Any person who shall violate any of the provisions of this article shall, upon conviction thereof, be punished as provided in section 1-15 of this Code.

**Sec. 42-32. Prohibited except by special permit and in approved incinerators.**

(a) No person shall dispose of any leaves, rubbish, trash, wood, garbage, food containers, or other combustible material whatever in any street, alley, private place, or public place by burning within the city except by special permit from the city and except in an approved incinerator.

(b) No property owner shall allow the burning of any leaves, rubbish, trash, wood, garbage, food containers, or other combustible material whatever in any street, alley, private place, or public place by burning within the city except by special permit from the city and except in an approved incinerator.

(c) A property owner shall be jointly and severally liable for the burning of any leaves, rubbish, trash, wood, garbage, food containers, or other combustible whatever on property owned by him.

(d) No incinerator shall be installed within or on any premises without a permit and approval of the city.

**Sec. 42-33. Exceptions.**

This article is not intended to prohibit burning for the following purposes: the preparation of food; outdoor camp fires in designated areas and parks; outdoor fireplace structures or containers, which structures or containers are designed and constructed and/or

manufactured for  
the sole purpose of

functioning as an outdoor fireplace, burning wood or charcoal fuel, and not designed and constructed and/or manufactured for primary purpose of disposal, by burning, of leaves, rubbish, trash, wood, garbage, food containers or other combustible material.

**Sec. 42-34. Repeal.**

All Ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

MADE, PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF BUCHANAN, BERRIEN COUNTY, MICHIGAN, ON THE 9TH DAY OF MAY, 2005, AND IT WAS PUBLISHED IN BERRIEN COUNTY RECORD ON THURSDAY APRIL 21 AND THURSDAY MAY 5, 2005, AND EFFECTIVE FIFTEEN (15) DAYS AFTER THE DATE OF ADOPTION AND PUBLICATION AS REQUIRED (MAY 24, 2005).

At a regular meeting of the City of Buchanan, County of Berrien, State of Michigan (the "City"), held in said City on Monday, May 9, 2005 the Ordinance was offered by Commissioner Hagey and supported by Commissioner McGuire.

YEAS: David Hagey, Flora King, Patricia Moore, MarLon McGuire, Earl Scanlon III

CHAPTER 42, FIRE PREVENTION AND PROTECTION, ARTICLE II – OPEN BURNING

**New Business**

Water & Wastewater Capital Improvement Plans

Smigielski reported on the Water and Wastewater Capital Improvement Plans while Hughes supplied a power point presentation. Smigielski explained the upgrades, repairs and maintenance necessary to the Wastewater Plant and Water Plant (estimate of 2.5 million dollars).

Bid Award, Aggregate for McCoy's Creek Trail

Hughes explained the Bid Waiver for Aggregate for Segment 5 of McCoy's Creek Trail in the amount of \$9,350. Commission and Hughes shared discussion of funding being set aside in the Recreation Fund for the Trail. ***King moved, seconded by Moore to approve the Bid Waiver and award the bid to lowest bidder Kenneth Smith, Inc. in the amount of \$9,350. Roll call vote unanimous.***

**Public Comments**

Jeanne Arbanas reported Fine Arts, Art Center and Chamber challenge teams and asked about the Commission charity.

Chief Adkerson reported (as requested) on downtown vandalism, savings on police budget and video system presentation forthcoming.

**Manager Comments**

**Hughes** commented:

- Concerned about budget for Mayors Exchange. Commission encouraged about continuing program
- Reported on Soap Box Derby
- Indiana Michigan public hearing notice to increase fees
- A probable 5% decrease in State Revenue Sharing
- Announced upcoming events and meetings

**Commissioner's Comments**

**King** commented:

- Encouraged participation with the Downtown Planting

**Moore** commented:

- Visiting the 3 on 3 Basketball Tournament (23 teams) and commended the volunteers

**McGuire** commented:

- Encouraged participation with the Creek Cleanup

**Old Business continued**

Ordinance Amendment 2005.05/366

- Congratulated to Linda Canfield on Cultural Art Award
- Reminder for dog walkers to clean up their animal(s) feces
- Good job Police Department

**Hagey** commented:

- Pleased with volunteer dedication of projects/events on April 30th
- Encouraged all to get involved to believe in the City

**Scanlon** commented:

- Upcoming dates
- Thanked Ann Sidmore for her dedication to the Senior Services
- Congratulated youth involved with the 3 on 3 Basketball Tournament
- Thanked all the Department Heads on their work to present a balanced budget

**Adjournment**

*Hagey moved seconded by McGuire to adjourn the meeting at 9:47 p.m. Voice vote carried.*

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Gladys M. Bybee, CMC-City Clerk

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Earl J. Scanlon III, Mayor

**Commissioner's Comments continued**

**CITY OF BUCHANAN COMMISSION MINUTES  
MONDAY, MAY 23, 2005**

A regular meeting of the City Commission was held at City Hall, 302 N. Red Bud Trail, Buchanan, Michigan, Monday, May 23, 2005 and called to order by Mayor Scanlon at 8:00 pm. The Pledge of Allegiance was recited by all in attendance. No Invocation was heard.

Commissioners present: David Hagey, Flo King, Marlon McGuire, Patricia Moore, and Earl Scanlon III.

Commissioners absent: None.

Staff present included City Manager Mike Hughes, Fire Captain Tim Gowan, Fire Chief Warren Weaver, and Public Services Director Rick Smigielski.

Guests/Visitors present were Marlene Beach, Director of SMCAS Ambulance Service, and Judy Phillips, Dial-A-Ride along with 7 visitors.

Mrs. Stella Proud reported that she had a complaint against Fire Chief Warren Weaver, which occurred at the last meeting in reference to a burning complaint. She then inquired about privileges to other board members.

Mr. Donald Bumstead advised that prior arrangements had been made between the City and I & M (Indiana Michigan Power Co.) to repair this damage to his sidewalk (which transpired in 1999) and that he has the I & M claim number with which to investigate. City Manager Mike Hughes advised that he has checked into this matter and there is no documentation at the City level in reference to this incident.

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

- \* Agenda
- \* Minutes: Regular Meeting May 9, 2005
- \* Checks 47961 to 48040 in the amount of \$183,283.27
- \* Certify Delinquent Utility Bills totaling \$4,163.61 to the 2004 Summer Tax Roll
- \* Reappointment of Tom Hoetger for another term on the Joint Water & Sewer Board
- \* Reappointment of Tracey Dippo for a second term on the DDA / TIFA
- \* Reappointment of Ralph McDonald to the Brownfield Authority
- \* Reappointment of Michelle Klarich and Don Trull for a second term on the Common Committee

Fire Chief Warren Weaver reported on building permits issued in 2004 and 2005 to date. He explained in detail while all reviewed their written copy. Chief Weaver then explained fire calls for 2004 and 2005 to date while all reviewed written report. The fire department is currently staffed with 17 firemen and Weaver explained the firefighters training.

Chief Weaver then requested Fire Captain Tim Gowan to demonstrate the new fire pack for those in attendance. The new air pack weighs about 23 pounds while the old air pack weighs 48 pounds. Chief Weaver advised that the Fire Department currently has 18 air bottles and that upon receipt of the new equipment, the old air bottles will then be transferred as follows: two (2) will go to the waste water treatment plant, two (2) will go to the water plant, and the rest will be donated to the school.

**Call To Order**

**Pledge / Invocation**

**Roll Call**

**Public Comments**

**Consent Calendar**

Agenda  
May 9 Minutes  
Checks  
Delinquent Utility  
Bills  
Joint Water &  
Sewer Board,  
DDA / TIFA,  
Brownfield  
Authority,  
Common  
Committee  
Appointments

**Reports**

Building Inspection

Miss Deeja  
Thompson was

unavailable to discuss the 3 on 3 Basketball Tournament. This item was tabled.

The Mayor opened the Public Hearing to hear/invite comments concerning the distribution of the FY 2005-2006 Southwestern Michigan Community Ambulance Service (SMCAS) Special Assessment Levy and proposed SMCAS budget for fiscal year 2005-2006, which includes the special assessment in the amount of \$13.00 per dwelling. No written comments have been received and there were no public comments. This assessment is assessed on an annual basis and the proposed assessment is \$13 per dwelling, up from \$10 per dwelling. Marlene Beach (Director of SMCAS) advised that the assessed amount would be going into automotive, software, and hardware. SMCAS is attempting to obtain an automated ambulance run system and monies have to be banked (\$160,000 total – half this year and the remaining half next year). The increase in assessment from \$10 to \$13 would result in an increase from \$192,000 to \$249,000.

**Mr. Bumstead** advised that he has been a member of SMCAS since 1990 and he believes in the ambulance service. The Mayor then closed the public hearing at 8:30 pm.

**Moore moved, seconded by McGuire, to support the SMCAS assessment levy increase. Roll call vote unanimous.**

City Manager Mike Hughes requested that the City Commission consider designating surplus Indiana Michigan Power Company Tax Tribunal Fund Reserve to the Farmer's Market Project for future project costs.

**Hagey moved, seconded by McGuire, to adopt Resolution 2005.05/14 for the designation of surplus Indiana & Michigan Power Company Tax Tribunal Fund Reserve for use in the Farmers' Market Project. Roll call vote unanimous.**

City Manager Hughes reported that there were no changes to proposed budget. At this time there were no questions on the budget as presented.

**King moved, seconded by Moore, to adopt Resolution 2005.05/15 for the adoption of the fiscal year 2005-2006 Budget as previously presented. Roll call vote unanimous.**

Information was contained within the information packets in reference to the SBC contract renewal. Commissioners reviewed the materials and proposed the following.

**Moore moved, seconded by McGuire, to adopt Resolution 2005.05/16 for the renewal of the SBC telephone contract. Roll call vote unanimous.**

Correspondence was received from Ann Sidmore of the Buchanan Senior Center in reference to obtaining permission to solicit funds at the corner of Front Street and Red Bud Trail on June 10 and June 11 on behalf of the TRIAD organization in an attempt to purchase equipment to help track persons who are lost or whom have wandered off.

**McGuire moved, seconded by Moore, to allow Project Life Saver to conduct a fundraiser at Front Street and Red Bud Trail contingent on liability issues being resolved with legal counsel. Roll call vote unanimous.**

Discussion ensued in reference to a request by the First Missionary Baptist Church for placement of a sign in the public right-of-way.

**Hagey moved, seconded by Scanlon, to deny the request by First Missionary Baptist Church for sign placement in the public right-of-way as presented by First Missionary Baptist Church. Roll call vote showed unanimous.**

### Reports continued

3 on 3 Basketball Tournament

### Old Business

Public Hearing  
Proposed SMCAS  
Assessment Levy  
Increase

### Resolution 14

Designation of  
Surplus Indiana  
Michigan Power  
Co. Tax Tribunal  
Reserve Funds

### Resolution 15

Adoption of the  
Fiscal Year 2005-  
2006 Budget

### New Business

Renewal of SBC  
Telephone Contract

Project Life Saver  
Request for  
Fundraiser

Request by First  
Missionary Church  
to place sign in road  
Right-of-Way

City Manager  
Hughes presented  
the figures for  
contracting with the

Berrien County Equalization Department for assessing services, specifically Mr. Gordon Schreiber. The contract for assessing services is for a term of three-years. The first year contracted amount would be \$30,000, the second year contracted amount would be \$32,400, and the final year contracted amount would be \$34,800. The 2004 – 2005 contracted amount was \$29,600

**McGuire moved, seconded by Moore, to accept the contract for assessing services from the Berrien County Equalization Department. Roll call vote showed unanimous.**

**Resolution 16**  
MDOT Fiscal Year  
2005-2006 Grant  
Application for  
Dial-A-Ride

The state grant application for Dial-A-Ride is applied for almost one year in advance. The grant provides financial assistance to the Buchanan Dial-A-Ride. Total operating budget for Buchanan Dial-A-Ride for FY 2005-2006 is \$131,011. In 2007, the Buchanan Dial-A-Ride will attempt to obtain new buses.

**Hagey moved, seconded by King, to adopt Resolution 2005.05/17 to accept the City's grant application for Dial-A-Ride for FY 2005-2006. Roll call vote showed unanimous.**

**City Manager's  
Comments**

**Hughes commented:**

- \* McCoy Creek Clean-Up was another successful event.
- \* Bill Marx was appointed as police chief.

**Commissioner's  
Comments**

**King commented:**

- \* Complemented Hughes for his diligence in the hiring process of the city police chief.
- \* Landfill Water Agreement - will provide a summary of this agreement at the next meeting.
- \* Thanks to Buchanan Garden Club, Brownie Group, Chuck Faulkenstein for McCoy Creek Clean-Up.
- \* Historic sign expo on May 28 @ Peers Mill

**Moore commented:**

- \* Looking forward to meeting the new police chief.

**McGuire commented:**

- \* Friends of the Cemetery needs help this weekend – 9 am.
- \* Nice weather for the parade.
- \* Thanks to all the volunteers for the McCoy Creek Clean-Up, especially the high school volunteers.
- \* Thanks to Cathy Ganus for filling in for Gladys.
- \* Flags downtown look nice.

**Hagey commented:**

- \* Received comments from people about the sprinkler system – flooding as opposed to dry.
- \* Creek and mill race cleanup. This year was fun. Mill Race few plastic bags and sticks. Dredging this year – late summer.

**Scanlon commented:**

- \* Scanlon welcomed the new chief Bill Marx.
- \* Thanks to Scott King for the hard work in organizing the creek clean up.

\* Thanks also to  
Dick and May  
Proud for  
feeding  
everyone after  
the clean-up

and keeping everyone motivated.

- \* Thanks to all the high school students who helped during the McCoy Creek Clean-up. Thanks especially to Katie & Joey Dreitzler.
- \* Wished everyone a safe weekend and invited everyone to come down to the parade.

