

CITY OF BUCHANAN COMMISSION MINUTES
JANUARY 9, 2006

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 Tom Fox, Portage Prairie United Methodist Church gave the Invocation.

Roll Call

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

Commissioners absent: Flora King

Staff present included City Manager Meg Mullendore, Administrative Secretary Jennifer Harrington, and DDA Director Michelle Klarich. 4 visitors and 2 members of the press.

Public Comments

Rev. Tom Fox wished everyone a Happy New Year, and questioned if the individuals that are nominated for Citizens Appreciation could be anyone in the community including the youth. Discussion was shared.

Lene Mollberg questioned the Commission about the status of the snow removal on the sidewalks, leaf pick-up, and the lights in the downtown area. Discussion was shared.

Consent Calendar

Hagey moved seconded by Moore to amend the Consent Calendar by adding the letter of resignation of Commissioner Flo King under New Business. Roll Call vote unanimous. McGuire moved seconded by Moore to approve the Consent Calendar as amended. Roll Call vote unanimous.

- Agenda as amended
- Minutes – December 27, 2005
- Checks 49406 – 49476 in the amount of \$160,368.93
- Annual Meeting Dates and Times for 2006
- Resolution 2006.01/01, Authorizing Treasurer to negotiate Summer School Tax Collection Fee
- Resolution 2006.01/02, Authorizing the Mayor and Transportation Coordinator to execute the MDOT Agreement for 5311 Non-urban operating monies for FY2006.

Public Hearing: Ordinance 2006.01/368 Planning Section 70-27, Article II, Membership for final adoption

The Mayor called the Public Hearing to order at 8:09 p.m. for the purpose of amending the Plan Commission membership. Scanlon questioned if there were

any written or public comments regarding this issue. Mullendore explained the reasoning of reducing the membership. Being there was no further public comments the Mayor closed the Public Hearing at 8:10 p.m. **Moore moved seconded by McGuire to approve the Ordinance. Roll Call vote unanimous.**

Farmers' Market discussion

Mullendore explained that she met with Lisa Epple from Rural Development regarding the Farmers' Market. There was much discussion regarding the ownership of the Farmers' Market between DDA and the City. After discussion between the City Manager, City Commission and DDA Director Michelle Klarich there was a ***motion by Moore supported by McGuire to authorize the City Manager to have discussion with the DDA regarding a Lease Agreement for the Farmers' Market.***

Annual Planning Meeting

Mullendore explained that a revised date sheet for the Annual Planning has been distributed for their approval. This meeting is for the annual goal setting for 2006-07. No motion needed.

Resignation of Commissioner Flora King

Scanlon noted that the City Commission received a letter of resignation from Commissioner King effective immediately. ***Motion by Moore, supported by Hagey to regretfully accept Flora King's resignation. Roll call vote unanimous.*** Mayor Scanlon read King's resignation letter out loud. Mullendore went through the process of a replacement. Deadline is noon January 20th. Any individual interested needs to be at least 18 years of age and a registered voter. Any applications received after the deadline will not be accepted. A Letter of Intent to Become a Candidate needs to be filled out, than after that is filed, a questionnaire and Volunteer Form will needs to be completed. This term expires November 2006. ***Motion by Hagey supported by Moore to authorize the City Manager prepare a questionnaire. Roll call vote unanimous***

City Manager's Comments

City Manager's comments were heard by all.

City Commissioners' Comments

City Commissioners' comments were heard by all.

Adjournment

Moore moved, supported by McGuire to adjourn the meeting at 9:15 p.m. Voice vote carried unanimously.

Jennifer Harrington, Admin. Secretary

Earl J. Scanlon III, Mayor

CITY OF BUCHANAN COMMISSION MINUTES

FEBRUARY 1, 2006

A rescheduled (due to lack of quorum) regular meeting of the City Commission was held at City Hall, 302 N. Redbud Trail, Buchanan, Michigan Wednesday, February 1 and called to order by Mayor Scanlon at 8:01 p.m.

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

Mayor Scanlon announced that questions would be asked of both candidates and introduced Barbara Clark & Alberta “Jeanne” Arbanas. Clark and Arbanas gave a brief biography. The Mayor and Commissioners asked questions of, or made statements to the candidate’s and thanked both candidates. There was discussion regarding protocol between employee and commissioner per the Charter.

A motion to appoint Barbara Clark for the remainder of the vacant term through November 2006 was heard. YEA: McGuire, Moore. NAY: Hagey, Scanlon. Roll call vote tied.

A motion to appoint Jeanne Arbanas for the remainder of the vacant term through November 2006 was heard. YEA: Hagey, Scanlon. NAY: McGuire, Moore. Roll call vote tied.

After Commissioners discussed the issue of cost for a special election, ***Moore made a motion to appoint Jeanne Arbanas for the remainder of the vacant term through November 2006, Hagey seconded and a roll call vote was taken. YEA: Hagey, Moore, Scanlon. NAY: McGuire. Motion carried by majority vote.***

The Clerk administered the Oath of Office to Alberta “Jeanne” Arbanas and she took the vacant seat at the dais.

Sheila Daley announced the 2006 Community Service Award presented on January 12th to Friends of McCoy’s Creek Trail from Michigan State Parks & Recreation as submitted by Buchanan Recreation Director Wayne Writer. She presented the plaque, requested that the award be displayed at City Hall and thanked all.

Commissioners present: Alberta Arbanas, David Hagey, MarLon McGuire, Patricia Moore, Earl Scanlon III

Commissioner absent: None

Staff present included City Manager Meg Mullendore, and City Clerk Gladys Bybee. City Attorney Randy Hyrns was also in attendance.

Guests included Sheila Daley and Mae & Dick Proud along with 21 visitors present, 2 being Press.

The clerk requested that the Agenda be amended to include payment of checks numbered 49565 through 49575 in the amount of \$15,841.80 under checks on the consent calendar. ***Moore moved, seconded by McGuire to amend the Agenda to include the request. Roll call vote unanimous.***

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

- Agenda as amended

Call to Order

Pledge/Invocation

Commissioner

Vacancy

Appointment

Oath of Office

Friends of
McCoy’s Creek
Trail 2006
Community
Service Award

Roll Call

Consent Calendar

Agenda

- Minutes of
Regular

Meeting January 9, 2006

- Checks 49477 to 49575 in the amount of \$180,567.88 as amended
- Appoint Craig Schneider as a member of the Buchanan Plan Commission for a partial term through 2008
- Resolution 2006.02/3 authorizing the City Manager as the official to be representative for the City of Buchanan on the Policy Committee of NATS

At a rescheduled regular meeting of the City Commission of the City of Buchanan, County of Berrien, State of Michigan (the "City"), held in said City on Wednesday, February 1, 2006 the **Resolution was proposed by Commissioner Moore; seconded by Commissioner McGuire.**

WHEREAS, the Southwestern Michigan Commission (SWMC) serves Berrien, Cass and Van Buren Counties and is one of fourteen regional planning and development organizations in the State of Michigan; and

WHEREAS, SWMC develops a coordinated, rational, standardized system for ranking pavement conditions for local jurisdictions/ agencies to be used as criteria for project selection; and

WHEREAS, SWMC identifies needed safety improvements and system inefficiencies, updates demographic and employer information, monitors transit system data, reviews functional classifications of roads, and works with MDOT to evaluate alternative improvements; and

WHEREAS, Niles/Buchanan/Cass Area Transportation Study (NATS) is comprised of two Committees that oversee the Transportation Plan. The Policy Committee is comprised of elected and appointed community leaders. They set the transportation policies and goals for the region. The Technical Advisory Committee is made up of local and regional transportation and business professionals who provide technical advice to the Policy Committee.

NOW, THEREFORE, BE IT RESOLVED: that the City of Buchanan authorizes Meg Mullendore, City Manager as the official to be the representative for the City of Buchanan on the Policy Committee of NATS.

Roll call vote unanimous. RESOLUTION 2006.02/03 DECLARED ADOPTED this 1st day of February 2006.

Mae Proud reported on the Buchanan Garden Club events and plantings around the City. She explained the Arbor Day Celebration, fundraisers, plantings, and "2006 Buchanan In Bloom Tour".

Mullendore recalled the past discussions when purchasing City vehicles and confirmed that existing vehicles would remain the color as purchased.

At a rescheduled regular meeting of the City Commission of the City of Buchanan, County of Berrien, State of Michigan (the "City"), held in said City on Wednesday, February 1, 2006 the **Resolution was offered by Commissioner Moore and supported by Commissioner McGuire.**

BE IT RESOLVED, the Buchanan City Commission has determined that City vehicles should be unvarying and consistent in color; and

BE IT FURTHER RESOLVED that from this day forward all vehicles purchased for the City of Buchanan shall be white in color.

Roll call vote unanimous. RESOLUTION 2006.02/04 DECLARED ADOPTED this 1st day of February 2006.

The Annual Planning Meeting for 2006-2007 Commissioner Goals & Priorities was scheduled for February 11th at the Gateway Foundation. The Mayor requested a copy of updated Goals.

Attorney Hyrns explained in detail the mortgage the City has within the Economic Development Agreement with Express 1 and the request from Express 1 for a Subordination Agreement due to a change of name as the business was purchased. Mullendore reported on a luncheon meeting with representatives from Express 1.

Consent Calendar

continued

January 9, 2006

Minutes

Checks

Resolution

2006.02/03

authorizing

Meg

Mullendore

as the

official for

NATS

Reports

Buchanan Garden

Club

Unfinished

Business

Resolution

2006.02/04,

Designation of

White City

Vehicles

2006-2007 Annual
Planning Meeting

Express 1

Subordination

Agreement

Resolution

2006.023/05

At a rescheduled regular meeting of the City Commission of the City of Buchanan, County of Berrien, State of Michigan (the "City"), held in said City on Wednesday, February 1, 2006 the **Resolution was offered by Commissioner Hagey and supported by Commissioner Moore.**

Subordination Agreement

WHEREAS, the City of Buchanan ("City") and Express I Properties LLC ("Developer") entered into an Economic Development Agreement and Lien ("Agreement") dated the 10th day of July, 2000; and

WHEREAS, the Agreement provides in paragraph 10 that the "...Developer shall not, without the prior written consent of the City, transfer ownership interest of the Property..."; and

WHEREAS, the City has received notice that the Developer wishes to convey the Property and its rights and responsibilities under the Agreement to an entity known as "Segmentz, Inc.", and

WHEREAS, the City agrees to the transfer of the Property so long as the Developer obtains from Segmentz, Inc. an acceptance of the rights and responsibilities under the Agreement in a form similar to the form attached as Exhibit 1; and

WHEREAS, the proposed transfer shall require a Subordination by the City of its lien and mortgage over the property of the Developer to Chemical Bank Shoreline in a form similar to the form attached as Exhibit 2.

NOW, THEREFORE, BE IT RESOLVED that the City:

1. Approves of the transfer of the Property from the Developer to Segmentz, Inc. under the condition that Segmentz, Inc. signs an acceptance of Developer's rights and responsibilities under the Agreement;
2. Approves of the proposed subordination agreement of the City's Lien and Mortgage over to property to the interest of Chemical Bank Shoreline, conditioned upon Segmentz, Inc.'s acceptance of the Developer's rights and responsibilities under the Agreement.

Roll call vote unanimous. RESOLUTION 2006.02/05 DECLARED ADOPTED this 1st day of February 2006.

The Mayor introduced Amendment to Code of Ordinances Section 86-Streets, Sidewalks & Other Places, Article III. Sidewalks Section 86-67 Duties To Keep Sidewalk Clean. **Hagey moved seconded by McGuire to call a Public Hearing for final adoption on Monday February 27, 2006 at 8:00 p.m.** Mullendore explained that older sidewalks are only 30 inches in width and would be recognized within the final Ordinance. The Mayor recommended that ample notification be provided by the City and urged public comments/participation. **Roll call vote unanimous.**

Hagey moved seconded by McGuire to table the Resolution for Scheibe's Bar & Grill, LLC to transfer ownership of 2005 Class C Licensed Business with Dance-Entertainment Permit, located at 215 E. Front Street until the next meeting with the anticipation of a investigation report provided by the Police Department.

Mullendore reported discussion with Russ Stephens, Representative for the Senior Services Board. **Moore moved seconded by Hagey to authorize the City Manager to negotiate lease terms including rent charge and schedule for the building at 131 S. Oak Street with the Senior Services Board. Roll call vote unanimous.**

There was discussion regarding the lights downtown. Alice Kring invited the City Commission to the Chamber of Commerce Redbud Awards. Dick Proud commended the Commission on the difficult decision to appoint a new member to the Commission.

Mullendore commented:

- Welcome new commissioner

Unfinished Business continued

Express I
Subordination
Agreement
Resolution
2006.023/05

Call Public
Hearing for
Ordinance
Amendment,
Sidewalks, Duties
to keep Sidewalk
Clean

New Business
Liquor License
Transfer-Tabled

Authorization to
negotiate with
Senior Services
Board

Public Comments

Manager
Comment's

- Invitation from
Mary Lister for
Commission to
walk through
Art Center to

view the art of Shirley Roti-Roti

- Cost of \$4,500. to repair the parked vehicle (retired cemetery truck) to be safe or declare it surplus and sell it at auction. Discussion was shared about having a reconditioned vehicle in case of emergency. The Commission requested a detail list of what was reviewed.
- Letter received from the District Library regarding concerns with parking for the Farmers' Market by impeding their parking lot. She also asked direction from the commission regarding the cities option of exercising the right within the Agreement to purchase the second floor of the District Library building for municipal use. After discussion, the Mayor stated that further discussion would be held at the Goal Setting Session.
- Letter received from Gene Wesner to further pursue alleged (caused by snow plowing) damages to showroom window. Copy given to Commissioners.

**Commissioner's
Comments**

Commissioner's declared difficult decision between the two candidates, encouraged Barbara Clark to run in the fall election for Commissioner Seat, and shared greetings with newest member Jeanne Arbanas.

Arbanas commented:

- Thanks for support and patience

McGuire commented:

- Congratulations to Officers that Chief Marx presented Awards to at Police Department Awards Banquet
- Pleased lights are working downtown
- Wishes for Flo King the best of health

Scanlon commented:

- Congratulations to the Trail Committee
- Requests Citizens Awards again once a month

**CLOSED
SESSION**

Purchase or lease
real property

McGuire moved seconded by Moore to go into closed session to discuss the purchase or lease of real property at 9:52 p.m. Roll call vote carried unanimous.

The Mayor reconvened the meeting at 10:46 p.m. with no action taken during Closed Session.

Adjournment

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

Gladys M. Bybee, CMC-City Clerk

Earl J. Scanlon III, Mayor

Manager Comment's continued

CITY OF BUCHANAN COMMISSION MINUTES

FEBRUARY 13, 2006

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

Call to Order

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

Pledge/Invocation

Mayor Scanlon presented former Commissioner Flora King with a plaque in appreciation of her tenure with the City Commission. She spoke briefly and greetings were shared.

Roll Call

Commissioners present: Alberta Arbanas, David Hagey, MarLon McGuire, Patricia Moore, Earl Scanlon III

Commissioner absent: None

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

Guests included Glen Carpenter, RAM Representative along with 9 visitors present, 2 being Press.

Hagey moved, seconded by Arbanas to amend the Agenda to include, under New Business: Consideration to Authorize the City Manager to endorse the Request Documents to Berrien County Economic Development. Roll call vote unanimous.

Consent Calendar

Motion to Amend

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

Amended Agenda
Minutes 2-1-06
Checks

- Agenda as amended
- Minutes of Regular Meeting February 1, 2006
- Checks 49576 to 49694 in the amount of \$187,967.04
- Appoint Valerie Phillips as a member of the Downtown Development Authority, Downtown Tax Increment Finance Authority, Andrews Farm Tax Increment Finance Authority for a partial term through 2009
- Resolution 2006.02/6, Signature Authorization for Buchanan City Accounts Payable
- Resolution 2006.02/7, Signature Authorization for Buchanan City Payroll Account
- Acknowledged withdrawal of tabled resolution for Scheibe's Bar & Grill, LLC to transfer ownership of 2005 Class C Licensed Business with Dance-Entertainment Permit, located at 215 E. Front Street from Brett E. Pointer
- Banner Placement across Redbud Trail for Buchanan Garden Club for "2006 Garden Tour" for 5-26 through 6-12

DDA/TIFA
Appointment

Resolution 6 & 7

Liquor License
Application
Withdrawal

Garden Club
Banner

Reports

Redbud Area
Ministries

Glen Carpenter reported on Redbud Area Ministries (RAM) finances, distribution of 35 Christmas boxes including gifts and food, assistance to persons/families in need, and in search of a volunteer assistant in the RAM Office.

Police
Department/Code
Enforcement

Chief Bill Marx was in attendance and distributed his report for the Police Department and Code Enforcement. He presented Officer Carmen Bovo with an Award for Officer of the Year and also recognized Carmen Bovo with an Outstanding Service Award. The Mayor and Commissioners commended Officer Bovo. Chief highlighted the activities within the report and brief discussion was shared about officer visibility downtown on

foot or bicycling, citizen contact, Reserve Officers and Citizen Action Program. Chief presented a night vision monocular purchased with Homeland Security funding (\$2,500) for the Commission to inspect.

The Commission acknowledged the verbiage change within the Amendment to Code of Ordinances Section 86-Streets, Sidewalks & Other Places, Article III. Sidewalks
Section

86-67 Duties To Keep Sidewalk Clean. Reminder of Public Hearing for final adoption on Monday February 27, 2006. Mullendore confirmed publication and complaint driven enforcement.

Moore moved to appoint Lon McGuire as the Commissioner on the Farmers' Market Board. Scanlon seconded and roll call vote carried unanimous.

After explanation from Mullendore, ***Arbanas moved seconded by Moore to approve the request for the Budget Amendment & Bid Waiver in the amount of \$1,680 to provide labor & materials to install one air dryer, one bypass valve and one PRV station for pneumatic temperature control system at City Hall. Roll call vote carried unanimous.***

After explanation from Mullendore, ***Hagey moved seconded by Moore to enter into the Preventative Maintenance Service Agreement Option II for the pneumatic temperature control system at City Hall for a one year term and pay \$164. monthly. Roll call vote carried unanimous.***

Mullendore explained briefly and discussion followed regarding the bid process and matching existing downtown amenities. ***McGuire moved seconded by Moore to approve the bid waiver request from the Trail Committee to purchase amenities in the amount of \$3,411.14; benches, picnic tables, and waste receptacles to go along the trail along Third Street. Roll call vote carried unanimous.***

Mullendore explained the Geographic Information Systems (GIS) parcel data through the County Planning Department and discussion shared with Commission. ***Hagey moved seconded by Moore for the City Manager to follow up with the GIS system from the County in conjunction with the Downtown Development Authority (DDA) and dovetail information that Moore won software at MML Meeting. Roll call vote carried unanimous.***

Mullendore explained her correspondence with Dan Fette, Acting Director for Berrien County Economic Development with regards to requesting a grant from Berrien County to the Andrews Farm TIFA for \$35,000 (\$30,000. grant/loan to Express 1 and \$5,000. to update the Andrews Farm TIFA Plan). After explanation and discussion ***Moore moved seconded by Arbanas to authorize Mullendore to endorse the letter on behalf of the City requesting the grant in the amount of \$35,000. from Berrien County Economic Development to call a Public Hearing to hear comments on the City's request for the grant. Roll call vote carried unanimous.***

Mullendore commented:

- In receipt of a Buy-Sell Agreement for the Teen Center from Roger Lucas. City Commission unable to act on Buy-Sell Agreement per Charter Section 8.7.

Reports continued

Police
Department/Code
Enforcement

Unfinished

Business
Streets, Sidewalks
& Other Places

Appoint
Commissioner to
Farmers' Market
Board

Budget
Amendment & Bid
Waiver, Heating
System repair
Heating System
Maintenance
Agreement

New Business

Budget
Amendment & Bid
Waiver, McCoy's
Creek Trail
Amenities

GIS System

Request Berrien
County Economic
Development for a
\$35,000. Grant

Manager Comment's

Commission requested a viable defined plan including where funds are coming from to maintain the building and staff along with a Public Hearing Notice to sell the property. Commission agreed that the Teen Center be an agenda item at the next meeting to deliberate on the outcome.

- Confirmation from the Commission to attend the Art Exhibit of local Artist Shirley Roti-Roti at the Art Center

**Commissioner's
Comments**

All Commissioners thanked and complimented former Commissioner Flo King.

Arbanas commented:

- Congratulations to Police Department

Moore commented:

- Congratulations Buchanan Wrestlers and Greg Latislaw who is all A student
- Urged support for Art Center classes scheduled.
- Thanks to Staff & Commission for Annual meeting

McGuire commented:

- Thanks to Chief for the detailed report

Hagey commented:

- Thanks to Chief for reclaiming the Neighborhood Watch and LEAD Program

Scanlon commented:

- Police Department assured of full support from the Commission

**CLOSED
SESSION**

McGuire moved seconded by Moore to go into closed session to review the Minutes from February 1, 2006 Closed Session Meeting, Purchase or lease of real property at 9:40 p.m. Roll call vote carried unanimous.

Minutes, February
1, 2006

The Mayor reconvened the meeting at 9:46 p.m. with no action taken during Closed Session.

Adjournment

Hagey moved seconded by Arbanas to approve Closed Session Minutes as reviewed. Roll call vote carried unanimous.

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

Gladys M. Bybee, CMC-City Clerk

Earl J. Scanlon III, Mayor

Manager Comment's continued

CITY OF BUCHANAN COMMISSION MINUTES

FEBRUARY 27, 2006

A Public Hearing was called to order at 8:00 p.m. by Mayor Scanlon to invite and hear comments regarding Amendment to Code of Ordinances Section 86-Streets, Sidewalks & Other Places, Article III. Sidewalks Section 86-67 Duties To Keep Sidewalk Clean. Applicable notice was given and all Commissioners were in attendance.

After request from the Mayor, Mullendore explained that the ordinance amendment was proposed for enforcement of an ordinance that was already adopted and would be complaint driven. She alleged the City would lead by example. Mayor stated the City could not afford to clean every sidewalk within the City as funding was cut to 1996 standards. The clerk confirmed that a call was received from **Norma Ferris, 304 S. Oak** for more information about the ordinance. **Lene Mollberg, 14753 Broceus School Road** was asked to sit down by the Mayor. **Helen Jackson, 419 W. Front** spoke in opposition to the amendment as it would put an undue hardship on elderly residents. **Sarah Bates, 401 Chippewa** on behalf of her elderly mother and neighbors opposed the amendment due to the monetary and physical cost to residents. **Doris Lamb, 121 Charles Court** was concerned as City snow plows create snow on the sidewalks and residents cannot keep up with shoveling/clearing. She was also concerned about the hazard of damaged sidewalks.

The Mayor noted that the Commission would consider the ordinance later in the meeting and with no further public comments, adjourned the public hearing at 8:24 p.m.

A regular meeting of the City Commission was held at City Hall, 302 N. Redbud Trail, Buchanan, Michigan Monday, February 27 and called to order by Mayor Scanlon at 8:25 p.m.

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

Commissioners present: Alberta Arbanas, David Hagey, MarLon McGuire, Patricia Moore, Earl Scanlon III

Commissioner absent: None

Staff present included City Manager Meg Mullendore, Treasurer Juli O'Bryant, Assessor Gordon Schreiber, Public Services Director Rick Smigielski, and City Clerk Gladys Bybee. City Attorney Randy Hyrns and Environmental Attorney Jim Enright were also in attendance.

Guests included Judy Smith, District Library Director, and Judy Phillips, Dial A Ride Director along with 22 visitors present, 2 being Press

Moore moved seconded by McGuire to postpone, to the next meeting, item D. under Unfinished Business and D. E. J. L. under New Business. Roll call vote unanimous. Hagey moved, seconded by McGuire to approve the Consent Calendar as amended. Roll call vote unanimous.

- Agenda
- Minutes: Regular Meeting February 13 ~ Work Session Meeting February 11
- Checks 49695 to 49814 in the amount of \$421,737.51
- Appointment of Jason Lietz to the Zoning Board of Appeals to fulfill a term through 2008
- Appointment of Philip Hempel, Tammie Herrman, Terry Holloway, Alice Hopkins, Alice Kring, Liz Miller, and Therese Niemier to the Farmers' Market Board
- Acknowledge 2006-07 Budget Work Session Schedule

PUBLIC HEARING

Ordinance
Amendment
Section 86-Streets,
Sidewalks & Other
Places

Call to Order

Pledge/Invocation

Roll Call

Consent Calendar

Motion to Amend

Amended Agenda
Minutes 2-13-06,
2-11-06
Checks
ZBA Appointment
Farmers' Market
Appointments

2006-07 Budget
Schedule

- Purchase of
the
Geographic

Information Systems (GIS) parcel data in conjunction with the Downtown Development Authority (DDA) through the County Planning Department at a reduced cost of \$1.25 per parcel; \$2,343.75 cost to City

Judy Smith, Buchanan District Library Director confirmed that the annual report had been filed with the City Clerk as applicable. She explained the report in detail. Discussion shared about front door being locked and difficulty of exit being monitored.

Gordon Schreiber, Assessor confirmed receipt of his six month written report and explained briefly. Discussion was shared with Commission.

After brief clarification from Mullendore and all Commissioners assuring that safety and providing access was the issue, **McGuire moved seconded by Moore to approve Ordinance 2006.02/369, Amendment to Code of Ordinances Section 86 Streets, Sidewalks & Other Places, Article III. Sidewalks Section 86-67 Duties To Keep Sidewalk Clean as written and presented. Roll call vote carried unanimous.** Copy of Ordinance attached and made a part of this record.

The Commission clarified the public hearing to invite and hear comments regarding the outcome of 114 North Oak Street (a.k.a. Teen Center).

