

CITY OF BUCHANAN COMMISSION MINUTES

January 12, 2009

The regular scheduled meeting of the City Commission was held at Buchanan City Hall, 302 N. Redbud Trail, Buchanan, Michigan, Monday, January 12, 2009. Mayor Clark called the meeting to order at 7:00 p.m.

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

Commissioners present: Barbara Clark, Carla Cole, Patricia Moore, Warren Weaver, Jennifer Singleton

Commissioners absent: none

Staff present: City Manager Meg Mullendore and Clerk Gladys Bybee

Guests/Visitors present: 16 including 1 reporter

After explanation from the clerk of the late agenda item request submittal, *Moore moved, seconded by Cole to amend the agenda to include Banner Placement Form from BYSBA as I. under the Consent Calendar. Roll call vote carried unanimously. Cole moved, seconded by Moore to approve the Consent Calendar as amended. Roll call vote carried unanimously.*

- Agenda as amended
- Minutes: Regular Meeting December 22, 2008
- Acknowledged Work Session Summary December 22, 2008
- Checks 56409 to 56508 in the amount of \$189,685.74
- Resolution 2009.01/01, Establishment of Meeting Time for Regular City Commission 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 voted unanimously at a regular public meeting, on December 22, 2008 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 7:00 p.m.;

**NOW, THEREFORE, BE IT RESOLVED** by the City Commission that regular City Commission meetings from this day forward shall commence at 7:00 p.m. commencing on January 12th, 2009.

- Notice of Meetings for the City of Buchanan City Boards During 2009
- Mid Year Budget Amendment in Major, Local, & Street Repair & Maintenance for Fiscal 2008-09
- Mid Year Budget Amendment in General Fund for Fiscal 2008-09
- Banner Placement Form for Buchanan Youth Softball Baseball Association Little League Sign-ups

After request from the Mayor, no public comments regarding any items on the agenda were heard.

The Mayor then presented certificates and checks to recipients for Downtown and Resident Holiday Decoration Display Contest. Noted that the staff would forward the certificates and checks to those not in attendance. She thanked the monetary donors for making the holiday program possible and greetings were shared.

Call to Order

Pledge/Invocation

Roll Call

Consent Calendar

Agenda as Amended

Minutes Checks

Resolution 2009.01/01, Meeting Time for regular City Commission Meetings

Notice of 2009 Meetings Mid Year Budget Amendment Banner Placement Form

Public Comments

Unfinished Business  
Presentation to Holiday Decoration Recipients

Mullendore explained the newspaper article regarding the Southeast Berrien County Landfill (SEBCL) and the request for authorization for her to sign the letter addressed to Richard Haigh, Chairman of the Southeast Berrien County Landfill (SEBCL) as presented. She reported that Buchanan Township Board voted unanimously to approve the letter signed by Township Supervisor Jane Mitchell. Moore asked for copies of the letter and article to go to other members of the SEBCL Board and Supervisors/Mayors of the respective municipality owner. ***Weaver moved, seconded by Cole to authorize the City Manager to sign the letter to Richard Haigh, Chairman of the SEBCL as presented and recommended. Roll call vote carried unanimously.***

**Public  
Comments**

**City Manager  
Comments**

After request from the Mayor, no public comments were heard.

**City Manager Comments:**

- Goal Setting Session Feb. 7<sup>th</sup>, 8:00 a.m. to 2; folder distributed with Friday packet
- Thanks to sponsors for making the decorating contest a reality and thanks to participants
- Tom Jolly, 107 E. Front invites Commissioners to Open House
- Resident called and thanked the city for snow plowing, noticed difference when getting out of City
- Putting together bid specs for trash removal, Reliable did not request extension
- MML Capital Conference coming up, recommends commissioner attendance
- Will be gone February 3rd through 6th to City Manager Conference

**Commissioners'  
Comments**

**Weaver comments:**

- Acknowledged DPW for snow clearing

**Cole comments:**

- Condolences to Mark & Heather Bachman on loss of mother
- Thanks to participants of decorating contest
- Kudos to DPW

**Moore comments:**

- Happy Birthday Commissioner Weaver
- Commends City crews for clearing snow, can see big difference with South Bend and Mishawaka
- Thanks to community for decorating

**Clark comments:**

- Happy Birthday Commissioner Weaver
- Condolences to Mark Bachman on loss of mother-in-law and Commissioner Singleton on loss of uncle
- Enjoyed judging the holiday decorating contest within the City and was a difficult decision for awards

**Adjourn**

***Being no further business the meeting was adjourned at 7:21 p.m.***

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Gladys Bybee, CMC-City Clerk

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Barbara J. Clark, Mayor

**New Business**

Authorization for City Manager to sign SEBCL Letter

CITY OF BUCHANAN COMMISSION MINUTES

January 26, 2009

Call to Order

The regular scheduled meeting of the City Commission was held at Buchanan City Hall, 302 N. Redbud Trail, Buchanan, Michigan, Monday, January 26, 2009. Mayor Clark called the meeting to order at 7:00 p.m.

Pledge/Invocation

The Pledge was recited by all in attendance. Pastor Patricia Ramsden, First Presbyterian gave the invocation.

Roll Call

Commissioners present: Barbara Clark, Carla Cole, Patricia Moore, Warren Weaver, Jennifer Singleton

Commissioners absent: none

Staff present: City Manager Meg Mullendore, Wastewater Assistant Superintendent and Clerk Gladys Bybee

Guests/Visitors present: 13 including 1 reporter

Consent Calendar

Agenda  
Minutes  
Checks

*Cole moved, seconded by Moore to amend the agenda to reflect the change on the Commissioners' appointments as the Joint Arts & Historical Committee no longer exists. Roll call vote carried unanimously.*

Resolution  
2009.01/02,  
Negotiate  
Summer School  
Tax Collection

- Agenda
- Minutes: Regular Meeting January 12, 2009
- Checks 56509 to 56622 in the amount of \$208,741.34
- Resolution 2009.01/2, Resolution to Negotiate the Summer School Tax Collection Fee

**WHEREAS**, the City agrees to collect the total summer school taxes as certified by the School District for the levy on July 1, 2009 for property located within the City; and

**WHEREAS**, the School District agrees to pay City costs of assessment and collection in the negotiated amount; and **WHEREAS**, no later than June 1, 2009, the School District shall certify to the Treasurer the school millage to be levied on property for summer school tax collection in 2009; now, therefore,

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

**ADOPTED** this 26<sup>th</sup> day of January 2009.

Landfill Board  
Appointments  
Commissioners'  
Appointments to  
City Boards/  
Committees

- Appoint Barbara Clark and the City Manager to the Southeast Berrien County Landfill Board
- Appoint Barbara Clark to the Downtown Development Authority and Southwest Michigan Economic Growth Alliance; Carla Cole to Downtown Development Authority and Joint Water & Sewer Board; Patricia Moore to Common Committee and Friends of Oak Ridge Cemetery Board; Jennifer Singleton to Fine Arts Council; and Warren Weaver to Plan Commission, Zoning Board of Appeals, Construction Board of Appeals, Design Review Committee, and Farmers' Market Board.

After request from the Mayor, no public comments regarding any items on the agenda were heard.

Public Comments

Buchanan Masonic Temple Representative was not in attendance.

Reports

Kim O'Haver,  
Vice President of  
Administration for

Transportation Management Inc. (Third Party Administrator for Buchanan Dial-A-Ride) gave good news: 3 new buses were purchased, increased miles, increased hours, more efficient, and translators provided by Andrews University to assist with passengers. She reported on the Michigan Department of Transportation (MDOT) Project for FY 2010 Section 5311 Operating, goal to improve coordination of transportation services, active Local Advisory Council and then explained the FY 2010 budget figures in detail. ***Cole moved, seconded by Weaver to approve the Resolution Accepting Operating Agreement and Authorizing the Mayor and Transportation Coordinator to sign the same. Roll call vote carried unanimously.*** Resolution 2009.01/03 attached.

Refusal to participate with Letter of Credit for SEBCL

Mullendore summarized the documentation provided by Buchanan Township Supervisor Jane Mitchell that was included with the meeting packet. She summarized the documents in detail and reported her concern with the Letter of Credit for three million seven hundred thousand (3.7) dollars for the Southeast Berrien County Landfill (SEBCL). Mullendore then recommended her support of opposition to the Letter of Request. ***Weaver moved, seconded by Cole to refuse to participate in the authorization and terms of the letter of credit for three million seven hundred thousand (3.7) dollars for the Southeast Berrien County Landfill (SEBCL). Roll call vote carried unanimously.***

Schedule of Fees & Charges

After shared discussion between the City Manager and Commission regarding the comparison over the past 10 years and actual cost increase of providing services. The Mayor requested a list of last year's Ravish Park rentals and Commissioner Weaver opposed the hydrant maintenance fees. ***Cole moved, seconded by Moore to approve the amended fee schedule for city services, forms, copies, permits, etc.*** City resident Ann Marie Buchanan Jones asked why the increases during this economic downturn and urged delay of any fee increases. After brief debate, ***roll call vote carried by majority. YEA: Moore, Weaver, Cole. NAY: Singleton, Clark.***

Controlotron Sonic Flow Meter Purchase for Wastewater Dept.

Gary Greathouse reported that in 1996 the Department of Environmental Quality (DEQ) required sludge flow to be monitored by meter. He explained the sole source quote for the proposed purchase of a new meter as it worked in conjunction with existing meters. After clarification that funds were available to make the purchase, ***Weaver moved to purchase the controlotron sonic flow meter from JG Innovation, LTD in the amount of \$7,240.00 for the Wastewater Department as presented. Cole seconded the motion and roll call vote carried unanimously.***

Public Comments

Ann Marie Buchanan Jones announced that her property taxes were very high and asked if the City was looking to assist citizens by lowering property taxes due to the economic downturn. Mullendore replied that the City is not collecting the maximum amount allowable, had not increased the tax rate for several years and if it did reduce tax rate services (i.e. police officers, leaf pickup, and clerical staff) would have to eliminated. She explained that water and wastewater are special revenue funds separate from the General Fund, and does not see lowering taxes as a viable option for the City.

City Manager Comments

**City Manager Comments:**

- Reminded Commission that she would be gone next week to City Manager Winter Conference

**Cole comments:**

- Kudos to Department of Public Works for clearing snow.

New Business

Resolution 2009.01/03, MDOT Project for Buchanan Dial-A-Ride

**Moore** comments:

- Reiterate that Commission is helping citizens by keeping tight purse strings and stringent evaluation done before spending. Have kept the city tax rate the same for many years although special taxes have been voted in by citizens for Dial-A-Ride, Senior Center, Ambulance Service, etc. Hopes that the public does not leave the meeting thinking the Commission is uncaring or not concerned with persons less fortunate.

**Weaver** comments:

- Believes Ms. Buchanan will have better understanding of the property tax charges after she speaks with Assessor Gordon Schreiber.

**Singleton** comments:

- Read her letter of resignation from the commission effective January 27<sup>th</sup> and then delivered it to the City Clerk along with her keys and Code of Ordinances.

**Clark** comments:

- Conflict with the Budget Workshop on March 2<sup>nd</sup> for commissioners
- Sad with Commissioner Singleton's decision to leave the commission, enjoyed working with her, and will miss her.

**Adjourn**

*Cole moved, seconded by Moore to adjourn the meeting at 7:47 p.m.*

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Gladys Bybee, CMC-City Clerk

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Barbara J. Clark, Mayor

**Commissioners' Comments**

CITY OF BUCHANAN COMMISSION MINUTES  
February 12, 2009

Call to Order

The regular rescheduled meeting of the City Commission was held at Buchanan City Hall, 302 N. Redbud Trail, Buchanan, Michigan, Thursday, February 12, 2009. Mayor Clark called the meeting to order at 7:00 p.m.