**Adjournment**

*Hagey moved, seconded by King, to adjourn the meeting at 9:34 p.m. Voice vote carried.*

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**Cathy A. Ganus**  
**Buchanan Township Clerk**  
**For Gladys M. Bybee, CMC**  
**City Clerk**

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**Earl J. Scanlon III**  
**Mayor**

**CITY OF BUCHANAN COMMISSION MINUTES**  
**JUNE 13, 2005**

A regular meeting of the City Commission was held at City Hall, 302 N. Redbud Trail, Buchanan, Michigan Monday, June 13th 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, Patricia Moore, Earl Scanlon III

Commissioner absent: none

Staff present included City Manager Mike Hughes, Public Services Director Rick Smigielski, Acting Police Chief JT Adkerson, City Clerk Gladys Bybee

Guests/Visitors present were Tim Batton, CDC and 7 visitors.

**Stella Proud** announced that she was quite concerned about a semi truck parked at West Winds Apartments as it blocks the view of traffic when traveling west.

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

- Agenda
- Minutes: Regular Meeting May 23, 2005
- Checks 48041 to 48140 in the amount of \$144,197.15

**Russ Chadderton**, Friends of the Cemetery Spokesperson asked the Commission for permission to use the Oak Ridge Cemetery map in a book of about 100 pages of a history of burials. Chadderton distributed a sample page that would be included in the book. Hughes recognized and thanked Mr. and Mrs. Chadderton for their dedication to putting the directory together. **Moore moved, seconded by McGuire to give City Commission approval for the Friends of the Cemetery to use the Oak Ridge Map. Roll call vote unanimous.**

City Clerk Gladys Bybee reported on the board openings, previous May School Election costs, forthcoming new voting equipment and future grant submittal for ADA upgrades to Polling places (City Hall and Senior Center). Arranging the next meeting at the Common was confirmed.

Acting Chief Adkerson explained and demonstrated, by a power point presentation, a Digital Camera recorded stop by Officer Krause from the Police Department. He explained in detail. Commission and Adkerson shared discussion.

Hughes explained the Rental Rehabilitation grant funding Project and explained the amended Agreement (distributed this evening) with Mr. Jankoviak regarding the code violations at 101 E. Front Street (demolish or bring up to code). The new Agreement was reviewed and discussed. Commission was concerned about the safety of 101 E. Front Street and discussion was shared between Commission, City Manager and Tim Batton, CDC Executive Director (Third Party Administrator). Commissioner's agreed that the City would not allocate any grant funding until demolition or upgrade is complete. **Hagey moved to continue negotiations with Jankoviak, to stipulate that his funds be used to address the public safety concerns at the 101 address prior to any award of grant funding being made available. Roll call vote unanimous.**

**Call to Order**  
**Pledge/Invocation**

**Roll Call**

**Public Comments**

**Consent Calendar**

Agenda  
May 23 Minutes  
Checks

**Reports**

Friends of Oak  
Ridge Cemetery

City Clerk

Police Department  
Digital Camera

**Old Business**

Rental Rehab  
Project, 101, 103,  
105 E. Front Street

Hughes explained and summarized the proposed Agreement for Water Service with Bertrand Township, Buchanan Township and Niles Township. He noted the major changes from the previous draft and the favorable recommendation from the Joint Water and Sewer Board to approve the Agreement. *Moore moved, seconded by McGuire to approve the Agreement as presented and recommended. Roll call vote unanimous.*

Days Avenue Streetscape Project modification

Hughes explained the modification to the Days Avenue Streetscape Project in detail (regarding the placement of the fencing at the Common). He showed it on the design concept drawing of the Common area. *Scanlon moved, seconded by King to utilize the fence originally planned for the west side of the Common to replace the current damaged wood fence in the North Municipal Parking Lot. Roll call vote unanimous.*

New Business  
Departmental Budget Amendment & Bid Waiver-Police

Adkerson explained his report for a Budget Amendment (line item adjustment) to purchase a computer and software version upgrade for the Police Department Administrative Secretary. *McGuire moved, seconded by King to approve the departmental budget amendment to transfer \$1,500. from Maintenance Building to Maintenance Equipment as requested and approve the bid waiver to purchase the computer from Rubicon technologies in the amount of \$1,449.85. Roll call vote unanimous.*

Bid Waiver, Water Department Valve Exerciser

Smigielski explained the Valve Exerciser Program necessary (mandated by the DEQ) for the Water Department and requested a bid waiver in the amount of \$2,338.33 to purchase the valve exerciser from USA Bluebook. *King moved, seconded by Moore to approve the bid waiver to purchase the valve exerciser in the amount of \$2,338.33 as recommended. Roll call vote unanimous.*

Uniform Contract – Ziker Cleaners

Smigielski explained the proposed three year Uniform Contract from Ziker Cleaners and Uniform Rental. After brief discussion, *Scanlon moved, seconded by King to approve the three year contract with Ziker Cleaners as proposed and recommended. Roll call vote unanimous.*

Public Comments

Adkerson reported he and Officer Edgerle were working diligently to replace the antiquated light bar on the new police car at a cost of \$1,750. and \$350. to install. He explained that Wal-Mart had committed to \$500. and a \$50. gift card. He explained a Waffle & Pancake Breakfast to raise funds to purchase the new light bar. Discussion was shared between Adkerson and Commission.

Manager Comments  
Commissioner's Comments

City Manager Comments were heard by all.

Commissioners' Comments were heard by all.

Adjournment

*Hagey moved seconded by McGuire to adjourn the meeting at 9:47 p.m. Voice vote carried.*

\_\_\_\_\_  
Gladys M. Bybee, CMC-City Clerk

\_\_\_\_\_  
Earl J. Scanlon III, Mayor

Old Business continued  
Water Service Agreement

**CITY OF BUCHANAN COMMISSION MINUTES**  
**JUNE 27, 2005**

A regular meeting of the City Commission was held at City Hall, 302 N. Redbud Trail, Buchanan, Michigan Monday, June 27th and called to order by Mayor Scanlon at 8:00 p.m. The Pledge was recited by all in attendance. Reverend Jill Rassmussen-Baker, Buchanan First Presbyterian Church gave the Invocation. The Reverend announced her resignation to the church and thanked the Commission for their support of the Buchanan Area Ministerial Association.

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

Commissioner absent: none

Staff present included City Manager Mike Hughes, Treasurer Juli O'Bryant, Police Chief William Marx, City Clerk Gladys Bybee

Guests/Visitors present were Richard Wonacott, Plan Commission Chairman and Tom Gordon, Lions Club President and 11 visitors.

**Lyle Sumerix**, Representative from the American Legion commended DPW Foreman Willie Brown for his assistance providing information about existing water at the Veterans Memorial Park.

**Steve Hurd**, living on the corner of Short and Third Street reported that his apartment burned and he was dissatisfied with the manner that the Police Officer handled the situation. Mr. Hurd was referred to Police Chief Marx.

***King moved, seconded by McGuire to amend the Agenda by excluding the Resolution adopting the Berrien County Hazardous Mitigation Plan as all had not reviewed and the Buchanan Fest report from Alice Kring as she would not be in attendance. Roll call vote unanimous. Hagey moved, seconded by Moore to approve the Consent Calendar with the Agenda amendment. Roll call vote unanimous.***

- Agenda as amended
- Minutes: Regular Meeting June 13, 2005 and Special Meeting June 17, 2005
- Checks 48141 to 48216 in the amount of \$91,987.21
- Reappoint Alice Kring, Jeanne Arbanas, Shirley Roti-Roti, Karin Falkenstein to the Fine Arts Council for another four year term expiring in 2009
- Reappoint Richard Gault to the Plan Commission for another three year term expiring 2008
- Discharge of Mortgage recorded in Liber 2599 on page 1202
- Modification to Union Salary Table – Utility Billing Clerk
- Budget Amendment – End of Fiscal Year 2004-05

**Tom Gordon, Buchanan Lions Club President** reported on the Lions Club programs and projects. He apologized for his late arrival due to his commitment to the School Board Meeting. Discussion and greetings were shared.

**Richard Wonacott, Buchanan Plan Commission Chairman** reported that Bertrand Township invited Buchanan City to meet as both were in the process of updating their Master Plans. He announced the opening on the Commission and discussion was shared with City Commission.

Hughes introduced new **Police Chief Bill Marx** and gave a brief biography. Chief Marx reported on his first day of the job. Discussion was shared.

**Call to Order**

**Pledge/Invocation**

**Roll Call**

**Public Comments**

**Consent Calendar**

Agenda  
June 13 Minutes  
Checks  
Fine Arts Council  
Reappointments  
Plan Commission  
Reappointments  
Discharge of  
Mortgage  
Union Salary Table-  
Utility Billing Clerk  
2004-05 Budget  
Amendment

**Reports**

Buchanan Lions  
Club

Plan Commission

Introduce Police  
Chief Bill Marx

The Mayor announced the volunteer form from Commissioner McGuire to fill the vacant seat on the Joint Water and Sewer Board. **Moore moved, seconded by King to appoint McGuire to the Joint Water and Sewer Board. Roll call vote unanimous.**

Appointment to Joint Water and Sewer Board

**King moved, seconded by Moore to approve the Resolution as presented:**

**WHEREAS**, the City Commission of the City of Buchanan wishes to apply to the Secretary of State for a grant to purchase an optical scan voting system and related Election Management System (EMS) software to comply with the Help Americans Vote Act (HAVA); and

**WHEREAS**, the City Commission of the City of Buchanan has chosen to submit a grant application for a new optical scan voting system in 2005.

**NOW, THEREFORE, BE IT RESOLVED** that the Buchanan City Clerk is authorized to submit this grant application on behalf of Buchanan City, Berrien County on this 27th day of June, 2005.

**Roll call vote unanimous. RESOLUTION 2005.06/17 DECLARED ADOPTED this 27th day of June 2005.**

**New Business**  
Resolution  
2005.06.17, Clerk  
Authorization

Hughes explained that 8 bids were solicited to refurbish the 1989 Fire Pumper Truck along with a Bid Opening on June 9th. All reviewed the bid form and Hughes confirmed that refurbishing the truck would extend the life 15 more years. **King moved, seconded by Moore to award the bid to West Shore Fire in the amount of \$19,019. as presented, budgeted and recommended. Roll call vote unanimous.**

Bid Award, 1989  
Fire Pumper Truck  
Refurbishing

The Mayor announced Commissioners' received names and solicited interest to fill the Interim City Manager position. Hughes and Scanlon both reported they received interest from John Garmire regarding the process. **Scanlon moved, seconded by King to appoint Craig Sumerix as the Interim City Manager.** Sumerix distributed his resume to the Commission and said it would be an honor to serve in the position. The Mayor gave time for Commissioners to review and authorized Hughes to contact the City Attorney and develop an Interim City Manager Agreement between Sumerix and the City. **Roll call vote unanimous.** The Mayor requested that Hughes work with the Attorney to develop an Agreement with Sumerix.

Acting City Manager  
Appointment

**City Manager Comments were heard by all.**

**Manager**  
**Comments**  
**Commissioner's**  
**Comments**

**Commissioners' Comments were heard by all.** They officially thanked JT Adkerson for his volunteering as Acting Police Chief and welcomed Chief Marx.

**Adjournment**

**Hagey moved seconded by McGuire to adjourn the meeting at 8:53 p.m. Voice vote carried.**

\_\_\_\_\_  
Gladys M. Bybee, CMC-City Clerk

\_\_\_\_\_  
Earl J. Scanlon III, Mayor

**CITY OF BUCHANAN COMMISSION MINUTES**  
JULY 11, 2005

**Call to Order**

A regular meeting of the City Commission was held at City Hall, 302 N. Redbud Trail, Buchanan Michigan Monday, July 11, 2005 and called to order by Mayor Scanlon at 8:00 p.m.

**Pledge/Invocation**

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

**Resolution 2005.07/18, Commendation to JT Adkerson as Interim Police Chief**

Mayor Scanlon read the Resolution the commended JT Adkerson for a job well done during his time as Interim Police Chief. Adkerson thanked each commissioner and City Manager individually.

**Presentation from Oak Ridge Cemetery to Buchanan District Library**

Lyle Sumerix, a representative from The Friends of Oak Ridge Cemetery presented Judy Smith, Buchanan District Library Director with a copy of a book that has been compiled of everyone that is located in Oak Ridge Cemetery. Smith thanked The Friends of Oak Ridge Cemetery and was honored to have a copy of the book available at the library.

**Roll Call**

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

Commissioners absent: none

Staff included: City Manager Mike Hughes, Interim City Manager Craig Sumerix, Police Chief Bill Marx, Public Services Director Rick Smigielski, Sergeant JT Adkerson, Administrative Secretary Jennifer Harrington, City Assessor Gordon Schreiber

Guest/Visitors present were: Alice Kring, Chamber of Commerce President and Daryl Veldman, Wightman and Associates. 11 visitors.

**Public Comments**

**Rev. Tom Fox**, reported that he worked at Pears Mill over the weekend, and stated that in order for the mill to run, there needs to be more water. Fox was just inquiring on when or if the mill is still planning on being dredged.

## **Consent Calendar**

***King moved seconded by Moore to amend the Agenda to change the check total from \$50,838.04 to \$50,783.04. Roll call vote unanimous.***

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

- Agenda (as amended)
- Minutes for Regular Meeting June 27, 2005 and Special Meeting June 30, 2005
- Checks 48217 to 48275 in the amount of \$50,783.04
- Appointment of Nancy Hauch to Fine Arts Council expiring 2009
- Proclamation – September 16<sup>th</sup> as Stepfamily Day
- Authorized Signature Designation Form – MSHDA Grant MSC-2004-0388-MDC
- Authorized Signature Designation Form – MSHDA Grant MSC-2002-0388-HO
- Authorized Signature Designation Form – MSHDA Grant M-2001-0388-MDC
- Authorized Signature Designation Form – MEDC Downtown Streetscape
- Authorization Resolution from Chemical Shoreline Bank, Payroll

## **Reports**

**Alice Kring, Chamber of Commerce President**, reported on the upcoming events for Buchanan Fest and stated that my biggest change this year was the parade route. Discussion was shared with City Commission.

**Gordon Schreiber, City Assessor** reported the Assessing Department has been very busy and have accomplished a lot since his last report in February. Schreiber complied information that the Assessing Department is working on and distributed to the City Commission. Discussion was shared with City Commission.