The City Clerk explained previous progress and current status on the Closeout requirements with the Homeowner Rehabilitation grant 2001. She committed to bring the other five home quotes to the next meeting and request consideration of a bid waiver. **Moore moved seconded by Arbanas to award the bid for Homeowner Rehabilitation II to Diamond Construction in the amount of \$1,750 for 103 E. Dewey Street and reject bids from M&M Construction due to alleged state mechanical investigation and being no responsive. Roll call vote carried unanimous.**

O'Bryant explained and recommended the five (5) year annual financial audit contract proposed by Plante-Moran, LLP. Sharon Vargo spoke briefly on behalf of Plante-Moran. Mullendore recommended, per Charter Section 9.10 to continue the Contract. **Moore moved seconded by Hagey to approve the five (5) year contract as recommended. Roll call vote carried unanimous.**

Dick Proud presented the site plan and explained briefly. **Hagey moved seconded by Moore to approve the Compliance Certificate and authorize the Garden Club to install a privacy fence on City property at the Ross Sanders house yard, better known as Buchanan Garden Club Memorial Park as reviewed and given favorable recommendation by the Plan Commission. Motion carried by majority. YEA:Hagey, McGuire, Moore, Scanlon. ABSTAIN: Arbanas**

The Mayor introduced the Ordinance and the Commission acknowledged the Public Hearing for Monday March 13, 2006 at 8:00 p.m. to hear comments regarding the City of Buchanan to assume responsibility for the administration and enforcement of the floodplain Management provisions of the Michigan Building Code. Rick Smigielski explained the ordinance briefly. No official action necessary.

Consent Calendar continued

Reports

District Library

Assessor
Department

Unfinished

Business

Streets, Sidewalks
& Other Places

Call Public
Hearing-Teen
Center

Bid Award,
Homeowner
Rehabilitation II

New Business

Financial Audit
Contract-5 years

Compliance
Certificate for
Garden Club Fence

Introduce Flood
Plain Ordinance

Director Judy
Phillips reported
no capital needs at
this time just
funding for

operating assistance. She welcomed complaints at her office. **Moore moved seconded by Arbanas to approve the Resolution to apply for financial assistance for fiscal year 2007 under act 51 of public acts of 1951 and authorize endorsement.**

WHEREAS, pursuant to Act No. 51 of the Public Acts of 1951, as amended (Act 51), it is necessary for the City of Buchanan to provide a local transportation program for the state fiscal year of 2007 and, therefore, apply for state financial assistance under provisions of Act 51; and

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

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

WHEREAS, the City of Buchanan has reviewed and tentatively approved the proposed balanced operating budget, and funding sources of \$17,700 estimated federal funds, \$57,894 estimated state funds, \$61,906 estimated local funds and \$10,000 estimated farebox revenues, budget total estimated operating expenses of \$147,500; and

WHEREAS, said budget includes estimated operating expenses and no capital requests for Buchanan Dial-A-Ride.

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

HEREBY authorizes Julianne M. O'Bryant as Transportation Coordinator, for all public transportation matters for FY 2007.

Roll call vote carried unanimous. Resolution 2006.02/08 declared adopted.

Bid Waiver
WWTP, Trash
Pump w/hose

Smigielski distributed a sketch of the sewer line cross section blockage at Remus and Harlan Avenue area and explained in specific detail. He confirmed although the equipment used for all departments, purchase specifically for WWTP. After shared discussion, **Moore moved seconded by McGuire to approve the bid waiver to purchase the trash pump with hose at a cost not to exceed \$4,094.50 as presented. Roll call vote carried unanimous.**

Rennhack Field,
Resolution
2006.02/9

Director Wayne Writer reported the dedication of Don Rennhack. **Hagey moved seconded by Moore to approve the following Resolution as presented.**

WHEREAS, the Buchanan Area Recreation Board, at its January 2006 meeting, approved to name the third softball field in memory of Mr. Don Rennhack; and

WHEREAS, Mr. Rennhack was active in the Buchanan Community as an educator, coach, sportsman, and volunteer; and

WHEREAS, a nameplate, in his honor be engraved and placed at the field.

NOW THEREFORE, BE IT RESOLVED, that the third softball field at McCoy Creek Recreation Area be officially named Rennhack Field.

Roll call vote carried unanimous. Resolution 2006.02/09 declared adopted.

Victory Park Sign

Writer reported on the events to obtain funds for the purchase of Victory Park Sign with monies raised by the youth to match the sign design as Ravish park; cost not to exceed \$560. (currently \$700. deposited for purchase) **Moore moved seconded by Hagey to approve the purchase of the sign as funds allowed and as presented. Roll call vote carried unanimous.**

Restrictive
Covenants with
Ingersoll Rand.

Jim Enright explained the ongoing, since 1993, clean-up and remediation of certain Ingersoll Rand (IR) (a.k.a. Clark Equipment) properties. He introduced Charlene McGue and Bill Ferrell from Horizon Environmental (firm hired by IR) available for any questions or concerns. He explained the need for restrictive covenants for the specific

IR owned, City
owned and DDA
owned parcels
originally approved
in 2001. He asked
for authorization
for the City

New Business continued

Dial-A-Ride, Resolution 2006.02/8

Manager and clerk to endorse the changes in the restrictive covenants document. He explained changes/modifications at the north parcel needed to develop an observation deck along McCoy's Creek. Questions and concerns were shared from Commission regarding public exposure to contaminants, restrictions and allowable limits for particular uses. McGue explained the technicalities of cleanup in particular areas and the last Remediation Action Plan (RAP) proposed to the DEQ from IR which was not approved but IR required fulfill. Dick Proud and Sheila Daly from the McCoy's Creek Trail Committee and Attorney Enright shared brief discussion regarding the continuation of the Trail (request submitted to DEQ). Kevin Barker was concerned about the property he purchased, the money he paid for cleanup (reimbursement?), the restrictive covenants and the fact that the Baseline Environmental Assessment (BEA) did not address the same contaminants. Scanlon confirmed that he was not satisfied and would not accept the replacement of Third Street and the curbing. Comments were heard regarding uses from Commissioner's, Assessor Gordon Shreiber, Kevin Barker, and City Manager with Attorney's responses. ***Hagey moved seconded by Arbanas to authorize the City Manager and Clerk to endorse the agreement with updated versions and changes provided no substantial changes. Roll call vote carried by majority YEA: Hagey, McGuire, Arbanas, Scanlon. NAY: Moore***

Public Comments

Bruce Hipshear, 116 N. Cayuga announced his candidacy challenging Neal Nitz.
Joe Scanlon, 206 Redbud Trail announced his candidacy for County Commissioner District 11.

Manager Comment's

Mullendore commented:

- Omitted due to lateness of meeting

Moore commented:

- Congratulate Joe for continuing his political career

Arbanas commented:

- Congratulations and Good Luck to Joe and Bruce
- Thanks to the Art Center for the tour
- Thanks to Chief for Annual Firefighter banquet and all firefighters

McGuire commented:

- Urged citizens to volunteer
- Best wished to Joe and Bruce
- Committed to the safety and best for the citizens of Buchanan

Commissioner's Comments

Scanlon commented:

- Date/Time of Drug Awareness Outreach Program at Faith United Community

Adjournment

Moore moved seconded by Arbanas to adjourn the meeting at 11:04 p.m. Voice vote carried unanimous.

Gladys M. Bybee, CMC-City Clerk

Earl J. Scanlon III, Mayor

New Business continued

Restrictive Covenants with Ingersoll Rand.

CITY OF BUCHANAN COMMISSION MINUTES

MARCH 13, 2006

A Public Hearing was called to order at 8:00 p.m. by Mayor Scanlon to invite and hear comments concerning the outcome of the Teen Center located at 114 N. Oak Street. The clerk confirmed no written comments. **Pastor Chris Kruchkow**, Faith United Methodist Church and behalf of Buchanan Area Ministerial Association (BAMA) reported that it was BAMA intent to work with Mr. Lucas and the Association wishes to concentrate on a Youth Center for the City. He explained his understanding that Mr. Lucas was interested and had presented the City with a purchase agreement. He proclaimed that a verbal agreement with Lucas to allow the Association to use the building at no cost until they can pay was understood by BAMA. Kruchkow urged commission to support Lucas proposal. Commission questioned liability, parenting classes, and the sale of the building. Kruchkow responded that Lucas was to repair building. Kruchkow confirmed that BAMA is connected to be part of the Youth Center with Lucas. The Mayor confirmed that the Commission position was to use that building as a youth center. **BAMA Secretary Reverend Tom Fox** proclaimed partnering for the betterment of the City of Buchanan and urged the Commission to support the Lucas/BAMA plan. **BAMA President Reverend Dave Meister** stated his excitement about a youth center program with Lucas and asked about Commission wishes for verbiage in a proposal. **Brian Fortune**, Redbud Trail supports youth proposal. Being no further comments, the Mayor closed the public hearing at 8:31 p.m. The Commission concurred to include consideration of outcome under new business later in the meeting.

A Public Hearing was called to order at 8:32 p.m. by Mayor Scanlon to invite and hear comments regarding the City of Buchanan to assume responsibility for the administration and enforcement of the floodplain management provisions of the Michigan building code. The clerk confirmed no written comments. Warren Weaver reports either the City enforce or the State of Michigan will; no significant amount of changes and urged the public to review Floodplain maps and plan that has been changed by the Federal Government. The Mayor noted that the Commission would consider the ordinance later in the meeting and with no further public comments, adjourned the public hearing at 8:38 p.m.

A regular meeting of the City Commission was held at City Hall, 302 N. Redbud Trail, Buchanan, Michigan Monday, March 13 and called to order by Mayor Scanlon at 8:38 p.m.

Boy Scout Ryan Hollinshead led the Pledge of Allegiance. Reverend Tom Fox, Portage Prairie United Methodist Church gave the Invocation.

Commissioner Moore read the biography and the Mayor presented the Citizen Appreciation Recognition Award to Ryan Hollingshead.

Commissioners present: Alberta Arbanas, David Hagey, MarLon McGuire, Patricia Moore, Earl Scanlon III

Commissioner absent: None

Staff present included City Manager Meg Mullendore, Fire Chief/Building Inspector Warren Weaver, and City Clerk Gladys Bybee.

Guests/Visitors present: 9 visitors, 2 being Press

PUBLIC HEARING

Outcome of the Teen Center

Ordinance to Administration and enforcement of the Floodplain Management Provisions

Call to Order

Pledge/Invocation

Citizen Appreciation Award

Roll Call

Hagey moved seconded by

Moore to amend the Consent Calendar to include item D. Teen Center under Unfinished Business. Roll call vote unanimous.

Motion to Amend

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

- Agenda as amended
- Minutes: Regular Meeting February 27 ~ Work Session Meeting March 7
- Checks 49815 to 49905 in the amount of \$300,306.70
- Increase the rental fees at Centennial Park from \$50 to \$75. and increase the rental fees at Ravish Park from \$25. to \$50.
- Resolution 2006.03/10, Manage floodplain development for the National Flood Insurance Program (copy attached)
- Resolution 2006.03/11, Intent for participating in the National Flood insurance Program Budget amendment and resolution recording transfer from Andrews Farm TIF to the General Fund from 1985 to current year in the amount of \$204,935 (copy attached)
- Resolution 2006.03/12, urging the State to support local economic Development and increase statutory revenue sharing (copy attached)

Amended Agenda
Minutes 2-27-06,
3-7-06
Checks
Fee Increase for
Ravish &
Centennial Park
Resolution 10
Resolution 11

Resolution 12

Reports

Building Dept.
Fire Dept.

Warren Weaver, Fire and Building Department announced his staffing was up and explained his report on Fire and Building while all reviewed his written reports. Questions were shared.

Unfinished

Business

Property Exchange
Empty lots on
Elizabeth Street
DENIED

Mullendore reported the property exchange on the undeveloped portion of Elizabeth Street; Lot 20 belonging to the City for lot 18 belonging to Lou Desenberg. She explained the property was given to the City for the purpose of a road. She reported her discussion with the Assessor and a concern that that a possible road would have to be a one way if lots were exchanged and a split would be necessary with costs. **Hagey moved, seconded by McGuire to deny the exchange due to a possible future development of a street connecting Elizabeth Street to Bluff Street. Roll call vote carried unanimous.**

Alleged claim for
damage

Mullendore reported and explained that Gene Wesner was pursuing his claim against the City for damage done to his business window (\$686.18) which the City's Insurance carrier had denied his claim. She explained the insurance company would pay the claim if it was required by the commission. The commission discussed responsibility on protection of public funds, pay out claims of city money on a case by case basis, setting a precedent, accident, no malicious act. **Hagey moved seconded by McGuire to deny the claim. YEA: Hagey, McGuire. NAY: Moore, Arbanas, Scanlon. Motion failed. Moore moved, seconded by Scanlon to reimburse Wesner out of the General Fund Balance as it is a good will gesture on behalf of the City and with the understanding that the City does not claim responsibility but concern about his loss. YEA: Scanlon, Moore, Arbanas. NAY: Hagey, McGuire. Motion carried by majority roll call vote.**

Ordinance 370,
Floodplain
Enforcement

After brief clarification from Building Inspector Weaver, **Arbanas moved, seconded by Moore to approve Ordinance 2006.03/370, designating the City of Buchanan as an enforcing agency under the provisions of the State Construction Code Act, Act No. 230 of the Public Acts of 1972, as amended. Roll call vote carried unanimous.**

Copy of Ordinance attached and made a part of this record.

Bybee reported she
had acquired
proposals for the

Consent Calendar

remaining five homes (in the Homeowner Rehabilitation Program) that needed repair and lead interim control in order for the grant to be closed out. Discussion/questions shared and she explained in detail. She was fairly confident that the work would satisfy the State as they have been included with the entire process, although it may not be a guarantee. ***Arbanas moved seconded by Moore to rescind the motion from June 10, 2002 concerning program income and utilize the \$11,125 remaining appropriation towards the corrections that must be done in order to close out the program. Roll call vote carried unanimous.***

McGuire moved, seconded by Moore to approve the use of the funds derived from program income and city administration in the amount of \$30,094 in the housing grant fund to pay for necessary repairs to satisfy the grant requirements. Roll call vote carried unanimous.

Hagey moved, seconded by Moore to approve the bid waiver in the amount of \$30,087 to pay for the remaining rehabilitation work as proposed. Roll call vote carried unanimous.

Moore moved, seconded by McGuire to accept the five proposals for rehabilitation on 5 units from the 2001 Homeowner Rehab Program from Diamond Construction. Roll call vote carried unanimous.

After brief discussion and information from the earlier public hearing with regards to the Teen Center, ***Hagey moved, seconded by McGuire to authorize the City Manager to develop a Request For Proposal (RFP) for the sale of the Teen Center to include uses for the building to be compatible with that of the Buchanan Area Ministerial Association (BAMA) proposal. Roll call vote carried unanimous.***

Mullendore reported on her meeting with Chris Tapper, owner of C-Saw, 101 W. Smith Street due to necessary building expansion for his business as the Lease does not allow for expansion. She noted that Attorney Hyrns requested verbiage change, but would not prohibit Commission to make a decision. Discussion included responsibility if C Saw exacerbated contamination, one baseline assessment done, the need for another, and original lease requirements of \$5,000. down, \$5,000 upon termination of lease in 2007. ***Arbanas moved, seconded by McGuire to accept the request from C-Saw to conclude its lease agreement early and complete the purchase agreement for 101. W. Smith Street. Roll call vote carried unanimous.***

Reverend Tom Fox, Chairperson for Lower St. Joseph River Watershead Committee announced the planned work shop at Andrews University. He explained the Committee as a Countywide partnership required by Environmental Protection Agency.

Mullendore commented:

- Congratulations to Wrestling Team
- Discussions of active role to publish an article to supplement Dave Casey's article. Set the record straight from the City Manager, eliminate rumors/myth. Provide comments prior to submittal.
- Request and encourage Commissioner Biography to input information in the Newsletter.

Unfinished Business continued

6-10-02 Motion rescinded

Bid Waiver, Homeowner Rehabilitation II

Homeowner Rehabilitation II Proposals Acceptance

Request For Proposal-Teen Center

New Business

C-Saw Lease termination, Purchase Agreement

Public Comments

Manager Comment's

- Telephone correspondence from resident Mary White

also a senior citizen limited to a scooter applauds the Commission for approving the snow clearing ordinance. Forthcoming inventory of sidewalks.

- Another note (hit list) found at the high school with the State Police brought in. Volunteer parents walking the school for security.
- Upcoming event dates/times

Commissioner's Comments

- All Commissioner's congratulated Ryan Hollingshead

Moore commented:

- Congratulations to Arbanas on volunteer award
- Looking forward to work with school to resolve the issue
- Support Youth Center concept
- Upcoming event dates/times

Arbanas commented:

- Welcome Diana Davis as new superintendent
- Upcoming event dates/times
- Art Center Board member vacancy
- Thanks to Chamber of Commerce, Congratulations to award winners

McGuire commented:

- Applaud BAMA
- Happy St. Patrick's Day
- Urged involvement to Blood Drive at Mason's Lodge

Scanlon commented:

- Thanks for Teen Center input
- Urged questions/concerns to the City Manager or contact Commissioners

CLOSED SESSION

City Manager 6
month evaluation

McGuire moved seconded by Moore to go into Closed Session at 10:07 p.m.

The Mayor reconvened the meeting at 11:24 p.m. with no action taken during Closed Session.

Moore moved seconded by McGuire to increase the City Manager salary by 3%, due to a satisfactory review, as applicable to Section 2.3 of the City Manager Contract.

Roll call vote carried unanimous.

Adjournment

McGuire moved seconded by Moore to adjourn the meeting at 11:25 p.m. Voice vote carried unanimous.

Gladys M. Bybee, CMC-City Clerk

Earl J. Scanlon III, Mayor

Manager Comment's continued

CITY OF BUCHANAN COMMISSION MINUTES

MARCH 27, 2006

A regular meeting of the City Commission was held at City Hall, 302 N. Redbud Trail, Buchanan, Michigan Monday, March 27 and called to order by Mayor Scanlon at 8:38 p.m.

The pledge was recited by all in attendance. Reverend Nancy Becker, First Presbyterian Church gave the Invocation.

Commissioners present: Alberta Arbanas, David Hagey, MarLon McGuire, Earl Scanlon III

Commissioner absent: Patricia Moore

Staff present included City Manager Meg Mullendore and City Clerk Gladys Bybee.

Guests/Visitors present: Alice Kring, Joint Arts & Historical District Committee Chairwoman and Chamber of Commerce President 10 visitors, 2 being Press

Sheila Daley, 801 Ottawa Court, expressed support for Buchanan Floral for the downtown plantings, as past practice was wonderful. Stella Proud was concerned about Dial-A-Ride charging Senior Citizens for both pick up and return. The Mayor replied that the city is currently in discussion with Executive Director Judy Phillips who also welcomes comments. She also noted the street lights out on Oak Street at the Front Street intersection

Hagey moved seconded by McGuire to amend the Consent Calendar by including check number 49978 in the amount of \$169.06 and correcting the date for the street closure to April 29th, not May 29th. Roll call vote unanimous. Hagey moved, seconded by Arbanas to approve the Consent Calendar as amended. Roll call vote unanimous.

- Agenda as amended
- Minutes: Regular Meeting March 13, 2006
- Checks 49906 to 49978 in the amount of \$118,559.78
- Acceptance of City Manager submission of recommended 2006-2007 Fiscal Year Budget to the City Commission as applicable to Charter Section 9.2
- Destruction of 2 accuvote tabulators and removal to the Berrien County Landfill
- Five Street Closures for Soap Box Derby; April 29, May 13, August 26, September 16, Oct. 7
- Resolution 2006.03/13, supporting local control of Cable Franchising (attached)
- Resolution 2006.03/14, funding support for the Joint Arts & Historical District(attached)

Alice Kring thanked the Commission for supporting the Joint Arts and Historical Committee Budget for Event year 2007. She explained the original development of the group, the benefits of the joint effort and communications, and a five year plan forthcoming. She further announced the 2006 events for the Pears Mill, Tin Shop Theatre, and The Common. All discussed including the Farmers' Market into the Joint Committee.

Call to Order

Pledge/Invocation

Roll Call

Public Comments

Consent Calendar

Motion to Amend

Amended Agenda

Minutes 2-27-06,
3-7-06

Checks

Fee Increase for
Ravish &

Centennial Park

Resolution 10

Resolution 11

Reports

Joint Arts &
Historical District
Committee

Alice Kring
reported the

Chamber of Commerce ideas for Buchanan Fest is adding an adult beverage tent, fire works display, and a motorcycle cruise in. She distributed printed ideas of a logo for the Buchanan Fest for Commissioners to review. Discussion included having the beverage tent on the east side of the Tin Shop in gravel lot, alcohol within 500 feet of a religious organization, and liability. Commissioner comments/ opinions were voiced. **McGuire moved seconded by Arbanas to allow Buchanan Fest to have an adult beverage tent with the rest falling into place. YEAS: McGuire, Arbanas. NAYS: Hagey, Scanlon. Motion failed.** The Commission requested that the Buchanan Fest bring back a formal proposal for the three new events.

Hagey moved seconded by McGuire to award proposal for "Downtown Plantings" to Buchanan Floral Co. & Greenhouse, LLC not to exceed \$3,000. Roll call vote carried unanimous. A community planting day was discussed.

Don Trull, 302 W. Fourth Street was opposed to the sidewalk obstruction ordinance as several streets are without sidewalks and a house out to the street (no room for a sidewalk). Snow not the only obstruction. Dale Dailey, 802 Ottawa suggested limited amount of beverages and more expense to fire works. Stella Proud opposed the adult beverage tent and reminded all about what happened in the past. Kathy Kingery stated her neutral opinion with the beer tent and reported serving on the Old Fashioned Labor Day Board. She noted the beer tent brought in numerous persons and raised a lot of money into the City.

Mullendore commented:

- Review, comment and return draft mission statement for development of formal resolution.
- Mayors Exchange on Wednesday May 17th in Dowagiac
- Packet of information about Dial-A-Ride including financial
- Quarterly Newsletter ready to go out
- Website hacked, firewall outdated. Web Designer review
- Future event dates/times

Arbanas commented:

- Congratulations to Police Dept. for resolving the issue at Buchanan High School

McGuire commented:

- Commendation to PD on School issue
- Forthcoming blood drives
- Thanked Helen Kimbrell for positive feedback
- Opinions sometimes from constituents

Hagey commented:

- Pleased with response from Governor concerning the state revenue
- Serve on Commission because they care and would like to hear opinions of the beverage tent and need for input from organizations and citizens. Urged to hear communication by regular mail, email, in person, or telephone.

Reports continued

Chamber of
Commerce-
Buchanan Fest

**Unfinished
Business**

Award of
Downtown
Plantings

Public Comments

**Manager
Comment's**

**Commissioner's
Comments**

Scanlon
commented:

Agreed with Dave and urged contact.

March 13, 2006
Closed Session
Minutes

Hagey moved seconded by McGuire to go into Closed Session to review closed session minutes at 9:24 p.m.

The Mayor reconvened the meeting at 9:25 p.m. with no action taken during Closed Session.

Adjournment

Hagey moved seconded by McGuire to approve the March 13, 2006 minutes from City Manager Evaluation. Roll call vote carried unanimous.

McGuire moved seconded by Hagey to adjourn the meeting at 9:26 p.m. Voice vote carried unanimous.

Gladys M. Bybee, CMC-City Clerk

Earl J. Scanlon III, Mayor

Commissioner's Comments continued

CLOSED SESSION

CITY OF BUCHANAN COMMISSION MINUTES

APRIL 10, 2006

A regular meeting of the City Commission was held at City Hall, 302 N. Redbud Trail, Buchanan, Michigan Monday, April 10 and called to order by Mayor Pro Tem Hagey at 8:02 p.m.

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

Mayor Pro Tem David Hagey read the biography and presented the Citizen Appreciation Recognition Award to Frances Morley.

Commissioners present: Alberta Arbanas, David Hagey, MarLon McGuire, Patricia Moore

Commissioner absent: Earl Scanlon III

Staff present included City Manager Meg Mullendore, Public Services Director Rick Smigielski, and City Clerk Gladys Bybee.

Guests/Visitors present: Buchanan Lions Club Representative Tom Gordon
12 visitors, 2 being Press

Amy Paxton announced the Garden Club Arbor Day Ceremony Friday April 28th. She explained the Ceremony in detail and urged all to attend.

Moore moved seconded by McGuire to amend the Consent Calendar by including, under Reports, Buchanan Lions Club Report and Proclamation for White Cane Week. Roll call vote unanimous. McGuire moved, seconded by Moore to approve the Consent Calendar as amended. Roll call vote unanimous.

- Agenda as amended
- Minutes: Regular Meeting March 27, 2006
- Checks 49979 to 50054 in the amount of \$57,585.41
- Banner placement form, Farm Board-Plow Day
- Call Public Hearing Monday April 24th at 8:00 P.M. to hear comments on the property tax millage rate proposed to be levied to support the proposed 2006-2007 Fiscal Year Budget for the City of Buchanan
- Street Closure (Front Street) for Memorial Day Parade on Monday May 29th

Public Services Director Rick Smigielski reported that the newest purchase of the trailer w/emergency stand by pump was on display in the parking lot. He presented digital pictures of future projects; street crack sealing, electrical at the well field, Mill Race project, Sexton Building and Knights Chapel repair, cemetery retaining wall repair, and 2.5 million dollar improvement at the Water and Wastewater Treatment Plant. He briefly explained bringing the bond information back for the upgrades/repairs. Discussion/questions shared with Commission and Smigielski explained that a video of decaying sewer was available.

Tom Gordon, Representative for the Buchanan Lions Club spoke briefly and announced 38 members actively work in the community and completed shelter in Centennial Park. He announced White Cane Week Fundraiser, Lions Club volunteerism, projects and other fundraisers. Mayor Pro Tem Hagey read the Proclamation in honor of White Cane Week and encouraged participation.