Pledge/Invocation

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

Roll Call

Commissioners present: Barbara Clark, Carla Cole, Patricia Moore, Warren Weaver  
Commissioners absent: Jennifer Singleton  
Staff present: City Manager Meg Mullendore and Clerk Gladys Bybee  
Guests/Visitors present: 11

Public  
Comments

The Mayor reported that JT Adkerson, Buchanan Youth Softball & Baseball Association (BYSBA) President would be recognized to speak off of the agenda for a special presentation. Adkerson explained his Association's communication with the Buchanan Area Recreation Board (BARB) and commended the BARB; City Manager, Meg Mullendore; and the City Commission for their mutual and monetary support.

Keith Singleton, W. Front Street asked the Commissioners and City Manager to express their comments on his wife, Jennifer Singleton's, resignation. The City Manager and each Commissioner, including the Mayor expressed their surprise and sadness with her resignation.

Consent  
Calendar

After request and explanation from the Clerk to add a check to the Check Register, *Cole moved, seconded by Moore to include the check and approve the agenda. Roll call vote carried unanimously.*

Agenda  
Minutes  
Checks

- Agenda
- Minutes: Regular Meeting January 26, 2009 and Regular Meeting February 9, 2009
- Checks 56623 to 56694 in the amount of \$77,112.00 as amended
- Resolution 2009.02/4, Acceptance of Resignation and Authorization for Staff to Pursue Process to Fill Vacancy

Resolution  
2009.01/04,  
Acceptance of  
Resignation  
(Jennifer  
Singleton) and  
Authorization for  
Staff to Pursue  
Process to Fill  
Vacancy

**WHEREAS**, City Commissioner Jennifer Singleton read and presented her letter of resignation to the City Clerk at the January 26, 2009 City Commission Meeting; and

**WHEREAS**, the City Commission of the City of Buchanan authorizes the staff to publish notice of said vacancy requesting interested qualified city residents to submit a letter of interest, distribute a questionnaire and Citizen Volunteer Form upon receipt of letter of interest, and invite qualified candidates to attend the March 9, 2009 City Commission meeting; and

**WHEREAS**, the City Commission of the City of Buchanan may ask questions and share discussion with qualified candidates at said March 9, 2009 City Commission Meeting.

**NOW, THEREFORE, BE IT RESOLVED** pursuant to the City of Buchanan Charter Section 5.3 the City Commission regretfully accepts the resignation from Buchanan City Commissioner Jennifer Singleton.

**BE IT FURTHER RESOLVED** pursuant to the Charter of the City of Buchanan Section 5.4 it is the intent of the City Commission to appoint a person to fill such vacancy for the unexpired term.

Resolution  
2009.01/05,  
Authorizing  
Hagey Court to  
Become a  
Publicly  
Maintained Street

- Resolution 2009.02/5, Authorizing Hagey Court to Become a Publicly Maintained Street

**WHEREAS**, the City Commission of the City of Buchanan has general authority and control over the streets within its jurisdiction; and

**WHEREAS**, the private street is contained within the previous Clark Corporation property that is now being developed; and

**WHEREAS**,  
the City

Commission of the City of Buchanan at a Special meeting held on October 30, 2008 unanimously voted to name said street Hagey Court.

**NOW, THEREFORE, BE IT RESOLVED** that Hagey Court be added to the public street system within the corporate limits of the City of Buchanan.

**BE IT FURTHER RESOLVED** that the City Manager shall sign the applicable documents to file with the Michigan Department of Transportation.

**New Business**  
Resolution  
2009.02/06,  
Changing MERS  
Benefits

Mullendore explained the oversight with the 2004 POLC Union Contract, thus the need for the Resolution. *Weaver moved, seconded by Moore to approve Resolution 2009.02/6, Changing Municipal Employees' Retirement System (MERS) Benefits as presented. Roll call vote carried unanimous.* (Resolution attached)

**Public**  
**Comments**

Larry Elliott stated he obtained from the Department of Environmental Quality (DEQ) the Notice of Violation pursuant to actions taken by City workers in the Bakertown FEN as he had sent the same pictures to them after he had presented the pictures to the City Commission. He claimed that the public was misinformed and his actions were misrepresented after he summarized the several actions the City had already taken. He also confirmed there is a method to fix the problem with the Mill Race and McCoy's Creek.

Ann Marie Buchanan Jones asked several questions regarding why the City received a notice of violation. The City Manager stated she could not respond as she did not have the document in front of her and advised Ms. Buchanan that she could pick up the notice tomorrow.

**City Manager**  
**Comments**

**City Manager Comments:**

- City Hall closed Monday for Presidents Day
- She explained the process for filling the commissioner vacancy and said she would provide paperwork with questions and scoring to Commissioners for the March 9 meeting

**Commissioners'**  
**Comments**

**Cole comments:**

- Asked the Mayor to write a letter of regret and commendation to Jennifer Singleton.

**Moore comments:**

- Thanked all for their comments
- Looking forward to a common sense resolution to the Creek

**Clark comments:**

- Read the letter from BYSBA President JT Adkerson
- Thanked all for prayers; mother doing better
- Hoping for an agreement with the Mill Race and McCoy's Creek

**Adjourn**

*Weaver moved, seconded by Cole to adjourn the meeting at 7:27 p.m.*

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Gladys Bybee, CMC-City Clerk

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Barbara J. Clark, Mayor

**Consent Calendar continued**

Resolution 2009.01/05

CITY OF BUCHANAN COMMISSION MINUTES

February 23, 2009

Mayor Clark called the public hearing to order at 7:00 p.m. and invited interested parties to express public comments on an ordinance amendment to Article II. Even-Year Elections, Section 34-29. Being no public comments or receipt of written comments, *the Mayor closed the public hearing at 7:02 p.m.*

The regular meeting of the City Commission was held at Buchanan City Hall, 302 N. Redbud Trail, Buchanan, Michigan, Monday, February 23, 2009. Mayor Clark called the meeting to order at 7:02 p.m.

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

Commissioners present: Barbara Clark, Carla Cole, Patricia Moore, Warren Weaver

Commissioners absent: none

Staff present: City Manager Meg Mullendore, DDA Director Debra Patzer, Assessor Gordon Schreiber, and Clerk Gladys Bybee

Guests/Visitors present: 17 including 1 reporter

After the Mayor asked about check 56696, \$28,025 to Abonmarche, Mullendore replied it was engineering costs for the water and wastewater bonding. *Cole moved, seconded by Moore to approve the Consent Calendar as presented. Roll call vote carried unanimous.*

- Agenda
- Minutes: Regular Rescheduled Meeting February 12, 2009
- Checks 56695 to 56781 in the amount of \$312,341.34
- Banner Placement Form; Buchanan School Farm Plow Day & Pancake Breakfast
- Transportation Management, Inc. Employment Policy on Alcohol and Drug Use
- Project Authorization No. Z3 for Michigan Department of Transportation (MDOT) Project No. 105201 under Master Agreement 2007-0181 for FY 2009 Section 5311 Operating

Buchanan Lions Club President Justin Nurenberg announced the 75<sup>th</sup> Anniversary in Buchanan with 44 members and all raised funds stay in the Buchanan Community. He reported on the involvement with sight and diabetes research; eye exams, glasses, glaucoma, \$1,000. scholarship fund through Gateway, assistance in City parks, candy & nut sale, concession stand at Redbud Track & Trail, White Cane week, and Euchre Tournament.

Buchanan Community Schools Superintendent Diana Davis commended the Lions Club for their contribution to the community. She reported facts of the school district and facility study currently in progress and she left handouts of the Facility Study Citizens Committee. She explained the study in detail with the results/recommendation being brought forward at the May School Board Meeting. There was brief discussion shared about failing students, school of choice, and language in elementary grades.

Contracted Assessor Gordon Schreiber reported on statutory meetings of Board of Review and commended the members; Jim King, Margaret Young, and JT Adkerson. He explained his written report in detail while all reviewed his handout.

Public Hearing

Even Year  
Elections

Call to Order

Pledge/Invocation

Roll Call

Consent  
Calendar

Agenda  
Minutes  
Checks  
Banner Placement  
TMI Employment  
Policy on Alcohol  
&Drug Use

MDOT Project  
Authorization for  
Operating  
Assistance

Reports  
Lions Club

Buchanan  
Community  
Schools

Assessor  
Department

After explanation  
from the clerk,  
*Weaver moved,*

**seconded by Moore to approve the Ordinance Amending Chapter 34 ELECTIONS, Article II. as presented.**

THE CITY OF BUCHANAN ORDAINS: Chapter 34, Article II, "ODD-YEAR ELECTIONS", of the Buchanan Code of Ordinances is amended as follows:

**ARTICLE II. EVEN-YEAR ELECTIONS**

**Sec. 34-26. Statutory authority.**

This article is enacted pursuant to the various provisions of Act No. 239 of the Public Acts of Michigan 1970 (MCL 168.644a et seq.), as amended, and the authority to so ordain therein granted.

**Sec. 34-27. Date of elections established.**

The city having at its regular meeting held January 11, 1971, and within 30 days after December 22, 1970, by resolution duly adopted and filed with the secretary of state, resolved to continue to hold its elections as required by its charter, does now, by its action in passing this article, establish that all regular elections for local offices shall be held on the first Tuesday after the first Monday of November of each even-numbered years notwithstanding the provision of chapter 3, section 3.3, of the Charter.

**Sec. 34-28. Terms.**

The term of office of each elective officer shall commence on and date from the Monday following the Tuesday after the first Monday in November and shall expire as of the beginning of the term of office of a successor.

**Sec. 34-29. Filing of nomination petitions.**

Notwithstanding the provision of chapter 3, section 3.9, of the Charter, and pursuant to the authority of the city commission and pursuant to state statute, nomination petitions shall be filed with the clerk no later than 4:00 p.m. on the twelfth Tuesday before the August primary election.

**Sec. 34-30. Number of signatures for nomination petitions.**

Notwithstanding the provision of chapter 3, section 3.9, of the Charter, and pursuant to the authority of the city commission and pursuant to state statute, the number of signatures of qualified and registered electors necessary for nomination petitions shall be based on the city's population as set forth in MCL 168.544(f).

MADE, PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF BUCHANAN, BERRIEN COUNTY, MICHIGAN, ON THE 23RD DAY OF FEBRUARY, 2009, AND IT WAS PUBLISHED IN THE BERRIEN COUNTY RECORD NEWSPAPER ON MARCH 5, 2009.

**Roll call vote carried unanimous. Ordinance 2009.02/378 declared adopted.**

Mullendore reported that a Refuse and Recycling Request for Proposal (RFP) was sent to seven businesses with only one submittal and two letters declining to bid. **Cole moved, seconded by Moore to award the bid to Reliable for Refuse and Recycling Collection Services with minimal changes in the amount of \$10.54 per month with 96 gallon tote for recyclables at \$5.00 per month as recommended.** Reliable Representative Steve Graffineous answered questions and shared in discussion with Commission and City Manager about potential increases, elective recycling, and fees. **Roll call vote carried unanimous.**

Mullendore summarized previous completed applications and award of Drinking Water Funds and L?????WCF with the next step of publishing Notice to Public of Intent to Issue Bonds.

**Moore moved, seconded by Cole to approve the Resolution as presented and recommended.**

Weaver Discussion of rate increases with minor increase annually only. 20 year bond. Moore recalled the study that was previously done and implemented. Ann Marie Buchanan-Jones was concerned about all of the minimal increases to the tax payers. Moore explained that minimal adjustments were put into place years ago. Weaver explained that one well was out of commission. Russ Stephens gave some clarification that money has already been paid. Consider Resolution 2009.02/07, Intent to Issue Revenue Bonds.

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

Larry Elliott stated he obtained from the Department of Environmental Quality (DEQ) the Notice of Violation pursuant to actions taken by City workers in the Bakertown FEN as he had sent the same pictures to them after he had presented the pictures to the City Commission. He claimed that the public was misinformed and his actions were misrepresented after he summarized the

several actions the City had already taken. He also confirmed there is a method to fix the problem with the Mill Race and McCoy's Creek.

Ann Marie Buchanan Jones asked several questions regarding why the City received a notice of violation. The City Manager stated she could not respond as she did not have the document in front of her and advised Ms. Buchanan that she could pick up the notice tomorrow.