## **Resolution 2005.06/19, Adopting the Berrien County Hazard Mitigation Plan**

***Moore moved seconded by McGuire to approve the resolution as presented:***

**WHEREAS**, the City Commission of the City of Buchanan, Michigan is aware of the damages, lives lost and costs associated with disasters and recognizes the need to plan for and mitigate disasters in Berrien County. Disasters in Berrien County have damaged commercial, residential, and public properties, displaced citizens and businesses, closed streets and bridges and presented general public health and safety concerns; and

**WHEREAS**, Berrien County in cooperation with each local unit has prepared a Hazard Mitigation Plan that outlines options to reduce overall damage and impact from hazards affecting Berrien County and its local units; and

**WHEREAS**, the Hazard Mitigation Plan has been made available to the general public, business owners and federal, state and local units; and

**NOW, THEREFORE, BE IT RESOLVED THAT**

1. The City of Buchanan, Michigan adopts the Berrien County Hazard Mitigation Plan as an official plan.
2. The City of Buchanan, Michigan will choose a representative to sit on the disaster committee and/or hazard mitigation sub-committee.
3. The City of Buchanan, Michigan will update its own plans and capital improvement schedules to include recommendations of the hazard mitigation plan when appropriate.
4. The City of Buchanan, Michigan will continue to provide information to the Berrien County Office of Emergency Management for future updates of the Hazard Mitigation Plan.

***Roll call vote unanimous. RESOLUTION 2005.07/19 DECLARED ADOPTED this 11<sup>th</sup> day of July 2005.***

**Farmer's Market Plan Approval and Authorization to Bid Project**

City Manager Mike Hughes stated that Daryl Veldman from Wightman and Associates was in attendance to explain the Farmer's Market Plan. Veldman explained the structure of the Farmer's Market. After discussion, ***Hagey moved seconded by Moore to approve the Marketing Plan and Authorization to bid the project. Roll Call vote unanimous.***

**Appoint Commissioner Liasion for City Manager Search**

***Scanlon moved seconded by McGuire to have Commissioner King be the Liasion with City of St. Joseph's City Manager Frank Walsh during the City Manager search. Roll Call vote unanimous.***

**Budget Amendment, General Fund, City Manager Budget**

City Manager Mike Hughes explained that this budget amendment is needed for cost associated with the City Manager's recruitment and relocation fees and open house. ***Moore moved seconded by Hagey to accept the budget amendment from General Fund for City Manager's recruitment and relocation fees and open house costs totaling \$4,000. Roll Call vote unanimous.***

**Budget Amendment, General Fund, Rental Property**

City Manager Mike Hughes explained that this budget amendment is requested for costs associated with stripping and waxing the Senior Center floor. ***Hagey moved seconded by King to accept the budget amendment from General Fund for stripping and waxing of the floors at the Senior Center totaling \$750. Roll Call vote unanimous.***

**Budget Amendment, General Fund, Fire Department Budget**

City Manager Mike Hughes explained that his budget amendment is needed to reserve budgeted funds to purchase an electric window conversion for the 2000 Dodge pick-up that will be installed in July 2005. ***King moved seconded by McGuire to accept the budget amendment from General Fund to purchase an electric window conversion for the 2000 Dodge pick-up totaling \$500. Roll Call vote unanimous.***

**Bid Waiver, Purchase Polaris Ranger**

Smigielski explained that this utility vehicle will be used for Park Maintenance to prepare the ball diamonds. ***King moved seconded by Moore to approve the bid waiver to purchase a Polaris Ranger in the amount of \$7,797.87. YEA: King, Hagey, Scanlon, Moore. NAY: McGuire. Vote passed by majority vote.***

**Public Comments**

**Rev. Tom Fox**, stated that he wished Mike Hughes best wishes for the future, and is impressed with all of the activities that are going on in the city.

**Chief Marx** reported that there was be vandalism through out the city. Suspects have been questioned, and to date 19 of the 23 cases have been solved.

**City Manager Comments**

**City Manager Comments were heard by all.**

**City Commissioners' Comments**

**Commissioners' Comments were heard by all.**

**Adjournment**

***King moved seconded by McGuire to adjourn the meeting at 9:30 p.m. Voice vote carried unanimously.***

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Jennifer Harrington, Admin. Secretary

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Earl J. Scanlon III, Mayor

CITY OF BUCHANAN COMMISSION MINUTES  
JULY 25, 2005

**Call to Order**

A regular meeting of the City Commission was held at City Hall, 302 N. Redbud Trail, Buchanan Michigan Monday, July 25, 2005 and called to order by Mayor Scanlon at 8:00 p.m.

**Pledge/Invocation**

The Pledge was recited by all in attendance. Reverend Chris Kruchkow, Faith United Methodist Church gave the Invocation.

**Presentation from Mary Jane Davis, Community Relations Manager from Niles Wal-Mart**

Davis presented 2 checks in the amount of \$500 each to the Buchanan Police Department and the Buchanan Senior Services. Chief Bill Mark received the check for the Police and Kathy Kingery received the check for Senior Services.

**Roll Call**

Commissioners present: David Hagey, Flora King, MarLon McGuire, Patricia Moore, Earl Scanlon III  
Commissioners absent: none  
Staff included: Fire Chief Warren Weaver, Police Chief Bill Marx, Public Services Director Rick Smigielski, Interim City Manager Craig Sumerix, Administrative Secretary Jennifer Harrington  
Guest/Visitors: Jack McClellan Common Committee, Michelle Klarich Chamber of Commerce Director. 13 visitors.

**Public Comments**

**Carl Smith**, living at 507 Berrien reported that his water was shut off due to non payment. He questioned the commission to see if there was something that they could do about waving the \$100 deposit fee. Mr. Smith was referred to speak with Interim City Manager Craig Sumerix regarding this matter.

**Consent Calendar**

***Moore moved seconded by King to amend the Agenda to change the check amount total from \$466,863.84 to \$466,983.84. Roll call vote unanimous. King moved seconded by McGuire to approve the Consent Calendar as amended. Roll call vote unanimous.***

- Agenda (as amended)
- Minutes for Regular meeting July 25, 2005
- Checks 48279 to 48381 in the amount of \$466,938.84
- Removal of Marlin Lowery from Plan Commission
- Bid Waiver to purchase new dump truck
- Road Closure Request – S. Oak St. for Trail Concert 8/7/05

- Road Closure Request – N. Oak St. for waterball contest 8/27/05
- Road Closure Request – Alley between Dewey and Front St. for waterball contest 8/27/05
- Road Closure Request – Days Ave. from Front to Roe plus parking for Buchanan Fest activities
- Road Closure Request – S. Oak St. from Front to Marble for Soap Box Derby and Buchanan Fest Activities
- No Parking Request – Front St. from Terre Coupe to Redbud for parade
- Road Closure Request - E. Third St. for construction/replacement of sidewalk
- Purchase request for used fire truck

### **Reports**

**Jack McClellan, Buchanan Common Committee member** reported on the concerts that have been going on at The Common. McClellan stated that attendance has been very high this year, and is please with the outcome.

**Michelle Klarich, Buchanan Chamber of Commerce Director** reported on the Stop, Lunch, and Listen program.

### **Request for sewer bill adjustment**

Smigielski reported that Buchanan Metal Forming is requesting an adjustment on their sewer bill. John Sawayda from Buchanan Metal Forming was on hand to answer any questions that the City Commission may have. Sawayda explained why Buchanan Metal Forming is requesting an adjustment for their sewer bill.

After discussion, ***Hagey moved, seconded by Moore to take readings of the water bill for the next 2 months and strike an average for a 4 month period without penalty for the sewer portion of the bill and Buchanan Metal Forming will pay the water portion of the bill monthly. YEA: King, Hagey, Moore, McGuire. NAY: Scanlon. Vote passed by majority vote.***

### **Presentation from Ryan Hollingshead, Boy Scout Troop 541**

Hollingshead stated that he is required to do a service project in order to become an eagle scout. His project that he is going to endure is painting address numbers on the curb. A list of people interested in having this done is being compiled at the Senior Center and he hopes to have this done by October. No motion needed, discussion only.

### **Southwest Michigan Regional Airport Resolution**

Scanlon stated that he received a letter in the mail from the Southwest Michigan Regional Airport regarding a 0.25 millage to become a member of the Southwest Michigan Regional Airport Authority. After brief discussion, ***King moved seconded by McGuire to deny the request from the Southwest Michigan Regional Airport.***

**Request for Re-Zoning at 407 S. Oak**

Sumerix stated that this issue was taking to the Plan Commission, and the Plan Commission has recommended to the City Commission that the rezoning request to go from Industrial to R-1 is not recommended by the Plan Commission and the rezoning would be incompatible with the surrounding land uses and intent of the building. ***Hagey moved seconded by Moore to support the Plan Commission and deny the request for rezoning. Roll Call vote unanimous.***

**Request for lot split – 102 & 104 Arctic Street**

***Hagey moved seconded by McGuire to accept the Plan Commission’s recommendation for lot split at 102 & 104 Arctic Street. Roll Call vote unanimous.***

**Water Service Request**

Smigielski reported that a resident in Niles Township (1331 Ryneerson Rd.) has requested to be connected to City water. After discussion, ***Hagey moved seconded by Moore to accept the request pending the approval from Niles Township and Buchanan Township. Roll Call vote unanimous.***

**Closed Session**

***Hagey moved seconded by King to go into closed session at 9:08 p.m. to discuss pending litigations. Roll Call vote unanimous.***

The Mayor reconvened the meeting with no decisions made in closed session at 9:18 p.m.

**Public Comments**

**Michelle Klarich**, reminded everyone of the Blood Drive on July 27, 2005 at the American Legion from 12:00 p.m. – 6:00 p.m.

**City Manager Comments**

**City Manager Comments were heard by all.**

**City Commissioners’ Comments**

**Commissioners’ Comments were heard by all.**

**Adjournment**

***Hagey moved seconded by McGuire to adjourn the meeting at 9:27 p.m. Voice vote carried unanimously.***

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Jennifer Harrington, Admin. Secretary

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Earl J. Scanlon III, Mayor

**CITY OF BUCHANAN COMMISSION MINUTES**  
**AUGUST 8, 2005**

A regular meeting of the City Commission was held at City Hall, 302 N. Redbud Trail, Buchanan, Michigan Monday, August 8th and called to order by Mayor Scanlon at 8:01 p.m. The Pledge was recited by all in attendance. Reverend Christopher Kruckow, Buchanan Faith United Methodist Church gave the Invocation.

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

Commissioner absent: none

Staff present included Interim City Manager Craig Sumerix, Public Services Director Rick Smigielski, Police Chief Bill Marx, City Clerk Gladys Bybee

Guests/Visitors present were 10.

***Hagey moved, seconded by McGuire to amend the Agenda to include the Building Inspection Permit Fee Waiver Request from the Buchanan Art Center under the Consent Calendar.***

***Roll call vote unanimous. Moore moved, seconded by King to approve the Consent Calendar with the Agenda amendment. Roll call vote unanimous.***

- Agenda as amended
- Minutes: Regular Meeting July 25, 2005
- Checks 48382 to 48484 in the amount of \$546,792.80
- Resolution for designation of Street Administrator
- Appoint Mary Blochberger to be cross-seated on the DDA, Downtown & Andrews TIFA
- Building Inspection Permit Fee Waiver from Buchanan Art Center

Sumerix reported that the Farmers' Market budget was \$170,000 with the lowest bid of \$190,000. and the permit from DEQ had been delayed due to the area being in the 100 year flood plain. He recommended the bid award decision be tabled until the 22<sup>nd</sup> meeting due to the two issues. There was discussion between Commission and Sumerix with the Commission request to invite Daryl Veldman to the next meeting. ***King moved, seconded by Moore to table the bid award, pending further information, until the next City Commission meeting on August 22<sup>nd</sup>. Roll call vote unanimous.***

After brief discussion from Sumerix, ***Hagey moved, seconded by King to call a Public Hearing for August 22, 2005 at 8:00 p.m. to inform the public of the results of the Downtown Revitalization Project (a.k.a. Downtown Streetscape), CDBG Loan, MSC 202023-EDIG. Roll call vote unanimous.***

Dick Proud distributed the plan request from the Trail Committee and explained the meeting at the spillway along McCoy's Creek that occurred earlier in the day. He announced that Selge Construction had volunteered to repair the spillway (estimated \$20,000), Joe Sarratore donated \$10,000. toward the Project and Bosch Industries would be constructing the observation deck. A rendering was presented for review and Proud requested support from the Commission to commit funds to put down asphalt. He explained in detail the direction of the path to install asphalt. The Commission confirmed that permits were obtained for the observation deck project and discussion was shared between Sumerix, Smigielski, Proud and Commission. The Commission directed the City Manager to work with Weaver and Smigielski to work on the paving on City owned property from the Common to Smith Street. Sumerix reported that he contacted the Attorney to encourage Ingersoll Rand/Horizon Environmental to expedite completion of their portion of the project. Lloyd Miller conveyed the multitude of support for continuing the construction of the trail.

**Call to Order**  
**Pledge/Invocation**

**Roll Call**

**Consent Calendar**

Agenda

July 25 Minutes

Checks

Street Administrator Designation

Appointment to the DDA/TIFA's Permit Fee Waiver for the Buchanan Art Center

**Old Business**

Farmers' Market Bid Award-Tabled

Call Public Hearing-CDBG Loan, MSC-202023-EDIG

**New Business**

Request to fund asphalt paving of the McCoy's Creek Trail

Smigielski reported the

unsightly/damaged condition of the bus stop shelter on Oak Street near the Senior Center. Usage and need of the bus stop was discussed. ***Hagey moved seconded by King to approve the bid waiver to repair the senior center bus stop shelter in the amount of \$1,300. utilizing Dial-A-Ride funding. Roll call vote unanimous.***

Bid Waiver, Bus Stop Shelter Repair

Smigielski explained the need to remove the large dead tree in the tree lawn that could not be done by City crews. ***Moore moved seconded by McGuire to approve the Bid Waiver to remove a dead tree at 406 N. Main St. at a cost of \$1,500. Roll call vote unanimous.***

Bid Waiver, Large Dead Tree Removal

***Scanlon moved, seconded by Hagey to designate the City Manager as the Voting Delegate for the City at the Michigan Municipal League (MML) Conference in Grand Rapids. Roll call vote unanimous.***

Voting Delegate for MML

Sumerix explained the information request for funds (\$200.) from Varnum, Riddering Law Firm concerning legislation that would impose new burdens on Municipal Water Systems. ***Moore moved, seconded by King to decline the offer to participate in the comments to the DEQ to create new water withdrawal regulations. Roll call vote unanimous.***

Water Withdrawal Regulations  
Comments-Declined

### Public Comments

Mary Lister thanked the Commission for support and reported the Art Center scheduled to complete phase 1 construction and open in time for Buchanan Fest (August 26).