Call to Order

Pledge/Invocation

Roll Call

Public Comments

Consent Calendar

Motion to Amend

Amended Agenda
Minutes 3-27-06
Checks
Banner-School
Farm
Public Hearing
Call
Street Closure,
Memorial Day
Parade

Reports

Public Services

Buchanan Lions
Club

An Ordinance
Amendment for

Floodplain Management Provisions was introduced and a public hearing was called for Monday April 24th at 8:00 p.m. Smigielski explained the purposes for the Ordinance and discussion was shared. Local Insurance Agent Alice Kring was in attendance and answered questions regarding the floodplain insurance protection.

New Business
City Hall & Police
Station Copiers

Mullendore explained the Copier Lease Agreements for City Hall and Police in detail. She introduced the Representative from US Business Systems and he confirmed the quote. *Moore moved seconded by Arbanas to approve the copier lease in the amount of \$169.66 per month for City Hall and \$99.91 per month for the Police Station as recommended. Roll call vote unanimous.*

Public Comments

Alice Kring reported that Miss Buchanan would submit a written plan for a Beer Tent to the Commission at the 2nd meeting in May. She clarified that she brought this forth on behalf of opinions brought to her. McGuire and Hagey agreed to include the discussion of the Beer Tent on the May 22nd meeting to hear public comments.

Kathy Hempill introduced herself and announced working towards a community conversation about drug addiction, alcohol abuse, myspace.com. etc. She announced she will be presenting to both schools about what their life could look like in the future, proposal to the Middle School May 2nd. She requested Commission support for a community formal panel discussion. More discussion at the May 19th PERC Breakfast.

**Manager
Comment's**

Mullendore commented:

- She requested comments on the previous distributed "Mission Statement" to formalize adoption.
- Urged Commissioner Attendance to Mayors Exchange Wednesday May 17th in Dowagiac and asked for dates to offer Dowagiac visit.
- Concerns about tree removal on Chippewa and Fourth Streets. She explained the installation of new three phase electric lines was the reasons for removal. Discussion was shared between Mullendore and Commission. She confirmed replacement of trees.
- Meeting with Al Fisher and BYSBA; volunteers and donations created a pony league field out of the new Rennhack Field.
- Restrictive Covenants of Ingersoll Rand properties reviewed with Dick Proud.
- Proposed offer to new Administrative Secretary by end of week
- Upcoming event dates/times

**Commissioner's
Comments**

Moore commented:

- Apologized for missing last meeting
- Happy Easter

Arbanas commented:

- Dead tree in front of A-Salon and Lucy's on Front Street
- Concerns of traffic on Front Street when turning left on Days Avenue and Main Street
- Easter Egg Hunt

McGuire
commented:

- Had the pleasure of meeting family from Paduka

Unfinished Business

Introduce Amendment, Floodplain

Kentucky that recently moved to Metea Court

- Offended by the white substance in the Creek downtown; wishes for the substance to be analyzed

Hagey commented:

- Agreed that the white substance needs to be checked

CLOSED
SESSION

Moore moved seconded by McGuire to go into Closed Session to discuss Purchase or Lease of Real Property at 9:46 p.m.

The Mayor reconvened the meeting at 10:23 p.m. with no action taken during Closed Session.

Adjournment

Moore moved seconded by McGuire to direct the City Manager to pursue the buy-sell agreement as discussed in Closed Session. Roll call vote carried unanimous.

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

Gladys M. Bybee, CMC-City Clerk

Earl J. Scanlon III, Mayor

Commissioner's Comments continued

CITY OF BUCHANAN COMMISSION MINUTES

APRIL 24, 2006

The Mayor called the **public hearing** to order at 8:00 p.m. The clerk verified that written comments were not received. The Mayor requested public comments on the property tax millage rate proposed to be levied to support the proposed 2006-2007 Fiscal Year Budget for the City of Buchanan. Being no public comments, the Mayor closed the hearing at 8:04 p.m.

The Mayor called the **public hearing** to order at 8:04 p.m. The Clerk verified that written comments were not received. The Mayor requested public comments regarding an ordinance amendment for floodplain management provisions. Being no public comments, the Mayor closed the hearing at 8:05 p.m.

A regular meeting of the City Commission was held at City Hall, 302 N. Redbud Trail, Buchanan, Michigan Monday, April 24 and called to order by Mayor Scanlon at 8:05p.m.

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

Mayor Scanlon presented Duane Nelson with a Certificate of Recognition Award to United Federal Credit Union for their continuous support and contributions given to the numerous events in the City, especially the Annual Easter Egg Hunt.

The Mayor announced the recognition award to Canteen Services for donating water to the Fire Department.

Commissioners present: Alberta Arbanas, David Hagey, MarLon McGuire, Patricia Moore, Earl Scanlon III

Commissioner absent: none

Staff present included City Manager Meg Mullendore and City Clerk Gladys Bybee

Guests/Visitors present: City Attorney Randy Hyrns 11 visitors, 2 being Press

Stella Proud reported that she met with Judy Phillips, Dial-A-Ride Executive and learned new information regarding tickets to be stamped for rides. Discussion was shared with Commission and Proud.

Hagey moved seconded by Moore to exclude item O. under Consent Calendar as it was previously done before Roll Call. 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 April 10, 2006
- Checks 50055 to 50148 in the amount of \$115,632.25
- Arbor Day Celebration, Friday April 28, 2006
- Traffic Control Order #243, placing stop signs at Chicago and Detroit Streets
- Banner Placement Form, Buchanan Chamber of Commerce-Community Wide Garage Sales
- Banner Placement Form, Buchanan Chamber of Commerce-Buchanan Fest
- Call a Public Hearing Monday May 22nd at 8:00 P.M. to hear comments on the Southwestern Michigan Community Ambulance Service (SMCAS) 2006-2007

Public Hearing
2006-2007 FY
Budget

Public Hearing
Floodplain
Amendment

Call to Order

Pledge/Invocation

Roll Call

Public Comments

Consent Calendar
Motion to Amend

Amended Agenda
Minutes 4-10-06
Checks
Recognize Arbor
Day- 4/28/06
Traffic Control
Order 243
Banner Placement
Public Hearing
Call-SMCAS
Budget

- fiscal year
operating and

capital budgets. The clerk confirmed that she would contact Ms. Beach to attend the May 8th meeting.

- Call a Public Hearing Monday May 22nd at 8:00 P.M. to hear comments concerning the sale of public property located at 101 W. Smith Street, Buchanan Michigan
- Street Closure (Oak Street) for Buchanan Fest on Saturday August 26th
- Street Closure (First Street Alley) for Buchanan Fest on Saturday August 26th
- Street Closure (Days Avenue) for Buchanan Fest on Saturday August 26th
- Street Closure (Front Street) for Buchanan Fest on Saturday August 26th
- Street Closure (Roe Street) for Buchanan Fest on Saturday August 26th
- Resolution 2006.04/15, Supporting the Mission Statement (attached)
- Farmers’ Market Board Bylaws as recommended by the DDA

Public Hearing Call, Sale of public property

Street Closure’s

Buchanan Mission Statement
Farmers’ Market Board Bylaws

Reports

Friends of Oakridge Cemetery

OakRidge Cemetery Signage

Friends of Oakridge Cemetery Chairman Lyle Sumerix introduced Ron Bennett and Mr. Bennett distributed design renderings for the proposed sign listing of burials relocated to Oakridge that were moved from Kathryn Park many years ago. He explained the proposal in detail and discussion was shared.

Sumerix distributed proposed design renderings for the Oakridge entrance on Front Street and explained the proposal to construct the entrance sign. Bob Bachman explained the detailed design for the construction. The possibility to subsidize the proposal through the perpetual care fund was discussed with Hyrns confirming to review the ordinance. The commission took the position to continue the concept for both sign designs as proposed.

Unfinished

Business

Ordinance 371.04/06, State Construction Code Ordinance for Flood Plain

After brief clarification from Mullendore, *Moore moved, seconded by McGuire to approve the Ordinance Amendment as presented. Ordinance Number 371.04/06, State Construction Code Ordinance for Flood Plain Management provisions amendment of the City of Buchanan.*

THE CITY OF BUCHANAN ORDAINS:

Section 3. “DESIGNATION OF REGULATED FLOOD PRONE HAZARD AREAS.

The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) Entitled Berrien County Michigan (and incorporated areas) and dated April 17, 2006 and the Flood insurance Rate Map(s) (FIRMS) panel number(s) of 26021--0384C, 0403C, and 0405C of 438 and dated April 17, 2006 are adopted by reference and declared to be part of Section 1612.3 of the Michigan Building Code.”

Roll call vote unanimous. Ordinance 371.04/06 declared adopted.

Water Control Facility, Engineering Services Agreement

Mullendore reported that three bids were received for the water control facility and recommended Abonmarche Consultants as the lowest and responsive bidder. After brief discussion regarding the RFP procedure, *McGuire moved, seconded by Arbanas to approve the Professional Engineering Services Agreement to submit notice to proceed to Abonmarche not to exceed \$50,000. and submit notice to proceed for Water Control Facility. Roll call vote carried unanimous,*

Southeast Berrien County Landfill (SEBCL)

Mullendore reported little knowledge of the Southeast Berrien County Landfill Board Authority benefits due to the former temporary City Manager designee appointment.

After discussion of the City Manager appointment per the Charter and the

Consent Calendar continued

city commission representative on that board, Scanlon reported that he could not attend the meetings and thus would request that another commissioner take his place. ***Hagey moved to end the temporary appointment and specify that the City Manager fill the seat as prescribed by the Charter on the Landfill Authority. Scanlon seconded the motion and discussion was held. Roll call vote carried unanimously.*** Scanlon confirmed his official resignation from the landfill board. ***McGuire moved seconded by Scanlon to appoint Jeanne Arbanas as the Commissioner Representative on the Landfill Board. Roll call vote carried unanimous.***

New Business
 Buchanan Code
 Section 18, Article
 II. Taxicabs

Mullendore announced a contact/proposal to operate a taxi service within the City with the main business in Berrien Springs. She reported that time was necessary for all to review before offering an amendment. Attorney Hyrns reported that the current code was antiquated and would take some time to update, make user friendly, and could be compatible with State law. After shared discussion of Buchanan Code Section 18, Article II. Taxicabs, ***Moore moved seconded by Arbanas to pursue an update to the Code regarding Taxicabs. Roll call vote carried unanimous.***

Electrical Permit
 Fee Schedule

After brief explanation from Mullendore to adjust the fee schedule for electrical permits as requested, ***Hagey moved seconded by McGuire to direct the City Manager to review the electrical contract, request proposals and bring forward for the Commission to consider approval. Roll call vote carried unanimous.***

Public Comments

Greg Latislaw introduced himself as a Buchanan High School student doing a report.

Mayor Scanlon read the Proclamation for White Cane Week. Arbanas reported \$1,500 raised. The Mayor also read the Arbor Day Proclamation and the Resolution supporting the Mission Statement for Buchanan.

**Manager
 Comment's**

Mullendore commented:

- Upcoming events times/dates
- Visit to Victory Park to review vandalism and disarray of garbage. May revisit and request permission to remove the hoops. She urged all to participate in litter cleanup throughout the city.
- Reservation requests to Mayors Exchange necessary
- Distribution of City Manager Straight Talk published in Berrien County Record

**Commissioner's
 Comments**

Moore commented:

- Reiterate City of Buchanan is "Redbud City"
- Recognize National Volunteer Week
- Thank you to uniform service personnel

Arbanas commented:

- Redbud Trees now for sale through the Chamber of Commerce
- Thanks to United Federal Credit Union and Chamber of Commerce for sponsorship of the Easter Egg Hunt

- Historical tour of the Historic District given to native Buchanan person and

Unfinished Business continued
 SEBCL Appointments

noted vandalism at the Common and broken bricks at Front/Main

McGuire commented:

- Sympathy to the family of Al Fisher
- Be prepared for new Stop signs at Chicago and Detroit Streets
- Positive consensus to install the tree grates downtown
- Functions for American Legion to motorcycle riders

Hagey commented:

- Pursue Signature Building Program Grant. He will forward information.
- Clerk to notify landfill board of resignation from Mayor and City Manager appointment; signed by Mayor

Scanlon commented:

- Thanks to Oakridge Friends for all their volunteer work
- Condolences to the Fisher family
- Condolences to the City of South Bend loss of police officer
- Directed the Manager to contact Mr. King about the Landfill appointment
- Congratulations to Jeanne Arbanas for her work with the Easter Egg Hunt and thanks to all volunteers
- New program, Speak up Buchanan Youth, in Buchanan May 19

CLOSED
SESSION

McGuire moved seconded by Moore to go into Closed Session to discuss Attorney-Client Privileged Information and Purchase or Lease of Real Property at 9:59 p.m.
The Mayor reconvened the meeting at 10:30 p.m. with no action taken during Closed Session.

4-10-06 Closed
Session Minutes

McGuire moved seconded by Moore to approve the Closed Session Minutes of 4-10-06 as read in Closed Session. Roll call vote carried unanimous.

Adjournment

Hagey moved seconded by McGuire to adjourn the meeting at 10:33 p.m. Voice vote carried unanimous.

Gladys M. Bybee, CMC-City Clerk

Earl J. Scanlon III, Mayor

Commissioner's Comments continued

CITY OF BUCHANAN COMMISSION MINUTES

MAY 8, 2006

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

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

Commissioners present: Alberta Arbanas, David Hagey, MarLon McGuire, Patricia Moore, Earl Scanlon III

Commissioner absent: none

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

Guests/Visitors present: 11 visitors, 1 being Press

Moore moved seconded by Hagey to amend the Consent Calendar by including on the Agenda under New Business, Marketing for Farmers' Market. Roll call vote unanimous. Hagey moved, seconded by Moore to approve the Consent Calendar as amended. Roll call vote unanimous.

- Agenda as amended
- Minutes of Regular Meeting April 24, 2006
- Checks 50149 to 50231 in the amount of \$60,446.73
- Delinquent Billings in the amount of \$7,745.28-Certify to Summer 2006 Tax Roll
- Resolution 2006.05/16, Summer School Tax Collection Fee in the sum of \$2,507.74 per school district totaling \$7,523.22

WHEREAS, the City agrees to collect the total summer school taxes as certified by the School District for the levy on July 1, 2006 for property located within the City; and

WHEREAS, the School District agrees to pay City costs of assessment and collection in the total amount of \$1.14 per parcel, for all three School District's, totaling \$2,507.74 each; and

WHEREAS, no later than June 1, 2006, the School District shall certify to the Treasurer the school millage to be levied on property for summer school tax collection in 2006; now, therefore,

BE IT RESOLVED, that the Treasurer is authorized and directed to charge Buchanan Community School, Berrien County Intermediate School and Lake Michigan College \$2,507.74 each (\$1.14 per parcel, per school, totaling \$7,523.22), 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.

RESOLUTION DECLARED ADOPTED this 8th day of May 2006.

- Appointment of Mae Proud and Judy Bellaire to the Buchanan Common Committee to fulfill unexpired terms ending June 2007 and June 2008

American Legion Post 51 Service Director Marvin Pruett reported on the Memorial Day Parade and other functions/events sponsored by the Legion.

City Treasurer Juli O'Bryant announced that the Parade was included with the City's Newsletter. She reported on the tax billings, electronic tax payments, upcoming quarterly Newsletter mailed with summer taxes, City Wide Garage Sales, and annual audit in September.

Mullendore gave a brief explanation of the fiscal budget process and the Mayor confirmed that it was very difficult to present a balanced budget with decreased revenue. ***Moore moved, seconded by Arbanas to approve the Resolution to adopt the budget for the City of Buchanan for FY 2006-2007.***

Call to Order

Pledge/Invocation

Roll Call

Consent Calendar

Motion to Amend

Amended Agenda
Minutes 4-24-06
Checks
Certify delinquent
billings to tax roll

Summer School
Tax Collection
Fee, Resolution
2006.05/16

Common
Committee Board
Appointments

Reports

American Legion
Post 51

Treasurer
Department

Unfinished

Business

2006-2007 Fiscal
Year Budget

WHEREAS, in
accordance with Chapter
9 of the City Charter of

the City of Buchanan governing budget procedure and general finance, and in compliance with the requirements of the Michigan Uniform Accounting and Budgeting Act, a balanced budget has been set up for the City of Buchanan for the fiscal year of July 1, 2006 through June 30, 2007; and

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Buchanan that the following sums are adopted for the 2006-2007 fiscal year for the purposes set forth below:

General Government	City Commission	\$ 25,848.
\$364,608.	City Manager	117,908.
	Elections	23,260.
	Assessor	34,930.
	City Clerk	51,011.
	Treasurer	111,651.
Public Safety	Police Department/Code Enforcement	\$ 848,458.
\$1,038,237.	Crossing Guards	27,162.
	Fire Department	110,477.
	Building Inspection	52,140.
DPW & Cemetery	DPW/Streets	\$ 271,726.
\$422,439.	Cemetery	150,713.
Parks & Recreation	Parks & Recreation	\$ 40,578.
\$40,578.		
Other	Building & Grounds	\$ 69,339.
\$175,204.	Teen Center	1,680.
	Rental Property	9,025.
	Misc. Costs/Transfers	95,160.
Total General Fund		\$2,041,066.
	Major Streets	\$ 385,454.
	Local Streets	231,323.
	Street Repair & Maintenance	306,078.
	Water & Sewer Enterprise	1,062,392.
	Downtown TIF District	27,525.
	Andrews Farm TIF District	103,500.
	Downtown Development	33,150.
	Brownfield-TIFA Fund	32,008.
	Total Other Funds	\$ 2,181,430.
	Total Budget Including General Fund	\$4,222,496.

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

BE IT FURTHER RESOLVED that the City Commission of the City of Buchanan hereby authorizes the levy of .75 mills on real and personal property within the City of Buchanan for Dial-a-Ride.

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

BE IT FURTHER RESOLVED that the City Commission authorizes the water and sewer rates, effective July 1, 2006, as follows:

	Water	Sewer	Ready to Serve (RTS)
City	\$2.66/1000 gal.	\$4.59/1000 gal.	\$14.75 monthly
Township	3.11/1000 gal.	5.37/1000 gal	17.26 monthly

BE IT FURTHER RESOLVED that the total budget for the City of Buchanan for the fiscal year 2006-2007 in the amount of \$4,222,496. as presented by the City Manager is hereby approved and adopted by the City Commission of the City of Buchanan.

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

RESOLUTION DECLARED ADOPTED this 8th day of May, 2006.

Mullendore announced that she and Senior Services Board Treasurer Russ Stephens had completed negotiating of a lease of the Senior Center, to the Senior Services Board. She explained the process and requested authority to sign. After shared discussion, **Moore moved, seconded by McGuire to grant authority to the City Manager to sign the lease. Roll call vote carried unanimous.**

Unfinished Business continued

2006-2007 Fiscal Year Budget, Resolution 2006.05/17

Senior Services Building Lease

Kathy Hempel reported on the "Speak UP Buchanan" Program and requested permission to utilize the City design and tag line

on the flyers and promotions. She explained the program and its interest. Mullendore supported the request and the event and recommended approval. ***Hagey moved, seconded by Scanlon to approve the use of the design and tag line for "Speak UP Buchanan" as discussed and recommended. Roll call vote carried unanimous.***

Bid Award, Turn out gear purchase \$36,675.

Fire Chief Warren Weaver reported on the bids to purchase turn-out gear in the amount of \$36,675. He explained the receipt of grant funds in the amount of \$32,300. for the purchase. After he explained budgeted match, he encouraged the Commission to approve the bid award as recommended, ***McGuire moved, seconded by Moore to award the bid, in the amount of \$36,675. to West Shore Fire, Inc. to purchase turn out gear. Roll call vote carried unanimous.***

Bid Waiver, Duplex Strainer Basket Tabled

Mullendore reported on the request from the Wastewater Department for a bid waiver to purchase Duplex Strainer Basket in the amount of \$4,135.32 plus shipping. After shared discussion, ***McGuire moved, seconded by Arbanas to table the request until the May 22nd meeting, with their request that Public Services Director Rick Smigielski attend the meeting. Roll call vote carried unanimous.***

\$1,000. for promoting Farmers' Market

Mullendore explained there was a current City Commission budget of \$1,000. for city marketing and requested that the funds be utilized to promote the Farmers' Market Grand Opening this month. There was discussion of the type of marketing and promotion with the Commission suggesting a special meeting of the Farmers' Market Board as recommended by volunteer Market Master Phil Hempel prior to the opening of the Market. ***Moore moved, seconded by Arbanas to approve the use of the \$1,000. for Farmers' Market promotion. Roll call vote carried unanimous.***

Manager Comment's

Mullendore commented:

- Introduced Laura Fox, Administrative Secretary
- Suspended by FEMA for Flood Plain management, paperwork in process to correct
- 1999 Contractual Agreement for Electrical Inspections for the City up for renewal. Commission request development of request for proposal (RFP) and bring forth for consideration.
- Confirmed her continued research of the letters to the editor in the local newspaper and encouraged persons to visit her with any issue. Assured that she would not tolerate any employee retaliation to citizen complaints. Commission confirmed that complaint letters must be endorsed for them to review.
- Upcoming dates/times to events/functions

Commissioner's Comments

All commissioner's shared greetings with new Administrative Secretary Laura Fox

Arbanas commented:

- Urged participation with Chamber Planning Meeting for Buchanan Fest, Redbud Tree Sales, and Garden Club Plant Sale before and after Memorial Day Parade
- Upcoming events downtown
- AEP street lights on 24-7 west on Front Street beginning at Oak Street

McGuire commented:

- Urged participation with Soap Box Derby

New Business

"Speak UP Buchanan" to use City design and tag line

- Congratulated Mike Welch on Girl's Softball win
- Upcoming events

Hagey commented:

- Urged volunteer participation on local groups or organizations

Scanlon commented:

- Attended Mayors Banquet for Miss Buchanan; Congratulations to Ms. Moyer
- Congratulated Dixie and Amy for Arbor Day Celebration
- Thanked all City Staff for bringing forth balanced budget
- Cautioned community to be attentive for kids on bikes; bicycles not allowed on downtown sidewalks
- As Mayor, very proud of all the participation for both fundraiser's, one for Reverend Mitchell and one for Moose Lodge Manager Dave Johnson
- Urged attendance to "Speak UP Buchanan"

CLOSED
SESSION

McGuire moved seconded by Moore to go into Closed Session to review minutes of Attorney-Client Privileged Information and Purchase or Lease of Real Property at 9:19 p.m.

4-24-06 Closed
Session Minutes

The Mayor reconvened the meeting at 9:20 p.m. with no action taken during Closed Session.

Arbanas moved seconded by McGuire to approve the Closed Session Minutes of 4-24-06 as read in Closed Session. Roll call vote carried unanimous.

Adjournment

Hagey moved seconded by McGuire to adjourn the meeting at 9:24 p.m. Voice vote carried unanimous.

Gladys M. Bybee, CMC-City Clerk

Earl J. Scanlon III, Mayor

Commissioner's Comments continued

CITY OF BUCHANAN COMMISSION MINUTES

MAY 22, 2006

The Mayor called the **public hearing** to order at 8:02 p.m. The clerk verified that written comments were not received. The Mayor requested public comments regarding the sale of public property located at 101 W. Smith Street. Being no public comments, the Mayor closed the hearing at 8:04 p.m.

Public Hearing

The Mayor called the **public hearing** to order at 8:04 p.m. The Clerk verified that written comments were not received. The Mayor requested public comments concerning the distribution of the FY 2006-2007 Southwestern Michigan Community Ambulance Services (SMCAS) Special Assessment Levy and proposed SMCAS budget, which included the special assessment in the amount of \$10.00 per dwelling. Being no public comments, the Mayor closed the hearing at 8:05 p.m.

Public Hearing

A regular meeting of the City Commission was held at City Hall, 302 N. Redbud Trail, Buchanan, Michigan Monday, May 22nd and called to order by Mayor Scanlon at 8:06. The pledge was recited by all in attendance. No Invocation was heard.

Call to Order

Commissioners present: Alberta Arbanas, David Hagey, MarLon McGuire, Patricia Moore, Earl Scanlon III

Pledge/Invocation

Commissioner absent: none

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

Guests/Visitors present: City Attorney Randy Hyrns, Senior Services Director Alice Hopkins and 26 visitors, 2 being Press

Roll Call

Hagey moved, seconded by Moore to approve the Consent Calendar as submitted.

Roll call vote unanimous.

Agenda

Minutes: Regular Meeting May 8, 2006

Checks 50232 to 50322 in the amount of \$107,347.03

Street Closure on June 3rd; Phelps Street for Bicycle Parade/Safety Lesson for Neighborhood Watch

Street Closure on May 29th; Carrol Street for Liberty Baseball Field Annual Memorial Day Event

2006-2007 City Commission Priorities

Consent Calendar

Agenda

Minutes 5-8-06

Checks

Street Closure

Street Closure

2006-2007 City

Commission

Priorities

Buchanan Senior Services Director Alice Hopkins thanked the City Commission, Churches and all others for support to the Senior Services prior to the organization receiving any tax assistance. She explained the receipt of the first tax check, assistance with the most current Medicare program, Safety and Scam program, Bingo, pot luck, garage sale, senior transportation for medical appointments, and fundraiser for Pastor Dave Mitchell.