**City Manager Comments:**

- City Hall closed Monday for Presidents Day
- She explained the process for filling the commissioner vacancy and said she would provide paperwork with questions and scoring to Commissioners for the March 9 meeting

**Cole comments:**

- Asked the Mayor to write a letter of regret and commendation to Jennifer Singleton.

**Adjourn**

**Moore** comments:

- Thanked all for their comments
- Looking forward to a common sense resolution to the Creek

**Clark** comments:

- Read the letter from BYSBA President JT Adkerson
- Thanked all for prayers; mother doing better
- Hoping for an agreement with the Mill Race and McCoy's Creek

*Weaver moved, seconded by Cole to adjourn the meeting at 7:27 p.m.*

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Gladys Bybee, CMC-City Clerk

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Barbara J. Clark, Mayor

**Consent Calendar continued**

Resolution 2009.01/05

**New Business**

Resolution 2009.02/06, Changing MERS Benefits

**Public Comments**

**City Manager Comments**

**Commissioners' Comments**

CITY OF BUCHANAN COMMISSION MINUTES

March 09, 2009

Pledge/Invocation

The regular meeting of the City Commission was held at Buchanan City Hall, 302 N. Redbud Trail, Buchanan, Michigan, Monday, March 09, 2009. Mayor Clark called the meeting to order at 7:03 p.m.

The Pledge was recited by all in attendance. Reverend Leonard Bailey gave the Invocation.

Appoint Candidate to fulfill vacated City Commissioner term

The Mayor requested that the qualified candidates to fill the vacant City Commissioner seat proceed to the microphone to respond to questions and thanked them for their interest. After 20 minutes of existing commission members rotating questions to candidate's Ann-Marie Buchanan Jones, William Norton, and Lynn Voss-Silva, *Cole moved to appoint William "Bill" Norton to fill the vacant City Commissioner position for the remainder of the four-year term expiring in 2010. Moore seconded the motion and voice vote carried unanimous.* Mr. Norton recited the prescribed Oath of Office as administered by the City Clerk.

Oath of Office

Roll Call

Commissioners present: Barbara Clark, Carla Cole, Patricia Moore, William Norton, Warren Weaver

Commissioners absent: none

Staff present: City Manager Meg Mullendore, Public Services Director Willie Brown, Clerk Gladys Bybee, and Supervisor's Gary Greathouse and Jon Raines

Guests/Visitors present: Abonmarche Engineer Kenton McAndrew along with 24 visitors including 2 reporters

Public Comments

Ann-Marie Buchanan Jones requested that future interviews of potential candidates be fair and look professional. She thanked two of the Commission members for their professionalism when asking questions of the candidates.

Consent Calendar

After request from the City Manager, *Cole moved, seconded by Weaver to amend the Agenda to include a report from Abonmarche on the Water and Wastewater Upgrades under Reports. Roll call vote carried unanimous. Weaver moved, seconded by Cole to approve the Consent Calendar as amended. Roll call vote carried unanimous.*

Agenda Minutes Checks

- Agenda with inclusion
  - Minutes: Regular scheduled Meeting February 23, 2009
  - Checks 56782 to 56893 in the amount of \$289,812.97
  - Resolution 2009.03/09, Public Transportation Employment Policy on Alcohol and Drug Use
- WHEREAS**, the Michigan Department of Transportation (MDOT) is requiring that all transit agencies have drug and alcohol policies that are in compliance with current Federal Transit Administration regulations; and  
**WHEREAS**, City of Buchanan currently does not have drug and alcohol policies for the public transportation program known as Dial-A-Ride; and  
**WHEREAS**, the proposed City of Buchanan Employment Policy on Alcohol and Drug Use has been reviewed by MDOT; and  
**WHEREAS**, the City of Buchanan has reviewed said employment policies related to alcohol and drug use; and  
**WHEREAS**, the City of Buchanan historically has contracted with third party operators to run the City's transit program.

Resolution 2009.03/09, TMI Employment Policy on Alcohol & Drug Use

Call to Order

**NOW, THEREFORE, BE IT HEREBY RESOLVED**, by the Buchanan City

Commission that the City of Buchanan’s Dial-A-Ride Transportation Employment Policy on Alcohol and Drug Use is hereby adopted for all City sponsored public transit operations; and

**BE, IT FURTHER RESOLVED**, any third party operator that contracts with the City of Buchanan to provide transit services will be required to adopt and enforce alcohol and drug policies that are consistent with the City of Buchanan’s Public Transportation Employment Policy on Alcohol and Drug Use.

**RESOLUTION 2009.03/09 DECLARED ADOPTED this 9<sup>th</sup> of March 2009**

- Resolution Authorizing the City Manager and City Treasurer to sign the Project Authorization No. Z3 for Michigan Department of Transportation (MDOT) Project No. 105201 under Master Agreement 2007-0181 for FY 2009 Section 5311 Operating

**WHEREAS**, the City Commission of the City of Buchanan has general authority and control over Buchanan Dial-A-Ride; and

**WHEREAS**, the City Commission has authorized the City Manager or City Treasurer the authority to sign contracts and project authorizations for public transportation grants; and

**WHEREAS**, the City Commission of the City of Buchanan at a Regular Commission meeting held on March 9, 2009 unanimously voted to authorize City Manager or City Treasurer to sign contracts and project authorizations for public transportation grants.

**NOW, THEREFORE, BE IT RESOLVED** that contracts and project authorizations for public transportation grants be signed by City Manager or City Treasurer.

**RESOLUTION 2009.03/10 DECLARED ADOPTED this 9<sup>th</sup> of March 2009**

Wastewater Treatment Plant Supervisor Gary Greathouse reported on working with Abonmarche on the plant upgrades and training of a new employee. Cemetery Supervisor Jon Raines reported on the completion of the Front Street entrance sign as contributed by the Friends of the Cemetery, working on the removal/replacement of trees with I &M, and clearing sidewalks of snow while all reviewed written report. Questions were shared with Raines, public and commission. Public Services Director Willie Brown reported on the many completed and planned services of plowing, mowing, cleaning, street repair, leaf collection, training for new street sweeper and special projects of not only the street department, but the Cemetery, Wastewater, and Water.

Kenton McAndrew from Abonmarche reported on the State Revolving Fund (SRF) loan for the sewer upgrades that was submitted in late February for DEQ approval with anticipated contract award at the first May meeting. He further reported on the Drinking Water Revolving Fund (DWRF) loan for the water (which is about three months behind sewer). He explained a drilled test well was acceptable and he anticipated full start up construction in the fall. Discussion/questions were shared with Commission.

After the city manager confirmed the recycling cost of \$3.00 not \$5.00 as presented at the last meeting, **Moore moved, seconded by Weaver to approve the Resolution for Refuse and Recycling Collection: Commitment to Public Health, Safety, Welfare and Efficiency as submitted.**

**WHEREAS**, the City Commission of Buchanan wants to assure the consistent, efficient, healthful, and aesthetic collection and proper disposal of garbage and recyclable materials for residential, city-owned facilities/parks and commercial downtown area establishments within the corporate limits of the City of Buchanan, and

**WHEREAS**, Michigan State Law provides the City with the authority to regulate refuse disposal and solid waste management, and

**WHEREAS**, Chapter 78 “Solid Waste” of the Code of Ordinances for the City of Buchanan provides the specific intent that collection and disposal of solid wastes produced by residential, commercial and industrial facilities in the City shall be done in an efficient manner not to create a hazard, peril or danger to the health, safety or welfare of the community, and

**Consent Calendar continued**

Resolution 2009.03/09

Resolution  
2009.03/10,  
MDOT Project  
Authorization for  
City Manager &  
Treasurer to sign  
Operating  
Assistance Project  
Agreement

**Reports**  
Public Services  
Department

Wastewater  
Cemetery  
DPW

Update: Bonding  
Upgrades to  
Water &  
Wastewater

**Unfinished  
Business**  
Resolution  
2009.03/11,  
Refuse and  
Recycling  
Collection

**WHEREAS**, for a  
number of years the  
City Commission has  
contracted waste  
collection services,  
and recently sought

bids in an effort to provide the best service at the least price to the Citizens of Buchanan, and

**WHEREAS**, the bid price reflects services provided to all residential homes, city-owned facilities and specific downtown commercial establishments in the City; and reductions or exemptions could have a negative affect and increased charges to other citizens.

**NOW THEREFORE,**

THE CITY HAS CONTRACTED AND AUTHORIZED RELIABLE DISPOSAL TO COLLECT ALL REFUSE AND RECYCLABLE MATERIALS IN THE CITY AS STIPULATED IN THE CONTRACT AWARD IN MARCH, 2009.

FOR THE PURPOSES OF HEALTH, SAFETY, WELFARE AND EFFICIENCY, BUCHANAN RESIDENTS MAY NOT OPT OUT OR BE EXEMPT FROM THE SERVICE AND ASSOCIATED CHARGES. SPECIFIC DOWNTOWN AND UPTOWN BUSINESSES, COMMERCIAL AND APARTMENT COMPLEXES MAY OPT-OUT OR BE EXEMPT FROM THE SERVICE AND ASSOCIATED CHARGES.

**RESOLUTION 2009.03/11 DECLARED ADOPTED this 9<sup>th</sup> day of March, 2009.**

**New Business**

Forgive \$3,460.  
loan as requested  
by BYSBA

The city manager recalled the seed money of about \$12,000 to Buchanan Youth Softball Baseball Association (BYSBA) in 2007 with the caveat to reimburse from anticipated grant funds to develop another ball field at Smith Park for a pony league. After shared discussion with BYSBA Treasurer Bill Nichols, *Cole moved, seconded by Moore to forgive the remaining balance due of \$3,460. as requested in letter from the BYSBA Board of Directors. Roll call vote carried unanimous.*

**Adjourn**

**City Manager comments were heard.**

**Commissioner comments were heard.**

*Cole moved, seconded by Moore to adjourn the meeting at 8:20 p.m.*

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Gladys Bybee, CMC-City Clerk

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Barbara J. Clark, Mayor

**Unfinished Business continued**

Resolution 2009.03/11, Refuse and Recycling Collection

CITY OF BUCHANAN COMMISSION MINUTES

March 23, 2009

The regular meeting of the City Commission was held at Buchanan City Hall, 302 N. Redbud Trail, Buchanan, Michigan, Monday, March 23, 2009. Mayor Clark called the meeting to order at 7:00 p.m.

The Pledge was recited by all in attendance. Reverend Patricia Ramsden gave the Invocation.

Commissioners present: Barbara Clark, Carla Cole, William Norton, Warren Weaver

Commissioners absent: Patricia Moore

Staff present: City Manager Meg Mullendore, Downtown Development Authority (DDA) Director Debra Patzer, and Clerk Gladys Bybee

Guests/Visitors present: 12 visitors including 1 reporter

DDA Director Debra Patzer introduced Delbert Denkins, newest member of the DDA whose Volunteer Form is listed on the Consent Calendar.

After request from the Clerk, explanation from the City Manager, and review of written copy, *Cole moved, seconded by Weaver to amend the Agenda to include Authorization for the Mayor to Sign the Letter of Support under the Consent Calendar. Roll call vote carried unanimous. Cole moved, seconded by Norton to approve the Consent Calendar as amended. Roll call vote carried unanimous.*

- Agenda as amended
- Minutes: Regular Meeting March 9, 2009
- Checks 56894 to 56971 in the amount of \$132,304.20
- Appoint Delbert Denkins to the Buchanan Downtown Development Authority (DDA) to fill a vacancy for term ending in 2011, as recommended by the DDA.
- Street Closure Request for Front St. from the Legion and Terre Coupe to the Cemetery, for Memorial Day Parade on May 25, 2009.
- Corporate Authorization Resolution from Chemical Shoreline Bank, Accounts Payable
- Corporate Authorization Resolution from Chemical Shoreline Bank, Payroll Accounts
- Receipt of 2009-2010 Annual Budget as presented by the City Manager in accordance with Charter Section 9.2: Call Public Hearing April 13, 2009 at 7:00 p.m. to invite and hear public comments according to Charter Section 9.4.
- Authorization for the Mayor to sign the Letter of Support to Michigan State Housing Development Authority (MSHDA) for the Berrien County Land Bank Authority funding application to assist in eliminating blighted properties in the City of Buchanan (1207 N. Redbud)

City Clerk Gladys Bybee reported on Boards and Committee vacancies, May School Election, forthcoming April Newsletter, 2010 Census, and numerous other projects her office was working on.