Manager  
Comments  
Commissioner's  
Comments

**City Manager Comments were heard by all.**

**Commissioners' Comments were heard by all.**

***Hagey moved, seconded by McGuire to go into Closed Session to review Closed Session Minutes at 9:28 p.m. Roll call vote unanimous***

The Mayor reconvened the meeting with no decisions made in closed session at 9:31 p.m.

CLOSED SESSION  
Review Minutes

***Hagey moved, seconded by McGuire to approve Closed Session Minutes regarding pending litigation from July 25, 2005 as reviewed in Closed Session. Roll call vote unanimous.***

Closed Session  
Minutes-July 25,  
2005

Adjournment

***Hagey moved, seconded by McGuire to adjourn the meeting at 9:31 p.m. Voice vote carried.***

\_\_\_\_\_  
Gladys M. Bybee, CMC-City Clerk

\_\_\_\_\_  
Earl J. Scanlon III, Mayor

**New Business continued**

**CITY OF BUCHANAN COMMISSION MINUTES**  
AUGUST 22, 2005

A regular meeting of the City Commission was held at City Hall, 302 N. Redbud Trail, Buchanan, Michigan Monday, August 22nd and called to order by Mayor Scanlon at 8:01 p.m.

The Pledge was recited by all in attendance. Reverend Brenda Gordon, Hinchman and Oronoko United Methodist Church gave the Invocation.

Mayor Scanlon presented the Citizen Appreciation Recognition Award to resident Doris Canfield and Interim City Manager Craig Sumerix announced her biography.

Commissioners present: Flora King, MarLon McGuire, Patricia Moore, Earl Scanlon III

Commissioner absent: David Hagey

Staff present included Interim City Manager Craig Sumerix and City Clerk Gladys Bybee

Guests/Visitors present were Daryl Veldman from Wightman & Associates and 9 visitors.

Reverend David Mitchell from Faith Victory Fellowship introduced Member Ed Dougherty. Mr. Dougherty announced a Community Awareness on September 10<sup>th</sup> educating the public about how to protect your children from pornography.

Lyle Sumerix reported the response from the Legion Blood Drive for Kyle Zelmer and announced that six regularly scheduled Blood Drives per year would be sponsored by local agencies within the City.

***Moore moved, seconded by McGuire to amend the Agenda to include Item C., City Manager Search Timetable under New Business. Roll call vote unanimous. King moved, seconded by Moore to approve the Consent Calendar with the Agenda amendment. Roll call vote unanimous.***

- Agenda as amended
- Minutes: Regular Meeting August 8, 2005
- Checks 48485 to 48598 in the amount of \$2,991,155.08

Moose Lodge Governor Joe Scanlon announced the Moose had received the award for Number One for Organization Involvement and reported other programs sponsored by the organization.

The Mayor opened the Public Hearing at 8:29 p.m. to inform the public of the results of the Downtown Revitalization Project, CDBG Loan, MSC 202023-EDIG. Sumerix announced the grant through MEDC and explained the creation of 45 new jobs, 23 ½ meeting the requirement of low to moderate income levels that surpassed the original requirement. No comments were heard. The Mayor closed the public hearing at 8:32 p.m.

**Call to Order**  
**Pledge/Invocation**

Citizen  
Appreciation  
Recognition Award

**Roll Call**

**Public Comments**

**Consent Calendar**

Agenda  
August 8 Minutes  
Checks

**Reports**

**Old Business**

Public Hearing-  
CDBG Loan,  
MSC-202023-  
EDIG

After brief  
explanation from

**Sumerix, *Moore moved seconded by King to approve the resolution as presented.***  
**RESOLUTION TO DESIGNATE SURPLUS GENERAL FUND BALANCE AND APPROVING PROJECT EXPENDITURES FROM DESIGNATED GENERAL FUND BALANCE FOR THE FARMERS' MARKET**

Resolution  
2005.08/20,  
Designating  
General Fund  
Balance for the  
Farmers' Market

**WHEREAS,** The City has Designated Funds remaining from the Common Area Improvement Projects of \$88,913.61 and \$13,378.54 from the McCoy Creek/ North Days Project due to costs being completed under budget,

**WHEREAS,** Surplus General Fund Balance in the amount of \$102,292.15 will be classified as "Designated Reserve Fund Balance" for future projects: and

**WHEREAS,** the City Commission approves these monies to be transferred to the Farmers' Market Fund #225: and

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

1. The City Treasurer may designate surplus funds from the completed Common Area Improvements & McCoy Creek / North Days project in the amount of \$102,292.15.
2. The City Treasurer may transfer this money to the Farmers' Market Fund #225 and expend funds for future costs associated with this project.

**Roll call vote unanimous. RESOLUTION 2005.8/20 ADOPTED** this 22<sup>nd</sup> day of August 2005.

Budget  
Amendment for  
Farmers' Market

After review of documentation provided by the Treasurer, ***Moore moved, seconded by McGuire to approve the Budget Amendment for Fiscal year 2005-2006 in the amount of \$135,000., Transfer of designated general fund balance to the Farmers' Market Fund #225 per budget page 20 and 104. Roll call vote unanimous.***

Sumerix explained the calculations/financials to construct the Farmers' Market. After brief discussion and questions with Veldman, ***King moved seconded by Moore to approve the Bid Award for construction of the Farmers' Market to Fiskars Construction in the amount of \$190,000. contingent upon receipt of the permit from the DEQ. Roll call vote unanimous.***

Farmers' Market  
Bid Award  
contingent on DEQ  
permit

After brief explanation from Sumerix, ***King moved seconded by McGuire to approve the Bid Waiver for Pest Control for City Buildings from Rose Pest Solutions as quoted and recommended. Roll call vote unanimous.***

New Business  
Bid Waiver, Pest  
Control for City  
Buildings

Judy Phillips, Executive Director from Buchanan Dial-A-Ride explained the additional funds offered from the State. ***Moore moved seconded by McGuire to approve Resolution 2005.8/21, Accepting Additional Financial Assistance Section 5311 Dial-A-Ride FY 2004-2005 as presented.***

Resolution  
2005.08/21,  
Accepting  
Additional  
Financial  
Assistance for  
Dial-A-Ride

**A RESOLUTION ACCEPTING ADDITIONAL FINANCIAL ASSISTANCE SECTION 5311 DIAL-A-RIDE FY 2004/2005**

**Whereas,** the State of Michigan Department of Transportation (MDOT) has offered the City of Buchanan Dial-A-Ride public transportation system 5311 operating monies equal to 12.4 percent of audited costs for FY2005; and

**Whereas,** the MDOT Agreement No. 2002-0022/Z4/r1, Project No. 825220 will provide 12.4 percent of eligible audited operating costs, not to exceed \$14,727.

**NOW THEREFORE, BE IT RESOLVED:** that the City of Buchanan does hereby make its intentions known to accept this MDOT Agreement No. 2002-0022/Z4, Project No. 825220 Section 5311 federal increased operating assistance for FY2005.

**BE IT FURTHER RESOLVED,** that 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/Z4/R1, Project No. 825220 for the Commission for 2005 Section 5311 Federal operating assistance.

**Roll call vote  
unanimous.  
RESOLUTION  
2005.8/21**

**Old Business continued**

**ADOPTED** this 22<sup>nd</sup> day of August 2005.

King announced the City Manager Search timetable was delayed due to the advertising not coming out in the International City Manager Association magazine until August 31st. She explained her discussion with Frank Walsh to delay and extend the process two more weeks. All discussed the estimated 22 applications received to date and extending the process until September 9. *Moore moved seconded by McGuire to maintain the original timetable as proposed by the letter from Walsh dated June 30<sup>th</sup>, with the application deadline of August 19<sup>th</sup>. Roll call vote unanimous.*

City Manager  
Search Timetable

Manager  
Comments

**City Manager Comments:**

- Cemetery Policy Press Release regarding flowers/decorations
- One week delay for the spillway removal on McCoy's Creek and observation deck construction delayed until October 1

Commissioner's  
Comments

**Commissioners' Comments were heard by all.**

Adjournment

*King moved, seconded by McGuire to adjourn the meeting at 9:13 p.m. Voice vote carried.*

\_\_\_\_\_  
Gladys M. Bybee, CMC-City Clerk

\_\_\_\_\_  
Earl J. Scanlon III, Mayor

**New Business continued**

# CITY OF BUCHANAN COMMISSION MINUTES

SEPTEMBER 12, 2005

A regular meeting of the City Commission was held at City Hall, 302 N. Redbud Trail, Buchanan, Michigan 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.

Interim City Manager Craig Sumerix read the biography of Tom and Lois Burks while the Mayor presented them with the Citizen Appreciation Recognition Award.

Jeanne Arbanas presented the Redbud Challenge Award of \$320 to Darlene Clevenger on behalf of the Fine Arts Council and Alice Kring presented a Chamber of Commerce donation of \$250 to Sheila Dailey on behalf of Friends of McCoy's Creek Trail for their assistance with the Challenge.

Commissioners present: Flora King, MarLon McGuire, Patricia Moore, Earl Scanlon III  
Commissioner absent: David Hagey  
Staff present included Interim City Manager Craig Sumerix, Public Services Director Rick Smigielski, Police Chief Bill Marx, DDA Director Michelle Klarich, and City Clerk Gladys Bybee  
Guests/Visitors present were Chamber of Commerce Representatives Alice Kring and Jeanne Arbanas along with 26 visitors.

**Reverend Fox** reported on the Patriot's Day Observance held on Sunday September 11, 2005 at the Buchanan Common. He invited agencies and organization to participate in the 2006 Patriots Day Observance at the Common on 9-11 at 7:00 p.m.

**Klarich** thanked all in the City for volunteering for Buchanan Fest, urged golfers to participate in the Chamber Golf Tournament and welcomed help.

**Lee Rehmel** Owner of the Lawn and Garden Center, S. Redbud Trl. explained the First Annual Scarecrow Contest and urged support and involvement from the Commission, Community, Businesses, Youth, and Family.

**King moved, seconded by Moore to amend the Agenda to include Item F., Subordination Agreement under New Business. Roll call vote unanimous. Moore moved, seconded by McGuire to approve the Consent Calendar with the Agenda amendment. Roll call vote unanimous.**

- Agenda as amended
- Minutes: Regular Meeting August 22, 2005, Special Meeting August 28, 2005, Special Meeting August 29, 2005, Special Meeting September 7, 2005, Special Meeting September 8, 2005
- Checks 48599 to 48717 in the amount of \$267,647.22
- Building Permit Fee Waiver Request (\$54.00), Pears Mill Handicap Accessible Entrance
- Street Closure Request, Smith Street from Phelps to W. Chicago on 9-24-05 from 6-10 p.m. for Buchanan High School Marching Band Invitational

**Alice Kring**, Chamber of Commerce President reported on all events from Buchanan Fest with record number of attendance to all events. She explained in detail and

## Call to Order Pledge/Invocation

Citizen  
Appreciation  
Recognition Award

## Roll Call

## Public Comments

## Consent Calendar

Agenda  
August 22 Minutes  
Checks  
Building Permit  
Fee Waiver  
Smith Street  
Closure

## Reports Buchanan Fest

requested support  
from the

Commission to utilize City Staff in future years (Buchanan Fest 8-26-06). The Mayor requested that the item be placed on the next Agenda.

Buchanan Fest

**Police Chief Marx** announced the new service that the City would be participating in called "A Child is Missing Program" (ACIM). He explained that Buchanan was the third unit in Berrien County that was notified of award on 9-2-05. Discussion was shared between Chief and Commission.

"A Child is Missing" Program

**King moved, seconded by Moore to change the name and dates on the proposed City Manager Employment Agreement as submitted and forward to Attorney Hyrns to offer and negotiate with Meg Mullendore. Roll call vote unanimous.** The Mayor introduced Mullendore from within the audience.

**Old Business**

City Manager Employment Agreement Proposal

DDA Director Michelle Klarich reported on the past few months working with Perry Ballard on the Branding & Logo Design to replace "A Fine Place to Live" (not the designation as the Redbud City with the redbud tree). Renderings of the new logo design were presented to the Commission for their review and agreement to adopt the branding and logo design. **Scanlon moved, seconded by McGuire to accept rendering B with the tweaking as recommended by the Chamber and DDA. Roll call vote unanimous.**

Branding & Logo Design

The Commission shared discussion with Chief Marx, Klarich, Lloyd Miller and audience regarding Trick-or-Treat date/time. **Moore moved, seconded by McGuire to observe Trick-or-Treat on Saturday 10-29-05 from 4:30 to 6:30 p.m. due to other holiday events occurring in the community for the youth on that day. Roll call vote unanimous.**

**New Business**

Trick-or-Treat

Sumerix reported on the Berrien County Resolution of Support to work corporately with Berrien County Treasurer to collect personal property taxes within the City of Buchanan. **King moved seconded by Moore to approve the Resolution as presented. WHEREAS**, there currently are uncollected personal property taxes in Berrien County, in the approximate amount of \$2,700,000; and **WHEREAS**, the Berrien County Treasurer has expressed his willingness and desire to work with all local units of government in Berrien County to ensure timely and complete collection of unpaid personal property taxes; and **WHEREAS**, the collection of unpaid personal property taxes will serve the best interests of the citizens of Berrien County by enabling the effected governmental units to maintain necessary funding for governmental operations. **NOW, THEREFORE, BE IT HEREBY RESOLVED** that the City of Buchanan through its elected board, expresses its willingness and desire to work cooperatively with the Berrien County Treasurer and his staff towards the collection of delinquent personal property taxes within City of Buchanan.