Reports

Buchanan Senior

Services

Alice Kring, Chamber of Commerce President distributed invitations to the Farmers' Market Grand Opening. She explained the Fire Works Display and Beer Garden proposals along with signed petitions (120) supporting the beer garden. After shared discussion, Kring explained the Fire Works Display (15 minutes) proposal in detail, requested permission to use the Third Street property, and verified that the City would be added as an extra insured on a liability policy obtained from the contracted display

Unfinished

Business

Beer Garden

Proposal-Buchanan

Fest

company. Kring explained the

Chamber sponsored Beer Garden Proposal and the State Liquor Commission permit process and requirements. She confirmed the Chamber would be the licensee and name the City as an additional insured on a liability policy. Discussion was shared. Chief Marx requested a vote of support from the City Commission that would allow him to sign the Liquor License application from the Chamber of Commerce. **McGuire moved, seconded by Arbanas to authorize Police Chief Marx to sign the Beer and Wine liquor license application from the Chamber of Commerce for the beer garden contingent on the City attorney’s review of the liability policy and the Police Chiefs discretion. AYES: McGuire, Arbanas, Moore, Scanlon. NAYS: Hagey. Roll call vote carried by majority.**

Beer Garden Proposal-Buchanan Fest

Moore moved, seconded by McGuire to authorize the use of the City owned Third Street parcel for the Fire Works Display during Buchanan Fest with the Police Chiefs discretion and Attorneys review of the liability policy. Roll call vote carried unanimous.

Fire Works Display-Buchanan Fest

Chief Marx, City Representative for Southwestern Michigan Community Ambulance Services (SMCAS) spoke briefly and introduced Operations Director Tim Gray who was available to answer any questions/concerns. After brief shared discussion, **Hagey moved, seconded by Arbanas to approve the resolution for the 2006-2007 Budget and Special Assessment as submitted.**

SMCAS Budget & Special Assessment Resolution 2006.05/18

BE IT RESOLVED, that the CITY OF BUCHANAN, in conjunction with the City of Niles, the Townships of Niles, Buchanan, Bertrand in Berrien County, and the Township of Howard in Cass County, pursuant to a certain joint assessment district resolution for the support of SMCAS adopted April 26, 2004 and approved by the majority vote of the electorate on August 3, 2004, does hereby take the following action:

1. The special assessment district, pursuant to such resolution, is hereby established.
2. The proposed SMCAS financial budget for fiscal year 2006-2007 indicating an assessment of \$10.00 is hereby approved.
3. The amount of the special assessment is \$10.00 and the assessing officer is directed to spread the assessment as provided in the joint resolution along with the December 2006 tax assessment to be due and collected as provided in the joint resolution.
4. As a further clarification of the parcel/units to be assessed, as set out in paragraph 3 of the joint resolution, the assessing officers are directed to levy the assessment amount of \$10.00 per unit as follows:
 - a. Campground – One unit for the campground itself and one unit for each permanent dwelling situated on the campground. Each rental “hook-up” will not be considered as a separate unit.
 - b. Mobile Home Park – One unit for each mobile home, the number of mobile homes being determined by the average number of mobile homes located in the mobile home park for the calendar year in which the special assessment is levied.
 - c. Hotels and Motels – One unit for each hotel and motel and one unit for each living unit occupied by a permanent resident.
 - d. Commercial – One unit for each improved parcel, which shall include all contiguous commercial parcels as one unit and one unit for each dwelling therein.
 - e. Residential – One unit for each dwelling that is occupied or is available for occupancy and is permanently affixed.
 - f. Where provisions herein are inconsistent with the joint resolution, these provisions herein shall supersede such provisions and be controlling.
5. The Public Hearing of the City of Buchanan to hear comments to the distribution of the \$10.00 special assessment levy was held at City Hall, 302 N. Redbud Trail, Buchanan, MI 49107 on May 22, 2006 at 8:00 p.m., local time.

Roll call vote carried unanimous. RESOLUTION 2006.05/18

Unfinished Business continued

DECLARED ADOPTED this 22nd day of May, 2006.

Bid Waiver,
Duplex Strainer
Basket

Public Services Director Rick Smigielski explained his request for a Bid Waiver to purchase Duplex Strainer Basket in the amount of \$4,135.32 plus shipping for the Wastewater Department tabled from last meeting (attachments previously delivered although he distributed additional information). After shared discussion about the longevity, need, and payment by bonding, **McGuire moved, seconded by Hagey to remove from the table and approve the bid waiver not to exceed \$4,400.00 to purchase the duplex strainer basket for the Wastewater Department as presented. Roll call vote carried unanimous.**

5 Year Park &
Recreation Plan
Resolution
2006.05/19

Parks and Recreation Director Wayne Writer explained the necessary changes to the Five Year Plan and urged support of the proposed resolution. After shared discussion, **Moore moved, seconded by McGuire to approve the resolution as presented.** **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, and **WHEREAS**, the Board held a Public Hearing to invite and hear comments about the Plan. **NOW, THEREFORE, BE IT RESOLVED**, that the 2006 Buchanan Community Recreation Plan is hereby adopted by the Buchanan City Commission as a reference document for future decision making. **Roll call vote carried unanimous. RESOLUTION 2006.05/19 DECLARED ADOPTED** this 22nd day of May, 2006

Sale of Public
Property, 101 W.
Smith St.
Resolution
2006.05/20

Without objection to transposing the agenda items, City Attorney Randy Hyrns explained the Lease Purchase Agreement for 101 W. Smith Street and introduced owner of C-Saw Corporation, Chris Tapper. Tapper explained his legal concern with a BEA done by the City and not naming C-Saw (Section H in Agreement) when finalizing the original Lease agreement. After shared details from Attorney Hyrns and Mr. Tapper, discussion was shared with Commission Upon recommendation, **Moore moved, seconded by Arbanas to approve the Resolution as amended for the Sale of Public Property commonly referred to as 101 W. Smith St.** **WHEREAS**, certain property belonging to the City of Buchanan is no longer of benefit to the general public; and **WHEREAS**, the City Commission of the City of Buchanan has determined that it is in the City's best interest to sell the property commonly referred to as 101 West Smith Street, Buchanan, Michigan; and **WHEREAS**, a public hearing was held on May 22, 2006, as required by the City Charter of the City of Buchanan, Chapter 8 Section 8.7, as amended and adopted by the City Commission and approved by electors at its primary election on August 8, 2000; and **WHEREAS**, after receiving comments from the public and being otherwise fully advised; **NOW, THEREFORE, BE IT RESOLVED** by the Buchanan City Commission that by a unanimous vote of the members present, the City Commission finds that said property is no longer required for the purpose for which it was acquired or held, and that the sale of property commonly referred to as 101 West Smith Street, Buchanan, Michigan is hereby approved, as required by the Charter of the City of Buchanan. **Roll call vote carried unanimous. RESOLUTION 2006.05/20 DECLARED ADOPTED** this 22nd day of May, 2006

Ballot Proposal
Resolution
2006.05/21

Attorney Hyrns announced the option of language (one that was included with the resolution or one that was distributed this evening) on a ballot proposal for the disposition of 114 N. Oak St. He explained the requirement in the City Charter regarding public

parks and grounds
and all shared
discussion. **Hagey
moved, seconded by**

Unfinished Business continued

Moore to approve the resolution placing the proposal on the primary election ballot pursuant to MCL §168.646 and Section 2.1 of Chapter 2 of the Charter of the City of Buchanan as presented this evening.

Ballot Proposal
Resolution
2006.05/21

WHEREAS, Section 2.1 of Chapter 2 of the Charter of the City of Buchanan reads in relevant part as follows: “Section 2.1 ...The following powers provided for in the existing charter of the city are hereby expressly retained, but this listing shall not be held to be an exclusive list of powers...

(37) To lay out, establish or vacate and discontinue public parks and grounds within the City; to improve, light and ornament the same; to regulate the use thereof and to protect the same and the appurtenances thereof from obstruction, encroachment and injury; provided, however, that such park or grounds shall not be vacated or discontinued except on a three-fifths vote of the electors voting thereon at any general or special election.” (emphasis added)

WHEREAS, the City Commission for the City of Buchanan has determined that property belonging to the City and commonly referred to as 114 N. Oak Street, City of Buchanan, is property which was conveyed to the City of Buchanan for use as “public parks and grounds”; and

WHEREAS, the City Commission for the City of Buchanan determined that it is in the City’s best interest to vacate and/or discontinue the use of the property for public parks and grounds; and

WHEREAS, Section 2.1 of Chapter 2 of the Charter of the City of Buchanan requires that the City Commission submit the issue of vacation and/or discontinuing of public parks and grounds to the electors and that the said property can be vacated or discontinued upon a three-fifths (3/5) majority of the electors voting.

NOW, THEREFORE, BE IT RESOLVED by the Buchanan City Commission that the following Ballot Proposal be placed on the August 8, 2006 election ballot:

A Ballot Proposal to Discontinue the Use of 114 N. Oak Street, Buchanan City, Berrien County, Michigan, as a public park or grounds.

On July 24, 1950, the City of Buchanan received from the Buchanan Youth Counsel, Inc., property located at 114 N. Oak Street and commonly referred to as the “Teen Center”. The property was given to the City to be incorporated into the City’s public parks and grounds. The City Commission has determined that the property should no longer be restricted to public parks and/or grounds, and that the City Commission should be able to use the property for any appropriate purpose. The City is required by Charter to place the issue before the electors of the City of Buchanan for a vote.

Should the City of Buchanan discontinue the use of 114 N. Oak Street, City of Buchanan, Berrien County, MI, “Teen Center”, as a public park and ground?

Yes
No

BE IT FURTHER RESOLVED, that said Ballot Proposal shall be submitted to the qualified electors of this City at the election to be held in the City of Buchanan on the 8th day of August, 2006, and the City Clerk is hereby directed to give notice of the election in the manner prescribed by law and to do all thing and to provide all supplies necessary to submit such Ballot Proposal to the vote of the electors.

BE IT FURTHER RESOLVED, that the canvass and determination of the votes of said question shall be made in accordance with the laws of the state of Michigan and the Charter of the City of Buchanan.

Roll call vote carried unanimous. RESOLUTION 2006.05/21 DECLARED

ADOPTED this 22nd day of May, 2006

Mullendore explained the most recent discussions with the Trail Committee and recommended the support for the bid waiver not to exceed \$10,000.00 for step amenities in EB Clark Woods as presented. Trail Representative Lloyd Miller explained the fundraiser to obtain the amenities and the proposed installation. After shared discussion, Attorney Hyrns recommended that the City Manager verify with DEQ’s Lorraine Thomas that State approval was not required. **Hagey moved, seconded by Moore to approve the bid waiver not to exceed \$10,000.00 for step amenities at EB Clark Woods contingent upon MDEQ review. Roll call vote carried unanimous.**

New Business
Bid Waiver,
McCoy’s Creek
Trail Step
Amenities

Commissioner
appointment to
Fine Arts Council

Upon Moore’s acceptance, **McGuire moved, seconded by Scanlon to appoint Moore as the Commission Representative on the Fine Arts Council. Roll call vote unanimous.**

Shiela Dailey,
Ottawa Court,
Representing
Buchanan Garden
Club announced an

Unfinished Business continued

invitation to the Buchanan Garden Club in Bloom Tour and the plant sale.

Public Comments

Stella Proud requested that the dead limbs on the downtown trees be removed. She announced her concern for the youth in the community regarding drugs and alcohol. The Mayor confirmed his support to Cathy Hempel for “Speak UP Buchanan”.

Alice Kring, Fine Arts Council announced the upcoming showing at the Tin Shop and Chamber of Commerce Sale of bottled water.

Larry Elliott expressed concern about the impact of the foam in McCoy’s Creek and asked why samples could not be taken by City personnel and urged attention.

Tim Gray thanked the Commission and residents’ for their continued support of SMCAS. He announced that a unit would be housed at Buchanan Township Fire Department during the day to decrease response time in the area.

Mullendore commented:

- Thanked Cathy Hempel for Speak UP Buchanan & applauded the Commission for their support
- Thanked the City of Dowagiac for Mayor’s Exchange visit and asked for reservations from Commissioners for Dowagiac’s visit on 6-22
- Community Planting Day complete, see flowers in downtown pots
- Thanked Ralph McDonald for his contribution to the Farmers’ Market
- Committed to discussing the foam issue during upcoming meeting with MDEQ
- Upcoming event/function dates/times

**Manager
Comment’s**

Commissioner’s wished Commissioner Moore a Happy Birthday.

**Commissioner’s
Comments**

Moore commented:

- Invited all to cake after the meeting in observance of her birthday
- Pleased with the attendance/support for Speak UP Buchanan
- Pleased with the Mayor’s Exchange visit to Dowagiac and named Dowagiac Officials

Arbanas commented:

- Commended Friends of Oakridge Cemetery on their plantings

McGuire commented:

- Upcoming event/function dates/times
- Congratulated Buchanan High Graduates

Hagey commented:

- Conscious effort to make creek/millrace focal point; believes the foam should be addressed
- Stewardship of the community attitude and spirit; commended the Speak UP Buchanan program
- Urged commitment and involvement

Scanlon commented:

- Safety for the holiday weekend
- Urged attendance to Farmers’ Market

Hagey moved seconded by McGuire to adjourn the meeting at 9:24 p.m. Voice vote carried unanimous.

Adjournment

CITY OF BUCHANAN COMMISSION MINUTES
JUNE 12, 2006

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

Call to Order

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

Pledge/Invocation

The Mayor read the biography of retiring School Superintendent Dave Casey and presented him with a Certificate of Appreciation along with the Key to the City. Greetings were shared.

Commissioners present: Alberta Arbanas, David Hagey, Marlon McGuire, Patricia Moore, Earl Scanlon III

Roll Call

Commissioner absent: none

Staff present included City Manager Meg Mullendore and Clerk Gladys Bybee

Guests/Visitors present: Buchanan Community Schools Superintendent Dave Casey, Friends of Oak Ridge Cemetery Chairman Lyle Sumerix and 11 visitors, 2 being press

Hagey moved, seconded by Moore to amend the Agenda by excluding the report from the Joint Sewer/Water Board until the next meeting. Roll call vote unanimous.

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

Agenda

Minutes of Regular Meeting May 22, 2006

Checks 50323 to 50451 in the amount of \$94,354.72

Budget Amendment within the General Fund for a total amount of \$459,389

Noticed Public Review and Comment Period, May 30th to July 14th for the proposed Southwestern Michigan Commission Participation Plan

Reappointment of Ron Dreitzler to the Buchanan Area Recreation Board for another term through 2009

Appointment of Barbara Huckaby to the Fine Arts Council to fulfill a term through 2008

Consent Calendar

Agenda

May 22 Minutes

Checks

Budget

Amendment

Noticed the

Comment Period
for SMC

Recreation Board

Reappointment

Fine Arts Council

Appointment

City Clerk Bybee reported on the upcoming receipt of new handicap voting equipment and qualified voter file hardware and software. She also reported on vacancies on boards and commissions, upcoming elections, opening of nominating petition for interested individuals for City Commission seats, and status of rental rehabilitation program.

Chairman Sumerix introduced members Ron Bennett and Bob Brown and explained the array of head stones from the Old Burying Ground and Potters Field that the Friends proposed to reconstruct. He presented photographs of the current condition and renderings of the proposed project. Questions and discussion was shared with Commission and Sumerix asked for favorable consideration to continue the project as presented and confirmed discussions with Public Services Director Rick Smigielski and Cemetery Supervisor Jon Raines. ***Moore moved seconded by McGuire to approve the Friends of Oak Ridge Cemetery proposal for the Old Burying Ground and Potters Field as proposed and recommended. Roll call vote unanimous.***

Reports

City Clerk/Election
Department

Friends of Oak
Ridge Cemetery

Bybee announced the completion of the Documentary on Revitalization of Downtown Buchanan that began in 2003 and all viewed the DVD. ***Moore moved, seconded by Hagey to approve the Bid Waiver in the amount of \$3,375. for tape editing services and 15 DVD's as presented. Roll call vote unanimous.***

Oak Ridge
Cemetery Entrance
Signs on Front
Street

Lyle Sumerix presented the preliminary sketch of the Front Street Entrance Signs to Oak Ridge Cemetery and explained the group is still working on specification (clearance). He reported the plan would be taken to the Plan Commission and asked for approval on the concept. Mullendore explained her conversations with Building Inspector Warren Weaver regarding the Plan Commission approval as the project would need to conform to zoning ordinances. ***Moore moved, seconded by Arbanas to approve the Entrance Signs contingent upon Plan Commission review and approval. Roll call vote unanimous.***

New Business
Contractor Award
for Phase 1
Environmental Site
Assessment

Mullendore explained the release of request for proposal (RFP) for a Phase 1 Environmental Site Assessment of property being considered for purchase by the City and recommended the award to Prism. ***Moore moved, seconded by Hagey to approve the proposal from Prism not to exceed \$4,200. with a completion no later than six (6) weeks. Roll call vote unanimous.***

Public Comments

Resident Jean Tutson stated her concern about a letter sent to Commissioners and circulating in the City with her name on it. She proclaimed she did not authorize the letter nor did she sign it. Mullendore explained that verification of authenticity of the letter had been investigated and the city did not endorse the letter. Commission requested/urged that Ms. Tutson meet with the Chief of Police. Resident Linda Brown asked about a process to file a petition to force an order to cease and desist harassment. Resident Faye Gregin announced that she spoke with the City Manager about the letter. The Mayor requested that the concerned persons meet with staff to control the situation.

**City Manager's
Comments**

Mullendore commented:

- Congratulated girl's softball team
- Upcoming event dates/times
- Urged Commission attendance for Mayors' Exchange with Dowagiac

**Commissioners'
Comments**

McGuire commented:

- Participation in the McCoy's Creek Clean-Up
- Congratulated Buchanan youth receipt of Ida Hacking scholarship
- Pleased with the Farmers' Market
- Commended the American Legion sponsored Memorial Day Parade

Hagey commented:

- Commended the organizations for the numerous events in the community over the weekend
- Pleased with the Arts & Historical District

Arbanas commented:

- Reported on the weekend events
- Thanked JT for the bicycle instruction/education
- Buchanan Fest Meeting and invited all to the Velveteen Rabbit performance at the Tin Shop Theatre
- Happy Fathers Day to all Dads

Moore
commented:
• Commended
the girl's
softball team

Old Business Revitalization of Downtown Buchanan Documentary

- Thanked the Fine Arts Council for her warm welcome on their board
- Encouraged local gardener's to participate in the Farmers' Market

Scanlon commented:

- Thanked Ms. Tutson for attending the meeting
- Congratulated the girl's softball team
- Thanked all that participated in McCoy's Creek Clean-Up

Adjournment

McGuire moved, seconded by Moore to go into Closed Session at 9:50 p.m. to discuss Purchase or Lease of Property. **The Mayor reconvened the meeting at 10:50 p.m. with no action taken during Closed Session.**

Hagey moved, seconded by Moore to authorize the city manager to negotiate the purchase of three properties discussed in closed session, not to exceed \$40,000. Roll call vote unanimous.

Hagey moved seconded by McGuire to adjourn the meeting at 10:52 p.m. Voice vote carried.

Gladys M. Bybee, CMC-City Clerk

Earl J. Scanlon III, Mayor

Commissioner's Comments continued

Closed Session

Purchase of real property

CITY OF BUCHANAN COMMISSION MINUTES

JUNE 26, 2006

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

All in attendance recited the Pledge. Reverend Sean Kidd, Buchanan Christian Church gave the Invocation.

Commissioners present: Alberta Arbanas, David Hagey, Marlon McGuire, Patricia Moore, Earl Scanlon III

Commissioner absent: none

Staff present included City Manager Meg Mullendore and Clerk Gladys Bybee

Guests/Visitors present: Southwestern Michigan Community Ambulance Services (SMCAS) Director Marlene Beach and Buchanan Dial-A-Ride Director Judy Phillips and 6 visitors present including 2 reporters

Hagey moved, seconded by Arbanas to approve the Consent Calendar as submitted.

Roll call vote unanimous.

- Agenda
- Minutes: Regular Meeting June 12, 2006
- Checks 50452 to 50546 in the amount of \$136,061.56
- Appoint Mary Nixon to the Common Committee for a four year term
- Reappoint Ralph McDonald, Carla Cole, and Tammie Herrman to another four year term through 2010
- Reappoint Liz Miller and Jack McClellan to the Buchanan Common Committee for another four year term through 2010
- Reappoint Lon McGuire to the Joint Sewer/Water Board for a term through 2009
- Reappoint Ralph McDonald, Sharon Tyler, and Meg Mullendore to the Brownfield Redevelopment Authority for a three year term through 2009
- Reappoint James Desenberg to the Zoning Board of Appeals through 2009
- Reappoint Jeff Garmire and David Hagey to the Construction Board of Appeals for another three year term through 2009
- Reappoint Richard Wonocott to the Plan Commission for another three year term through 2009

Director Judy Phillips announced the new phone number for Buchanan Dial-A-Ride and explained that buses are housed and maintained in the Berrien Springs Office. She announced she will be retiring her position as Dial-A-Ride Director and announced the new contact, Manager Denise Kemp who operates Berrien Bus. Discussion and Greetings were shared.

Marlene Beach reported on the process of research to change the Articles of Incorporation and By-Laws of the Southwestern Michigan Community Ambulance Services. Discussion/questions were shared between Commission and Beach. ***Arbanas moved seconded by Moore to approve the Articles of Incorporation and Bylaws as submitted and recommended. Roll call vote carried unanimous.***

Call to Order

Pledge/Invocation

Roll Call

Consent Calendar

Agenda
June 12 Minutes
Checks
Budget
Appointment to
Common
Committee
Annual Board
Reappointment's

Reports

Dial-A-Ride
Director
resignation

New Business

SMCAS Articles
of Incorporation &
Bylaws

Friends of Oak
Ridge Cemetery

Chairman Lyle Sumerix announced that Oak Ridge Cemetery had been recently vandalized and Friends will be repairing the damage. He reported that Friends were working on a "Reward Process" and the Mayor requested that the City Manager review community service options and parenting responsibility with the Prosecuting Attorney. Ron Bennett presented the bronze sign in memory of "The Old Burying Ground", Buchanan's first cemetery (Kathryn Park 1844-1890s). Discussion was shared.

City Manager's Comments

Mullendore commented:

- Thanks to local businesses for donations and time and in receipt of positive remarks and comments from Mayor's Exchange
- Thanks to Express 1 and FAPCO for personal tour during Mayor's Exchange
- Professional Wrestling at Buchanan Fest

Commissioners' Comments

McGuire commented:

- Congratulations Larry Money for being Number 1 Recruiter
- Legion Motorcycle Group sponsoring Steak Fry
- Concerned about crooked street signs
- Enforcement needed for loud music from vehicles

Hagey commented:

- Requested that Public Services Director Rick Smigielski deliver the weir program to the Preservation Society

Arbanas commented:

- Thanks to City of Dowagiac for Mayors' Exchange visit
- Thanks to Chamber of Commerce for Community Wide Garage Sale
- Thanks to Toni Mayberry for directing the Velvetten Rabbit at the Tin Shop
- Upcoming Redbud Challenge Run

Moore commented:

- Commendation to staff for hard work with organizing Mayors' Exchange and thanked businesses

Scanlon commented:

- Congratulations to Arbanas on her performance at the Tin Shop
- Spoke positive about Dowagiac visit to Buchanan for Mayors' Exchange
- Congratulations to Girl's Softball for going to State

Adjournment

Hagey moved seconded by McGuire to adjourn the meeting at 8:44 p.m. Voice vote carried.

Gladys M. Bybee, CMC-City Clerk

Earl J. Scanlon III, Mayor

Public Comments

CITY OF BUCHANAN COMMISSION MINUTES
JULY 10, 2006

A regular meeting of the City Commission was held at City Hall, 302 N. Redbud Trail, Buchanan, Michigan Monday, July 10th and called to order by Mayor Scanlon at 8:00 p.m.

All in attendance recited the Pledge. Reverend Tom Fox, Portage Prairie UMC gave the Invocation.

The Mayor introduced Kyle Whittaker and presented him with a Certificate of Recognition for his two years of service to Public Broadcasting Channel 99.

Commissioners present: Alberta Arbanas, David Hagey, Marlon McGuire, Patricia Moore, Earl Scanlon III
Commissioner absent: none

Staff present included City Manager Meg Mullendore, Assessor Gordon Schreiber, and Clerk Gladys Bybee

Guests/Visitors present: Transportation Management Inc. (TMI) President Tom Sinn and Administrative Assistant Kim O'Haver and 9 visitors present including 1 reporter

Arbanas moved, seconded by Moore to remove the Mail Box Replacement Policy Approval from the Consent Calendar and place it under Unfinished Business. Roll call vote carried unanimous. Moore moved, seconded by Arbanas to approve the Consent Calendar as amended. Roll call vote unanimous.

- Agenda as amended
- Minutes: Regular Meeting June 26, 2006
- Checks 50547 to 50630 in the amount of \$57,345.54
- Street Closure: Front Street between Days Avenue and Main Street
- Appointment of Joan Renbarger to be cross seated on the DDA/TIFA

Schreiber explained the previous Board of Review meetings and commended the members on that board. He noted corrections, sold and new construction to properties being verified; working with Greg Milliken from McKenna & Associates on updating the Downtown TIF District; and ongoing tax appeal with SEMCO Gas Company. Questions were shared between Commission and Schreiber.