DDA Director Debra Patzer reported that the Board requested that she approach the City Commission to ask that the \$250,000 loan for downtown projects that the City loaned the

Call to Order

Pledge/Invocation

Roll Call

Public Comments

Consent Calendar

Agenda

Minutes

Checks

DDA  
Appointment,  
Delbert Denkins

Street Closure

Bank Corporate  
Authorizations

Receipt of 2009-  
2010 Annual  
Budget

Authorization for  
Mayor to sign  
Letter of Support

Reports

Clerk/Election  
Department

New Business

DDA Request for  
Loan Forgiveness

DDA from the  
Andrews Farm  
Tax Increment

Finance Authority (TIFA) during the dissolution process be forgiven. She explained that she was not with the City at the time but several members recalled the possibility of the City forgiving the loan. She read the letter from Chairman Mark Soltys asking forgiveness of the loan as he also understood that there was discussion of the DDA using the money wisely and investing in downtown, the loan could be forgiven. Cole and Norton replied that other City Departments were in need of new equipment. Weaver suggested that the DDA look into levying the two mills that could legally be collected. Alice Kring, DDA Member and Chamber of Commerce President supported the forgiveness and explained that the \$250,000 (tax dollars) would have gone back to Berrien County, School, Library, etc. if the City did not use it, thus the reason for the funds awarded to the DDA. ***Weaver moved, seconded by Norton to table the request. Roll call vote carried unanimous.***

**Public  
Comments**

State Representative Sharon Tyler reported on the State deficit and Budget. She announced 1.9 million dollars of stimulus money allocated for the City of Buchanan and also invited and welcomed communication at her office or home. Questions were shared with Commission regarding the electric and gas increases.

Alice Kring announced the Chamber of Commerce is sponsoring the Chili Cook-off and the Easter Egg Hunt will be sponsored by Buchanan High School as a Senior Exit Project.

**City Manager comments were heard.**

**Adjourn**

**Commissioner comments were heard.**

***Cole moved, seconded by Weaver to adjourn the meeting at 7:48 p.m.***

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Gladys Bybee, CMC-City Clerk

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Barbara J. Clark, Mayor

**New Business continued**

DDA Request for Loan Forgiveness

CITY OF BUCHANAN COMMISSION MINUTES

April 13, 2009

PUBLIC HEARING

**Mayor Clark called the public hearing to order at 7:00 p.m.** and invited interested parties to express public comments on the proposed 2009-2010 Fiscal Year Budget according to Charter Section 9.4. Consideration to take final action will occur at the April 27, 2009 City Commission Meeting at City Hall. Being no public comments or receipt of written comments, ***Cole moved, seconded by Moore to close the public hearing at 7:01 p.m.***

Call to Order

**The regular meeting of the City Commission** was held at Buchanan City Hall, 302 N. Redbud Trail, Buchanan, Michigan, Monday, April 13, 2009. Mayor Clark called the meeting to order at 7:01 p.m.

Pledge/Invocation

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

Citizen Appreciation

Mayor Pro Tem Carla Cole read the biography and the Mayor presented the Citizen Appreciation Recognition Award to Lloyd and Liz Miller.

Roll Call

Commissioners present: Barbara Clark, Carla Cole, Patricia Moore, William Norton, Warren Weaver

Commissioners absent: None

Staff present: City Manager Meg Mullendore and Clerk Gladys Bybee

Guests/Visitors present: SMCAS Director Tim Gray along with 12 visitors

Consent Calendar

After request from the Manager to include a proclamation and explanation that the Southwestern Michigan Community Ambulance Service (SMCAS) Resolution was revised, ***Cole moved, seconded by Norton to amend the Agenda to include the Proclamation for White Cane Week under the Consent Calendar and to replace the current SMCAS Resolution with the one presented at this meeting. Roll call vote carried unanimous. Cole moved, seconded by Norton to approve the Agenda as amended. Roll call vote carried unanimous.***

Agenda as Amended

Minutes

Checks

- Agenda as amended
- Minutes: Regular Meeting March 23, 2009 and Budget Work Session March 16, 2009
- Checks 56972 to 57073 in the amount of \$142,713.71
- Call Public Hearing for May 11, 2009 to invite and hear public comments regarding growth of weeds, grasses and plant growth in excess of 10 inches and the growth of noxious weeds which is detrimental to the public health and general welfare
- Resolution 2009.04/12, Agreement for Collection of Summer School Tax Fee in the sum of \$2,661.69 for Berrien Regional Education Service Agency (RESA), Lake Michigan College, and Buchanan Community Schools
- Appoint Ann-Marie Buchanan Jones to the Fine Arts Council through 2012
- Appoint Rich Shepardson to the Fine Arts Council through 2011
- Appoint Patricia Moore as Commission Representative to the Fine Arts Council
- Proclamation, Arbor Day 2009
- Proclamation, Lions' Club White Cane Week
- Proclamation, Volunteer Week 2009
- Street Closure for Oak Street from Front Street to Roe Street
- Resolution 2009.04/13, Amendment to City of Buchanan, Non-Union Employee Personnel Policies

Call for Public Hearing

Resolution 2009.04/12,

Fine Arts Council Appointments

Proclamations

Street Closure

Resolution 2009.04/13

Carol McKean introduced board member's Liz Miller and Mary Diethrich and announced the Arbor Day Celebration Ceremony on Friday and Perennial Sale on Memorial Day, and each Saturday in May at the Farmers' Market. She explained their newest project being the creek bank at the Common. Greetings were shared. The City Manager thanked the Garden Club for their efforts with all of the downtown plantings.

**New Business**  
Fire Truck  
Purchase

Upon the Fire Chief's absence, Mullendore reported that two bids were received from Spencer Manufacturing and Four Guys Commonwealth Fire Equipment Company. She recommends the award go to Spencer as the lowest bidder, closest in proximity, we have worked with them in the past and they were recommended by the Fire Chief as the lowest and most responsive. She also explained they will invoice in two budget cycles and we will take possession of the truck in July 2010. ***Moore moved, seconded by Cole to approve the purchase of the fire truck from Spencer Manufacturing, Inc. in the amount of \$465,608 as presented and recommended.*** Norton did announce that he was approached by a citizen asking why we needed a new fire truck with Mullendore responding that the purchase was planned. ***Roll call vote carried unanimous.***

2009 Portable  
Facilities

After brief explanation from the manager, ***Weaver moved, seconded by Norton to approve the bid award to White's Septic for portable facilities in the amount of \$4,740. Roll call vote carried unanimous.***

Resolution  
2009.04/14,  
SMCAS

Southwestern Michigan Community Ambulance Service (SMCAS) Executive Director Tim Gray reported discrepancies' with state law regarding boundary issues and explained the purpose for the resolution. Commission and Gray discussed mutual aid agreements and satellite stations. ***Weaver moved, seconded by Moore to approve the Resolution Designating SMCAS as the Sole Emergency Advanced Life Support (ALS) Emergency Medical Services (EMS) Transporting Provider for the SMCAS Assessment District as presented and recommended. Roll call vote carried unanimous.*** Resolution 2009.04/14 (see attached).

City Vehicle  
Color

Mullendore summarized previous resolution (2006.02/04) restricting the color (white) of city vehicles and believed the action did not take into account the different functions of the departments with possible hazards of a white snow plow during white out conditions. Weaver and Moore recalled the discussions and reasoning of the 2006 resolution. ***Weaver made the motion to allow the discretion of the City Manager and Department Head and authorize them to make the decision of the color of vehicles for the respective department. Cole seconded and the motion carried unanimous.*** There was discussion of consistency and professionalism for City vehicles.

**Recess**

***Moore moved, seconded by Cole to take a 5 minute recess before going into closed session.***  
The Mayor reconvened the meeting at 8:20 p.m.

**Closed Session**

***Moore moved seconded by Weaver to go into closed session at 8:20 p.m. to consider the purchase or lease of real property up to the time an option to purchase or lease that real property is obtained. Roll call vote carried unanimous.***

**Reports**

Buchanan Garden Club

The Mayor  
reconvened the  
regular meeting at  
8:56 p.m.

*Moore moved, seconded by Cole to pursue acquisition of property as discussed in closed session. Roll call vote carried unanimous.*

City Manager comments were heard.

Commissioner comments were heard.

**Adjourn**

*Cole moved, seconded by Norton to adjourn the meeting at 9:48 p.m.*

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Gladys Bybee, CMC-City Clerk

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Barbara J. Clark, Mayor

**Closed Session Continued**

CITY OF BUCHANAN COMMISSION MINUTES

April 27, 2009

The regular meeting of the City Commission was held at Buchanan City Hall, 302 N. Redbud Trail, Buchanan, Michigan, Monday, April 27, 2009. Mayor Clark called the meeting to order at 7:00 p.m.

The Pledge was recited by all in attendance. Pastor Patricia Ramsden, First Presbyterian Church gave the Invocation.

Commissioners present: Barbara Clark, Carla Cole, Patricia Moore, William Norton, Warren Weaver

Commissioners absent: None

Staff present: City Manager Meg Mullendore, Chief Bill Marx, Attorney Randy Hyrns, Fire Chief Tim Gowen, and Clerk Gladys Bybee

Guests/Visitors present: Abonmarche Representative Kenton McAndrew and Southwestern Michigan Community Ambulance Service (SMCAS) Director Tim Gray along with 9 visitors

Jess Minks requested favorable support for the Buy American Resolution as listed under the Consent Calendar.

*Moore moved, seconded by Cole to approve the Agenda as revised by the City Manager earlier today. Roll call vote carried unanimous.*

- Agenda as revised
- Minutes: Regular Meeting April 13, 2009
- Checks 57075 to 57146 in the amount of \$111,536.84
- Resolution 2009.04/15, Resolution on the Spending of Federal Economic Renewal Grants to the City of Buchanan (attached as part of this record)
- Resolution 2009.04/16, Removing a Member from the Farmers' Market Board and Appointing a New Member

**Whereas**, the Governing Body desires that one of its appointments to the Farmers' Market Board be a current member of the Governing Body; and

**Whereas**, City Commissioner Warren Weaver, who was appointed to the Farmers' Market Board as the Commissioner Representative wishes to relinquish the position to the newest Commission Member; and

**Whereas**, City Commissioner William Norton has expressed desire to accept the appointment as the Commissioner Representative on the Farmers' Market Board.

**NOW, THEREFORE, BE IT RESOLVED**, that Commissioner Warren Weaver is hereby removed from the Farmers' Market Board.

**BE IT FURTHER RESOLVED**, that Commissioner William Norton be, and is hereby appointed to the Farmers' Market Board as Commissioner Representative for the City of Buchanan.

**BE IT FURTHER RESOLVED**, that a copy of this resolution be forwarded to Debra Patzer, the Buchanan Downtown Development Authority Executive Director, as the Buchanan Downtown Development Authority oversees the Farmers' Market Board.

- Resignation of Valerie Phillips from the DDA Board

Police Chief Bill Marx reported on the workings of the Police/Code Enforcement Department compared to last year instances as all reviewed his written report distributed earlier in the meeting. He presented a short power point on the D.A.R.E. 2009 Graduation. There was brief discussion regarding enforcement of the new downtown parking ordinance and the calculations of offenses in his report.

Call to Order

Pledge/Invocation

Roll Call

Public Comment

Consent Calendar

Agenda as Revised

Minutes

Checks

Resolution 2009.04/15

Resolution 2009.04/16

Resignation from DDA Board

Public Comment  
Police Department

Upon the absence of Treasurer Juli O'Bryant, the City

Manager read the written report on the Treasurer Department as provided.