Resolution 2005.09/22, Support to Berrien County to collect delinquent taxes

**Roll call vote unanimous. RESOLUTION 2005.9/22 ADOPTED.**

Smigielski explained the request for a Bid Waiver for Ice Melt. After confirmation of funds available, **Moore moved seconded by McGuire to approve the Bid Waiver for Ice Melt. Roll call vote unanimous.**

Bid Waiver, Ice Melt

After explanation/discussion/questions with Sponsor, Jeanne Arbanas, **King moved seconded by McGuire to approve the Front Street Closure from Main to Days for Fall Kid Fest on Saturday 9-24-05 from 10:30 a.m. to 3:00 p.m. Roll call vote unanimous.**

Front Street Closure

**Reports cont...**

Sumerix briefly announced the

Teen Center Proposal and introduced Pastor James Robinson whom proposed to reestablish the Teen Center with the partnership of the City. Robinson explained his vision for the "Youth Center". The Commission announced their concerns for the dire need of repair to the building. Bill Frank announced his expertise in fundraising. JT Williams explained the needed building repairs in detail. The Mayor explained the City does not have funding to keep the center open nor could not get volunteers to keep the doors open. The Commission recommended them to submit a complete detailed proposal with costs to the City Manager. Questions were shared between the gentlemen and members of the Commission. Williams introduced and welcomed Daryl Johnson and family who have relocated in Buchanan from Louisiana. All shared greetings.

Mortgage  
Subordination

After brief explanation from the city clerk, *Moore moved seconded by King to approve the Mortgage Subordination for 217/219 E. Front St. as presented. Roll call vote unanimous.*

**Public Comments**

Dick Proud hoped for support of their huge fundraiser, Dinner Dance and Silent Auction for McCoy's Creek Trail.

**Closed Session**  
Aug. 28, 2005  
Closed Session  
Minutes

*King moved, seconded by Moore to go into Closed Session to review Closed Session Minutes at 10:09 p.m. Roll call vote unanimous.* The Mayor reconvened the meeting with no decisions made in closed session at 10:13 p.m. *King moved, seconded by McGuire to approve Closed Session Minutes regarding review of City Manager Employment Applications from August 28, 2005 as reviewed in Closed Session. Roll call vote unanimous.*

**Manager  
Comments**

**City Manager Comments:**

- Upcoming event dates & times
- Encourage Commission support of the small events

**Commissioner's  
Comments**

**All Commissioners' were appreciative of Sumerix and welcomed Mullendore.**

**Moore:**

- Spoke positively of the momentum/enthusiasm from members of the community

**King:**

- Commended the Trail Committee on the newspaper article

**McGuire:**

- Remember Tenacious, Enthusiasm, and persistence

**Scanlon:**

- Commended all who participated with Buchanan Fest
- Excited about the fish ladder along McCoy's Creek

**Adjournment**

*King moved, seconded by McGuire to adjourn the meeting at 10:15 p.m. Voice vote carried.*

\_\_\_\_\_  
Gladys M. Bybee, CMC-City Clerk

\_\_\_\_\_  
Earl J. Scanlon III, Mayor

**New Business continued**

Teen Center Proposal

**CITY OF BUCHANAN COMMISSION MEETING**  
SEPTEMBER 26, 2005

**Call to Order/Pledge/Invocation**

A regular meeting of the City Commission was held at City Hall, 302 N. Redbud Trail, Buchanan, Michigan and called to order by Mayor Scanlon at 8:00 p.m. The Pledge was recited by all in attendance. Reverend Sean Kidd, Buchanan Church of Christ gave the Invocation.

**Citizen Appreciation Recognition Award**

Interim City Manager Craig Sumerix read the biography of Cheri Aalfs while the Mayor presented her with the Citizen Appreciation Recognition Award.

Mayor Scanlon introduced and welcomed new City Manager Meg Mullendore.

**Roll Call**

**Commissioners present:** David Hagey, Flora King, MarLon McGuire, Patricia Moore, Earl Scanlon III

**Commissioner absent:** None

Staff present included Interim City Manager Craig Sumerix, Public Services Director Rick Smigielski, Police Chief Bill Marx, DDA Director Michelle Klarich, and Administrative Secretary Jennifer Harrington

Guests/Visitors: 7 visitors and 2 members of the press.

**Public Comments**

**Stella Proud** inquired about the “upkeep” of the property located on the corner Moccasin and Front Street.

**Jeanne Arbanas** reported on the outcome of Kid Fest. Arbanas noted that for the first Kid Fest it was a wonderful turn out with about 75 kids showing up. She stated that she would like for this to become an annual event.

**Consent Calendar**

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

- Agenda
- Minutes – Regular Meeting September 12, 2005, Special Meeting September 21, 2005
- Checks 48719 to 48789 in the amount of \$300,047.28
- Designate August 25-27, 2006 for Buchanan Fest 2006

**Reports**

**Sally Klute**, Senior Nutrition was unable to attend meeting and has asked to be placed on the October 10<sup>th</sup> meeting agenda.

**Michelle Klarich**, DDA Director reported in detail all of the events/projects that the DDA is and have been involved with since the last report to the City Commission a year ago.

### **Logo Design**

DDA Director Michelle Klarich thanked the press for the great publicity that the newspapers have given the city regarding the logo change. Klarich showed the Commission the original logo and then the 2 tweaked copies. After discussion shared between Klarich and the Commission a logo was picked. The Mayor stated that the final vote on the logo design will be placed on the next City Commission agenda, October 10<sup>th</sup>. No motion needed, discussion only.

### **Approval of City Manager Contract**

***Moore moved, seconded by McGuire to approve the City Manager's contract as presented. Roll call vote unanimous.*** Congratulations were shared between Commissioners and Mullendore.

### **Department request to increase number of firefighters**

Sumerix stated that Chief Weaver is requesting that the City increase the number of firefighters from 21 to 23. ***Hagey moved, seconded by Moore to increase the number of firefighters for the Buchanan City Fire Department from 21 to 23 per Chief Weaver's request with the understanding that it is in the City Commissions responsibility. Roll call vote unanimous.***

### **Funding of new mower motor from Perpetual Care Fund**

Smigielski stated that this item has already been approved from the Commission, but the reason it is being brought back to the Commission is to have the money taken out of the Perpetual Care Fund instead of Annual Budget. After brief discussion, ***King moved, seconded by Hagey to have the funds come from Perpetual Care Fund. Roll call vote unanimous.***

### **Bid Waiver for purchase of radios for Crossing Guards**

Chief Marx discussed the reasoning for requesting new radios for the Crossing Guards. Marx also noted that the radios could also be used for events/activities that occur in the City. After discussion between Chief Marx and the Commission, ***Moore moved, seconded by McGuire to approve the bid waiver for the purchase of the radios for Crossing Guards. Roll call vote unanimous.***

### **Budget Amendment for radio purchase**

***Moore moved, seconded by McGuire to approve the Budget Amendment in the amount of \$3,025.00 for the purchase of radios for Crossing Guards. Roll call vote unanimous.***

### **Public Comments**

**Stella Proud** thanked Chief Marx for helping her, and welcomed new City Manager Meg Mullendore.

**City Manager's Comments**

City Manager Comments were heard by all.

**City Commissioners' Comments**

City Commissioners' Comments were heard by all.

**Adjournment**

***King moved, seconded by Hagey to adjourn the meeting at 9:35 p.m. Voice vote carried.***

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Jennifer Harrington, Admin. Secretary

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Earl J. Scanlon III, Mayor

# CITY OF BUCHANAN COMMISSION MINUTES

OCTOBER 10, 2005

A regular meeting of the City Commission was held at City Hall, 302 N. Redbud Trail, Buchanan, Michigan and called to order by Mayor Pro Tem Hagey at 8:00 p.m. The Pledge was recited by all in attendance. Reverend Tom Fox, Portage Prairie United Methodist Church gave the Invocation.

Mayor Pro Tem Hagey read the biography of Roma Holmes, and then presented her with the Citizen Appreciation Recognition Award. The Commission acknowledged Craig Sumerix for his commitment as Interim City Manager with Resolution 2005.10/23.

Commissioners present: David Hagey, Flora King, MarLon McGuire, Patricia Moore  
Commissioner absent: Earl Scanlon III  
Staff present included City Manager Meg Mullendore, Public Services Director Rick Smigielski, DDA Director Michelle Klarich, and City Clerk Gladys Bybee  
Guests/Visitors present were Senior Nutrition Director Sally Klute and Recreation Director Wayne Writer along with 14 visitors.

**Stella Proud** noted street light outages downtown.

**Jeanne Arbanas** announced the 3<sup>rd</sup> annual cystic fibrosis fun run/walk and distributed brochures.

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

- Agenda
- Minutes from Regular Meeting September 26, 2005
- Checks 48790 to 488891 in the amount of \$104,251.54
- Corporate Resolution from Chemical Shoreline Bank, Payroll Account
- Authorized Signature Designation Form for MSHDA Grant MSC-2004-0388-MDC
- Authorized Signature Designation Form for MSHDA Grant MSC-2002-0388-HO
- Authorized Signature Designation Form for MSHDA Grant M-2001-0388-MDC
- Authorized Signature Designation Form for MEDC Downtown Streetscape
- Resolution for Designation of Street Administrator (City Manager)
- Street Closure Request, Front Street for the Halloween Parade sponsored by the Masons

**Sally Klute**, Senior Nutrition Director presented a nutritional meal for homebound seniors when hot meals cannot be delivered during inclement weather (when Buchanan Schools are closed). She distributed calculations of meals provided to Buchanan through Senior Nutrition. Discussion was shared with Commission.

**Wayne Writer** Recreation Board Director distributed a packet with directory of members and park assignments. He explained summer brochure, Kidkare Program, 5 Year Plan, supervised playground (7 wks) and the survey results received to date. Discussion was shared with Commission. Reverend Fox reported a Teen Center proposal would be brought forward at the first meeting in November (Teen Center under Recreation Board in past). Commission requested Men's Softball League report.

## Call to Order Pledge/Invocation

Citizen  
Appreciation  
Recognition Award

## Roll Call

## Public Comments

## Consent Calendar

Agenda

Sept. 26 Minutes  
Checks

MSHDA & MEDC  
Authorized  
Signature Forms  
StreetAdmin.  
Front Street  
Closure

## Reports

Senior Nutrition

Buchanan Area  
Recreation Board

Michelle Klarich  
presented the

Commission with renderings of the Branding & Logo Design as recommended by the DDA. She pointed out the DDA recommendation and comments were shared. **Moore moved, seconded by McGuire to approve rendering C. and move forward with the project. Roll call vote carried unanimous.**

**Moore moved seconded by McGuire to approve renewal of Senior Nutrition Agreement as presented. Roll call vote carried unanimous.**

Smigielski reported and explained the need for the bid waiver to rebuild the WWTP front end loader engine. After shared discussion with Commission, **Moore moved seconded by King to approve the bid waiver and purchase the rebuilding of the engine not to exceed \$12,000. Roll call vote carried unanimous.**

Smigielski reported and explained five (5) letters with two (2) responses for quotes on the asphalt and miscellaneous concrete work as listed. Discussion shared and Smigielski explained that he considered getting concrete work done at a later date with the possibility of doing the work in house. He announced the Federal dollars for the Front Street Project and recommended using the funds from sidewalk appropriations to complete the asphalt work with Arndt Asphalt. **McGuire moved seconded by Moore to approve bid waiver for the 2005 asphalt work from Arndt as recommended. Roll call vote carried unanimous.**

**King moved seconded by Moore to call a Public Hearing for November 14, 2005 at 8:00 p.m. for the purpose of considering Buchanan Metal Forming of 103 West Smith Street, Buchanan, Michigan application granting an Industrial Facilities Exemption Certificate for 103 West Smith Street, pursuant to Act No. 198, Public Acts of 1974, as amended. At such a public hearing, the property owner, the assessor, the affected taxing units, and any other taxpayer of the City of Buchanan shall have the opportunity to appear and be heard.** Sharon Tyler explained Industrial Facilities Exemption Certificate from Buchanan Metal Forming with Representatives of the Company attending the November 14<sup>th</sup> meeting.

Smigielski reported and explained the request for bid waiver to purchase a pickup truck with plow for the Cemetery Dept. as reviewed in the 2005-2006 budget. **Moore moved seconded by King to approve the bid waiver to purchase the 2006 Dodge Ram pickup for the Cemetery Department as presented. Roll call vote carried unanimous.**

John Garmire, Cubmaster for Troop 541 shared discussion with Commissioner's to speak prior to the We Belo's Community Project kick-off.

**Mullendore** commented:

- Progress on the Trail phase 3 work. Lookout landing between sidewalk and creek.
- Construction of Farmers' Market started this afternoon. DDA/TIFA working with Benton Harbor Market Master on rules
- Retention visits with Jack Post and Leader Technologies.
- Recognition of Assistance from Frank Walsh with a contribution; paperwork forthcoming
- Redbud Trade Mark expires in November; renewal to be forthcoming.

### Old Business

Branding & Logo Design

Senior Nutrition Agreement

### New Business

Bid Waiver, WWTP front end loader engine rebuild

Bid Waiver, Asphalt work

Public Hearing Call, Buchanan Metal Forming IFEC

Bid Waiver, 2006 Dodge Ram Pickup for Cemetery Dept.