Mullendore summarized that in past years the City absorbed costly replacement of private mailboxes during the winter months and recommended due diligence prior to expending funds unnecessarily (thus the reason for the current policy formulated prior to her arrival in Buchanan). After discussion, ***Arbanas moved, seconded by McGuire to table approval of the Mail Box Replacement Policy to a future meeting with a more understandable document edited by the City Manager. Roll call vote carried unanimous.***

TMI President Tom Sinn introduced Manager Kim O'Haver to report on the Buchanan Dial-A-Ride (DAR) millage renewal request. O'Haver explained the DAR annual operating budget and the possibility of a shortfall in 2007. Thus, the request to

Call to Order

Pledge/Invocation

Roll Call

Consent Calendar

Amended Agenda
June 26 Minutes
Checks
Front Street
Closure
Appointment to
DDA/TIFA

Reports

Assessor
Department

Old Business

Mail Box
Replacement
Policy

New Business

Resolution
2006.7/22, Dial-A-
Ride-Millage
Ballot Proposal

ask the electors for an increase of up to 1 mill. After shared discussion, *Hagey moved, seconded by Moore to approve the resolution as presented.*

A RESOLUTION TO PLACE DIAL-A-RIDE MILLAGE RENEWAL FOR THREE CONSECUTIVE YEARS 2007-2009 UNDER UMTA SECTION 5, FTA ACT OF 1978, UNDER GENERAL TRANSPORTATION FUND PROGRAM, AND ACT 327 OF THE P.A. OF 1972 AS AMENDED

Resolution
2006.7/22, Dial-A-Ride-Millage
Ballot Proposal

WHEREAS, Dial-A-Ride provides a necessary service to the citizens of the City of Buchanan; and

WHEREAS, the City of Buchanan has contracted with Transportation Management, Inc., to operate the City's Dial-A-Ride program which has been proven successful during the past years; and

WHEREAS, a Dial-A-Ride millage renewal is necessary to meet the local share portion of the annual operating budget; and

NOW, THEREFORE, BE IT RESOLVED by the Buchanan City Commission to place a proposition on the November 2006 Election Ballot to read:

Shall the City of Buchanan renew and levy up to one dollar (\$1.00) per thousand dollars (\$1,000.00) [1.00 mills] on the taxable value of all real and personal property of the City of Buchanan to support its local share of the "Dial-A-Ride" Bus System, more properly known as the Dial-A-Ride Transportation System, under UMTA Section 5, Federal Transportation Act of 1978, the general transportation fund program, and Act 327 of the P.A. of 1972, as amended, of the State of Michigan, for a period of three (3) consecutive years, to be levied in 2007, 2008, and 2009? The estimated amount of revenue that will be collected in the first calendar year will be approximately \$80,993. This millage would not apply against the authorized twenty (20) mill limit for assessed value of real and personal property of the City of Buchanan.

YES NO

Roll call vote unanimous. Resolution 2006.7/22 declared adopted on July 10, 2006.

Social Security
Policy

After explanation and recommendation from Mullendore, *Moore moved, seconded by Arbanas to approve the Social Security Policy as required by Michigan Social Security Number Privacy Act. Roll call vote unanimous.*

Charter
Amendment,
Chapter 9, Section
9.10

Mullendore explained the Consumer Price Index (CPI) calculation form distributed in reference to the \$1,000 expenditure stipulation in the City Charter Chapter 9, Section 9.10; Purchasing Procedure (from 1949). After hearing commissioner opinion's, *Hagey moved seconded by McGuire to amend the proposal language to include a \$5,000 limit and table the resolution placing the proposal on the November ballot to the July 24, 2006 City Commission Meeting. Roll call vote carried unanimous.*

Charter
Amendment,
Chapter 4, Sec. 4
DENIED

After shared discussion between Commission, City Manager and Clerk, *Hagey moved, seconded by McGuire to deny the resolution requesting a Charter Amendment to change Chapter 4, Section 4; Election of Mayor to every year. Roll call carried unanimous.*

City Manager's
Comments

Mullendore commented:

- Discussion/opinions shared between Manager and Commission regarding the written sample language for a "Bumpin Ordinance"
- Discussion/opinions shared between Manager and Commission regarding a forthcoming "Animal Leash Ordinance"

- Secured the purchase of residential

New Business continued

property (to invest in the neighborhood), at 314 Arctic to rehabilitate for resale.
Discussion shared.

- Thanked Police Officer's for going above and beyond as written by a private citizen
- Noted upcoming event dates/times.

**Commissioners'
Comments**

Arbanas commented:

- Alerted public to placement of stop sign installed at Chicago and N. Detroit Street
- Thanks to Buchanan businesses for supporting Buchanan Fest
- Thanks to Redbud Track & Trail for involving the local groups/organization to raise funds

Moore commented:

- Congratulations to Kyle for his hard work
- Congratulations to the Police Officer's for going above and beyond
- Urged youth and parents of skateboarders to use protective safety gear

McGuire commented:

- Thanks to Redbud Track & Trail for assisting community
- Noted upcoming event dates/times and urged participation

Hagey commented:

- Commendation to the Police Officer's
- Thanks to distributor of the American Flags placed in yards lining the City Streets

Scanlon commented:

- Thanks and best wishes to Kyle and welcome Donald Taylor
- Urged involvement with Buchanan Fest
- Thanks to Police Officer's

Closed Session

Moore moved, seconded by McGuire to go into Closed Session at 9:29 p.m. to review minutes from June 12, 2006 closed session for purchase or lease of property. Voice vote carried unanimous.

June 12, 2006
Closed Session
Minutes

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

Hagey moved, seconded by McGuire to approve June 12, 2006 closed session minutes as reviewed in closed session. Roll call vote carried unanimous.

Adjournment

Hagey moved seconded by McGuire to adjourn the meeting at 9:32 p.m. Voice vote carried.

Gladys M. Bybee, CMC-City Clerk

Earl J. Scanlon III, Mayor

CITY OF BUCHANAN COMMISSION MINUTES
JULY 24, 2006

A regular meeting of the City Commission was held at City Hall, 302 N. Redbud Trail, Buchanan, Michigan Monday, July 24th and called to order by Mayor Scanlon at 8:00 p.m.

All in attendance recited the Pledge. Reverend Sean Kidd, Buchanan Christian Church gave the Invocation.

Commissioners present: Alberta Arbanas, David Hagey, MarLon McGuire, Patricia Moore, Earl Scanlon III

Commissioner absent: none

Staff present included City Manager Meg Mullendore, Public Services Director Rick Smigielski, and Clerk Gladys Bybee

Guests/Visitors present: Friends of Oak Ridge Cemetery Chairman Lyle Sumerix and 10 visitors present including 2 reporters

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

- Agenda
- Minutes: Regular Meeting July 10, 2006
- Checks 50631 to 50719 in the amount of \$368,330.92
- Mail Box Replacement Policy P2006-07-24
- Closure of North Parking Lot behind Marzoos, 217 E. Front Street on August 30th from 6:00 to 10:00 p.m. for the Kim Bennett Family Benefit

Sumerix confirmed that the “Community-based Reward Program” was in place to fight past and future acts of vandalism in the Buchanan Community with pledged monetary assistance from the American Legion Post 51, Buchanan Lions Club, Buchanan Moose Lodge 449, Chamber of Commerce, and VFW Post 3102. He also confirmed a request was made to the Prosecutors Office to include restitution with a conviction. Police Chief Marx arrived and thanked the Cemetery Friends for their involvement/cooperation with pursuing the reward money program. Discussion was shared with Commission, Marx and Sumerix.

After brief overview from Mullendore and confirmation of the Commission requested change, *Moore moved, seconded by Arbanas to approve the resolution as presented.* **A RESOLUTION TO PLACE BEFORE THE ELECTORS OF THE CITY OF BUCHANAN, A PROPOSED AMENDMENT TO CHAPTER 9, SECTION 9.10 OF THE CHARTER OF THE CITY OF BUCHANAN, AT A GENERAL ELECTION TO BE HELD ON NOVEMBER 7, 2006.**

BE IT RESOLVED by the City Commission for the City of Buchanan, state of Michigan, as follows:

1. The said City Commission by a three-fifths vote of its members-elect, pursuant to authority granted in Act 279 of Public Acts of 1909, as amended, proposes that Chapter 9, Section 9.10 shall be amended as follows:

Purchasing Procedure:

SECTION 9.10. The City Manager shall be responsible for all city purchasing. The Commission shall

Call to Order

Pledge/Invocation

Roll Call

Consent Calendar

Agenda
July 10 Minutes
Checks
Mail Box
Replacement
Policy
North Parking Lot
Closure

Reports

Friends of Oak
Ridge Cemetery

Old Business

November 7, 2006
Ballot Proposal for
Charter
Amendment to
Chapter 9, Section
9.10
Resolution
2006.07/23

provide by ordinance the necessary procedures governing purchasing and the making of contracts. Such ordinance shall specify an amount below which and purposes for which purchases may be made by the City Manager either without specific authorization or without the necessity of formal competitive bidding, or both. The City Manager shall obtain Commission approval on all contracts or transactions involving the expenditure of \$5,000.00 or more. The Commission may also authorize the making of public improvements or the performing of any other city work by any city department or agency without competitive bidding. The Commission, in its discretion, shall have the right to reject any and all bids.

November 7, 2006
Ballot Proposal for
Charter
Amendment to
Chapter 9, Section
9.10
Resolution
2006.07/23

Provisions of the existing Section 9.10 of the Charter of the City of Buchanan to be altered by such proposal, if adopted, now read as follows:

Purchasing Procedure:

SECTION 9.10: The city Manager shall be responsible for all city purchasing. Competitive prices for all purchases and the public improvements shall be obtained and the purchase made from, or the contract awarded to, the lowest competent bidder. Formal sealed bids shall be obtained in all transactions involving the expenditure of \$1,000 or more and the transaction evidenced by written contract submitted to and approved by the Commission; provided, that in cases where the Commission indicates by formal unanimous resolution of those present at the meeting, based upon the written recommendation of the City Manager, that it is clearly to the advantage of the city to contract without competitive bidding, it may so authorize. Detailed purchasing and contract procedure shall be established by ordinance. The Commission may also authorize the making of public improvements or the performing of any other city work by any city department or agency without competitive bidding.

2. The purpose of the proposed amendment is as follows:

A Charter Amendment to amend Section 9.10 by removing the \$1,000.00 monetary limitation on obtaining formal sealed bids and require the City Manager to obtain City Commission approval on all contracts or transactions involving the expenditure of \$5,000.00 or more.

3. The proposed amendment shall be submitted to the electors in the following form, to-wit:

Shall Chapter 9, Section 9.10 of the Charter of the City of Buchanan be amended by removing the \$1,000.00 monetary limitation on obtaining formal sealed bids and require the City Manager to obtain City Commission approval on all contracts or transactions involving the expenditure of \$5,000.00 or more?

YES

NO

4. The proposed amendment shall be published in full together with the existing charter provision altered or abrogated thereby once in the Berrien County Record newspaper not less than ten (10) days prior to the election.

5. Said Ballot Proposal shall be submitted to the qualified electors of this City at the election to be held in the City of Buchanan on the 7th day of November, 2006, and the City Clerk is hereby directed to give notice of the election in the manner prescribed by law and to do all things and to provide all supplies necessary to submit such Charter Amendment to the vote of the electors.

6. The canvass and determination of the votes of said question shall be made in accordance with the laws of the state of Michigan and the Charter of the City of Buchanan.

Roll call vote unanimous. Resolution 2007.07/23 declared adopted on July 24, 2006.

The Mayor introduced Ordinance amending Chapter 38, Article II, "Environment" by amending Section 38-29; Noise-Producing Devices. After discussion between Mullendore and Commission, **Moore moved, seconded by McGuire to call a Public Hearing for Monday August 14, 2006 at 8:00 p.m. to invite and hear public comments on the proposed Ordinance. Roll call vote unanimous.**

New Business
Introduce & Call
Public Hearing for
Ordinance
amending Chapter
38, Environment

Smigielski reported
that overhauling
vertical turbine

Old Business continued

pump and motor to Well Pump

#4A was scheduled for maintenance in 2005 but was delayed from discussion for bonding in 2006 and would be paid through equipment depreciation and reimbursed when bonding dollars available. After shared discussion, **Hagey moved, seconded by Moore to approve the bid waiver in the amount of \$8,950. to allow Peerless-Midwest, Inc. to overhaul Well Pump #4A as presented. Roll call carried by majority vote. YEAS: Moore, Hagey, Arbanas, Scanlon. NAYS: McGuire**

New Business
continued

Bid Waiver,
Overhaul Well
Pump #4A

Smigielski explained the damage to the hose caused during a previous clean out with the vactor truck. **McGuire moved, seconded by Moore to approve the bid waiver to purchase the high pressure hose from Deed's Equipment Company in the amount of \$1,560. in the Department of Public Works. Roll call vote carried unanimous.**

Bid Waiver, High
Pressure Hose

Mullendore reported on the request of upgrading the current Nextel phones and explained the new plan in detail. After shared discussion, **McGuire moved, seconded by Moore to authorize the City Manager to upgrade the current Nextel phone system as described. Roll call vote carried unanimous.**

Nextel Phone
Upgrade & Plan

Bill Baber introduced himself as candidate for 78th District State Representative and gave a brief biography. Dates/times announced for "Meet the Candidates". Stella Proud commended Police Chief Marx and noted several concerns. Smigielski confirmed the trees along Front Street were being addressed and Mullendore reported the Senior Services Board has taken control of the Center rentals and deposits.

Public Comments

Mullendore commented:

- Animal control draft ordinance again distributed; will introduce at next meeting
- Transportation Management Inc. (TMI) applied for grant funding on behalf of Buchanan Dial-A-Ride for 3 new buses; more information at next meeting
- Announced emergency quotes solicited to replace air conditioning at the Ross-Sanders building as unit completely out at the Building/Police Department; will have bid waiver at next meeting
- Noted upcoming event dates/times

City Manager's
Comments

McGuire commented:

- High attendance at the Silverhawks Buchanan Day at the Cove and the growing Farmers' Market
- Sympathy on the death of long time constituent Kim Bennett
- His candidacy for re-election for City Commission position

Moore commented:

- Pleasure with first meeting of Downtown Design Review Committee administered through the Zoning Ordinance concerning design for Redbud Insurance

Arbanas commented:

- Urged attendance to Tin Shop Opening Night of "Way Out West in a Dress"
- Thanks to all participants' with the Kurt Florey benefit; raised about \$4,500.

Hagey commented:

- Amazed at how committed people unite for special causes
- In receipt of rave reviews regarding the Farmers' Market

Commissioners'
Comments

Scanlon
commented:

- Hearing positive remarks of the Farmers' Market
- Thanks to the Chamber for managing Buchanan Day at the Cove along with thanks to Arbanas and Express 1 for sponsoring the Kurt Florey Benefit
- Urged residents' to get out and vote and noted the "Meet the Candidates" function

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

Adjournment

Gladys M. Bybee, CMC-City Clerk

Earl J. Scanlon III, Mayor

Commissioners' Comments continued

CITY OF BUCHANAN COMMISSION MINUTES

August 14, 2006

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

Call to Order

All in attendance recited the Pledge. Reverend Tom Fox, Portage Prairie United Methodist Church gave the Invocation.

Pledge/Invocation

Commissioners present: Alberta Arbanas, David Hagey, MarLon McGuire, Patricia Moore, Earl Scanlon III

Commissioner absent: none

Roll Call

Staff present included City Manager Meg Mullendore, Public Services Director Rick Smigielski, and Clerk Gladys Bybee

Guests/Visitors present: Buchanan Art Center Board President Mary Lister and 19 visitors present including 3 reporters

The Mayor called the **public hearing** to order at 8:04 p.m. The clerk verified that written comments were not received and publication as applicable. The Mayor requested public comments regarding the Ordinance amending Chapter 38, Environment, Article II – Nuisances, Section 29; Noise Producing Devices. The City Manager summarized the ordinance and Phil Hempel, 311 W. Front Street asked if the Police Department was equipped to enforce the Ordinance and discussion was held. The Mayor closed the hearing at 8:04 p.m.

Consent Calendar

Agenda
July 10 Minutes
Checks
Mail Box
Replacement
Policy
North Parking Lot
Closure

Mayor Scanlon read the biography and presented the Citizen Appreciation Recognition Award to Bessie Bonnet, 1102 Victory Street.

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

- Agenda
- Minutes: Regular Meeting July 24, 2006
- Checks 50720 to 50870 in the amount of \$1,389,184.42
- Appoint the Mayor as the Official Representative and the City Manager as Alternate at the Annual Business Meeting of MML for voting purposes.
- Street Closure of Days Avenue on August 25th from 4:00 p.m. to midnight for Buchanan Fest
- Resolution 2006.08/24, Accepting Financial Assistance Section 5311 Dial-A-Ride FY 2005/2006

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 17 percent of audited costs for FY2006; and **Whereas**, the MDOT Agreement No. 2002-0022/Z5/R1, Project No. 859370 will provide 17 percent of eligible audited operating costs, not to exceed \$17,818.

NOW THEREFORE, BE IT RESOLVED: that the City of Buchanan does hereby make its intentions known to accept this MDOT Agreement No. 2002-0022/Z5, Project No. 859370 Section 5311 federal increased operating assistance for FY2006.

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/Z5/R1, Project No. 859370 for the Commission for 2006 Section 5311 Federal operating assistance.

Mary Lister
reported that the

Art Center was open part-time with AARP assistance and their construction loan paid off. She announced and explained the schedule of classes, 1,400 patrons over the past year, thanked the City Commission for support, and distributed an art center brochure.

Resolution
2006.07/23

McGuire moved, seconded by Arbanas to approve the proposed Ordinance as presented.

AN ORDINANCE AMENDING CHAPTER 38, ARTICLE II, BY AMENDING SECTION 38-29. THE CITY OF BUCHANAN ORDAINS: Chapter 38, Article II, "Environment", of the Buchanan Code of Ordinances is amended to read as follows:

Sec. 38-29. Noise-producing devices.

(1) The operating or maintaining of noisemaking, noise-amplifying or noise-producing instruments or devices by which the peace or good order of the neighborhood is disturbed is hereby declared a nuisance. No person by himself or for another shall operate or maintain any radio, phonograph, player piano, calliope or other noisemaking, noise-amplifying or noise-producing instrument or device in any public or private place in any manner by which the peace and good order of the neighborhood are disturbed; or persons occupying property in the neighborhood are disturbed or annoyed.

(2) Excessive noise from electronically amplified sound systems in or on motor vehicles. No person operating or in control of a parked or moving motor vehicle (including motorcycles and mopeds) shall operate or permit the operation of an electronically-amplified sound system in or about the vehicle so as to produce sound that is clearly audible at a distance of fifty (50) feet from the vehicle between the hours of 7:00 a.m. and 11:00 p.m. , or clearly audible at a distance of twenty-five (25) feet from the vehicle between the hours of 11:00 p.m. and 7:00 a.m., except as follows:

(a) Any police vehicle, ambulance, fire engine or emergency vehicle while engaged in emergency or necessary public activities; or

(b) Sound made to alert persons to the existence of an emergency, danger, or attempted crime, or for warning purposes authorized by law.

(3) A person who violates this section, 38-29., shall be punished as provided in section 1-15, General Penalty, of this Code.

This ordinance shall become effective fifteen (15) days after enactment and publication pursuant to Chapter 7, Section 7.4 and Section 7.5 of the Charter of the City of Buchanan, Michigan.

ROLL CALL VOTE UNANIMOUS. ORDINANCE 2006.08/372 MADE, PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF BUCHANAN, BERRIEN COUNTY, MICHIGAN, ON THE 14TH DAY OF AUGUST, 2006, AND IT WAS PUBLISHED IN THE BERRIEN COUNTY RECORD NEWSPAPER ON JULY 27, 2006.

Mullendore explained the three bids received and reviewed for the Electrical Inspection and Plan Review. ***McGuire moved, seconded by Moore to approve the contract with Ken Simpson with an additional clause of a 60 day written notice for either party to terminate the contract. Roll call vote unanimously carried.***

Mullendore announced that Police Chief Marx would be meeting with them tomorrow and introduced Chamber of Commerce Director Michelle Klarich as applicant of the Fireworks Permit. Klarich explained the application for the Fireworks Display in the field at the north end of McCoy Creek Duck Pond by Great Lakes Fireworks. ***Moore moved seconded by McGuire to authorize Police Chief Marx to sign the permit. Roll call vote unanimously carried.***

Smigielski explainedxxxxxxxxx

Reports

Friends of Oak Ridge Cemetery

Old Business

November 7, 2006 Ballot Proposal for Charter Amendment to Chapter 9, Section 9.10

Old Business continued

November 7, 2006
Ballot Proposal for
Charter
Amendment to
Chapter 9, Section
9.10

Resolution
2006.07/23

New Business

Introduce & Call
Public Hearing for
Ordinance
amending Chapter
38, Environment

Smigielski reported that overhauling vertical turbine pump and motor to Well Pump #4A was scheduled for maintenance in 2005 but was delayed from discussion for bonding in 2006 and would be paid through equipment depreciation and reimbursed when bonding dollars available. After shared discussion, **Hagey moved, seconded by Moore to approve the bid waiver in the amount of \$8,950. to allow Peerless-Midwest, Inc. to overhaul Well Pump #4A as presented. Roll call carried by majority vote. YEAS: Moore, Hagey, Arbanas, Scanlon. NAYS: McGuire**

New Business continued

Bid Waiver,
Overhaul Well
Pump #4A

Smigielski explained the damage to the hose caused during a previous clean out with the vacor truck. **McGuire moved, seconded by Moore to approve the bid waiver to purchase the high pressure hose from Deed's Equipment Company in the amount of \$1,560. in the Department of Public Works. Roll call vote carried unanimous.**

Bid Waiver, High
Pressure Hose

Mullendore reported on the request of upgrading the current Nextel phones and explained the new plan in detail. After shared discussion, **McGuire moved, seconded by Moore to authorize the City Manager to upgrade the current Nextel phone system as described. Roll call vote carried unanimous.**

Nextel Phone
Upgrade & Plan

Bill Baber introduced himself as candidate for 78th District State Representative and gave a brief biography. Dates/times announced for "Meet the Candidates". Stella Proud commended Police Chief Marx and noted several concerns. Smigielski confirmed the trees along Front Street were being addressed and Mullendore reported the Senior Services Board has taken control of the Center rentals and deposits.

Public Comments

Mullendore commented:

- Animal control draft ordinance again distributed; will introduce at next meeting
- Transportation Management Inc. (TMI) applied for grant funding on behalf of Buchanan Dial-A-Ride for 3 new buses; more information at next meeting
- Announced emergency quotes solicited to replace air conditioning at the Ross-Sanders building as unit completely out at the Building/Police Department; will have bid waiver at next meeting
- Noted upcoming event dates/times

City Manager's Comments

McGuire commented:

- High attendance at the Silverhawks Buchanan Day at the Cove and the growing Farmers' Market
- Sympathy on the death of long time constituent Kim Bennett
- His candidacy for re-election for City Commission position

Commissioners' Comments

Moore commented:

- Pleasure with first meeting of Downtown Design Review Committee administered through the Zoning Ordinance concerning design for Redbud Insurance

Arbanas commented:

- Urged attendance to Tin Shop Opening Night of "Way Out West in a Dress"
- Thanks to all participants' with the Kurt Florey benefit; raised about \$4,500.

Hagey commented:

- Amazed at how committed people unite for special causes
- In receipt of rave reviews regarding the Farmers' Market

Scanlon commented:

- Hearing positive remarks of the Farmers' Market
- Thanks to the Chamber for managing Buchanan Day at the Cove along with thanks to Arbanas and Express 1 for sponsoring the Kurt Florey Benefit
- Urged residents' to get out and vote and noted the "Meet the Candidates" function

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

Commissioners'
Comments
continued

Adjournment

Gladys M. Bybee, CMC-City Clerk

Earl J. Scanlon III, Mayor

CITY OF BUCHANAN COMMISSION MINUTES

August 28, 2006

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

All in attendance recited the Pledge. Reverend Sean Kidd, Buchanan Christian Church gave the Invocation.

Commissioners present: David Hagey, MarLon McGuire, Patricia Moore, Alberta Arbanas

Commissioner absent: Earl Scanlon III

Staff present included City Manager Meg Mullendore, Chamber of Commerce Director Michelle Klarich, and Administrative Secretary Laura Fox

Guests/Visitors present: DDA Board Member Carla Cole and 11 visitors present including 3 reporters.

Dee Dee Thompson was not present to receive the Citizen Appreciation Recognition Award. Hagey decided to wait until the next meeting when Dee Dee could be present to receive the award.

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

- Agenda
- Minutes: Regular Meeting August 14, 2006
- Checks 50871 to 50989 in the amount of \$2,246,796.11
- Appoint Patrick Ward to the Buchanan Fine Arts Council
- Resolution 2006.08/25, Project Authorization FY 2006 Section 5309 Statewide, Accepting MDOT Agreement to purchase three buses.

Whereas, the Michigan Department of Transportation (MDOT) has offered the City of Buchanan Dial-A-Ride public transportation system 5309 Federal Transit Administration Federal Transit Capital Investment Grants Program 20.500; and

Whereas, the MDOT Agreement No. 2002-0022/Z6, Project No. 88213A will provide funds for three (3) buses.

NOW THEREFORE, BE IT RESOLVED: that the City of Buchanan does hereby make its intentions known to accept this MDOT Agreement No. 2002-0022/Z6, Project No. 88213A Federal Grant Project Authorization number MI-04-0011 for FY 2006.

BE IT FURTHER RESOLVED, that the City of Buchanan authorizes Earl J. Scanlon III, Mayor of the City of Buchanan to execute the MDOT Agreement No. 2002-0022/Z6, Project No. 88213A for the Commission for 2006 Section 5309 Federal Transit Capital Investment Grants Program.

RESOLUTION DECLARED ADOPTED this 28th day of August 2006.

- Resolution 2006.08/26, Authorizing the City Manager to sign documents for the purchase of 204 N. Redbud Trail

Whereas, the City Commission of the City of Buchanan, by unanimous vote to enter into a purchase agreement with Golden Farm Real Estate, LLC to purchase 204 N. Redbud Trail for the proposed site of a new Municipal Complex Building; and

Whereas, the City Commission of the City of Buchanan wishes to authorize the City Manager to sign the necessary documents for the purchase of 204 N. Redbud Trail commonly known as the Golden Farms Candies building.

NOW, THEREFORE, BE IT RESOLVED that the Buchanan City Manager has authority to sign necessary documents in purchasing 204 N. Redbud Trail, on behalf of Buchanan City, Berrien County on this 28th day of August, 2006.