Kenton McAndrew from Abonmarche Group gave a brief update on the Well/Water Project. Test well working and production well drilled; report sent to Lansing so awaiting official approval. He explained they are working on final design of the Water Project due May 15. Questions were shared with commissioners about the new well. He reported they are reviewing four bids for the sewer project and they came in 5 to 10 % lower than expected with final bond amounts available after this Thursday.

**Unfinished Business**

Resolution  
2009.04/17,  
2009-2010 Budget

After the City Manager reported the exceptional financial state of the City, ***Cole moved, seconded by Moore to approve the resolution as presented.*** A Resolution for the City of Buchanan to Adopt a Budget for the City of Buchanan for Fiscal Year 2009-2010.

**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, 2009 through June 30, 2010; and

**WHEREAS**, a public hearing was held on April 13, 2009 for public comments and opinions;

**NOW, THEREFORE, BE IT RESOLVED** by the City Commission of the City of Buchanan that the following sums are adopted for the 2009-2010 fiscal year for the purposes set forth below:

<b>General Government</b>	City Commission	\$ 45,848.
\$419,069.	City Manager	125,705.
	Elections	21,121.
	Assessor	39,050.
	City Clerk	62,060.
	Treasurer	25,285.
<b>Public Safety</b>	Police Department/Code Enforcement	\$ 906,708.
\$1,086,598.	Crossing Guards	27,125.
	Fire Department	123,965.
	Building Inspection	28,800.
<b>DPW &amp; Cemetery</b>	DPW/Streets	\$ 257,289.
\$425,622.	Cemetery	168,333.
<b>Parks &amp; Recreation</b>	Parks & Recreation	\$ 26,100.
\$26,100.		
<b>Other</b>	Building & Grounds	\$ 70,818.
\$154,604.	Rental Property	735.
	Misc. Costs/Transfers	83,051.
<b>Total General Fund</b>		<b>\$2,111,993.</b>
	Major Streets	\$ 410,198.
	Local Streets	256,740.
	Street Repair & Maintenance	351,025.
	Water & Sewer Enterprise	1,377,095.
	Brownfield-TIF	36,778.
<b>Total Other Funds</b>		<b>\$ 2,184,837.</b>

**Total Budget Including General Fund \$4,543,829.**

**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 1.00 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, 2009, as follows:

	Water	Sewer	Ready to Serve (RTS)
City	\$2.93/1000 gal.	\$5.30/1000 gal.	\$15.33 monthly
Township	3.43/1000 gal.	6.20/1000 gal.	17.93 monthly

**BE IT FURTHER RESOLVED** that the total budget for the City of Buchanan for the fiscal year 2009-2010 in the amount of \$4,543,829. as presented by the City Manager is hereby

**Reports continued**

Treasurer Department

Well Update on Water Project

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 2009.04/17 DECLARED ADOPTED this 27th of April, 2009**

Mullendore reported the location of the pine tree on City property being requested to be removed by Tom Hitchcock and recommended approval of the request. Attorney Hyrns agreed that if in fact the tree was causing structural damage to Mr. Hitchcock's building the city could be liable. *Cole moved, seconded by Norton to grant permission to Mr. Hitchcock to remove the pine tree as requested with the caveat that he be responsible for any damages to City property. Roll call vote carried unanimous.*

After request for support from DDA Director Debra Patzer, *Cole moved, seconded by Moore to approve Resolution 2009.04/27/17 Supporting the Downtown Development Authority's Application to the Michigan State Housing Development Authority's Michigan Main Street Associate Level Program. Roll call vote carried unanimous* (attached as part of this record). Upon request from the Commission, Patzer explained the Main Street Program in detail.

SMCAS Director Tim Gray reported the new unit (ambulance) was in the parking lot for inspection and it would be in service next week.

City Manager and City Commissioners' comments were heard and the Mayor called a recess at 8:02 p.m. to sign checks and look at the new ambulance.

The Mayor reconvened the meeting at 8:15 p.m. and asked for a motion to go into closed session.

*Cole moved seconded by Weaver to go into closed session at 8:16 p.m. to review minutes from April 13, 2009 closed session, to consider the purchase or lease of real property up to the time an option to purchase or lease that real property is obtained (15.268 Sec. 8. (d)), and to consider a periodic personnel evaluation of a public officer, employee, staff member, or individual agent, if the named person requests a closed hearing (15.268 Sec.8.(a)). Roll call vote carried unanimous. Moore moved, seconded by Cole to include Kenton McAndrew from Abonmarche in the closed session for the discussion of an option to purchase real property. Roll call vote carried unanimous.*

The Mayor reconvened the regular meeting at 8:47 p.m.

*Weaver moved, seconded by Moore to approve the Closed Session Minutes for April 13, 2009 as reviewed in closed session. Roll call vote carried unanimous.*

*Cole moved, seconded by Norton that Mullendore be compensated for working forty-five (45) hours per week at her current rate of pay, compensatory time be eliminated from Mullendore's contract, that the City buys down Mullendore's current vacation*

**Unfinished Business continued**

Resolution 2009.04/17, 2009-2010 Budget

**New Business**

Authorization for private citizen to remove tree on City property

Resolution  
2009.04/27/17,  
Supporting the  
DDA Main Street  
Program Grant  
Application

**Public  
Comments**

Recess

Reconvene

**Closed Session**

**Business**

Closed Session  
April 13, 2009  
Minutes

City Manager  
Contract

*balance by 250  
hours, the City  
purchase  
Mullendore a  
multi-media cell  
phone and  
reimburse  
Mullendore for  
the charges  
associated with  
the cell including  
up to fifty  
(\$50) dollars a  
month personal*

*use, the City purchase Mullendore a computer system in an amount not to exceed two thousand (\$2,000) dollars and that the city reimburse Mullendore internet service at her home not to exceed fifty (\$50) dollars per month.*

*Roll call vote carried unanimous.* Attorney Hyrns went on record to say that he had not seen the contract.

**Adjourn**

*Cole moved, seconded by Norton to adjourn the meeting at 8:50 p.m. Roll call vote carried unanimous.*

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Gladys Bybee, CMC-City Clerk

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Barbara J. Clark, Mayor

CITY OF BUCHANAN COMMISSION MINUTES

May 11, 2009

Public Hearing

**Mayor Clark called the public hearing to order at 7:00 p.m.** and invited interested parties to express public comments regarding growth of weeds, grasses and plant growth in excess of 8 inches and the growth of noxious weeds which is detrimental to the public health and general welfare. Consideration to take final action will occur at the May 26, 2009 City Commission Meeting at City Hall. Being no public comments or receipt of written comments, ***Moore moved, seconded by Weaver to close the public hearing at 7:01 p.m. Voice vote carried unanimous.***

Call to Order

**The regular meeting of the City Commission** was held at Buchanan City Hall, 302 N. Redbud Trail, Buchanan, Michigan, Monday, May 11, 2009. Mayor Clark called the meeting to order at 7:02 p.m.

Pledge/Invocation

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

Citizen  
Appreciation

Mayor Pro Tem Carla Cole read the biography and the Mayor presented the Citizen Appreciation Recognition Award to Cariel Keller.

Roll Call

Commissioners present: Barbara Clark, Carla Cole, Patricia Moore, William Norton, Warren Weaver

Commissioners absent: None

Staff present: City Manager Meg Mullendore, Fire Chief Tim Gowen, DDA Director Debra Patzer, and Clerk Gladys Bybee

Guests/Visitors present: Abonmarche Representative Kenton McAndrew and 18 visitors including 1 reporter

Public Comment

Lorne Kay of Third Street was opposed to the City Hall Office Hours going to four ten hour days (4/10's) as it wasn't in the best interest of the public trying to do business at City Hall. He also opposed the \$2,000 being used to purchase a computer that would belong to the City Manager.

Consent  
Calendar

Alice Kring, Chamber of Commerce President clarified that the times had been reversed on the Street Closure and No Parking Request's she had submitted for Old Mill Festival. The Mayor confirmed the request to amend the Consent Calendar to include one check on the Check Register, replace the "Ordinance Providing for the Issuance of Revenue Bonds" under Unfinished Business with a corrected one, and add "Sale or Lease of Property" under Closed Session.

***Moore moved to amend the Agenda to remove items C., D., and E. under New Business as no information was distributed with the Friday packet, Cole seconded the motion and discussion followed. Roll call vote failed. YEAS: Cole, Moore. NAYS: Norton, Weaver, Clark. Cole moved seconded by Weaver to amend the agenda with the inclusions/corrections as previously confirmed by the Mayor. Roll call vote carried unanimously. Cole moved, seconded by Moore to approve the Agenda as amended. Roll call vote carried unanimous.***

Agenda as Amended

Minutes

Checks

- Agenda with inclusions and corrections
- Minutes: Regular Meeting April 27, 2009
- Checks 57147 to 57238 in the amount of \$121,767.57

- Introduce Ordinance

Banner  
Placement, Old  
Mill Festival

2009. \_\_\_ / \_\_\_, Amending Chapter 14, Article VIII, Sec. 14-292

AN ORDINANCE OF THE CITY OF BUCHANAN, AMENDING CHAPTER 14, BUILDING AND BUILDING REGULATIONS, ARTICLE VIII, PROPERTY MAINTENANCE CODE, SECTION 14-292, AMENDMENTS, BY AMENDING SECTIONS 106.3 AND 302.4 OF THE 2000 INTERNATIONAL MAINTENANCE CODE TO ALLOW THE CITY AUTHORITY TO ENTER UPON PROPERTY IN VIOLATION OF ITS ORDINANCES; TO CUT AND DESTROY WEEDS GROWING THEREON; AND TO MAKE THE OWNER OR AGENT OF THE PROPERTY RESPONSIBLE FOR THE COST THEREOF.

- Banner Placement Form; Community Wide Garage Sales
- Banner Placement Form; Old Mill Festival ~ Summers Last Stop
- Street Closure and No Parking requests for Old Mill Festival:
  1. Roe Street Closure from Days Avenue to Oak Street
  2. Front Street No Parking from Redbud to Oak Street; 7:00 a.m. to 1:00 p.m.
  3. Front Street Closed for 5K Run and Parade from 4:00 p.m. to 10:00 p.m.
  4. Days Avenue from Front Street to Roe Street

Street Closures &  
No Parking  
**Reports**  
Fine Arts Council,  
Tin Shop Theatre

Fire Department

Daleen Granger President of the Fine Arts Council gave a detailed report on the Tin Shop Theatre. She explained the renovations to the building as a result of the creek flooding, their wish list, and open seats on the board. Commissioners and Granger shared questions and discussions.

Fire Chief Tim Gowen distributed a written quarterly report and summarized while all reviewed. He did note last year's fire calls and explained the replacement of the 1979 fire truck and ISO Rating status effect for property owners in the City. He announced that Buchanan City was the first in Berrien County as a Volunteer Fire Department to be qualified to join Michigan Mutual Aid Box Alarm System (MABAS). Greetings were shared and questions and discussion about the MABAS Program followed.

**Unfinished  
Business**

DDA Request,  
\$250,000 Loan  
Forgiveness

The DDA request for the \$250,000 Loan Forgiveness was removed from the table. Weaver and Cole were concerned about the loss of State Revenue Sharing funds thus forgiveness could not be granted. ***Moore made a motion to appoint a committee made up of the City Manager, DDA Chairman, DDA Director, Mayor, and other Commissioner Representative to calculate an Alternative payment schedule based on a formula of the increased property values due to monies invested in the downtown. Cole seconded the motion.*** Mullendore further explained and confirmed that the Committee would review the term of loan, amount of payback, etc. to come up with a repayment plan to bring back to the commission for a final determination. ***Motion failed by majority voice vote. YEAS: Cole, Moore. NAYS: Norton, Weaver, Clark. Norton moved, seconded by Weaver to deny the forgiveness of the \$250,000. loan as requested. Motion carried by majority voice vote. YEAS: Moore, Norton, Weaver, Clark. NAYS: Cole.***

Resolution  
2009.05/19,  
MDOT Contract  
09-5153 Street  
Sweeper

***Moore moved, seconded by Cole to approve the Michigan Department of Transportation (MDOT) Contract No. 09-5153 for the purchase of the natural gas street sweeper and Resolution Authorizing Officials to endorse the MDOT Contract as recommended. Voice vote carried unanimous. Resolution 2009.05/19 declared adopted and attached as part of this record.***

Buchanan SRF  
Project, M7-0869

Kenton McAndrews from Abonmarche distributed the Contract Cost Summary for the Buchanan SRF Project, M7-0869 for the bids that were opened on April 23rd in the total amount of \$2,281,421.00 and with ARRA Funding reductions making the total

construction loan  
\$1,320,994.17.  
He explained in  
detail about the  
stimulus and  
green funding and  
discussion was  
exchanged with

**Consent Calendar continued**

Ordinance Introduction

Banner Placement, Garage Sales

Commissioners regarding bids evaluation, and oversight by an Onsite Director. Resolutions attached as part of this record.