### Public Comments

### Manager Comments

- Chief Marks report that the new radios in for Crossing

Guards and determining the condition of the old radios for special event uses

- Four reserves to help with traffic for the Cystic Fibrosis Fun Run.
- Work session needed to re-evaluate projects and the direction to follow.
- Upcoming Event dates and times

**Commissioner's  
Comments**

**King** commented:

- Halloween Parade
- Welcomed new City Manager
- Reminder to public to adhere to mail box rule

**Moore** commented:

- Welcomed new City Manager

**McGuire** commented:

- Scenic Inn sold to become Redbud Roadhouse. Pleased with interest in Buchanan
- Halloween Parade from Legion to Oak to Masonic Lodge

**Hagey** commented:

- Welcomed new City Manager
- He commended all involved with the Trail and the many City projects and begged that all support each other to continue to work together to navigate the maze through the regulations. He stated State and Federal regulations cause delays to projects and his experience is to navigate with care and concern through process, pain that goes with growth and progress, learning to be patient.

**Adjournment**

*King moved seconded by McGuire to adjourn the meeting at 9:21 p.m. Voice vote carried.*

\_\_\_\_\_  
Gladys M. Bybee, CMC-City Clerk

\_\_\_\_\_  
Earl J. Scanlon III, Mayor

**Manager Comment's cont...**

# CITY OF BUCHANAN COMMISSION MINUTES

OCTOBER 24, 2005

A regular meeting of the City Commission was held at City Hall, 302 N. Redbud Trail, Buchanan, Michigan and called to order by Mayor Scanlon at 8:03 p.m.

The Pledge was recited by all in attendance. An Invocation was not heard.

Mayor Scanlon read the biography of Kathy Kingery and Mayor Pro Tem Hagey presented her with the Citizen Appreciation Recognition Award.

Mayor Scanlon recognized Kay Welsh for her eight years of service on the Fine Arts Council and Mayor Pro Tem Hagey presented her with the Certificate of Appreciation. Sgt. Harvey Burnett, Ph.D. presented the City Commission, Department of Public Works and City Clerk with Certificate of Appreciations for National Night Out Assistance and Support.

The Mayor acknowledged Resolution 2005.10/24, Recognizing Frank Walsh for his assistance with the City Manager Recruitment. ***Moore moved seconded by King to approve Resolution 2005.10/24 as presented and include a copy as part of the minutes. Roll call vote unanimous.***

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

Commissioner absent: None

Staff present included City Manager Meg Mullendore, Public Services Director Rick Smigielski, Police Chief Bill Marx, DDA Director Michelle Klarich, and City Clerk Gladys Bybee

Guests/Visitors present were Buchanan Schools Superintendent Dave Casey along with 10 visitors.

**Lyle Sumerix**, American Legion Post 51 Commander announced the upcoming program from Tuskegee Airman and urged attendance.

***Moore moved seconded by King to amend the Consent Calendar by changing the work session date to October 31st. Roll call vote unanimous. Hagey moved seconded by Moore to approve the Consent Calendar as amended. Roll call vote unanimous.***

- Agenda as amended
- Minutes from Regular Meeting October 10, 2005
- Checks 48892 to 49003 in the amount of \$157,593.89
- Certify Delinquent Bills to 2005 Winter Tax Roll in the amount of \$3,942.81
- Notice Work Session for October 31st at 7:00 p.m.

**Dave Casey**, School Superintendent presented a 2005-2006 Fitness Center & Recreational Facility Brochure, 2004-2005 Annual Report and a School Directory and summarized each. He announced the new principal and assistant principal, largest employer in City with 222 employees, 716 students (down about 50 pupils), old gymnasium utilized as public Fitness Center, soccer fields developed, and offer land for baseball/softball fields. Discussion was shared with Commission.

**Gladys Bybee**, reported on the board openings, next May Election for School Board, new voting equipment ordered, upgrade with qualified voter file, and code update in process.

## Call to Order Pledge/Invocation

Citizen  
Appreciation  
Recognition Award  
Certificate of  
Appreciation

Resolution  
2005.10/24, Frank  
Walsh

## Roll Call

## Public Comments

## Consent Calendar

Agenda

Oct. 10 Minutes  
Checks  
Certify Delinquent  
Bills to Tax Rolls  
Work session

## Reports

Buchanan  
Community  
Schools

City Clerk

Mullendore explained and recommended the authorization to submit the Redbud City Trademark Renewal Application (10 year) for the City. **Moore moved, seconded by McGuire to approve the request as submitted. Roll call vote carried unanimous.**

Redbud City  
Trademark

After explanation from Mullendore to present the branding design and tag line at the High School Auditorium on November 8<sup>th</sup> at 7:00 p.m. due to compliance with the FOIA request from the South Bend Tribune, **Moore moved seconded by King to approve the Budget Amendment to contract with Perry Ballard in the amount of \$2,200. for Public Relations/Roll out of Branding Design and Tag Line as well as an additional \$3,800. for marketing material. AYES: Scanlon, Moore, King, McGuire NAYS: Hagey. Roll call vote carried by majority.**

Budget  
Amendment for  
public relations,  
marketing &  
material

Smigielski clarified that manual records were kept by the DPW Mechanic on equipment and vehicles and suggested that all departments utilize same process. He reported the continued issues from the sediment buildup in the Mill race and explained the Mill Race Remediation Study while all reviewed. After shared discussion, **Hagey moved seconded by Moore to authorize the Public Services Director and City Manager to pursue the process of remediation with the DEQ and DNR. Roll call vote carried unanimous.** Including the dredging of McCoy Pond, ownership of the race, and other discussion was held with Commission.

**New Business**  
Mill Race  
Remediation Study

Smigielski introduced the Illicit Discharge and Connection Ordinance and explained. Ordinance on file for review with the City Clerk. **Hagey moved seconded by Moore to call a public hearing for November 14 at 8:00 p.m. to hear comments regarding the Ordinance. Roll call vote carried unanimous.**

Introduce  
Ordinance for  
Illicit Discharge  
and Connection

Chief Marx explained the process to obtain quotes for Legal Counsel representing the City on Ordinance Violations; including moving and non-moving violation. He recommended William Landgraff in Niles due to proximity and fees. **McGuire moved seconded by Moore to authorize Chief Marx to retain Attorney William Landgraff as legal counsel as requested. Roll call vote carried unanimous.**

Legal Counsel for  
City Ordinance  
Violations

Mullendore explained and recommended favorable authorization to sell the Cisco 1720 Router on eBay to receive greater recognition and attain the real market resale value. **McGuire moved seconded by Moore to authorize the City Manager to establish an account for the City on eBay and by posting the sale of the Cisco router for five to seven days as recommended. Roll call vote carried unanimous.**

Cisco Router Sale-  
eBay

Mullendore explained authorization to submit Application for Registration of the Service mark for the Branding Design and Tag Line as previously approved. **King moved seconded by McGuire to submit the application for the service mark as presented. Roll call vote carried unanimous.**

Service Mark  
Registration  
Application

**Moore moved seconded by McGuire to appoint Joe Scanlon to the Zoning Board of Appeals.** After brief discussion and acceptance, **roll call vote carried unanimous.**

Zoning Board of  
Appeals  
Appointment

**Mullendore commented:**

- Farmers Market posts will be painted black, change order for \$1,900.

**Manager  
Comments**

- Retention visits and possible growth of

## **Old Business**

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**Leader Technologies**

- Letter from I & M to support Arbor Day. City Forrester Jon Raines inventorying trees that need to be trimmed by I&M; they will replace trees removed.
- Seventh Day Adventist Church members will be soliciting for funds in November/December and caroling in December, exempt from Peddlers Permit
- City Code 38-30 reply to Website Feedback regarding noisy dogs
- Upcoming event dates/times

**Commissioner's  
Comments****All Commissioners congratulated Kathy Kingery and Kay Welsh****Moore commented:**

- Congratulations to Dave Casey on his upcoming retirement
- Thanks Webelos for speaking opportunity
- Thanks for work with decorations and upcoming events
- Urged attendance to Halloween Movie at the Common

**King commented:**

- Thanks to Rick for Mill Race report
- Urged attendance to Halloween Parade

**McGuire commented:**

- City Officials dressing to Kick off the City Festivities for Halloween, Commission position taken very seriously
- Many things happening in the City
- Thanks Staff for decoration of podium

**Hagey commented:**

- Pleased with the Mill Race Study and thanks to Public Services Director
- Street lights not functioning - Smigielski believes effective warranty and manufacturer responsible

**Scanlon commented:**

- Take position as Mayor seriously but enjoys laughter
- Thanks Bertrand Township for outfit (costume) and reminder to check smoke detectors
- Urged visits at the creek as fish are spawning/running
- Welcome Mullendore to City

**Adjournment**

***King moved seconded by McGuire to adjourn the meeting at 9:53 p.m. Voice vote carried.***

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Gladys M. Bybee, CMC-City Clerk

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Earl J. Scanlon III, Mayor

**Manager Comment's cont...**

# CITY OF BUCHANAN COMMISSION MINUTES

NOVEMBER 14, 2005

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

The Pledge was recited by all in attendance. Pastor James Robinson, New Good Hope Missionary Baptist gave the Invocation.

Mayor Pro Tem Hagey read the biography of Linda Canfield and Mayor Scanlon presented her with the Citizen Appreciation Recognition Award.

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

Commissioner absent: None

Staff present included City Manager Meg Mullendore, Public Services Director Rick Smigielski, Police Chief Bill Marx, Treasurer Juli O'Bryant, and City Clerk Gladys Bybee

Guests/Visitors present were Friends of Oak Ridge Cemetery Chairman Lyle Sumerix and Southwestern Michigan Economic Growth Alliance Director Sharon Tyler along with 28 visitors.

**Lyle Sumerix** gave an update on the Veterans' Day Festivities and the Tuskegee Airman presentation.

***Moore moved seconded by King to amend the Consent Calendar by adding a Report from Southwest Michigan Economic Growth Alliance under new Business. Roll call vote carried unanimous.*** Two checks from the check summary were questioned with Mullendore confirming review and response. ***Hagey moved seconded by Moore to approve the Consent Calendar with the inclusion. Roll call vote carried unanimous.***

Agenda as amended

Minutes: Regular Meeting October 24, 2005; Special Meeting October 31, 2005; and Work Session summary October 31, 2005

Checks 49004 to 49147 in the amount of \$216,255.44

Street Closure Request: Front Street and Oak Street to the Senior Center for the Holiday Lighting Parade

Lyle Sumerix reported that Whirlpool Employees worked for Days of Caring to repair and clean headstones, design work complete for the directional plaques, vandalism repairs complete, assistance before the Memorial Day weekend in the staffing office, pleased with the cooperative assistance from the City, ongoing concerns with excessive decorations, cemetery crew needs to spend more time working in Cemetery, and unwanted moles. Discussion was shared regarding prioritizing the issues at the Cemetery estimated amount of \$315,000.

Hayley Burks and Allie Wesner, representatives of the Buchanan High School Softball Team requested support from the City Commission to serve Chili on the Senior Center steps prior to the Holiday Lighting. No objections were heard and the Mayor requested them to coordinate with City Manager. ***Hagey moved seconded by Moore to allow the Team to serve Chili at the Senior Center. Roll call vote carried unanimous.***

## Call to Order Pledge/Invocation

Citizen  
Appreciation  
Recognition Award

## Roll Call

## Public Comments

## Consent Calendar

Agenda

Oct. 24 & 31  
Minutes

Checks  
Street Closure

## Reports

Friends of Oak  
Ridge Cemetery

High School  
Softball Team  
Senior Center  
Usage

Chief Bill Marx provided reports about the Police Department and Code Enforcement to the Commission and explained in detail. He further reported on work schedule change, "no idle" directive to officers, sick call procedure, case supervision sheets, sex offender registration checks, new ordinance attorney, department training, and programs & initiatives. Discussion was shared with Commission regarding code enforcement.

The Mayor called the Public Hearing to order at 8:42 p.m. for the purpose of considering Buchanan Metal Forming of 103 West Smith Street, Buchanan, Michigan application granting an Industrial Facilities Exemption Certificate (IFEC) for 103 West Smith Street, pursuant to Act No. 198, Public Acts of 1974, as amended. Sharon Tyler explained the request in detail and introduced John P. Sawayda III, Director of Operations at Buchanan Metal Forming. McGuire asked about the white residue floating in the creek next to the business with Sawayda confirming to investigate. Jodie Hinds, Elizabeth Street asked about the job creation for Buchanan residents and the Cities responsibility for testing the creek for emissions. Sawayda replied that Buchanan residents would be considered for employment. Being no further public comments the Mayor closed the Public Hearing at 8:51 p.m.

**Moore moved seconded by McGuire to approve the Resolution granting an Industrial Facilities Exemption Certificate (IFEC) for 103 W. Smith Street.**

**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 September 24, 2001, this Buchanan City Commission (the "Commission") by resolution established the "Buchanan Metal Forming Industrial Development District" located at 103 West Smith Street, Buchanan, Michigan; and

**WHEREAS**, Buchanan Metal Forming, Inc. (the "Applicant") has filed an application for an Industrial Facilities Exemption Certificate (the "Certificate") with respect to real and personal property at 103 West Smith Street facility; and

**WHEREAS**, before acting on said application the Commission held a public hearing on November 14, 2005 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**, construction of real property 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.

**Roll call vote carried unanimous. Resolution 2005.11/25 declared adopted.**

Reverend James Robinson requested the reopening of the Youth (Teen) Center with a more detailed proposal. He summarized the report while all reviewed the proposal to partner with the City to provide a safe haven for the youth of Buchanan. Moore asked for further clarification of portions of the proposal. Bill Frank explained the City to be liable for major repair and reported his view of the proposal. The Mayor stated the proposal was vague and requested that the consortium meet with the Commission at a

Police Dept. & Code Enforcement

**Old Business**

Public Hearing,  
Industrial Facilities  
Exemption  
Certificate  
Application for  
Buchanan Metal  
Forming

Granting  
Resolution  
2005.11/25

Teen Center  
Proposal, Pastor  
James Robinson &  
Bill Frank

less informal  
setting. Questions  
and discussion  
were shared.