RESOLUTION DECLARED ADOPTED this 28th day of August 2006

Call to Order

Pledge/Invocation

Roll Call

Consent Calendar

Agenda

August 14 Minutes

Checks

Buchanan Fine

Arts Council

Appointment

Resolution

2006.08/25, Project

Authorization FY

2006 Section 5309

Statewide,

Accepting MDOT

Agreement to

purchase three

buses

Resolution

2006.08/26,

Authorizing the

City Manager to

sign documents for

the purchase of 204

N. Redbud Trail

Cathy Hempel

reported on the

Home Drug

Testing Kits with

Police Chief Bill Marx present to show what the kits look like and how they are performed. She explained that with these kits parents will be greatly helped in stopping their children from starting substance abuse, and feels that this is a very positive move to stopping potential substance abusers.

home drug and alcohol test kits

McGuire questioned the cost and availability of the tests, and Hempel told the Commission that CASA had donated 25 drug and 50 alcohol kits to the Police Department. The Police Department is distributing these kits for at-cost charges for \$2 for the alcohol test and \$5 for the 4-drug test bottle. She further explained that anyone can walk into the Police Department and purchase the kits. Questions and discussion was shared with members of the Commission, and Marx confirmed that the kits are intended to be used as an opportunity for parents to begin dialogue at home with their children about drugs, and the repercussions and discipline that come with substance abuse. He told the Commission that included in the kits is a wealth of information to help parents and children know who to go to and what to do for substance abuse. He then passed the two kits to the Commission to look over.

Mullendore discussed the status of the Teen Center located at 114 N. Oak Street. She informed the Commission that the City Attorney had reviewed the information, and as such, based upon those that voted the proposal, the over 60% of qualified voters quota was met to discontinue use of the Teen Center as part of the Parks System. As such, the bid process for the Teen Center may now begin, and the Buchanan Area Recreation Board is released from handling the property. She discussed preparing a list of points and concepts beneficial to both the Teen Center and the surrounding businesses that would need to be met by all bidders on the building. She discussed such points as bid price, intended use, benefit to surrounding businesses, etc. to be included on this list. This list would be reviewed by the Commission prior to creating the RFP for the Teen Center, so that Commission could discuss the criteria before the RFP was created.

Moore moved, seconded by Arbanas, to allow the City Manager to prepare documents outlining the criteria for the Teen Center's RFP to be presented to the City Commission for approval before RFP is created. Roll call vote unanimously carried.

Mullendore discussed the Dial-A-Ride Millage renewal resolution. She informed the Commission that it will be going on the November ballot. At the current time, the millage is capped at .75 mills; at renewal time, the millage would be increased to 1 mill. If the millage is not increased, it will go to deficit. Upon legal counsel, it has not been found that the millage renewal and the millage increase need to be placed on two separate proposals, and may be included jointly on one ballot proposal. Commission discussed and clarified that this millage increase would not go towards the purchase of the three new Dial-A-Ride buses, which were funded entirely by a grant from MDOT.

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

RESOLUTION 2006.8/27, TO PLACE DIAL-A-RIDE MILLAGE RENEWAL FOR THREE CONSECUTIVE YEARS 2007-2009 UNDER UMTA SECTION 5 FTA ACT 1978, UNDER GENERAL TRANSPORTATION FUND PROGRAM, AND ACT 327 OF THE P.A. OF 1972 AS AMENDED
WHEREAS, Dial-A-Ride provides a necessary service to the citizens of the City of Buchanan; and
WHEREAS, the City of Buchanan has contracted with Transportation Management, Inc. to operate the City's Dial-A-Ride program which has been proven successful during the past years; and
WHEREAS, a Dial-A-Ride millage is necessary to meet the local share portion of the annual operating budget; and
WHEREAS, this resolution amends the resolution adopted by the City of Buchanan on July 10, 2006; Resolution 2006.7/22.

Unfinished Business

Teen Center Status

Resolution
 2006.8/27, to Place
 Dial-A-Ride
 Millage Renewal
 For Three
 Consecutive Years
 2007-2009 Under
 UMTA Section 5
 FTA Act 1978
 Under General
 Transportation
 Fund Program,
 And Act 327 of the
 P.A. of 1972 As
 Amended

**NOW, THEREFORE,
 BE IT RESOLVED** by
 the Buchanan City
 Commission to place a
 proposition on the

Reports

Cathy Hempel on

November 7, 2006 Election Ballot to read:

Shall the City of Buchanan continue its local support of the "Dial-A-Ride" Bus System, more properly known as the "Dial-A-Ride Transportation System", under UMTA Section 5, Federal Transportation Act of 1978, the general transportation fund program, and Act 327 of the P.A. of 1972, as amended, of the state of Michigan by levying one mill (One [\$1.00] Dollar per each One Thousand [\$1,000.00] Dollars) on the taxable value of all taxable property in the City of Buchanan to support its local share, for a period of three (3) consecutive years, to be levied in 2007, 2008, and 2009? The requested millage rate represents a renewal of a previous millage of .75 mills (seventy-five [.75] cents per each One Thousand [\$1,000.00] Dollars), and a new millage of .25 mills (twenty-five [.25] cents per each One Thousand [\$1,000.00] Dollars) on the taxable value of all taxable property in the City of Buchanan. Based on current valuation, it is estimated that the amount of revenue generated from the total millage in the first year of the levy (2007) will be approximately Eighty Thousand Seven Hundred Eighty (\$80,780.00) Dollars.

YES

NO

Roll call vote unanimous. Resolution 2006.8/27 declared adopted on August 28, 2006.

Greg Milliken from McKenna Associates was present to discuss the intent to amend the Downtown Development Authority (DDA) and DDA District plans. He explained the current plan and the redistricting plan his firm and the DDA have drawn up to start capturing money for the DDA again. He gave some history on the current districting, and explained that once Clark Industries left, the value of properties plummeted. As such, the DDA would like to amend their current districting plans to cut Clark Industries out of the DDA boundaries. The DDA felt this would be a logical and economical move as the Clark Industries property can then be part of the Brownfield Redevelopment Plan, and get additional, separate funds to rehabilitate that abandoned property. This property cannot have double-capture in funding under the Brownfield Redevelopment Authority and the DDA, but the property would do better as a Brownfield site than as a DDA site. Along with the Clark Industries property, the DDA also proposes to cut the Library parcel out as it is not ever going to be anything but a library, as well as a few other minor changes to the boundaries. Milliken explained that what the DDA and his firm are doing is two separate processes that are running parallel to one another—amending the DDA and developing the DDA/TIFA plan. For this process, there will be two public hearings on October 23rd, 2006, one for the DDA Amendment and one for the DDA/TIFA plan. He further explained the spreadsheet on how much money the DDA will begin to be able to capture, and showed the Commission that in 2007, the first year of the plan's adoption, that the DDA will be able to capture \$106,755.12. He further went on to explain that this money will not come from additional taxes from the residents and businesses in the DDA boundaries, and that in fact, taxes will not increase at all.

Hagey commented that the loss of value from the Clark property offset any gain from all other DDA properties combined. Mullendore commented that she is in support of this plan as it will give the DDA money needed to utilize plans to do beautification, streetscaping, improvements, etc. in the downtown area; with the current boundaries, the DDA has not been able to generate a balance. She also commented that as the DDA will be able to support itself with this plan that it can come off the City's budget next year, giving the City more money as well. ***McGuire moved, supported by Arbanas, to approve the resolution as presented.***

New Business

Resolution
2006.08/28, Intent
to Amend the
Downtown
Development
Authority and
Downtown
Development
Authority District

**RESOLUTION OF
INTENT TO AMEND
THE DOWNTOWN
DEVELOPMENT
AUTHORITY AND**

DOWNTOWN DEVELOPMENT AUTHORITY DISTRICT

WHEREAS, the City of Buchanan (the "City") is authorized by the provisions of Act No. 197, Public Acts of Michigan, 1975, as Amended (the "Act"), to establish a Downtown Development Authority ("DDA") and to designate a Downtown District within which the DDA shall exercise its powers; and

WHEREAS, on December 17, 1984, the City Commission of the City of Buchanan ("City Commission") created the DDA by ordinance; and

WHEREAS, the Act requires the City to adopt a Resolution of Intent and hold a public hearing prior to the amendment of a DDA and changes to the boundary of a DDA District; and

WHEREAS, the City Commission hereby finds and determines that an amendment to the DDA and its boundaries is necessary to best achieve the goals of the DDA as well as for the best interests of the public to halt the property value deterioration, to increase property tax valuation where possible in the business district, to eliminate the causes of such deterioration, and to promote economic growth in and surrounding the business district in the City as described on Exhibit A attached hereto; and

WHEREAS, the City must declare its intention to amend a DDA and set a date for the holding of a public hearing on the adoption of a proposed ordinance amending such a DDA and designating the amended boundaries of a DDA District within which such an Authority shall exercise its powers.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF BUCHANAN AS FOLLOWS:

1. **THAT** the City Commission hereby declares its intention to amend the boundaries of the existing Downtown Development Authority of the City of Buchanan, (the "Authority"); and
2. **THAT** the amended boundaries of the Downtown district within which the Authority shall exercise its powers (the "District") are as set forth on Exhibit A attached hereto; and
3. **THAT** the City Commission shall conduct a public hearing on Monday, October 23, 2006 at 8:00 p.m., at the City Hall, 302 N. Redbud Trail, Buchanan, Michigan, to consider the amendment of the boundaries of the Authority; and
4. **THAT** the City Clerk shall cause notice of said hearing to be published twice in a newspaper of General circulation in the City, not less than twenty (20) nor more than forty (40) days before the date set for the public hearing. Notice shall also be mailed not less than twenty (20) days before the hearing to property taxpayers of record within the amended area and to the governing body of each jurisdiction levying taxes that would be subject to capture in any parcels being considered for addition into the Authority. Notice shall also be posted in at least twenty (20) conspicuous and public places in the District not less than twenty (20) days before the public hearing.
5. **THAT** the notice of the hearing shall be in substantially the same form as Exhibit B attached hereto.
6. **THAT** all resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution shall be, and the same hereby are, rescinded.

Roll call vote unanimous. Resolution 2006.08/28 declared adopted on August 28, 2006.

Mullendore explained the need for stone for the McCoy Creek Trail project. She told the Commission that Public Services Director Rick Smigielski had solicited three quotes on the stone with 300 tons of #2 stone and 700 tons of #53 stone. Upon review, Smigielski recommended going with Masten Farms Trucking, LLC as they had the lowest quote at \$13,325.00. ***Moore moved, seconded by Hagey to approve purchasing the stone base from Masten Farms Trucking, LLC with the stipulation that the job not exceed more than \$15,000.00. Roll call vote unanimously carried.***

Michelle Klarich thanked the Commission for accepting the DDA plans. She also commented that Buchanan Fest had gone extremely well, and thanked the Commission for offering services that the Chamber could not provide on their own. She told the Commission that the Beer Garden had gone well, and that all who had participated had been responsible. The wrestling event also gone well and there was great turnout to the event.

Approval of
Acquisition of
Stone for Trail

Public Comments

Mullendore
commented:

- Received an email on the

date for Halloween, and reminded Commission that they need to set a date.

Discussion shared between Manager and Commission

- Reminded that school is back in session and everyone needs to be careful.
- Commented on the 3-way stop sign at the High School.
- Thanked Michelle and the Chamber for a great Buchanan Fest—the fireworks were fantastic, and there was a great showing of community support for the event. Thanked sponsors of the event for their support.
- Told Commissioner Arbanas that she had a successful run and that she has received a lot of positive feedback on it.

Commissioners’ Comments

Moore commented:

- Congratulated Chamber and the other organizations involved in making Buchanan Fest such a success.
- Cemetery walk was both educational and well-done. Thanked the Friends of Oak Ridge who are always so proud to show off the Cemetery for their hard work.

Arbanas commented:

- Thanked the businesses that sponsored Buchanan Fest for their support and named the sponsors of the event.
- Thanked Rick Smigielski for his hard work and help.

McGuire commented:

- Thanked the Chamber for great planning of the Buchanan Fest.
- Thanked DPW for a great job setting up and cleaning up
- Commended the Police Department for high visibility at Buchanan Fest

Hagey commented:

- Hoped Mayor Joe Scanlon was all right since absent from meeting.
- Joked that while he was opposed to the beer tent he did not set the price on beer, but sincerely thanked Chamber for doing the beer tent right. Thought they handled it very well and professionally, and has no objective to it being done in the future.

Adjourn

McGuire moved, seconded by Moore to adjourn the meeting at 9:03 p.m. Voice vote carried unanimous.

Laura Fox, Administrative Secretary

Earl J. Scanlon III, Mayor

City Manager’s Comments

CITY OF BUCHANAN COMMISSION MINUTES

September 11, 2006

A regular meeting of the City Commission was held at City Hall, 302 N. Redbud Trail, Buchanan, Michigan Monday, September 11th and called to order by Mayor Scanlon at 8:01 p.m.

Call to Order

Tom Fox, Portage Prairie United Methodist Church asked that a moment of silence be observed for the families and victims of 9-11. He then gave the Invocation.

Pledge/Invocation

Commissioners present: Alberta Arbanas, David Hagey, MarLon McGuire, Patricia Moore, Earl Scanlon III

Roll Call

Commissioner absent: none

Staff present included City Manager Meg Mullendore and Clerk Gladys Bybee

Guests/Visitors present: Chamber of Commerce President Alice Kring and DDA Director Michelle Klarich and 16 visitors present including 3 press

Public Comments

Pastor Tom Fox, on behalf of Redbud Area Ministries (RAM) declared continued support for the Teen/Youth Center and making the center a reality.

Hagey moved, seconded by McGuire to amend the Consent Calendar by including, on the Agenda under New Business, Bid Waiver to repair of the front end loader for the WWTP. Roll call vote carried unanimously.

Consent Calendar

Agenda

August 28 Minutes

Checks

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

- Agenda as amended
- Minutes: Regular Meeting August 28, 2006
- Checks 50990 to 51071 in the amount of \$102,809.04

Chamber of Commerce President Alice Kring gave a full report on events such as the Easter Egg Hunt, Garage Sales, Golf Outing, PERC Club Breakfast, Annual Buchanan Day at the Cove, Homes & Business Award, and Buchanan Fest. She then explained the details of Buchanan Fest and invited new Chamber Members and thanked all involved to make Buchanan Fest a success. Discussion was shared.

Reports

Chamber of

Commerce

Buchanan Fest

Michelle Klarich, Downtown Development Authority (DDA) Director and Facilitator for the Farmers' Market Board acknowledged and thanked the hard work of the Farmers' Market Board, DDA members, Vendors and Patrons. She explained the integral working's in details (i.e. rental rates, rules, vendors, etc) and the definite need for an operating budget. She introduced volunteer Farmers' Market Master Phil Hempel and thanked him for all of his assistance. She believed that the Farmers' Market has become a social outing for all involved. Discussion was shared.

Farmers' Market

Commissioner Hagey requested a report from Mr. Hempel. Hempel explained his positive and negative experiences as the Market Master; patrons, vendors, socializing, authority, seasonal calendar dates, interest, recruiting vendors, competition, insufficient promotion, etc. Hempel, Kring, and Commission agreed to review a forthcoming promotional budget.

Mullendore explained her potential wording (included in the packet) that could be incorporated into a Request for Proposal (RFP) for the release and use of the Teen Center. Discussion was shared about a marketing analysis to maintain a Teen/Youth Center, defining the scope of the project, and merging the two (2) parcels. **McGuire moved, seconded by Hagey to include all verbiage in the RFP, as proposed by the City Manager. Roll call vote carried unanimously.**

After shared discussion on observing Trick-or-Treat, **Arbanas moved, seconded by McGuire to observe Trick-or-Treat on Saturday, October 28th from 5:00 to 7:30 p.m. Roll call vote carried unanimously.**

Commissioners agreed to Mullendore request to review the proposed Lease Agreement with the DDA for the Farmers' Market Facility and recommended final action at the next Commission Meeting.

Mullendore explained the recommended bidder was not the lowest, however Clark is the only company that has worked on the piece of equipment, pick up of the loader was left out on one of the bid proposal, and specialty work involved. **McGuire moved to approve the bid waiver to repair the front end loader at the Wastewater Treatment Plant in the amount not to exceed \$4,800. to Clark as recommended. Moore seconded the motion and roll call vote carried unanimously.**

High School Student Justin Brown announced his High School Project on review of Buchanan Code 75-53, Outdoor Sales and disagreed with the restrictions of the code. Brief discussion was shared.

Mullendore commented:

- Thanked Pastor Tom Fox for organizing the 9-11 Memorial held at the Common earlier today
- Upcoming dates/times of upcoming events

McGuire commented:

- Concerned about Citizen Safety of loitering youths
- Positive on the McCoy's Creek Trail continued progress
- Status of the Senior Center Lease; being reviewed with both Attorney's
- Thanked all for participating in the Memorial Service

Moore commented:

- Apologized for not attending Memorial Service due to prior commitment
- Urged persons that still have issues with 9-11 to speak with a professional

Hagey commented:

- Encouraged, apologized, and complimented all who participated in continuing the 1st Year of the Farmers' Market

Verbiage for Teen Center RFP

Trick-or-Treat

New Business
Proposed Lease Agreement with DDA

Bid Waiver, Front End Loader Repair

Public Comments

City Manager's Comments

Commissioners' Comments

Old Business

Arbanas commented:

- Congratulations to Mr. And Mrs. Post on their 60th anniversary
- Street light outages on Days Avenue
- Status of the Bond Issue for the Utilities; planned in the 2007-2008 Budget
- Hurt and insulted about rumor that she is fraudulently running for a full four year term as a City Commissioner. She pledged her commitment for a full four years.

Scanlon commented:

Sympathy and remembrance for all victims/families of 9-11 and the war

Thanked all for making the Farmers' Market a reality

Announced that he will be running as a write-in candidate for the City Commissioner seat

Adjournment

Hagey moved seconded by McGuire to adjourn the meeting at 10:20 p.m. Voice vote carried.

Gladys M. Bybee, CMC-City Clerk

Earl J. Scanlon III, Mayor

CITY OF BUCHANAN COMMISSION MINUTES

September 25, 2006

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

All in attendance recited the Pledge. Reverend Sean Kidd, Buchanan Christian Church gave the Invocation.

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

Commissioner absent: Alberta Arbanas

Staff present: City Manager Meg Mullendore and City Clerk Gladys Bybee

Guests/Visitors present: There were 18 visitors present, including 2 reporters

Moore moved, seconded by Hagey to amend the Consent Calendar by including check #51191 to Metropolitan Title Company in the amount of \$225,235.00 to purchase the Golden Farms Building (304 N. Redbud Trail) and add to the Agenda, under Unfinished Business, lease property from DDA that the Farmers' Market structure is built on. Roll call vote carried unanimously.

Moore moved, seconded by Hagey to approve the Consent Calendar as amended. Roll call vote carried unanimously.

- Agenda as amended
- Minutes: Regular Meeting September 11, 2006
- Checks 51072 to 51191 in the amount of \$423,062.76
- Resolution 2006.09/29, Resolution to Support the Housing Resource Network of Southwest Michigan's Plan to End Homelessness in the Next Decade (attached as part of this record)

WHEREAS, every day there are men, women and children in Berrien County who do not have a place they can call home; and

WHEREAS, Berrien County should not ignore homeless people in our community; and

WHEREAS, over the course of one month, 671 people have experienced homelessness in Berrien County; and

WHEREAS, treating people who have already become homeless is far more expensive than preventing homelessness; and

WHEREAS, the Housing Resource Network, composed of over 50 local public and non-profit providers of services, has developed a plan to end homelessness in Berrien county; and

WHEREAS, the plan focuses on treating the causes of homelessness, and provides opportunities for unprecedented collaboration between the private, public and non-profit spheres; and

WHEREAS, City of Buchanan is dedicated to ending homelessness in this community.

NOW THEREFORE BE IT RESOLVED, that this Board endorses and supports the Housing Resource Network of Southwest Michigan's Plan to End Homelessness in the next Decade.

RESOLUTION DECLARED ADOPTED this 25th day of September 2006.

- Resolution 2006.09/30, Resolution to Approve the Settlement Agreement Entered Into Between Ed Siedenstrang and the City of Buchanan

BE IT RESOLVED, the Buchanan City Commission approves the Settlement Agreement entered into between Ed Siedenstrang and the City of Buchanan, dated September 13, 2006; and

BE IT FURTHER RESOLVED that the City of Buchanan agrees to pay Ed Siedenstrang the sum of \$4,706.00, representing thirteen (13) weeks of unemployment benefits at a weekly benefit rate of \$362.00. The City of Buchanan shall pay the sum of \$4,706.00 no later than September 26, 2006.

BE IT FURTHER RESOLVED that in exchange for the above payment, Ed Siedenstrang will withdraw his request for hearing before the Administrative Law Judge of the Division of Unemployment Appeals. Ed Siedenstrang also agreed to pay six (6) weeks of restitution totaling \$2,172.00 to the Unemployment Agency directly upon receipt of a

Call to Order

Pledge/Invocation

Roll Call

Consent Calendar

Agenda
September 11
Minutes
Checks
Resolution
2006.09/29,
Resolution to
Support the
Housing Resource
Network of
Southwest
Michigan's Plan
to End
Homelessness
in the Next Decade

Resolution
2006.09/30,
Resolution to
Approve the
Settlement
Agreement
Entered Into
Between Ed
Siedenstrang
And the City
Of Buchanan

Budget
Amendment,
General Fund;
notice of restitution
from the Agency.
**RESOLUTION
DECLARED**

ADOPTED this 25th day of September 2006.

- Budget Amendment, General Fund; City Manager Relocation/Recruitment, \$2,000.00

Mullendore reported that more repairs were needed to Well Pump #4A as described in the bid waiver and fax from the Water Department in the amount of \$12,875.00. After brief discussion, ***Moore moved, seconded by Hagey to approve the bid waiver, due to sole source to Peerless-Midwest, Inc. in the amount of \$12,875. Roll call vote carried by majority. YEA: Hagey, Moore, Scanlon. NAY: McGuire.***

Mullendore reported that Lease Agreement with the DDA for the property that the Farmers' Market structure is built on will be considered at the October DDA Meeting and brought forth at the first Commission meeting in October. Commissioners concurred that no document changes were needed.

Executive Director Dick Proud explained that Phase II (Tin Shop to the Athletic Field) was ready to begin and recommended approval of the contract award. Discussion was shared with Commission, City Manager, and Proud. ***Hagey moved, seconded by Moore to approve Abonmarche for Engineering and Surveying work for Phase II McCoy Creek Trail Extension for Friends of McCoy Creek Trail not to exceed \$14,000. Roll call vote carried unanimous.*** Noted that six (6) responses were received from the Request for Proposal.

Mullendore explained that the Dial-A-Ride Contract was scheduled to expire and she was working with the Michigan Department of Transportation (MDOT) on a Request for Proposal (RFP) and recommended extension of the current contract. ***Moore moved, seconded by McGuire to approve the contract extension with Transportational Management, Inc. (TMI) through December 31st, 2006. Roll call vote carried unanimous.***

Mullendore reported patching and resurfacing with three bids received and two received after deadline. After explanation and shared discussion, ***McGuire moved, seconded by Moore to award the Asphalt Bid for Street Repairs to Chorba Construction in the amount of \$35,484.00. Roll call vote carried unanimously.***

After announcement from Mullendore and explanation from Proud, ***Moore moved, seconded by McGuire to award the Asphalt Bid for McCoy Creek Trail Project Segment V to Chorba Construction for a not-to-exceed price of \$32,000.00 as recommended by the Trail Committee. Roll call vote carried unanimously.*** Proud thanked the Commission for their support and commended the Public Services Director, and introduced all the McCoy's Creek Trail members in attendance.

Commission requested information from Chief Marx on Resolution 2006.9/31, Transfer Ownership 2006 Class C, with Dance-Entertainment Permit, from Brett E. Pointer at 215 E. Front St. Mullendore explained the purchasers are local and wish to turn into an eatery/pub. Upon favorable recommendation from Chief Marx, ***McGuire moved, seconded by Hagey to approve the resolution as presented. Roll call vote carried unanimously.***

City Manager
Relocation/

Recruitment,
\$2,000.00

Unfinished

Business

Bid Waiver for
Repairs to Well
Pump #4A in the
Amount of \$12,875

New Business

Contract Award to
Abonmarche for
Engineering and
Surveying Work
For Phase II
McCoy Creek Trail
Extension

Consider Contract
Extension of TMI
Through December
21st, 2006.

Award of Asphalt
Bid for Street
Repairs to Chorba
Construction

Award Asphalt Bid
for McCoy Creek
Trail Project
Segment V To
Chorba
Construction

Resolution
2006.9/31,
Transfer
Ownership of
Class
C, with Dance-
Entertainment
Permit from Brett
E. Pointer at 215 E.
Front St.
Alice Hopkins
invited all to
Senior Center

October 10th at 6:30 p.m. for “Meet the County and State Candidates” and October 24th for “Meet the City Commissioner Candidates”.

Carla Cole reported that a resident had a sewer backup in her basement and would like an emergency telephone number advised. Announcements will be posted.

Lyle Sumerix invited Commissioners to the dedication on October 1st at Oak Ridge Cemetery. Memorial to early settlers moved from Kathryn Park Cemetery.

Stella Proud was concerned about the Buchanan Farmers’ Market being different from the Niles French Market. Discussion shared.

Member of Trail Committee asked about the Farmers’ Market stalls being turned around to be more inviting and recommended expansion of including other marketable items. Discussion shared with Commission/Manager.

Dick Proud invited City Commissioners to Trail Dinner Dance.

Mullendore commented:

- Police Department update—receipt of cash money from drug bust, current Kevlar vests, lighting strike at the Ross-Sanders building affecting Police/Building Department computers and telephone.
- Leaving for MML Conference and available by phone. Also contact Rick, Juli, Warren, or Bill if they can help answer any questions or concern.