**Moore moved, seconded by Cole to approve Resolution 2009.05/20 awarding the bid for the Lift/Pump Station Improvements to Beaudoin Construction in the amount of \$178,500. as presented. Roll call vote carried unanimous.**

**Moore moved, seconded by Weaver to approve Resolution 2009.05/21 awarding the bid for Contract #1 – CIPP Sewer Lining to Utility Services Authority in the amount of \$74,096. as presented. Roll call vote carried unanimous.**

**Moore moved, seconded by Cole to approve Resolution 2009.05/22 awarding the bid for Contract #2 – Third Street to Utility Services Authority in the amount of \$28,825. as presented. Roll call vote carried unanimous.**

**Moore moved, seconded by Norton to approve Resolution 2009.05/23 awarding the bid for Contract #3 – Wastewater Treatment Plant Renovations to Pearson Construction Company in the amount of \$2,000,000. as presented. Roll call vote carried unanimous.**

Ordinance  
2009.05/379,  
Issuance of  
Revenue Bonds to  
pay costs for  
Water & Sewer  
Upgrades

Mullendore reported that the financial planners advised changes to the proposed ordinance amending Ordinance No. 344 and Ordinance No. 349.2000 to provide for the issuance of Revenue Bonds to pay costs of acquisition and construction of water main, sanitary sewer, and storm water sewer improvements; to prescribe the form of the bonds; to provide for the collection of revenues from the system sufficient for the purpose of paying the costs of operation and maintenance of the system and to pay the principal of and interest on the bonds; to provide for the segregation and distribution of the revenues; to provide for the rights of the holders of the bonds in enforcement thereof; and to provide for other matters relating to the bonds and the system. **Moore moved, seconded by Cole to approve the Ordinance reflecting the amendments as proposed by the City Manager.** Commission confirmed that a new rate increase would not be forthcoming. Mullendore confirmed the cost of living annual increase (July 1) and no more. **Roll call vote carried unanimous Ordinance 2009.05/379 declared adopted and attached as part of this record.**

**New Business**  
Partnership with  
Chamber of  
Commerce for  
Community Wide  
Garage Sales

Alice Kring, Chamber of Commerce President reported that the request was the same as last year except for use of the copier for the printing of maps and permits. She explained her written request in detail. Commission again considers Agreement from Buchanan Chamber of Commerce to host the City Wide Garage Sale on June 19<sup>th</sup> and 20<sup>th</sup>. Upon staff recommendation, **Weaver moved, seconded by Norton to approve the agreement from the Chamber of Commerce as an annual agreement to pay the Chamber \$500 of the permit fees collected at City Hall to cover their labor and advertising costs; that they be allowed to print maps and permits on the City Hall copier with Chamber provided paper; and the City allow use of the City owned parking lot on the north side of 204 N. Redbud Trail for more sales space. Roll call vote carried unanimous.**

Four day, ten hour  
Work Week  
(4/10's)

Mullendore reported that she had researched other communities that have implemented the four ten hour days (4/10's) for energy cost savings (\$5,000 to \$10,000) as well as the extended two hours availability to the public, thus she has the 4/10's scheduled to begin with the new fiscal year beginning July 1, 2009. Discussion was shared with Commissioners, Manager, and Public with Mullendore confirming that she has given autonomy to other departments if they choose to change their work hours. **Norton**

**moved, seconded by Cole to table the decision to implement the 4/10's until further review and discussion. Roll call vote carried unanimous.**

**Unfinished Business continued**

Resolution's 20, 21, 22, & 23

Bid Awards for the Lift/Pump Station Improvements, CIPP Sewer Lining, Third Street, & Wastewater Treatment Plant

The Mayor reported that brush pick up was

brought to her attention due to non pick-up of pruned trees. Mullendore confirmed that the issue was with resident's doing tree removal on private property and putting out the branches for the City to clean up (as has been an issue in years past). She explained that the Brush Pick-Up Service was only for naturally fallen branches once a month although an amenable solution to limit the amount of brush would be welcome. After discussion between Commission, Manager, and public, ***Weaver moved, seconded by Cole to limit the brush pick-up service to a six foot by six foot pile on the tree lawn, branches no larger than four inches in diameter and absolutely no pick-up of brush if the resident has used a service to prune/remove a tree on private property. Roll call vote carried unanimous.***

Due to confusion with the Reliable Trash Contract on the monthly charges, extra charges, and rates for seniors and/or choice of recycling, Norton requested clarification. After the City Manager explained the contractual costs and regulations, discussion was shared with Commission and Public. The gavel was sounded twice and brief discussion followed about the one dollar (\$1.00) increase per month, option of recycling, and opting out.

The Mayor reported she was approached about the City purchasing a computer for the City Manager's personal use and wanted to clarify the purpose of such use. Discussion ensued between Mullendore and resident Lorne Kay and the gavel was sounded. Mullendore shared discussion with other residents and the Commission regarding use of the computer. Commission concurred that it would be an advantage to the City as the City Manager could perform some of her duties at home or when away on City business. The gavel was sounded. Daleen Granger was concerned about the public information and disposition of the computer; Cole and Moore confirmed the information was not public and stated it would be obsolete in a couple years and the computer would remain the Manager's property. Resident Donna Norton stated her concern was that the computer would necessitate unusual personal hours and could compromise City information. Commissioner comments were heard regarding the City Manager work time in the office and at home (comp time).

Third Street Resident Lorne Kay stated the Commissioners and Manager have done some good for the City.

City Manager and City Commissioners' comments were heard and the Mayor called a recess at 9:40 p.m. to sign checks

***Moore moved seconded by Weaver to go into closed session at 9:50 p.m. to review minutes from April 27, 2009 closed session and to consider the purchase or lease of real property up to the time an option to purchase or lease that real property is obtained. Roll call vote carried unanimous.***

The Mayor reconvened the regular meeting at 10:03 p.m.

***Moore moved, seconded by Cole to approve the Closed Session Minutes for April 27, 2009 as reviewed in closed session. Roll call vote carried unanimous.***

#### **New Business continued**

4/10 Work Week/Day

Brush Pick-Up

Reliable Trash  
Contract

Computer for  
Personal Use

**Public  
Comments**

**City Manager &  
Commissioner  
Comments**

**Closed Session**  
Review Closed  
Session Minutes  
& Consider the  
Purchase or Lease  
of Real Property  
**Business**  
April 27, 2009  
Minutes

***Weaver moved,  
seconded by Cole  
to purchase the  
5/3 Bank building  
on the corner of  
Front and Liberty***

*in the amount of \$249,000 for the use of City Hall. Roll call vote carried unanimous.*

**Adjourn**

*Cole moved, seconded by Norton to adjourn the meeting at 10:05 p.m. Roll call vote carried unanimous.*

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Gladys Bybee, CMC-City Clerk

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Barbara J. Clark, Mayor

**Business continued**

Purchase 5/3 Bank Building

CITY OF BUCHANAN COMMISSION MINUTES

May 26, 2009

**The regular rescheduled (due to holiday) meeting of the City Commission** was held at Buchanan City Hall, 302 N. Redbud Trail, Buchanan, Michigan, Tuesday, May 26, 2009. Mayor Clark called the meeting to order at 7:00 p.m.

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

Commissioners present: Barbara Clark, Carla Cole, Patricia Moore, William Norton, Warren Weaver

Commissioners absent: None

Staff present: City Manager Meg Mullendore, City Attorney Randy Hyrns, Fire Chief Tim Gowen, DDA Director Debra Patzer, and Clerk Gladys Bybee

Guests/Visitors present: Senior Services Director Alice Hopkins and 33 visitors including 1 reporter

Resident **Doyle Vergon** opposed the purchase of the 5/3 Bank building due to the purchase and expense of an expansion. He encouraged the Commission to settle the dispute with the DDA and work together.

Resident and downtown building owner **Alan Robandt** begged the Commission not to move uptown.

**Mark Soltys**, DDA Chairman spoke in opposition of the City purchasing the 5/3 Bank Building, as in his opinion makes poor business sense. He further explained that the DDA has assisted renovations with nine buildings downtown and proclaimed the DDA wants to work with City. Soltys urged the Commission to revoke the offer for the 5/3<sup>rd</sup> bank building and work with the DDA by attending a Work Session next month to resolve issues.

Resident **Dan Vigansky** opposed the expense on the purchase of the 5/3 Bank building.

Resident **Dave Hagey** asked that the City reconsider the purchase of the 5/3<sup>rd</sup> Bank building and work a deal with the DDA for the \$250,000 loan.

*Cole moved seconded by Norton to approve the Agenda as submitted. Roll call vote carried unanimous.*

- Agenda
- Minutes: Regular Meeting May 11, 2009
- Checks 57239 to 57336 in the amount of \$238,732.79
- Certify Delinquent Utility and Mowing Billings to the 2009 Summer Tax Roll
- Acknowledge Call for Public Hearing on June 8, 2009, 7:00 p.m. to hear comments concerning the distribution of the FY 2009-2010 Southwestern Michigan Community Ambulance Services (SMCAS) Special Assessment Levy and proposed SMCAS budget for fiscal year 2009-2010, which includes the special assessment in the amount of \$20.00 per dwelling

Senior Services Director Alice Hopkins distributed the June Newsletter to Commissioners and explained increases in people attending senior functions and in commodity needs. She reported preliminary process on purchase of property for the new center.

Attorney Hyrns reported that he prepared the ordinance upon the request of the Police Chief and Code Enforcement Officer with the public hearing held on May 11, 2009.

Call to Order

Pledge/Invocation

Roll Call

Public Comment

Consent  
Calendar

Agenda

Minutes

Checks

Public Hearing  
Call

Reports  
Buchanan Area  
Senior Center  
Unfinished  
Business

Ordinance  
2009.05/380,  
High Weeds

***Cole moved, seconded by Norton to approve the ordinance as submitted.*** Commissioner Weaver and Attorney Hyrns concurred that a resident would receive notice prior to the City entering private property as questioned by resident Lorne Kay.

AN ORDINANCE AMENDING CHAPTER 14, ARTICLE VIII, SEC. 14-292.

THE CITY OF BUCHANAN ORDAINS: Chapter 14, Building and Building Regulations, Article VIII, Property Maintenance Code, Section 14-292, is amended as follows:

**Sec. 14-292 Amendments.**

The 2000 International Property Maintenance Code adopted in section 14-291 is amended and revised in the following respects:

**Section 101 Insert: THE CITY OF BUCHANAN**

**Section 103.6 Insert: Cost incurred plus fifteen percent (15%).**

**106.3 Prosecution of violation.** Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a misdemeanor, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

**Section 111.2 Insert: Construction Board of Appeals**

**302.4 Weeds** All premises and exterior property shall be maintained free from weeds or plant growth in excess of 8 inches (203.2 mm). All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens. Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

**Section 303.14 Insert: May 1 – November 1**

**Section 602.3 Insert: October 1 – July 1**

**Section 602.4 Insert: October 1 – July 1**

(Ord. No. 330, §§ 2, 5, 7-26-93; Ord. No. 352, § 2, 3-12-01)

**Ordinance No. 2009.05/380 declared adopted this 26<sup>th</sup> day of May, 2009.**

After brief explanation and recommendation from the City Manager, ***Moore moved, seconded by Cole to approve the proposal to resurface Victory, Liberty, Alexander, Cayuga, and Roe Streets for a total amount of \$54,523.75 from Reith Riley and authorize the City Manager to sign proposal.*** Weaver clarified the resurfacing and 2 inches of milling. After questions from resident Doyle Vergon, Mullendore replied completion by September. ***Roll call vote carried unanimous.***

**Jeanne Harris**, 320 Bluff Street submitted a petition from the North Side Residents requesting the City to check into the status of the condemned property at 324 Elizabeth Street. Petition attached. Harris reported that she, Mrs. Francis, and Mrs. Tutson have complained and due to nothing being done, the petition was circulated and signed by 48 residents from the north side. Harris also reported flowers being weed whacked from gravesites at Cemetery.