Commissioners asked if a partnership with school would be more advantageous, their funding mechanism, supervision and education hours, and curriculum to be brought forward. Pastor Chris Kruchkow reported support from Buchanan Area Ministerial Association and of his meetings with Buchanan Community Schools and confirmed the Consortium intent to invest in the community youth. Marilyn Cashier, 20 year resident spoke positive and favorable to volunteer 100%. Mullendore recommended that she meet with a key person from the consortium to design agenda and further clarify and schedule work session to exchange dialogue. Tom Fox, Secretary of the Ministerial Association reported a written resolution approved to support the Youth Center and urged the Commission to support. Pastor Robinson confirmed a meeting with Mullendore. Commissioner's embraced the vision of the consortium and greetings were shared.

Ordinance  
2005.11/367,  
Storm Water  
Regulations, Illicit  
Discharge &  
Connection

Smigielski explained the federal government mandated states and jurisdictions to regulate and educate the public about storm water due to the Clean Water Act and recommended fine amounts. There was discussion about the regulations and an actual violation. Tom Fox stated he was representing Bertrand Township on the Water Shed Management Team and recommended favorable approval. Lyle Sumerix asked about the effect on personal property owners washing their vehicles. After brief discussion, **Hagey moved seconded by Moore to approve the Ordinance with the corrected changes to the original. Roll call vote carried unanimous.** Ordinance 2005.11/367, Stormwater Regulations Section 102, Article VII., Illicit Discharge and Connection declared adopted and attached as a part of these minutes.

Front & Oak Street  
Closure to  
demolish  
Jankoviak Building

After clarification of the Street Closure Request, **McGuire moved seconded by Moore to approve the request to close half of the 100 block of N. Oak Street for two days and all lanes for one day at 101-105 E. Front Street to demolish 101 E. Front Street (Jankoviak Building).** There was concern to completely close Front Street and the sand fill. After discussion requiring the Police, Building, and Public Work's Department's to oversee the closure a **roll call vote carried unanimous.**

**New Business**  
Charter Section  
4.5, Election of  
Mayor clarification

Mullendore explained Charter Section 4.5, Election of Mayor process and the concern with the change in Election dates. Past practice has been election of a Mayor every year in November. After shared discussion the Commissioners concurred to rely on the Charter verbiage and select Mayor and Mayor Pro Tem every two (2) years in unification with the City Election.

Disciplinary Policy  
P 2005-11-0011

Mullendore explained her conversations with City Attorney Hyrns regarding the proposed disciplinary procedure and requested approval of the Disciplinary Policy. **Moore moved seconded by Hagey to approve Disciplinary Policy P 2005-11-0011 as submitted. Roll call vote carried unanimous.**

Southwestern  
Michigan  
Economic Growth  
Alliance Report

Sharon Tyler distributed basic information about SMEGA. She reported 18 prospective businesses for 2005, visit & inventory with Norfolk/Southern, 5 local and 2 outside companies looking at the Renaissance Zone, 16 retention visits in Buchanan (2 down, 6 flat, and 8 up in sales), and one exemption certificate for Buchanan Metal Forming for a project increase of \$720,220. and a job increase of 24.

**Mullendore**  
commented:  
• Farmers'  
Market  
complete next  
week, posts not

### **Old Business cont.....**

Teen Center Proposal

painted until next spring

- Financial Statement for Men's Softball dropped off by Al Fisher and the Treasurer disseminated information into a legible spreadsheet. No check s and balances nor invoices, cancelled checks or receipts available. Lunch with School Superintendent Dave Casey and both agreed to work together for an amicable solution for school, city, and softball.
- Retail interest in two (2) acres of the Renaissance Zone. Her administrative opinion unfavorable as it would adversely effect downtown and uptown.
- Upcoming event dates/times

### Commissioner's Comments

#### **All Commissioners expressed happy holidays**

#### **King commented:**

- Compliments to the Trail Dinner Dance & Silent Auction
- Great Halloween Festivities
- Pleased with the progress on the Jankoviak buildings

#### **Moore commented:**

- Acknowledgement and appreciative of meeting attendance

#### **McGuire commented:**

- Farmer's Market an enhancement and progressing well
- Pleased with the turnout for the Halloween Parade sponsored by the Masonic Lodge

#### **Hagey commented:**

- Pleased with the northeast neighborhood involvement and in hopes for someone to commit to a tenure on the City Commission

#### **Scanlon commented:**

- Urged attendance to upcoming events
- Hopes for Farmer's Market ribbon cutting ceremony on December 2nd
- Thanks to all for all wonderful Halloween events

### CLOSED SESSION

Purchase Property

*Moore moved seconded by Hagey to go into Closed Session to discuss the purchase or lease of real property at 10:35 p.m. Roll call vote carried unanimous.*

October 31, 2005  
Closed Session  
Minutes

The Mayor reconvened the meeting at 11:21 p.m. with no action taken during Closed Session. *King moved seconded by McGuire to approve the October 31, 2005 Closed Session Minutes for the purchase of property as reviewed in Closed Session. Roll call carried unanimous.*

### Adjournment

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

\_\_\_\_\_  
Gladys M. Bybee, CMC-City Clerk

\_\_\_\_\_  
Earl J. Scanlon III, Mayor

### Manager Comment's

# CITY OF BUCHANAN COMMISSION MINUTES

NOVEMBER 28, 2005

A regular meeting of the City Commission was held at City Hall, 302 N. Redbud Trail, Buchanan, Michigan and called to order by City Clerk Bybee at 8:00 p.m. due to the absence of the Mayor and Mayor Pro Tem. ***King moved seconded by McGuire to select Commissioner Moore to preside over tonight's meeting. Voice vote carried unanimous.***

The Pledge was recited by all in attendance. An Invocation was not heard.

Commissioner Moore read the biography of Dave Johnson and Commissioner McGuire presented him with the Citizen Appreciation Recognition Award.

Chief Marx presented the Outstanding Service Award to School Crossing Guard Carl Riggins for his unselfish performance on 11-4-2005 by providing protection to a youth from being hit by a car.

Commissioners present: Flora King, MarLon McGuire, Patricia Moore

Commissioner absent: David Hagey and Earl Scanlon III

Staff present included City Manager Meg Mullendore, Police Chief Bill Marx, and City Clerk Gladys Bybee

Guests/Visitors present were Judy Phillips, Dial-A-Ride Director along with 20 visitors.

***King moved seconded by McGuire to approve the Consent Calendar as presented.***

***Roll call vote carried unanimous.***

Agenda

Minutes: Regular Meeting November 14, 2005

Checks 49148 to 49192 in the amount of \$63,287.07

Mullendore explained the Facility Assessment for the Buchanan Teen Center developed by Public Services Director Smigielski while Commission reviewed the document. She reported the costs involved to bring the building up to American Disability Act (ADA) compliance. Shared discussion included seeking grant funding for the building, linking the Eclipse with the Youth Center, and a possible millage proposal to the electors.

Mullendore reported on her earlier meeting with the consortium (that had presented the original proposal) to open the Youth Center and explained their proposal had not been changed from the City providing funding and them providing manpower. There was concern for the length of time the facility would be operational at tax payers' expense. Commission recommended that the consortium contact Chad Benkert at the Eclipse to discuss options to merge and provide more youth programming. They also requested utility expense information and confirmed the Commission would continue to monitor the interest of youth.

Mullendore reported that Congressman Upton visited City Hall and requested support to a resolution supporting Eastern Time Zone to St. Joseph County Indiana along with a phone call from Mayor Scanlon in support of the requested resolution.

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

## Call to Order

Presiding Officer

## Pledge/Invocation

Citizen

Appreciation

Recognition Award

## Roll Call

## Consent Calendar

Agenda

November 14

Minutes

Checks

## Unfinished

### Business

Buchanan Teen  
Center facility  
Assessment

## New Business

Resolution

2005.11/26

Supporting Eastern

Time Zone to St.

Joseph County

Indiana

WHEREAS, the City

of Buchanan, Berrien County, Michigan and St. Joseph County, Indiana are together a part of the area known as "Michiana"; and  
 WHEREAS, residents of both Buchanan and St. Joseph County work and enjoy recreation in each others' neighboring municipality; and  
 WHEREAS, the Buchanan City Commission encourages the leaders of St. Joseph County to examine the benefits of the choice of the Eastern Time Zone which will bring greater continuity to the area.  
 NOW, THEREFORE, BE IT RESOLVED that the City of Buchanan, Michigan expresses its willingness and desire to work cooperatively with its neighbors to the south; and  
 BE IT FURTHER RESOLVED that the City Commission of the City of Buchanan, Michigan does hereby support the choice of the Eastern Time Zone by St. Joseph County, Indiana.

Resolution  
 2005.11/26  
 Supporting Eastern  
 Time Zone to St.  
 Joseph County  
 Indiana

**Roll call vote carried unanimous. Resolution 2005.11/26 declared adopted.**

Bid Waiver for  
 City hall  
 Heating/Cooling  
 System Repair

Mullendore explained the problems with the heating/cooling system at City Hall and requested an emergency bid waiver for repair to the system. She explained the estimate and work in detail and recommended the cost of repair not to exceed \$4,000. with Havel Brothers. After brief questions/discussion, **McGuire moved seconded by King to waive the bid and approve the repair of the heating/cooling system at an amount not to exceed \$4,000. Payment to be made from building reserve and building & grounds maintenance. Roll call vote carried unanimous.**

Resolution  
 2005.11/26,  
 Extending  
 Buchanan Dial-A-  
 Ride Operations

Phillips explained a nine percent increase in the operational expenses for Buchanan Dial-A-Ride. **King moved seconded by McGuire to approve the resolution extending the operation of the City of Buchanan Dial-A-Ride System as presented.**

WHEREAS, the operations contract for the City of Buchanan Dial-A-Ride system may be extended by mutual agreement of parties concerned, and  
 WHEREAS, the operations contract for the City of Buchanan Dial-A-Ride system expired on September 30, 2005;  
 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, 2006; 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, Meg Mullendore, is hereby authorized to endorse the Operations Contract.

Buchanan Dial-A-  
 Ride  
 Transportation  
 Management  
 Agreement for  
 FY2006

**Roll call vote carried unanimous. Resolution 2005.11/27 declared adopted.**

**King moved seconded by McGuire to approve the Transportation Management Agreement/Contract for Dial-A-Ride FY2006. Roll call vote carried unanimous.**

**Public Comments**

Chris Siebenmark introduced himself as District Representative for Senator Ron Jelinek and made "Identity Theft" brochures available. He further reported legislators to resume session and the proposal to use a portion of the tobacco money to create jobs in Michigan and reduce the state business tax that the governor vetoed thus taking it back to the table. He reported issues coming up: water usage, health insurance for school employees, and the unemployment currently at 6.1.

Ron Bennett, Chippewa Street voiced his concern about AEP cutting trees that are being marked. He asked that the Commission, request from AEP, the consideration to retain the existing state of the trees at 366 Chippewa. Mullendore stated that she and the City Forrester, Jon Raines had reviewed the trees and recommended that they be taken down

under the City  
 Code criteria for  
 tree removal.  
 Bennett invited the

**New Business continued**

Commissioners to inspect the trees. Commission requested that Raines meet with Bennett.

Roger Lucas, AAA Straight Up Auction Service expressed his proposal to purchase the Teen Center building to use for his Antique Coin Shows on Sunday afternoons. He reported his previous work with Willie Brown at the Teen Center and his volunteer work with coaching sports events for the Buchanan Community. Lucas offered to purchase the property for \$17,500. and stated he would put another \$70,000 to \$100,000 to bring it up to code. Commission requested that Mr. Lucas meet with the City Manager to discuss the offer. Lucas distributed his auction service flyer that he has been doing at the Niles American Legion for the past 13 years.

**Manager  
Comment's**

**Mullendore** commented:

- Farmer's Market may not be ready by Friday (Holiday Lighting) due to high winds putting the roof on. Commission concurred to canceling the ribbon cutting for Friday.
- Requests blessing to wear and sell the items with the new design and tag line at the holiday lighting. Commission concurred.
- Warren Weaver was the original supervisor over the Downtown Streetscape Construction and is now dealing with the Agency for repair of the street lights.
- Letter received from both Unions accepting Disciplinary Policy
- Dick Proud request that the City give formal recognition to Marv Selge and inform him of the direction to take. ***King moved seconded by McGuire to award Marv Selge a key to the City at the next Commission meeting. Roll call vote carried unanimous.***
- Discussion with Mayor Scanlon requesting a resolution from the Commission that the Attorney General support an order to reduce DEQ fine cost accumulated to date and owed by Ingersoll Rand by providing funds to contractors for continued development of the McCoy's Creek Trail. No objections were heard to presenting a formal resolution at the next meeting.
- Complaints received about leaf collection. Collection will continue as long as weather permits
- Upcoming event dates/times

**Commissioner's  
Comments**

**McGuire** commented:

- Poor reception since the change of Public Broadcasting Channel 17 to channel 99
- Interesting Process of demolishing the Jankoviak building (101 E. Front Street)
- Working the Child Identification at Orchards Mall and will try to set up for Buchanan Fest

**King** commented:

- Personal thanks to Mr. Riggins
- Congratulations to Dave Johnson
- Interest in watching the Jankoviak Building demolition
- Good report from Recreation Board
- Urged attendance to lighting ceremony

**Moore**  
commented:

- Happy Holiday Season

**Public Comments continued**

- Thanks to fellow Commissioners for confidence
- Total agreement, Life is better here

Purchase Property

November 14,  
2005 Closed  
Session Minutes

***King moved seconded by McGuire to go into Closed Session to review November 14, 2005 Closed Session Minutes at 9:43 p.m. Roll call vote carried unanimous.***

**Adjournment**

Moore reconvened the meeting at 9:45 p.m. with no action taken during Closed Session.  
***King moved seconded by McGuire to approve the November 14, 2005 Closed Session Minutes for the purchase of property as reviewed. Roll call carried unanimous.***

***King moved seconded by McGuire to adjourn the meeting at 9:46 p.m. Voice vote carried unanimous.***

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Gladys M. Bybee, CMC-City Clerk

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Earl J. Scanlon III, Mayor**Commissioner's Comments continued****CLOSED SESSION**

# CITY OF BUCHANAN COMMISSION MINUTES

DECEMBER 12, 2005

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

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

The Mayor presented the Key to the City to Marv Selge, Selge Construction for his generous contribution of laborers and equipment to work on the McCoy's Creek Fish Ladder. Dick Proud, Chairman of Friends of the McCoy's Creek Trail introduced Mr. Selge's family and expressed his appreciation and gratitude to Mr. Selge and his crew on behalf of the Committee. Proud awarded Selge with a Framed Creek Picture.