**City Manager’s
Comments**

Moore commented:

- Congratulations to Friends of Oak Ridge
- Congratulations to the Trail Committee

**Commissioners’
Comments**

McGuire commented:

- Congratulations to Mullendore on her homeownership
- Great football weekend

Hagey commented:

- Commended Mullendore and welcomed City Clerk
- Congratulations to Friends of Oak Ridge
- Keep an eye out for each other for acts of vandalism

Scanlon commented:

- Commended and congratulated the Trail Committee for their hard work
- Urged attendance and support on October 28th for the Halloween Parade (Senior Center to Legion)
- Congratulated Friends of Oak Ridge

Hagey moved, seconded by McGuire to go into Closed Session at 9:10 p.m. to give the City Manager Evaluation. Roll call vote carried unanimous.

The Mayor reconvened the meeting at 10:04 p.m. with no action taken in closed session.

Closed Session
City Manager
Evaluation

Public Comments

***Hagey moved,
seconded by***

McGuire to approve a 5% pay increase and \$5,400 car allowance for City Manager per the adequate City Manager evaluation as reviewed during closed session. Roll call vote carried unanimous.

Adjourn

Hagey moved, seconded by McGuire to adjourn the meeting at 10:07 p.m. Voice vote carried unanimous.

Gladys M. Bybee, CMC-City Clerk

Earl J. Scanlon III, Mayor

CITY OF BUCHANAN COMMISSION MINUTES

October 9, 2006

A regular meeting of the City Commission was held at City Hall, 302 N. Redbud Trail, Buchanan, Michigan Monday, October 9th and called to order by the City Clerk at 8:01 p.m. due to the absence of the Mayor and Mayor Pro Tem. ***Motion by McGuire, seconded by Arbanas to select Commissioner Moore to Chair the meeting. Roll call vote carried unanimously.***

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

Commissioners present: Alberta Arbanas, MarLon McGuire, Patricia Moore

Commissioner absent: David Hagey, Earl Scanlon III

Staff present included City Manager Meg Mullendore and Clerk Gladys Bybee

Guests/Visitors present: Buchanan Fest Chairperson Alice Kring, Common Committee Chairman Jack McClellan, McCoy's Creek Trail Representative Lloyd Miller and 14 visitors present including 2 members of the media

Arbanas moved seconded by McGuire to amend the Consent Calendar by canceling the Closed Session on the Agenda, remove scheduling a Work Session under New Business and amending the minutes to reflect the proper date in the header on page 2,3,& 4. Roll call vote carried unanimously.

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

- Agenda as amended
- Minutes as amended: Regular Meeting September 25, 2006
- Checks 51192 to 51275 in the amount of \$294,184.50
- Appointment of Phil Hempel to be cross seated to the DDA/TIFA and Andrews Farm TIFA for a four (4) year term ending 2010
- Removal of Cathy Greenway as a member of the DDA/TIFA and Andrews Farm TIFA due to numerous absences
- Resolution 2006.10/32, A Certified Signature Resolution for MDOT Master Agreement No. 2007-0181

WHEREAS, the City of Buchanan has the authority to contract with the Michigan Department of Transportation for state and/or federal funds for passenger transportation related services; and,

WHEREAS, the City of Buchanan does hereby approve Master Agreement No. 2007-0181,

NOW, THERFORE, be it resolved that the City Commission of the City of Buchanan be authorized and directed to execute said agreement for and on behalf of the City of Buchanan.

RESOLUTION DECLARED ADOPTED.

- Discharge of Economic Development Agreement with Jack Post Corp.
- Discharge of Economic Development Agreement with Golden Farm Candies
- Certify Delinquent Township Water and Sewer Bills to the 2006 Winter Tax Roll

Alice Kring recognized representatives from Miss Buchanan, Buchanan Art Center, Buchanan College Club, and McCoy's Creek Trail for their volunteer services during Buchanan Fest. She also acknowledged BYSBA, Safe Shelter and Buchanan High School Girls Softball whom were not in attendance. All were given monetary donation raised from Buchanan Fest.

Call to Order

Pledge/Invocation

Roll Call

Consent Calendar

Agenda

September 25
Minutes

Checks

Appointment to
DDA/TIFA

Member removal
on DDA/TIFA

Resolution
2006.10/32 MDOT
Master Agreement

Discharge of
Economic
Agreement's (2)

Certify Delinquent
Utility bills

Reports

Buchanan Fest
Donation Checks

Jack McClellan
gave the Common

Report for 2006; 9 concerts, 7 Stop, Lunch & Listen Programs, and two (2) Movies at the Common. He was pleased to announce a full board of nine volunteer members and beginning review for the 2007 Season.

The Common
Committee

Lloyd Miller reported that the asphalt was down on the trail thanks to Rick Smigielski and City Workers. He further explained that Phase 1 was nearly complete and Phase 2 beginning. He thanked the Commission for their support, announced the dinner dance fundraiser, and asked for reservations.

Friends of
McCoy's Creek
Trail

Mullendore reviewed the purpose of the Farmers' Market Lease Agreement between the City and DDA and announced approval from the DDA at their October meeting. She explained the two amendments of \$1.00 per year fee and the City will assume the financial responsibilities for the utilities. ***Arbanas moved, seconded by McGuire to approve the Land Lease Agreement with the Downtown Development Authority as reviewed and submitted. Roll call vote carried unanimously.***

Old Business
Land Lease for
Farmers' Market

Mullendore summarized the requests from the Buchanan Library Board to relocate the electrical box owned by the City that is presently encroaching on their property and their request for the City to release its option on the second floor of the Library; having secured the Golden Farm Candies building. She explained the electrical box issue due to the library's wishes to construct a patio area and outdoor reading oasis; modeling after the landscaping done in the alleyway between Redbud Insurance and the B & W Inn. After shared discussion, ***Arbanas moved, seconded by McGuire to direct the City Manager to meet with the Library Board and negotiate an amicable solution for both parties regarding the location of the electrical box as well as to grant the City Manager the authority to release the option on the second floor if a favorable agreement could be reached. Roll call vote carried unanimously.***

City Manager
negotiate with
District Library

Volunteer Farmers' Market Master Phil Hempel distributed a four (4) page Proposed Promotional Campaign for the fourth quarter of 2006 for the Farmers' Market and explained his request for the Advertising Budget. He announced new Market hours on Saturday only 10:00 a.m. to 2:00 p.m., explained the Promotional campaign, and confirmed to a January report from Farmers' Market Board. After shared discussion, thanks, and debate between Commission, Hempel, and public, ***McGuire moved, seconded by Arbanas to approve a \$3,000. Advertising budget for the Farmers' Market as submitted, with a forthcoming budget amendment. Roll call vote carried unanimously.***

Advertising Budget
for Farmers'
Market

Mullendore reported that the City and DDA were approached by Allan Robandt (114 E. Front) with a request to remove all planters in Mill Alley next to his building that allegedly caused damage at said building. She reviewed the suggestions submitted by Public Services Director (PSD) Smigielski and all discussed the three possible solutions. ***Arbanas moved, seconded by McGuire to select the third option to remove the plants and soil from the planter, secure with visqueen liner, and reconstruct as presented by PSD for a short term solution. Roll call vote carried unanimously.*** All shared further discussion regarding other planters, landscaping, costs and other businesses involved with the alley. ***McGuire moved, seconded by Arbanas to table any further discussion pending further review and a Work Session held. Roll call vote carried unanimously.***

New Business
Mill Alley Planters

Reports continued

Cathy Hempel
announced and
urged attendance to

“Meet the Candidate’s” at the Senior Center for County and City Candidates.

**City Manager’s
Comments**

Mullendore commented:

- Thanks to City Clerk for dedication during sick leave
- Concern for injured DPW mechanic and asked public for compassion and patience during fall and winter season (crew less one person)
- 180 hours work on the Trail from city workers (estimated \$25,000 savings)
- Announced upcoming event dates and times

**Commissioners’
Comments**

Arbanas commented:

- Congratulations to Dr. Patricia Moore for receiving Podiatrist of the Year Award for Indiana
- Congratulations to Smigielski for volunteer work with the community of Grand Beach
- Thanks and Congratulations to Lions Club, Trail Committee, and Tony Mayberry at the Tin Shop
- Absence from the next meeting
- Thanks to all well wishers for their concern with her pregnancy complications

McGuire commented:

- Recognition to Dick Proud for his hard work with McCoy’s Creek Trail
- Congratulations to sports teams; local and otherwise

Moore commented:

- Volunteering pays off big, thanks to all
- Commendation to Mullendore for taking City Manager position in representing City of Buchanan
- She was honored to receive the Dr. T.H. Clarke Achievement Award and explained the Indiana Podiatric Medical Association
- Urged attendance to McCoy’s Creek Trail Dinner Dance

Adjournment

McGuire moved seconded by Arbanas to adjourn the meeting at 9:33 p.m. Voice vote carried.

Gladys M. Bybee, CMC-City Clerk

Earl J. Scanlon III, Mayor

Public Comments

CITY OF BUCHANAN COMMISSION MINUTES

October 23, 2006

The Mayor called the **public hearing** to order at 7:30 p.m. The City Manager verified that no written comments were received. The Mayor requested public comments regarding the adoption of a resolution to approve an update to the Andrews Farm Industrial Park TIFA Development Plan. **Dan Fette** of the Community Development Department gave a brief background on the plans of the project and the update to the Andrews Farm Industrial Park TIFA Development Plan. He discussed the benefits of the plan and the high return on investments that would be yielded due to the update. He explained that December 1st was the expiration date of the TIFA, and explained the repayment schedule. **County Commission Don Ryman** then presented the check for \$35,000 to Mayor Scanlon. Being no further comments, the Mayor closed the hearing at 7:50 p.m.

Public Hearing

The Mayor called the **public hearing** to order at 7:51 p.m. The City Manager verified that no written comments were received. The Mayor requested public comments regarding the proposed Amendments to the Downtown Development Authority Boundary. **Greg Milliken** of McKenna Associates presented information on the boundary adjustments and explained the financial benefits the boundary adjustments would bring to the DDA. He also informed all present that due to a publishing error that the third public hearing for the night on the proposed Amendments to the Development Plan and Tax Increment Financing Plan would be postponed until the November 13th meeting. **Klarich** then came forward and expressed her excitement at the DDA boundary changes that would positively effect the DDA and the City. Being no further comments, the Mayor closed the hearing at 8:01 p.m.

Public Hearing

A regular meeting of the City Commission was held at City Hall, 302 N. Redbud Trail, Buchanan, Michigan Monday, October 23rd and called to order by Mayor Scanlon at 8:10 p.m.

Call to Order

All in attendance recited the Pledge.

Pledge/Invocation

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

Commissioners absent: Alberta Arbanas

Staff present: City Manager Meg Mullendore and Administrative Secretary Laura Fox

Guests/Visitors present: Dan Fette, Alan Robandt, Chuck Eckenstahler, County Commissioner Donald Ryman, Assessor Gordon Schreiber, Market Master Phil Hempel, DDA and TIFA Chairwoman Tracy Dippo, DDA Director Michelle Klarich, Greg Milliken, Tammie Herrman, and 5 other visitors present including 3 members of the media.

Roll Call

Hagey moved, seconded by Moore to amend the Consent Calendar by adding the adoption of the Andrews Farm TIFA plan and dissolving the Andrews Farm TIFA. Roll call vote carried unanimously.

Consent Calendar

Agenda

October 9 Minutes

McGuire moved, seconded by Moore to amend

the Consent Calendar by changing the time of the street closure on item E from 12:00-12:30 p.m. to 11:00-11:30 a.m. Roll call vote carried unanimously.

\$3,000. for the Farmers' Market Marketing as Expenditure Approval on October 9, 2006.

Scanlon moved, seconded by Moore to approve the Consent Calendar as amended. Roll call vote carried unanimously.

Street Closure Request as Amended

- Agenda as amended
- Minutes: Regular Meeting October 9, 2006
- Checks 51276 to 51374 in the amount of \$140,628.39
- Budget Amendment, \$3,000. for the Farmer's Market Marketing as expenditure approval on October 9, 2006.
- Street Closure Request as amended
- Resolution 2006.10/33, Township Resolution 06-16; Agreement between the Township of Buchanan and the City of Buchanan Qualified Voter File (QVF) (attached as part of this record)

Resolution 2006.10/33, Township Resolution 06-16; Agreement Between the Township of Buchanan and the City of Buchanan Qualified Voter File (QVF)

WHEREAS, the Township and City jointly purchased a computer for the statewide voter registration system, also known as the Qualified Voter File (herein after referred to as "QVF") in 1998 with the purpose of sharing equally in the use and costs of the QVF System. In 2006, the State of Michigan upgraded all of the QVF equipment, causing the joint purchase to be outdated. Both the Township Clerk and the City Clerk agree and recommend that each jurisdiction participate in a similar arrangement as provided below.

WHEREAS, the Township and City shall share equally in the annual service and maintenance necessary for the QVF system. The payment procedure shall be worked out by agreement between the Clerks of the Township and City. They shall coordinate the time for data input during designated business hours and each shall be responsible for her own supplies, such as paper and forms. The computer system shall be housed in the City Clerk's office.

WHEREAS, the City Clerk shall (in a timely manner) forward by mail or fax notices arriving on email to the Township Clerk unless other arrangements are made between the two clerks.

WHEREAS, tasks such as replication or installation of software or any other necessary tasks may be performed by either the Township or City clerk and the expense therefore borne equally by the Township and City.

WHEREAS, this agreement shall be in effect until canceled or amended by the concurrence of both the Township and City.

THEREFORE, BE IT RESOLVED THAT the parties hereto have caused this instrument to be executed on the date set forth below, pursuant to approval of the Township and City.

RESOLUTION DECLARED ADOPTED this 23rd day of October, 2006.

Resolution 2006.10/34, Resolution Approving a Loan To the Downtown Development Authority

- Resolution 2006.10/34, Resolution Approving a Loan to the Downtown Development Authority (attached as part of this record)

WHEREAS, the City Commission of the City of Buchanan established a Tax Increment Financing Authority, on April 25, 1983, to prevent urban deterioration and to provide funds for the payment of public improvements necessary to attract development and promote the economic well-being of the Andrews Farm Industrial Park area located in the City of Buchanan, and

WHEREAS, the Board of Directors of the Andrews Farm Tax Increment Financing Authority has determined the current fund balance sufficient to meet the immediate needs of the Authority and that funds not immediately needed for the project implementation can be loaned to the Downtown Development Authority until such time that capital improvements and/or extensions are required in the Andrews Farm Industrial Park, and

WHEREAS, Downtown Development Authority has funding needs for infrastructure, business development loans and other programs that will increase the attractiveness of the City of Buchanan for business and industry expansion of which, in the opinion of the Board of Directors will substantially benefit current and future occupants of the Andrews Farm Industrial Park, and

WHEREAS, Downtown Development Authority has determined that a loan to the Downtown Development Authority for such purposes to be a public purpose pursuant to the provisions of Public Act 450 of 1981, as amended, and

WHEREAS, The City Commission has approved an updated Development Plan dated September 2006 that specifically provided for the lending of funds to the Downtown Development Authority.

NOW THEREFORE BE IT RESOLVED, by the Board of Directors of the City of Buchanan Andrews Farm Tax Increment Financing Authority that a loan in the amount of \$250,000 be granted to the Downtown Development Authority subject to the following terms and conditions:

Resolution 2006.10/35, Resolution to Dissolve the City Of Buchanan, Berrien County Michigan Andrews Farm Tax Increment Financing Authority

1. Transfer of funds shall be effective December 1, 2006.
2. Said loan will be a zero interest loan for a period of 15-years terminating on December 1, 2021.
3. Principal payment will be deferred for a period of five years with the first payment due on December 1, 2011.

4. proceeds will be used specifically for infrastruct

Budget Amendment,

ure, business loans and other programs allowing for the repayment of funds.

5. If the Authority should be dissolved on or before the terminal date of loan, loan serving shall be assigned to the City Treasurer under the direction of the City Commission.

RESOLUTION DECLARED ADOPTED this 23rd day of October, 2006.

- Resolution 2006.10/35, Resolution to Dissolve the City of Buchanan, Berrien County, Michigan Andrews Farm Tax Increment Financing Authority

WHEREAS, the City Commission of the City of Buchanan established a Tax Increment Financing Authority (TIFA), on April 25, 1983, to prevent urban deterioration and to provide funds for the payment of public improvements necessary to attract development and promote the economic well-being of the Andrews Farm Industrial Park area located in the City of Buchanan, and

WHEREAS, the Board of Directors of the Andrews Farm Tax Increment Financing District has determined fulfilled the goals for the formation of the TIFA, that being the development of the Andrews Farm Industrial Park and as such recommends that the TIFA be dissolved effective December 1, 2006, and

WHEREAS, the Board of Directors of the Andrews Farm Tax Increment Financing District has deemed it necessary to update the Development Plan for the District establishing necessary expenditures to be made to "wind-up" the affairs of the TIFA transferring certain expenditures and final action to be administered by the City Finance Director under supervision of the City Commission.

NOW THEREFORE BE IT RESOLVED, The City Commission of the City of Buchanan, Berrien County, Michigan, as recommended by the Board of Directors of the City of Buchanan Andrews Farm Tax Increment Financing Authority, do herewith rescind Resolution 11,764 the City of Buchanan resolved adopted April 25, 1983, forming the Andrews Farm Tax Increment Financing Authority, effective December 1, 2006.

RESOLUTION DECLARED ADOPTED this 23rd day of October, 2006.

Police Chief Bill Marx was in attendance and distributed his report for the Police Department and Code Enforcement. Chief highlighted the activities within the report and brief discussion was shared about a work schedule change for officers to four 8 ½ hour days followed by 2 days off, which has had a 60% decrease in sick time used as a result of this scheduling change. Chief also discussed the status of the Reserve Unit, and reviewed code enforcement activities. Commissioner McGuire commented on the foot and bike traffic hours being done by officers, and noted the increase in time spent patrolling on foot and bike. Recommended more time be spent on these activities to increase visibility. Chief recognized Officer Michael Troup, who has accepted the full-time officer position. He thanked the Lion's Club for the \$500 donation they made to the D.A.R.E. program. Chief informed all that the Police Department has gun locks available free-of-charge and urged parents to pick one up. McGuire questioned whether the code enforcement officers issue citations or if they report back and a police officer issues the citations. Marx replied that a regular officer issues the citations. Mayor Scanlon then asked Chief about the Home Drug Testing Kits and CASA progress. Chief replied that he and Katherine Hempel were working together to promote the kits through school events and fliers as a way to create an opportunity to create dialogue about the subject. Mayor Scanlon thanked Hempel and Marx for their hard work in the endeavor.

Mullendore discussed the U.S. EPA Brownfield Grant Application Support-Assessment Grant Application with the Commission. She informed Commission that she had been in contact with Davin Ojala at SME to understand the different grants and their availability. Requests had been sent out to seven other environmental firms, but none of the other 6 firms aside from SME had had any success with obtaining an EPA grant. She explained the proposal SME had drawn up for the City, and turned an explanation of the grant process and plan over to Davin Ojala and James Harless from SME. Harless explained the grant process and what the City can do with the grant once it is obtained. He also explained the other grants available to the City in the future once the first grant is obtained. Moore

Reports

Police

Department

New Business

Consider
Proposal for
U.S. EPA
Brownfield
Grant
Application
Support-
Assessment
questioned
Harless on
hazardous
substances
contaminant

and petroleum contaminant grants and how they are obtained. Harless replied that a hazardous substances contaminant grant is usually sought first; only after sufficient evidence is gathered that there is a petroleum contaminant can a petroleum grant be obtained; most frequently contaminants are of a mixed-nature and require the hazardous substances contaminant grant. Hagey asked Harlass for a time frame clarification on the grant, with Harlass replying that the grant will last for 2 years with a possible 1-year extension that can be applied for. Harlass then reviewed the disbursement process and shared discussion with Commission on what could be done with the grant. ***Hagey motioned, seconded by McGuire to authorize the City Manager to enter into an agreement with SME for an EPA Brownfield Grant Application Support-Assessment Grant Application. Roll call vote carried unanimously.***

Application

Smigielski explained the bid waiver for the Storm Water Phase II Engineering in the amount of \$6,284 with Fishbeck, Thompson, Carr & Huber, Inc. He explained the source of the pollutants and what needs to be done to correct the problems. He explained the need to start implementing the plan and find the point source. Mullendore explained that the \$6,284. was part of the \$10,000. budget amendment on item VIII.C. Hagey questioned which account the budget amendment was coming from to which Rick gave his reply. ***McGuire moved, seconded by Moore to approve the bid waiver for Storm Water Phase II Engineering in the amount of \$6,284. with Fishbeck, Thompson, Carr & Huber, Inc. Roll call vote carried unanimously.***

Bid Waiver for Storm Water Phase II Engineering in The Amount of \$6,284.

There was brief discussion shared between Smigielski and Commission regarding the \$10,000. budget amendment, in which is included the previously accepted \$6,284. bid waiver. ***Moore moved, seconded by McGuire to accept the \$10,000. Budget Amendment for cost associated with Storm Water Phase II Permits. Roll call vote carried unanimously.***

Consider \$10,000. Budget Amendment For cost associated With Storm Water Phase II Permits

Public Comments

Alan Robandt commented on the RFP for the Teen Center, and expressed concern that insufficient information was given in order to receive requests for a viable project. Due to some confusion on his reading of the RFP, Mayor Scanlon corrected Robandt's understanding of what the RFP was exactly stating and informed him it was for a non-profit purpose and not meant to be invested in as a business enterprise, but thanked Robandt for his concern and comments.

City Manager's Comments

Mullendore commented:

- Thanked County and Dan Fette for working with the City and Andrews Farm Industrial Park can benefit from the changes that are going to take place.
- Thanked County Commissioner Donald Ryman for his hard work.
- Asked that Commission keep Gladys and her health in their prayers.
- Informed that she had received notification of an Arbor Day mini-grant, and had contacted Mae Proud of the Garden Club about it, and offered her assistance.
- Received DEQ approval for staircase that the Friends of McCoy's Creek Trail will put in in the spring; DEQ also gave approval for enlarged boundaries for boardwalk, the permit is valid for 3 years.
- Reminded all of Halloween activities, starting at the Senior Center at 10:30 a.m. with a parade following at 11:00 a.m.

- Reminded all of Trek-or-Treat at E.B. Clark

Grant

- Woods; Notre Dame softball girls volunteering to help out
- Trick-or-Treat Friday night from 5:00-7:30 p.m.; Police Department candy check.
- Urged all to be careful with driving on Halloween

McGuire commented:

- Have a safe and happy Halloween
- Reminded all of debate at 6:30 p.m. at Senior Citizen center for the City Commissioners the following night.
- Expressed sadness at Jane Wyatt's death (from "Father Knows Best")
- Farmers' Market doing well; open Saturdays 10:00 a.m.-2:00 p.m.

Commissioners'
Comments

Moore commented:

- Meeting tonight has been very positive; many fantastic things happening for the community
- Cross country program doing very well
- Sent best wishes to Gladys
- Happy Halloween; be safe

Hagey commented:

- Trail is really phenomenal
- Saw salmon jumping in creek
- Spending lots of money at Market; good crowd there; new vendors are excited and happy about the Market
- Expressed desire to pursue development downtown and on the Ingersoll Rand property

Scanlon commented:

- Thanked County, Ryman, and Fette for help.
- Tonight's meeting very important
- Good work with CASA—keep it up!
- Thanked Trail and congratulated on a good job done—Phase I complete
- Go Lady Bucks!—they have won every game this season
- Encouraged all to attend parade, dress up, and support the kids
- Notre Dame girl's softball will be present at the Trail
- Thanked Citizens and Buchanan and gave thank-you speech

Moore moved, seconded by McGuire to go into Closed Session at 9:53 p.m. to discuss the acquisition of property and review the minutes of the September 25th closed session. Roll call vote carried unanimous.

Closed Session
Acquisition of
Property

The Mayor reconvened the meeting at 10:17 p.m. with no action taken in closed session.

Review of Minutes

McGuire moved, seconded by Moore to approve the minutes for the City Manager Evaluation as reviewed during closed session. Roll call vote carried unanimous.

Hagey moved, seconded by McGuire to authorize the City Manager to spend not more than discussed in closed session. Roll call vote carried unanimous.

McGuire moved,
supported by
Hagey to adjourn

the meeting at 10:18 p.m. Voice vote carried unanimous.

Laura Fox, Administrative Secretary

Earl J. Scanlon III, Mayor

Adjourn

CITY OF BUCHANAN COMMISSION MINUTES

November 13, 2006

At 7:45 p.m. the City Clerk presented the Oath of Office to newly elected officials, Barbara Clark, Carla Cole, and Jennifer Harrington. Greetings were shared

Mayor Pro Tem Hagey called the public hearing to order at 8:00 p.m. The City Manager verified that no written comments were received and summarized the proposed amendments to the Amendments to the Development Plan and Tax Increment Financing Plan. The Mayor requested public comments regarding the Plans. Being no comments heard, the Mayor Pro Tem closed the hearing at 8:03 p.m.

A regular meeting of the City Commission was held at City Hall, 302 N. Redbud Trail, Buchanan, Michigan Monday, November 13th and called to order by Mayor Pro Tem Hagey at 8:03 p.m.

Hagey moved seconded by Clark to nominate and appoint Dr. Patricia Moore as Mayor. No other nominations were heard. **Roll call vote unanimous.**
Cole moved seconded by Harrington to nominate and appoint Hagey as Mayor Pro Tem. No other nominations were heard. **Roll call vote unanimous.**

All in attendance recited the Pledge. Reverend Dave Mitchell, Faith Victory Fellowship gave the Invocation.

Commissioner Clark read the biography of resident Lyle Sumerix and Mayor Moore presented Mr. Sumerix with a Citizen Appreciation Recognition Award.