**Debra Patzer** invited commission to Work Session, June 3<sup>rd</sup>, 7:00 p.m. at City Hall.

**Tom Fehlner**, President of Preservation Society announced hosting a regional History Day with 15 area non-profit agencies and invited Commissioners. He also opposed the repayment of the loan from the DDA as the DDA funds maintenance for Pears Mill. He explained the ongoing unresolved lack of water to run the waterwheel at the Mill and requested that the Commission address the issue.

**Unfinished Business continued**

Ordinance 2009.05/380, High Weeds

**New Business**

Approve Proposal from Reith Riley for Resurfacing Victory, Liberty, Alexander, Cayuga, and Roe

**Public Comments**

**Diane Anderson** complained about flowers on gravesites being weed whacked by Cemetery workers all last summer

even after speaking with the Cemetery Department and requested that it not occur again this year. She asked that a water spicket be installed in the Cemetery on the Front Street side and has talked with Willie Brown in the past about it.

**Jean Tutson** reported she has requested, numerous times, that her son's headstone be raised above ground, not buried and asked that it be taken care of.

**Randall Pierot** stated disappointment that three entities (DDA, Chamber of Commerce, and City cannot work together and read a poem.

**Lorne Kay** asked that the Commission spend the \$249,000 on fixing the Mill Race, opposed the expenditure to purchase the 5/3 Bank building, and pleased with the buildings getting full and being repaired downtown.

**Dave Hagey** asked the members of the commission to please remember that consequences attached to all decision and recalled past and hoped for an amicable solution.

**Mark Soltys** says they are just a bunch of volunteers that want to work together.

**Alan Robandt** recalled when Mullendore was the Acting DDA Director and was skeptical of the Infrastructure Programs for downtown, is very pleased with Debra Patzer and publicly apologized to Mullendore.

City Manager and City Commissioners' comments were heard and Commission members signed the checks.

*Cole moved seconded by Moore to go into closed session at 8:04 p.m. to review April 11, 2009 Closed Session Minutes, to consider the purchase or lease of real property up to the time an option to purchase or lease that real property is obtained (15.268 Sec. 8. (d)), and to consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation, but only if an open meeting would have a detrimental financial effect on the litigating or settlement position of the public body (15.268 Sec. 8.(e)). Roll call vote carried unanimous.*

The Mayor reconvened the regular meeting at 8:42 p.m.

*Cole moved, seconded by Moore to rescind the motion from the May 11<sup>th</sup> City Commission Meeting to purchase the 5/3 Bank building on the corner of Front and Liberty in the amount of \$249,000 for the use of City Hall. Also to hire an Architect and obtain an appraisal for both buildings to retrofit for City Hall as discussed in closed session. Roll call vote carried unanimous.*

*Moore moved, seconded by Weaver to concur with the advice from the Insurance Attorney regarding the pending litigation as reviewed and discussed in closed session. Roll call vote carried unanimous.*

*Cole moved, seconded by Norton to adjourn the meeting at 8:45 p.m. Roll call vote carried unanimous.*

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Gladys Bybee, CMC-City Clerk

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Barbara J. Clark, Mayor

**Public Comments continued**

**City Manager & Commissioner Comments**

**Closed Session**  
Review Closed Session Minutes & Consider the Purchase or Lease of Real Property

**Business**  
Rescind motion to purchase 5/3 Bank Building & hire Architect & get an appraisal for both buildings

Concur with legal advice

**Adjourn**

CITY OF BUCHANAN COMMISSION MINUTES

June 8, 2009

The Mayor called the public hearing to order at 7:00 p.m. and invited public to express comments regarding the distribution of the FY 2009-2010 Southwestern Michigan Community Ambulance Services (SMCAS) Special Assessment Levy and proposed SMCAS budget for fiscal year 2009-2010, which includes the special assessment in the amount \$20.00 per dwelling. Commissioner Norton asked why we have one single vote for the special assessment amount and for the budget as he thought each should be voted on separately. SMCAS Director Gray and City Manager Mullendore stated that they have been the same for several years with no increase in assessment (capped at \$20.00 per parcel as voted in by the taxpayers in the district for eight years). The clerk noted that no written comments were received. The Mayor closed the Public Hearing at 7:08 p.m.

**Public Hearing**

**The regular meeting of the City Commission** was held at Buchanan City Hall, 302 N. Redbud Trail, Buchanan, Michigan, Monday, June 8, 2009. Mayor Clark called the meeting to order at 7:08 p.m.

**Call to Order**

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

**Pledge/Invocation**

Commissioner Weaver read the biography and the Mayor presented the Citizen Appreciation Recognition Award to Don Holmes.

**Citizen  
Appreciation**

Commissioners present: Barbara Clark, Carla Cole, Patricia Moore, William Norton,  
Warren Weaver

**Roll Call**

Commissioners absent: None

Staff present: City Manager Meg Mullendore, Fire Chief Tim Gowen, Police  
Chief Bill Marx, and Clerk Gladys Bybee

Guests/Visitors present: Redbud Area Ministries Board President Roy Mark and 14  
visitors including 1 reporter

Resident **Kathy Kingery** asked why some cable customers could not hear the airing of the commission meetings on the public broadcasting channel. **Sheri Bush**, 505 Fulton St. reported that she was charged for using 88,000 gallons of water and has been making payments but would like for the city to look into it. She alleges that the City contacted her mortgage company and they are now foreclosing.

**Public Comment**

*Norton moved, seconded by Clark to amend the Agenda to include D. under Unfinished Business; Four ten hour days work week. Roll call vote carried by majority. YEAS: Cole, Norton, Weaver, Clark. NAYS: Moore*

**Consent  
Calendar**  
Agenda as  
amended

*Norton moved, seconded by Moore to approve the Consent Calendar with the inclusion to the Agenda. Roll call vote carried unanimous. Roll call vote carried unanimous.*

Minutes

- Agenda
- Minutes: Regular Meeting May 26, 2009.
- Checks 57337 to 57415 in the amount of \$235,693.39.
- Banner Placement for the period from July 1, 2009 through July 19, 2009 for Michiana Cruisers Car Show.
- Re-Appoint Carla Cole for a 3-year term expiring in 2012 to the Joint Water and Sewer Board.

Checks

Banner Placement

Board,  
Commission  
Reappointments

- Re-appoint Michael Terrell and Jim Toth for a 3-year term expiring in 2012 to the Buchanan Area Recreation Board.
- Re-appoint Richard Wonacott for a 3-year term expiring in 2012 to the Plan Commission.
- Re-appoint James Desenberg to a 3-year term expiring 2012 to the Zoning Board of Appeals.
- Departmental Request for Budget Amendment

Redbud Area Ministries Board President Roy Mark announced the public hours of the Food Pantry and reported that RAM is serving more customers. Discussion was shared with commissioners.

***Moore moved, seconded by Cole to approve the resolution as presented. A Resolution of the City of Buchanan, County of Berrien, State of Michigan approving the 2009-2010 Southwestern Michigan Community Ambulance Service (SMCAS) Budget and Special Assessment. Roll call vote carried unanimous. Resolution 2009.06/24 declared adopted and attached as part of this record.***

After explanation from Transportation Management Inc. (TMI) Assistant Director Kim O'Haver on the availability of extra State funding for Buchanan Dial-A-Ride, ***Moore moved, seconded by Cole to approve the resolution as presented. A Resolution Authorizing the City Manager and City Treasurer to sign the Revised Project Authorization No. Z3/R1 for Michigan Department of Transportation (MDOT) Project No. 105201 under Master Agreement 2007-0181 for FY 2009 Section 5311 Operating. Roll call vote carried unanimous. Resolution 2009.06/25 declared adopted.***

Abonmarche Representative Kenton McAndrew reported on the Wastewater Treatment Plant Roof Replacement bid and recommended Future Construction out of Watervliet as the low bidder. It was clarified that the roof was on the main building, old lab. ***Weaver moved, seconded by Moore to award the bid to Future Construction in the amount of \$22,351 as presented. Roll call vote carried unanimous.***

Norton reported that he made some inquiries and he believed City Hall should stay open 5 days as discussed and voted on at a previous meeting. Clark reported that she has been contacted with opposition to the change. Moore said to try, monitor and measure it and then revisit to see if it is beneficial. Clark then reported that she spoke with Attorney Hyrns and discussion followed. Cole agreed with Moore and stated that she could not get to City Hall when she was working. Weaver recalled that the Commission voted and tried staying open late several years ago; it was measured and did not warrant keeping City Hall open longer hours. Norton moved to table a decision until the next meeting with the City Manager stating she would be out of town and claimed it was an administrative decision and her right by Charter. Motion failed for lack of a second. After brief debate, ***Norton moved, seconded by Weaver to halt the four ten hour day workweek and defer the question of authority to the City Attorney. Roll call vote carried by majority. YEAS: Norton, Weaver, Clark. NAYS: Cole, Moore.***

Fire Chief Tim Gowen announced that Colorcraft would be knocking on doors for portraits to raise funds for firefighters.

### **Consent Calendar continued**

Board, Commission Reappointments

Budget  
Amendments  
**Reports**  
Redbud Area  
Ministries

### **Unfinished**

**Business**  
Resolution  
2009.6/24,  
SMCAS Budget  
& Special  
Assessment

Resolution  
2009.6/25, MDOT  
Project 105201  
Operating  
Assistance

Bid Award  
WWTP Roof  
Replacement

Four Ten Hour  
Day Work Week

### **Public Comments**

City Manager and  
Commissioners'  
comments were  
heard and  
Commission

*Cole moved seconded by Moore to go into closed session at 7:47 p.m. to review May 26, 2009 Closed Session Minutes Roll call vote carried unanimous.*

The Mayor reconvened the regular meeting at 7:57 p.m.

May 11, 2009  
Closed Session  
Minutes

*Moore moved, seconded by Cole to approve the May 11, 2009 Closed Session Minutes to review April 27, 2009 Closed Session Minutes and Sale or Lease of Public property as reviewed in Closed Session. Roll call vote carried unanimous.*

May 26, 2009  
Closed Session  
Minutes

*Cole moved, seconded by Moore to approve the May 26, 2009 Closed Session Minutes to review May 11, 2009 Closed Session Minutes, Sale or Lease of Public Property, and Pending Litigation as reviewed in Closed Session. Roll call vote carried unanimous.*

**Adjourn**

*Cole moved, seconded by Moore to adjourn the meeting at 8:02 p.m. Roll call vote carried unanimous.*

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Gladys Bybee, CMC-City Clerk

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Barbara J. Clark, Mayor

CITY OF BUCHANAN COMMISSION MINUTES

June 22, 2009

**The regular meeting of the City Commission** was held at Buchanan City Hall, 302 N. Redbud Trail, Buchanan, Michigan, Monday, June 22, 2009. Mayor Clark called the meeting to order at 7:00 p.m.

The Pledge was recited by all in attendance. Pastor Dave Mitchell, Faith Victory Fellowship gave the Invocation.