Commissioners present: David Hagey, Flora King, MarLon McGuire, Earl Scanlon III

Commissioner absent: Patricia Moore

Staff present included City Manager Meg Mullendore, Treasurer Juli O'Bryant, and City Clerk Gladys Bybee

Guests/Visitors present were Sharon Vargo and Kenley Penner from Plante Moran along with 39 visitors.

***Hagey moved seconded by McGuire to approve the Consent Calendar as presented.***

***Roll call vote carried unanimous.***

- Agenda
- Minutes of the Regular Meeting November 28, 2005
- Checks 49194 to 49326 in the amount of \$232,703.34
- Appointment of Scott Wahlstrom to the Buchanan Area Recreation Board for a term to expire in 2008

City Treasurer Juli O'Bryant reported that winter tax bills were mailed, two convenient ways to pay bills, sale of dog licenses, and preliminary preparation of the 2006-2007 Budget. Thanks from the Girl's Softball Team for allowing them to sell chili before the Holiday Parade/Lighting and would be formally requesting the sale to be an annual event.

Mullendore reported that Pastor Kruchkow contacted her to reach Mr. Lucas regarding an arrangement for the Teen Center. She verbalized her recommendation for a buy-sell agreement between the City and Lucas. All shared discussion with concern for the lengthy amount of time the building remains unoccupied at taxpayer expense, the Feasibility Assessment, public notice of sale, and the sale process. O'Bryant relayed information from Lucas and he was waiting for the City to contact him. ***King moved seconded by McGuire to authorize the City Manager to contact Roger Lucas to discuss negotiation of the sale of the Teen Center. Roll call vote unanimous.***

Mullendore explained in detail the letter to the Attorney General for Support of Ingersoll Rand Fine Money being utilized in the City of Buchanan for the McCoy's Creek Trail Project. ***McGuire moved seconded by King to approve the letter and support the request. Roll call vote carried unanimous.***

## Call to Order Pledge/Invocation

Service  
Appreciation  
Recognition Award

## Roll Call

## Consent Calendar

Agenda  
November 28  
Minutes  
Checks  
Recreation Board  
Appointment

## Reports by...

City Treasurer

## Unfinished Business

Buchanan Teen  
Center  
Authorization to  
negotiate sale

Request Attorney  
General Support of  
IR fine money to  
Buchanan

Sharon Vargo  
introduced Kenley

Penner and presented the 2004-2005 Fiscal Year Financial Audit. Penner thanked City Staff for their commitment of assistance during the audit process and explained the Financial Report. He commended the Commission for retaining a strong financial position for the City. Vargo reported that no findings were made and suggested that old checks be taken off the books and project amounts be included in the minutes. She recommended that the Commission be conservative in working on the incoming budget and new legislation would have minimal effect on the City. Vargo also noted that Plante Moran will submit a proposal to continue doing the Audits due to the conclusion of the previous agreement.

**New Business**  
2004-2005  
Financial Audit

Mullendore and Bybee reported the challenges that have been encountered and not been able to be worked through to close the Homeowner Rehabilitation Grant M-2001-388-MDC. Mullendore reported that the Third Party Administrator, Community Housing Initiative (CHI) was contacted with meeting confirmed, but they failed to show up or call. Mullendore and Bybee recommended that the City take a proactive approach and implement corrective action on the six (6) homes in order to close out the grant and continue the City's relationship with the State. After brief discussion, *Hagey moved seconded by McGuire to exercise the City's right pursuant to Section 7. "Termination" within the Agreement between City of Buchanan and Community Housing Initiative based on subparagraph 1.a. for the Homeowner Rehabilitation Grant. Roll call vote carried unanimous. Hagey moved seconded by King to go out for bid for corrective actions needed to complete the six (6) projects included in Grant Program, M-2001-388-MDC with a provision that the Commission be allowed to review the bids. Roll call vote carried unanimous.*

Homeowner  
Rehabilitation  
Grant Third Party  
Administrator  
Termination

Homeowner  
Rehabilitation  
Grant Bid for  
Corrective Action

Ron Bennett, Chippewa Street requested that the commission reconsider cutting the trees in the tree lawn. He expressed his opinion of the meeting with City Forester Jon Raines and City Manager but did not resolve anything and was still concerned about the tree removal (no good explanation given why the trees had to come down). There was brief debate of who the decision maker was at AEP in regards to the future of the trees. Commissioners remarked that they hadn't heard any other concerns about the trees on that street. Bennett concurred to the Mayors request for Commission to hear from the City Manager and find out why AEP marked the trees.

**Public Comments**

**Mullendore** commented:

- Continued manufacturing problem with the ballasts in the streetlights downtown. Manufacturer contracted with IBID Electric to replace the malfunctioning ballasts. Will demand warranty of at least five years. Discussion shared.
- Public Broadcasting Channel 99 fixed by Comcast with better reception.
- In receipt of a letter from Front Street Framery Art & Clock Gallery, Chris DenHerder (22 years) stating reasons for having a business in Buchanan and why "Life is better here". She read the letter.
- Friends of McCoy's Creek Trail will be receiving Community Service Award from Michigan Recreation and Park Association. Ceremony in Lansing January 12<sup>th</sup>
- In receipt of numerous complaints on uncollected leaves. Currently covered by snow with the focus on snow removal and leaves will be removed weather permitting.

**Manager  
Comment's**

- Reminder to residents that

they are responsible for snow removal on their sidewalks. Direction to bring forward policy for 24 hour grace before enforcement action. Discussion shared about downtown sidewalks and request made to all to maintain and keep clear sidewalks so they are passable. Clearing around fire hydrants discussed.

- Cool Cities seminar attended by herself, Klarich and Bybee with information gathered for 2006 grant cycle.

### **All shared Holiday Greetings**

#### **King commented:**

- Pleasure with the Holiday Lighting Ceremony

#### **McGuire commented:**

- Commendation to DPW on snow removal

#### **Scanlon commented:**

- Thanks to Mr. Selge and employees
- Thanks to Trail Committee
- Commendation to Treasurer for work well done
- Delight with attending the City of Stevensville Holiday Festivities and participation in a Scavenger Hunt (sponsored by the DDA) with downtown businesses.

Mullendore reported the tragic loss to a long time Buchanan Family. The Mayor asked for a moment of silence for best wishes to the Firmer and Wilma King family on the loss of their son Michael.

*McGuire moved seconded by King to adjourn the meeting at 9:47 p.m. Voice vote carried unanimous.*

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Gladys M. Bybee, CMC-City Clerk

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Earl J. Scanlon III, Mayor

**Manager  
Comment's  
continued**

**Commissioner's  
Comments**

**Adjournment**

# CITY OF BUCHANAN COMMISSION MINUTES

DECEMBER 27, 2005

A rescheduled (due to holiday) regular meeting of the City Commission was held at City Hall, 302 N. Redbud Trail, Buchanan, Michigan Tuesday, December 27 and called to order by Mayor Scanlon at 8:00 p.m.

The Pledge was recited by all in attendance. An Invocation was not heard.

Commissioners present: MarLon McGuire, Patricia Moore, Earl Scanlon III

Commissioner absent: David Hagey, Flora King

Staff present included City Manager Meg Mullendore, and City Clerk Gladys Bybee  
7 visitors present

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

- Agenda
- Minutes of the Regular Meeting December 12, 2005
- Checks 49327 to 49405 in the amount of \$135,421.15

Mullendore confirmed that she concurred with the memo from Forester Jon Raines with the removal of trees in the City Right-of-Way in the 300 block of Chippewa Street due to safety problems. After brief discussion, ***Moore moved seconded by Scanlon to have staff personally notify property owner, Ron Bennett prior to removal and replacement of the trees due to the safety issue. Roll call vote carried unanimous.***

James Toth, Chairman of Buchanan Area Recreation Board (BARB) affirmed the Boards recommendation to name the park at the corner of Victory and Arctic Street "Victory Park". After review of the Recreation Director Letter and shared discussion with Toth, ***Moore moved seconded by McGuire to officially name the Park at the corner of Victory Street and Arctic Street ~"Victory Park". Roll call vote carried unanimous.***

The Mayor announced the acknowledgement of the Buchanan Area Recreation Board (BARB) letter of recommendation to preserve the concept to use the "Teen Center" building for local youngsters as the Teen Center was directly responsible to the BARB. Discussion between Mullendore and Commission included the involvement of the Recreation Board, approval of the concept, the sole use of the building, costs to the residents', and the stagnation of the building. ***Moore moved seconded by Scanlon to approve the concept of selling the Teen Center Building so that the facility could be used by local youngsters as a type of teen center as recommended by the BARB. Roll call vote carried unanimous.***

The Mayor introduced the proposed Zoning Ordinance Amendment regarding the Plan Commission Membership and the call for a public hearing on January 9<sup>th</sup> at 8:00 p.m. to hear public comments. Moore, as the Commission liaison on the Plan Commission reported that absences were just a recent problem and all shared discussion. ***Moore***

## Call to Order

## Pledge/Invocation

## Roll Call

## Consent Calendar

Agenda

December 12

Minutes

Checks

## Unfinished

### Business

Tree Removal on Chippewa Street right-of-way

Official name of "Victory Park"

Buchanan Area Recreation Board recommendation for "Teen Center" building

## New Business

Call Public

Hearing, Zoning Ordinance

Amendment for Plan Commission

***moved seconded by Scanlon to call a public hearing on January 9<sup>th</sup> to invite comments on an ordinance amendment reducing the number of members on the Buchanan Plan Commission.***

Call Public Hearing

Mullendore explained the Bid Waiver request for Employee Management Training in the amount of \$1,200. All discussed the training from Warner Norcross as recommended by Mullendore. ***McGuire moved seconded by Moore to approve the bid waiver in the amount of \$1,200. for training from Lou Rabaut at Warner Norcross & Judd Attorneys at Law. Roll call vote carried unanimous.***

Bid Waiver, Employee Management Training

Mullendore explained the National Incident Management System (NIMS) Resolution. ***Moore moved seconded by McGuire to approve the following resolution:***

Resolution 2005.12/28, National Incident Management System

**WHEREAS**, The City of Buchanan needs to comply with Presidential Directive (HSPD)-5; and **WHEREAS**, the President of the United States in a Homeland Security Directive issued on February 28<sup>th</sup>, 2003 (HSPS)-5 directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS), which would provide a consistent nationwide approach for Federal, State, and local governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity; and

**WHEREAS**, the collective input and guidance from all Federal, State, and local Homeland security partners has been, and will continue to be, vital to the development, effective implementation and utilization of comprehensive NIMS; and

**WHEREAS**, it is necessary and desirable that all Federal, State, and local emergency agencies and personnel coordinate their efforts to effectively provide the highest levels in incident management; and

**WHEREAS**, to facilitate the most efficient and effective incident management, it is critical that Federal, State, and local organizational structures have interoperable communications, consolidated action plans, uniform personnel qualifications standards for planning, training and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters; and

**WHEREAS**, the NIMS standardized procedures for managing personnel, communications, facilities and resources will improve the City's ability to utilize federal funding to enhance local agency readiness, maintain first responder safety, and streamline incident management processes; and

**WHEREAS**, the Incident Command System components of NIMS are already an integral part of various City's incident management activities, including current emergency management training programs; and

**WHEREAS**, the National Commission on Terrorist Attacks (9-11 Commission) recommended adoption of a standardized Incident Command System.

**NOW THEREFORE BE IT RESOLVED, that the City Commission adopts the National Incident Management System as the standardized Incident Command System for the CITY OF BUCHANAN, County of Berrien, State of Michigan.**

\_\_\_\_\_  
Date: \_\_\_\_\_ Date: \_\_\_\_\_

Earl Scanlon III, Mayor William Marx, Police Chief

\_\_\_\_\_  
Date: \_\_\_\_\_ Date: \_\_\_\_\_

Gladys M. Bybee, Clerk Warren Weaver, Fire Chief

***Roll call vote carried unanimous. Resolution 2005.12/28 declared adopted.***

**Public Comments**  
Request for relief

Gene Wesner announced that a showroom window was busted on the Dewey Street side of his building; alleging the plowing route and the speed of the City snow plows was the cause of the damage. He explained he submitted a bill for repair to Public Works Director Rick Smigielski, who in turn forwarded it to the city insurance company. Wesner explained the receipt of a letter from the City Insurance Carrier and requested that the Commission grant relief on the cost of the window replacement. He offered copies of his correspondence from the Insurance Company and documentation of costs

for the Commissioners to review. The Mayor confirmed

**New Business continued**

that the Commission would take the issue under advisement.

**Manager  
Comment's**

**Mullendore** commented:

- Planning on sitting down next week to have preliminary discussion on the Teen Center with Mr. Lucas
- Ordinance Amendment regarding snow on sidewalks forthcoming. Discussion was shared with Commission.
- Establishing Commission Goal Setting Session. Mayor asked to receive tentative dates.
- City Hall closings for the holiday and her absence the rest of the week

**Commissioner's  
Comments**

**Moore** commented:

- Wishes for Happy & Safe Holiday

**McGuire** commented:

- Confirmation that work being done on downtown street lights
- Welcome to new business in town
- Congratulation to Warren Weaver on Firefighter grant
- Problems with Public Broadcasting Channel 99

**Scanlon** commented:

- Wishes for Happy & Safe Holiday

Mayor Scanlon asked for a moment of silence to City Employee and resident, Phil Gorbitz on the loss of his son Brandon.

**Adjournment**

***Moore moved seconded by McGuire to adjourn the meeting at 8:48 p.m. Voice vote carried unanimous.***

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Gladys M. Bybee, CMC-City Clerk

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Earl J. Scanlon III, Mayor

**Public Comments continued**