Commissioners present: Barbara Clark, Carla Cole, David Hagey, Jennifer Harrington, Patricia Moore
Commissioners absent: None
Staff present: City Manager Meg Mullendore, Fire Chief and Building Inspector Warren Weaver, Treasurer Juli O'Bryant, Clerk Gladys Bybee
Guests/Visitors present: 31 visitors present including 3 members of the media.

McCoy's Creek Trail Chairman Richard Proud congratulated the new commissioners, Mayor, Mayor Pro Tem and Mr. Sumerix. Proud then presented a visual aid map of phase two of the McCoy's Creek Trail and explained.

Hagey moved, seconded by Harrington to amend the Consent Calendar to add to the Agenda, under New Business, Letter of Understanding Authorizing a Donation of Sick Time. **Roll call vote carried unanimous.**

Harrington moved, seconded by Cole to approve the Consent Calendar as amended. **Roll call vote carried unanimous.**

- Agenda as amended
- Minutes: Regular Meeting October 23, 2006
- Checks 51375 to 51498 in the amount of \$322,370.08
- Corporate Authorization Resolution from Chemical Shoreline Bank, Accounts Payable that allows new commissioners to sign checks
- Corporate Authorization Resolution from Chemical Shoreline Bank, Payroll Account that allows new commissioners to sign checks

Oath of Office

Public Hearing

Call to Order

Mayor
Mayor Pro Tem

Pledge/Invocation

Citizen
Appreciation-Lyle
Sumerix

Roll Call

Public Comments

Consent Calendar

Amended Agenda

Oct. 23 Minutes
Checks
Accounts Payable
Corporate
Authorization

Payroll Account
Corporate
Authorization

Chief and Building Inspector Warren Weaver distributed the statistical report from January 2006 to date for both Fire and Building Departments. Weaver summarized the reports while all reviewed and discussion was shared.

Police
Department

Treasurer Juli O'Bryant welcomed new commissioners and reported on the winter tax cycle, dog licenses collection, preliminary work on the future city budget, and several types of payment for tax and utility bills. Discussion was shared.

Treasury
Department

New Business
2005-2006 FY
Financial Audit

Plante Moran Partner Sharon Vargo reported on the 2005-2006 Fiscal Year Financial Audit Statement. She congratulated the Commission on a Clean Audit and commended them on their sound responsible financial management. Audit documents were reviewed as distributed previously to commissioners. Vargo further explained expenditure control and receipt of revenue. She cautioned the commission on over spending due to loss of state revenue sharing; both past and future. Vargo summarized the letter of comments and recommendations and cautioned the Commission on the decreases with state revenue sharing. She thanked the staff for their assistance.

Budget
Amendment,
Part-Time/
Temporary
position

Mullendore summarized that AARP work force program to place members in the community was discontinuing, thus the position held by Dorothy Harris at City Hall would be ending. She explained the valuable asset Harris has been and recommended the Budget Amendment for the Addition of a Part-Time (possibly temporary) Deputy Clerk. After brief discussion, ***Cole moved, seconded by Hagey to approve the budget amendment as presented. Roll call vote carried by majority. YEA: Moore, Hagey, Cole. NAY: Harrington, Clark***

Schedule Work
Session(s)

Mullendore explained the necessity for upcoming Work Session's (i.e. Teen Center, Municipal Building, Capital Improvements, etc.) and requested Commissioners to select two dates to schedule. November 20 at 7:00 p.m. was confirmed with others to be scheduled at a later date.

Mullendore explained, while Commissioners reviewed a proposed Letter of Understanding from the Police Officers Labor Council for other police officers to contribute their sick time that would afford new police officer Mike Troup to take off time when his baby is born. ***Clark moved, seconded by Cole to approve the Letter of Understanding as presented. Roll call vote carried unanimous.***

Letter of
Understanding
with Police
Officers Labor
Council

Twins Matthew and Jayson Strozewski requested permission from the Commission to stand on the corner of Days Avenue (sidewalk) with their father to offer a "Hugs for Food Drive" with all proceeds going to Redbud Area Ministries (RAM). ***Harrington moved, seconded by Clark to approve the request as presented. Roll call vote carried unanimous.*** Applause was heard.

Public Comments

Sheila Daly distributed and read Letters of Commendation to the City Commission and Buchanan Area Recreation Board for ongoing endorsement of the trail and Special Acknowledgment to Director of Public Services Rick Smigielski to be included in his personnel file (Both letters signed by entire Trail Committee members). The Mayor asked the City Manager to place the commendation in the file and greetings were shared. High School students, Lindsey Borre and Ashley Pointer explained their Exit Project for Law Class and announced their volleyball game fundraiser with proceeds going to the Trail.

Mullendore
comments:

Reports

- Welcome to new Commissioners
- Look forward to seeing Buchanan progress and move forward
- Encouraged the commission to attend the MML to attend day long seminar with herself and city clerk
- Requested commissioner review of board vacancy to volunteer
- A new feature to the City Newsletter Commissioners Corner and asked for a volunteer
- Upcoming event dates/times

Clark comments:

- Pleased to be on the Commission
- Commended the Trail Committee
- Commended the twins

Cole comments:

- Holiday Scavenger Hunt the Saturday after the Holiday Lighting Ceremony December 2nd with the Farmers Market and DDA
- Farmers' Market Basket giveaway, urged sign up
- Commended Trail Committee

Hagey comments:

- Personally thanked Joe, Lon, Jeanne and Flo for their past service and hard work to move Buchanan forward
- 4th Commission he has served with and best wishes to Mayor and commissioners
- Thanked the Attorney and City Manager for the synopsis
- Pleased to see Reverend Mitchell present after being ill

Harrington comments:

- Congratulated Lyle Sumerix and Trail Committee
- Looking forward to working with City Staff again

Moore comments:

- Congratulated new commission members
- Grateful and honored to be Mayor
- Assured to keep moving forward and to keep "Life is Better Here"

Cole moved, seconded by Harrington to go into Closed Session at 9:09 p.m. to review 10-23-06 minutes, acquisition of property. Roll call vote carried unanimous.

The Mayor reconvened the meeting at 9:13 p.m. with no action taken in closed session.
Moore moved, seconded by Hagey to approve the minutes for the acquisition of property as reviewed during closed session. Roll call vote carried unanimous.

Cole moved, supported by Harrington to adjourn the meeting at 9:13 p.m. Voice vote carried unanimous.

Commissioners'
Comments

Closed Session
 Review of Minutes

10-23-06 Closed
 Session Minutes

Adjourn

 Gladys Bybee,CMC-City Clerk

 Dr. Patricia Moore, Mayor

City Manager's
Comments

CITY OF BUCHANAN COMMISSION MINUTES

November 27, 2006

A regular meeting of the City Commission was held at City Hall, 302 N. Redbud Trail, Buchanan, Michigan Monday, November 27th and called to order by Mayor Moore at 8:00 p.m.

All in attendance recited the Pledge. No Invocation was heard.

Commissioners present: Barbara Clark, Carla Cole, David Hagey, Jennifer Harrington, Patricia Moore
Commissioners absent: None
Staff present: City Manager Meg Mullendore and Clerk Gladys Bybee
Guests/Visitors present: 11 visitors present including 3 members of the media.

Harrington moved, seconded by Clark to amend the Consent Calendar to add to the Agenda, under Unfinished Business, Invite Public Comments for the submission of a grant request to the Federal Environmental Protections Agency for a FY 2007 Hazardous Substances Assessment Grant. Roll call vote carried unanimous.

Harrington moved, seconded by Cole to approve the Consent Calendar as amended. Roll call vote carried unanimous.

- Amended Agenda
- Minutes: Regular Meeting November 13, 2006
- Checks 51499 to 51589 in the amount of \$132,988.64
- Street Closure; Front Street, Oak Street and Days Avenue for the Holiday Lighting Parade
- Minute Correction for October 23, 2006 Resolution 2006.10/34

The Minutes are being amended to reflect the actual action taken by the Buchanan City Commission on October 23, 2006. The Minutes shall be amended to reflect the change as stated below, and are effective as of October 23, 2006:

Exclude from Minutes:

- Resolution 2006.10/34, Resolution Approving a Loan to the Downtown Development Authority (attached as part of this record)

WHEREAS, the City Commission of the City of Buchanan established a Tax Increment Financing Authority, on April 25, 1983, to prevent urban deterioration and to provide funds for the payment of public improvements necessary to attract development and promote the economic well-being of the Andrews Farm Industrial Park area located in the City of Buchanan, and

WHEREAS, the Board of Directors of the Andrews Farm Tax Increment Financing Authority has determined the current fund balance sufficient to meet the immediate needs of the Authority and that funds not immediately needed for the project implementation can be loaned to the Downtown Development Authority until such time that capital improvements and/or extensions are required in the Andrews Farm Industrial Park, and

WHEREAS, Downtown Development Authority has funding needs for infrastructure, business development loans and other programs that will increase the attractiveness of the City of Buchanan for business and industry expansion of which, in the opinion of the Board of Directors will substantially benefit current and future occupants of the Andrews Farm Industrial Park, and

WHEREAS, Downtown Development Authority has determined that a loan to the Downtown Development Authority for such purposes to be a public purpose pursuant to the provisions of Public Act 450 of 1981, as amended, and

WHEREAS, The City Commission has approved an updated Development Plan dated September 2006 that specifically provided for the lending of funds to the Downtown Development Authority.

NOW THEREFORE BE IT RESOLVED, by the Board of Directors of the City of Buchanan Andrews Farm Tax Increment Financing Authority that a loan in the amount of \$250,000 be granted to the Downtown Development Authority subject to the following terms and conditions:

Call to Order

Pledge/Invocation

Roll Call

Consent Calendar

Amended Agenda

Nov. 13 Minutes
Checks

Street Closure

10-23-06 Minute
Correction

- 1.) Transfer of funds shall be effective December 1, 2006.
- 2.) Said loan will be a zero interest loan for a period of 15-years terminating on December 1, 2021.
- 3.) Principal payment will be deferred for a period of five years with the first payment due on December 1, 2011.
- 4.) Proceeds will be used specifically for infrastructure, business loans and other programs allowing for the repayment of funds.
- 5.) If the Authority should be dissolved on or before the terminal date of loan, loan serving shall be assigned to the City Treasurer under the direction of the City Commission.

RESOLUTION DECLARED ADOPTED this 23rd day of October, 2006.

Below is a true and exact copy of what the Buchanan City Commission received that will be inserted into the minutes:

- Resolution 2006.10/34, Resolution of Adoption City of Buchanan, Berrien County, Michigan Andrews Farm Tax Increment Financing Authority Development Plan Amendment

WHEREAS, the City Commission of the City of Buchanan established a Tax Increment Financing Authority, on April 25, 1983, to prevent urban deterioration and to provide funds for the payment of public improvements necessary to attract development and promote the economic well-being of the Andrews Farm Industrial Park area located in the in the City of Buchanan, and

WHEREAS, the Board of Directors of the Andrews Farm Tax Increment Financing District has deemed it necessary to update the Development Plan for the District setting forth revised income and expenditures necessary to be made to meet the objectives of the Authority, and

WHEREAS, Public Act 450 of 1981, as amended, requires the City Commission hold a public hearing prior to the adoption of an Amended Development Plan which was held on October 23, 2006, and

WHEREAS, Mayor and Commissioners of the City Commission of the City of Buchanan do herewith find:

1. The Amended Tax Increment Financing Plan constitutes a public purpose as defined in Public Act 450 of 1981, as amended, and
2. The Amended Tax Increment Financing Plan meets the requirements of Section 13(2) and 16(c) of the Act, and
3. The proposed method of financing the proposed development projects is reasonable and necessary to carry out the purposes of the Act, and
4. The amount of captured assessed value estimated to result from adoption of the Amended Development Plan is reasonable, and
5. The Amended Development Plan is in reasonable accord with the approved Comprehensive Plan for the City of Buchanan, and
6. Public services are adequate to carry out the projects cited within the Amended Development Plan.

NOW THEREFOR BE IT RESOLVED, The City Commission of the City of Buchanan, Berrien County, Michigan, as recommend by the Board of Directors of the City of Buchanan Andrews Farm Tax Increment Financing Authority, do herewith adopt the Amended Tax Increment Financing Development Plan dated October 2006.

RESOLUTION DECLARED ADOPTED this 23rd day of October, 2006.

- Appointments' for Commissioner Representation on Boards and Commissions

Clerk Gladys Bybee thanked the Commission and City Manager for their patience and cooperation during the past few months of illness. She reported on the 2006 election and 2007 School Election, board/committee vacancies, forthcoming concentration on records retention and management, review and update on the website, and update/upgrade of channel 99 (as afforded). Discussion was shared.

Mullendore reported that a special Request for Proposal (RFP) for Acquisition and Proposed Use for the Teen Center, 114 Oak Street had been sent out and published without response. She explained inquiries from two (2) interested private individuals wanting to purchase the building with the proceeds to possibly purchase another site currently for sale. She requested approval to develop a proposal to offer building for sale with minimum bid and authority to sign a purchase agreement for the new site.

Consent Calendar continued

10-23-06 Minute Correction

Commissioner Representation on Boards, etc
Reports
City Clerk/Election

Unfinished Business
Teen Center (114 N. Oak) Sale & Purchase Proposal

Discussion/questions were shared about an appraisal of the teen center, proceeds to

purchase the new site to develop a youth center, and any leftover proceeds for seed money to manage/run a new center. ***Cole moved seconded by Harrington to authorize the City Manager to obtain a formal appraisal and/or assessor appraisal of the current teen center and speak to realtors about marketing the teen center parcel with the caveat that the two interested parties be excluded from the realtors' services. Roll call vote unanimous.***

New Business
Federal EPA
Hazardous
Substances
Assessment Grant

The Mayor invited public comments for the submission of a grant request to the Federal Environmental Protections Agency (EPA) for a FY 2007 Hazardous Substances Assessment Grant. The clerk read into the record a letter of favorable support from Thaddeus R. Stephens, 316 Liberty Street. Dick Proud, 705 Ottawa Court and on behalf of the McCoy's Creek Trail Committee spoke in favor of the grant submittal.

Ecological
Management
Agreement with
Nature
Conservancy

Mullendore reported on the city owned property (31 acres landlocked) adjacent to the 65 acres (FEN) owned by the Nature Conservancy and explained the meeting with the Board. She explained the three (3) year partnership between the Conservancy, City and Friends of McCoy's Creek Trail, noted the letter of support from the Friends of McCoy's Creek Trail, and recommended the Ecological Management Agreement with Nature Conservancy. She requested authorization to sign the final agreement after Attorney review. There was discussion regarding declined flora, animal/reptile species, look out decks and looping the McCoy's Creek Trail. ***Cole moved, seconded by Hagey to authorize the City Manager to sign the contract on behalf of the city after all details worked out with the Conservancy and legal review. Roll call vote carried unanimously.***

Resolution
2006.11/36,
Change Regular
Meeting Times

After brief explanation, ***Clark moved seconded by Cole to approve Resolution 2006.11/__, Meeting Time Change as submitted.***

RESOLUTION FOR ESTABLISHMENT OF MEETING TIME FOR REGULAR CITY COMMISSION MEETINGS. CHANGE IN THE TIME OF MEETINGS.

WHEREAS, the Charter of the City of Buchanan, Michigan, provides in part as follows at Section 6.1:

“Regular Meetings: The Commission shall hold regular meetings on the second and fourth Mondays of each month; it shall provide by resolution for the exact time and place of its meetings.”; and

WHEREAS, the Buchanan City Commission has determined that it would be in the best interest and for the common welfare of the City to commence the regular meetings of the City Commission at 7:30 p.m.;

NOW, THEREFORE, BE IT RESOLVED by the City Commission that regular City Commission meetings shall commence at 7:30 p.m. commencing on December 11th, 2006.

RESOLUTION 2006.11/36 DECLARED ADOPTED this 27th day of November, 2006.

City Manager's Comments

Mullendore comments:

- Holiday Lighting and Holiday Scavenger Hunt schedule
- Boy Scouts, Santa, and an Elf at the Farmers Market on Saturday
- Thanks to the twins for Hugs for food, Proud of parents Bob & Sandi
- Urged commissioners to turn in reservation for MML January meeting
- Second Commission meeting on Christmas Holiday, by Charter meeting would be held on Tuesday. Suggests cancellation of meeting with motion at next meeting to sign checks

Harrington
comments:
none

Hagey comments:
none

Cole comments:
• Welcome back
Gladys

Unfinished Business continued

Teen Center (114 N. Oak) Sale
& Purchase Proposal

- Commended twins for collecting food for RAM Food Pantry

Happy Thanksgiving

Clark comments:

Same as Coles comments

Moore comments:

- Try to get twins and helpers to assist with lighting the Common
- Compliment Staff on planning Holiday lighting, apology for missing the hunt
- Happy and Safe Holiday

Hagey moved, seconded by Clark to go into Closed Session at 8:31 p.m. to review 11-20-06 minutes, Attorney-Opinion/Client Privileged Information. Roll call vote carried unanimous.

The Mayor reconvened the meeting at 8:35 p.m. with no action taken in closed session.

Harrington moved, seconded by Cole to approve the 11-20 minutes for the Attorney-Opinion/Client Privileged Information as reviewed during closed session. Roll call vote carried unanimous.

Hagey moved, seconded by Cole to adjourn the meeting at 8:36 p.m. Voice vote carried unanimous.

Closed Session

Review of Minutes

11-20-06 Closed
Session Minutes

Adjourn

Gladys Bybee, CMC-City Clerk

Dr. Patricia Moore, Mayor

Commissioners'
Comments

CITY OF BUCHANAN COMMISSION MINUTES

December 11, 2006

A regular meeting of the City Commission was held at City Hall, 302 N. Redbud Trail, Buchanan, Michigan Monday, December 11th and called to order by Mayor Moore at 7:35 p.m.

All in attendance recited the Pledge. Reverend Chris Kruchkow, Faith United Methodist Church gave the Invocation. The Mayor tabled the recognition awards as the recipients could not attend.

Commissioners present: Carla Cole, David Hagey, Jennifer Harrington, Patricia Moore

Commissioners absent: Barbara Clark (notification given)

Staff present: City Manager Meg Mullendore and Clerk Gladys Bybee

Guests/Visitors present: Preservation Society Chairman, Tom Fehlner; Friend of Oak Ridge Cemetery Chairman, Lyle Sumerix and 13 visitors present including 3 members of the news media.

Harrington moved, seconded by Cole to amend the Consent Calendar to add to the Agenda, under New Business, Street Closure for Remembrance Candle Walk. Roll call vote carried unanimous.

Harrington moved, seconded by Cole to approve the Consent Calendar as amended. Roll call vote carried unanimous.

- Amended Agenda
- Minutes: Regular Meeting November 27, 2006-Work Session November 20, 2006
- Checks 51590 to 51681 in the amount of \$60,367.22
- Resolution to Cancel December 26, 2006 City Commission Meeting and Authorize the Mayor and Treasurer to sign checks

WHEREAS, the City Commission of the City of Buchanan wishes to cancel the December 26, 2006 meeting due to the holiday season;

NOW, THEREFORE, BE IT RESOLVED that the Mayor for the City of Buchanan and the Buchanan City Treasurer are authorized to sign checks on behalf of Buchanan City, Berrien County on this 11th day of December, 2006.

RESOLUTION 2006.12/37DECLARED ADOPTED this 11th day of December 2006.

- General Fund Budget Amendment in the amount of \$235,000 for Purchasing 204 N. Redbud Trail, recording, winter taxes, building maintenance, utilities (funds expended from the Municipal Complex Reserve Fund Balance)
- Call a Public Hearing on Monday January 8, 2007 at 7:30 p.m. to invite and hear public comments on an Ordinance Amending the Boundaries of the City of Buchanan Downtown Development Authority (notice forthcoming and published as applicable)
- Call a Public Hearing on Monday January 8, 2007 at 7:30 p.m. to invite and hear public comments on an Ordinance Amending the Development and Tax Increment Financing Plans for the City of Buchanan Downtown Development District (notice forthcoming and published as applicable)

Tom Fehlner, Preservation Society Chairman distributed written statement for Pears Mill. All viewed while he explained the state and future of the Mill and problems

Call to Order

Pledge/Invocation

Roll Call

Consent Calendar

Amended Agenda

Nov. 27 Minutes

Checks

Resolution
2006.12/37,
Canceling Dec. 26
Mtg.

Budget
Amendment,
\$235,000

Call a Public
Hearing,
Ordinance

Call a Public
Hearing,
Ordinance

Reports

Preservation
Society, Pears Mill

with inadequate water flow. He urged the Commissioners to expedite the water issue. All shared discussion and Mullendore reported that the weir project had been delayed due to the unforeseen jetting of the sewers caused by mercury content. She noted that it was scheduled for May 2007.

Preservation Society, Pears Mill

Lyle Sumerix, Friends of Oak Ridge Cemetery Chairman introduced member Bob Brown and reported on his written hand-out. He explained the completion and dedication of "The Old Burying Ground Memorial", Cemetery Walk time change, restoration of head stones, receipt of 501-3-C status, and ongoing concerns. Mr. Brown distributed the October Newsletter and other Program Brochures. Discussion was shared with Commissioners, Manager, and Sumerix.

Friends of Oak Ridge Cemetery

Mullendore reported that the State required that public transportation be bid out and explained the Request for Proposal process with only two (2) received out of 20. She recommended award of Dial-a-Ride Contract to Low Bidder, Transportation Management, Inc. After shared discussion, ***Harrington moved, seconded by Cole to award the contract to the lowest bidder, Transportation Management for three (3) years in the total amount of \$432,160 and authorize the City Manager and City Clerk to endorse a contract. Roll call vote carried unanimous.***

Unfinished Business
Contract to TMI for Buchanan Dial-A-Ride

Mullendore reported that an extension was necessary to allow the City to continue to have the McCoy Creek Industrial Park sign located on the corner of Front and Skyline which is Jack Post property. She requested favorable approval. ***Cole moved, seconded by Hagey to enter into the Easement Agreement with Jack Post as presented.*** After discussion on the term of the agreement, ***roll call vote carried unanimous.***

New Business
Easement Agreement with Jack Post for Industrial Sign

Mullendore explained that approval to the MDOT Project Authorization FY 2007 Section 5311 Operating Agreement and passage of the Resolution would allow the City to accept federal dollars to subsidize the Buchanan Dial-A-Ride. ***Hagey moved, seconded by Cole to approve the Resolution as presented.***

MDOT Operating Assistance for Dial-A-Ride, Section 5311

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 16 percent of audited costs for FY2007; and

WHEREAS, MDOT Agreement No. 2007-0181/Z1, Project No. 889770 will provide 16 percent of eligible audited operating costs, not to exceed \$18,880.

NOW, THEREFORE BE IT RESOLVED that the City of Buchanan does hereby make its intentions known to accept this MDOT Agreement No. 2007-0181/Z1, Project No. 889770 Section 5311 federal operating assistance for FY2007.

BE IT FURTHER RESOLVED that the City of Buchanan authorizes Julianne O'Bryant as Transportation Coordinator, and Dr. Patricia Moore, Mayor of the City of Buchanan to jointly execute MDOT Agreement No. 2007-0181/Z1, Project No. 889770 for the Commission for 2007 Section 5311 Federal operating assistance.

Roll call vote carried unanimous. Resolution 2006.12/38 declared adopted this 11th day of December, 2006.

Farmers' Market Board Chairwoman Alice Kring distributed a proposed budget for the Market and explained the request for the City Commission to remove the Farmers' Market Board from the Downtown Development Authority (DDA) responsibility; thus the Farmers' Market Board would report directly to the City Commission. Discussion/questions were shared with Kring, Volunteer Market Master Phil Hempel, and Commission. Kring urged the members to consider the request with joint meetings to

Farmers' Market Board Request to report directly to City Commission

Reports continued

discuss the matter during the budget

cycle, with an anticipated ruling from the City Commission prior to the 2007 Farmers' Market season (May).

Mullendore reported receipt of the Street Closure just prior to the meeting from Chief Marx for a Candle Walk on Front Street from Police property Gazebo to American Legion on Friday December 22nd from 6:00 to 6:30 p.m. **Hagey moved, seconded by Cole to approve the street closure as submitted. Roll call vote carried unanimous.**

Street Closure,
Front Street for
Candle Walk

Public Comments

Alice Kring invited the Commission to Open House for her business expansion and Chamber Perc Club Breakfast.

Stella Proud commended the Commission on the Holiday Lighting and was pleased with participating in the holiday festivities and the Farmers' Market. She also commended the City Manager and Phil Hempel.

Lyle Sumerix urged more consideration in selling the current Teen Center building and the need for purchasing a new building for the youth. Long term volunteers dwindling.

City Manager's Comments

Mullendore comments:

- Grant application submitted for Hazardous Substances Assessment Grant
- Presented the proposed parcel swaps to the DDA at December meeting; City Hall building for Ross-Sanders parcel and the Duck Pond for the Tin Shop. DDA interest in the Teen Center. Urged Commissioners' to attend or share comments with the DDA.
- Upcoming event dates/times

Cole comments:

- Thanked Stella Proud and Joe Scanlon for Santa and Mrs. Santa during the Holiday Hunt
- Asked that all keep servicepersons in thoughts and prayers for holiday

Hagey comments:

- Also thanked Stella and Joe
- Thanked Alice Kring and Phil Hempel and all members of the Farmers' Market Board

Harrington comments:

- Shirley Roti-Roti retiring from Fine Arts Council; been a member since 1978. Fine Arts would like Commission to present acknowledgement to Mrs. Roti-Roti
- Best Wishes to Commissioner Clark due to family emergency
- Happy Holiday Season

Moore comments:

- Thanked all for preparation of Holiday Lighting

Commissioners' Comments

Adjourn

Harrington moved, seconded by Cole to adjourn the meeting at 9:01 p.m. Voice vote carried unanimous.

Gladys Bybee, CMC-City Clerk

Dr. Patricia Moore, Mayor

New Business continued