Commissioners present: Barbara Clark, Carla Cole, Patricia Moore, William Norton, Warren Weaver

Commissioners absent: None

Staff present: City Manager Meg Mullendore by teleconference, Attorney Randy Hyrns, DDA Director Debra Patzer, and Clerk Gladys Bybee

Guests/Visitors present: 20 visitors including 1 reporter

*Cole moved, seconded by Moore to amend the Agenda to include a Closed Session to review and discuss the confidential correspondence from the City Attorney. Roll call vote carried unanimously. Cole moved, seconded by Weaver to amend the Agenda to include Item A. Four-4 day, ten-10 hour day work week (4/10's) under Unfinished Business. Roll call vote carried unanimously. Weaver moved, seconded by Moore to approve the Consent Calendar as amended. Roll call vote carried unanimously.*

- Agenda as amended
- Minutes: Regular Meeting June 8, 2009
- Checks 57416 to 57487 in the amount of \$97,913.59
- Street Closure Request for Michiana Cruisers Car Show: Smith Street adjacent to Centennial Park on July 19, 2009 from 7:00 a.m. to 5:00 p.m.
- Re-Appoint Michelle Klarich, Al Whitfield and Don Trull for a 4-year term expiring in 2013 to the Common Committee
- Re-appoint Samantha Blevins (City appointment), Alice Kring (Bertrand Township appointment), and Karen Falkenstein (School appointment) for a 4-year term expiring in 2013 to the Buchanan Fine Arts Council
- Re-appoint Terry Holloway, Alice Hopkins and Beth Chubb for a 3-year term expiring in 2012 to the Farmers' Market Board
- 2008-2009 End of Year Budget Amendment

Charles Tuttle, Buchanan Masonic Lodge Worshipful Master presented a check in the amount of \$3,000 to Redbud Area Ministries President Roy Mark.

The Mayor announced discussion of Item A. Four-4 Ten-10 Hour days would be withheld until after the Closed Session.

Patzer summarized the Fiscal Year 2009-2010 Downtown Development Authority (DDA) Budget while all reviewed the written documents. *Cole moved, seconded by Moore to approve the 2009-2010 DDA Budget as presented. Roll call vote carried unanimously.*

**Call to Order**

**Pledge/Invocation**

**Roll Call**

**Consent Calendar**

Agenda as amended

Minutes

Checks

Street Closure

Annual Re-Appointments

Year End Budget Amendments

**Reports**

Masonic Lodge to RAM

**Unfinished Business**

Four Ten Hour Day Work Week

**New Business**

DDA 2009-2010 Budget

The City Manager reported that there are lights at the Men’s League field but not at the Girl’s Field and it would cost the city for electric and use of the bucket truck to replace light bulbs (the same as the City does for the Men’s League Field) as requested by the Buchanan Area Recreation Board (BARB). Buchanan Youth Softball and Baseball Association (BYSBA) Representatives JT Adkerson and Jeff Welch introduced member’s Jackie Hanes and Bill Nichols and explained the construction and installation in detail and requested permission to complete the project. *Weaver moved, seconded by Cole to approve BARB’s request to authorize BYSBA to install lights at Smith Park as presented and recommended. Roll call vote carried unanimous.*

BYSBA to Install Lights at Smith Park

**Public Comments**

Public comments were heard.

**City Manager & Commissioner Comments**

City Manager and Commissioners’ comments were heard.

**Closed Session**

*The Mayor announced that the Commission was going into closed session at 7:30 p.m. to consider material exempt from discussion or disclosure by state or federal statute (15.268 Sec. 8 (h)).* The City Manager was included by conference call.

Four-4 day, ten-10 hour work week (4/10’s)

The Mayor reconvened the regular meeting at 7:56 p.m. and reported no decisions were made in closed session. She then announced that the City Manager withdrew her proposal for City Hall to be open four ten hour days and City Hall would remain eight hours a day, five days a week.

**Adjourn**

*Moore moved, seconded by Cole to adjourn the meeting at 8:00 p.m. Roll call vote carried unanimous.*

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Gladys Bybee, CMC-City Clerk

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Barbara J. Clark, Mayor

CITY OF BUCHANAN COMMISSION MINUTES

July 13, 2009

**The regular meeting of the City Commission** was held at Buchanan City Hall, 302 N. Redbud Trail, Buchanan, Michigan, Monday, July 13, 2009. Mayor Clark called the meeting to order at 7:00 p.m.

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

Commissioner Moore read the biography recognizing the Michigan Gateway Community Foundation Youth Advisory Council and Public Service Announcements created by the youth were viewed by all in attendance. Mayor Clark presented the Citizen Appreciation Recognition Award's to Michigan Gateway Community Foundation Youth Council Advisor Jayne Lamb and Buchanan Students Krystal Avance, Kyle Brown, Ryan Henckel, and Rebecca Kastner.

Commissioners present: Barbara Clark, Carla Cole, Patricia Moore, Warren Weaver

Commissioners absent: William Norton

Staff present: City Clerk Gladys Bybee and Assessor Gordon Schreiber

Guests/Visitors present: 24 visitors

Public comments were heard.

After request from the clerk to add a housekeeping item to the Consent Calendar, ***Cole moved, seconded by Moore to amend the Consent Calendar to include F. Re-Appoint Theresa Niemier to the Farmers' Market Board. Roll call vote carried unanimous. Moore moved, seconded by Cole to approve the Agenda as amended. Roll call vote carried unanimous.***

- Agenda as amended
- Minutes: Regular Meeting June 22, 2009
- Checks 57488 to 57608 in the amount of \$211,029.39
- Re-appoint Tracey Dippo for a four-year term expiring in 2013 to the Downtown Development Authority (DDA)
- Re-appoint Brian Dinneen for a three-year term expiring in 2012 to the Joint Water/Sewer Board
- Re-appoint Theresa Niemier for a three year term expiring in 2012 to the Farmers' Market Board

Assessor Gordon Schreiber summarized his written report on the Assessor Department while all reviewed.

Public comments were heard.

Commissioners' comments were heard.

***Cole moved, seconded by Weaver to go into closed session at 7:55 p.m. to review minutes from the June 22, 2009 Closed Session Meeting to consider material exempt from discussion or disclosure by state or federal statute [15.268 Sec. 8 (h)].***

The Mayor reconvened the regular meeting at 7:57 p.m.

Call to Order

Pledge/Invocation

Citizen Appreciation

Roll Call

Public Comments

Consent Calendar

Agenda as amended

Minutes

Checks

Annual Re-Appointments

Reports

Assessor Department

No Unfinished &

New Business

Public Comments

Commissioner

Comments

Closed Session

*Weaver moved, seconded by Cole to approve the June 22, 2009 Closed Session Minutes as reviewed in closed session. Roll call vote carried unanimous.*

*Cole moved, seconded by Weaver to adjourn the meeting at 7:58 p.m. Roll call vote carried unanimous.*

**Adjourn**

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Gladys Bybee, CMC-City Clerk

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Barbara J. Clark, Mayor

CITY OF BUCHANAN COMMISSION MINUTES

July 27, 2009

Call to Order

The regular meeting of the City Commission was held at the Buchanan Common, Days Avenue, Buchanan, Michigan, Monday, July 27, 2009. Mayor Clark called the meeting to order at 7:00 p.m.

Pledge/Invocation

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

Roll Call

Commissioners present: Barbara Clark, Carla Cole, Patricia Moore, William Norton, Warren Weaver

Commissioners absent: None

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

Guests/Visitors present: 24 visitors

Public Comments

Several persons in attendance spoke in favor of the proposal to repair the Mill Race with one opposing. Receipt of a letter favoring the repair of the Race was acknowledged.

Consent Calendar

Agenda as amended

After request from the clerk to add item to the Consent Calendar and item to New Business, *Cole moved, seconded by Moore to amend the Consent Calendar to include G. Appoint Tyler York to the Fine Arts Council and include Item B. Change FOIA Coordinator to the City Manager and City Attorney under New Business. Roll call vote carried unanimous. Cole moved, seconded by Weaver to approve the Agenda as amended. Roll call vote carried unanimous.*

Minutes

Checks

Annual Re-Appointments

- Agenda as amended
- Minutes: Regular Meeting July 13, 2009 and Work Session Minutes June 11, 2009
- Checks 57609 to 57695 in the amount of \$401,870.81
- Re-appointments to the Brownfield Redevelopment Authority: Dave Hagey as DDA Chairman and Meg Mullendore as City Manager for a three year term ending 2012
- Re-appointment of Mayor Barbara Clark and City Manager Meg Mullendore for a year term ending July 2010 to the Southeast Berrien County Landfill Board
- Approve Subordination Agreement for 101, 103, 105 E. Front Street and 104 N. Oak Street
- Appoint Tyler York to the Fine Arts Council for a three year term ending 2012

Jankoviak (East Front Street) Subordination Agreement

Reports

Chamber of Commerce

Chamber of Commerce President Alice Kring distributed the Schedule of Events for 2009 Old Mill Fest and summarized other projects the Chamber was involved with.

Unfinished Business

*Moore made the motion that the City Manager pursues all necessary permits to remediate the Mill Race, including reconstruction and/or repair of the weir, dredging of the Mill Race and any other necessary recommendation as presented in the Wetland and Coastal Resources Findings. Further, that the City take the necessary action to clean out the existing sediment trap upstream at the head of the Creek and the Race. In conclusion that the Mayor goes to the next DDA meeting with a motion from the City Commission: that they turn over ownership of Clark Park, known as the Duck Pond, to the City so that the City may continue to care for and maintain the park including pursuing a permit to dredge the pond. Cole seconded the motion and roll call vote carried unanimous.*

McCoy Creek/Mill Race Remediation Authority for City Manager to apply for permits

Authorization for Mayor to request ownership of Clark Park from the DDA

Mullendore summarized the

RFP to complete a feasibility study to determine which building (5/3 Bank or current building) would best suit the needs for a New City Hall and recommended the low bidder with a score of 95 points. *Moore moved, seconded by Norton to award of Buchanan City Hall Facility Architectural Services to Abonmarche in the amount of \$6,000 as explained and recommended. Roll call vote carried unanimous.*

**New Business**  
Feasibility Study  
Award to  
Abonmarche

Mullendore reported that due to high Attorney costs for Freedom of Information Act (FOIA) requests she recommends that she and the City Attorney be the FOIA Coordinators. *Cole moved, seconded by Moore to appoint the City Manager and City Attorney as Coordinators for Freedom of Information Act requests as recommended. Roll call vote carried unanimous.*

Appoint City  
Manager & City  
Attorney FOIA  
Coordinator

Public comments were heard.

**Public Comments**

City Manager comments were heard.

**City Manager &**

Commissioners' comments were heard.

**Commissioner  
Comments**

*Cole moved, seconded by Norton to adjourn the meeting at 7:51 p.m. Roll call vote carried unanimous.*

**Adjourn**

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

\_\_\_\_\_  
Barbara J. Clark, Mayor

# CITY OF BUCHANAN COMMISSION MINUTES

August 10, 2009

**The regular meeting of the City Commission** was held at City Hall, 302 N. Redbud Trail, Buchanan, Michigan, Monday, August 10, 2009. Mayor Clark called the meeting to order at 7:00 p.m.

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

Commissioner Norton read the biography and the Mayor presented the Citizen Appreciation Recognition Award to Mae Proud.

Commissioners present: Barbara Clark, Carla Cole, Patricia Moore, William Norton, Warren Weaver

Commissioners absent: None

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

Guests/Visitors present: 30 visitors

Norma Ferris opposed the proposed Fireworks Permit. Randall Peart suggested reorganization of the agenda to include Status updates from the City Manager under Unfinished Business, City Manager Comments, or Reports to discuss progress/status of ongoing projects.

After request from Commissioner Weaver to remove item G. from the Consent Calendar and place it under New Business for discussion and explanation from the clerk that a check was voided and one needed to be added (changing the total amount), ***Cole moved, seconded by Norton to remove G. Introduce and Call a Public Hearing for Ordinance \_\_\_\_\_.08/2009, Amending Chapter 14, Building and Building Regulations, Article VII – Private Swimming Pools, Sec. 14-261. Safety Precautions; Fence, Enclosures (Ordinance on file in the City Clerks Office) from the consent calendar and include it as A. under New Business and void check #57766 and add check #57807, changing the total amount by \$375. Roll call vote carried unanimous.***

- Agenda with Amendments
- Minutes: Regular Meeting July 27, 2009
- Checks 57696 to 57807 in the amount of \$1,931,428.05
- Re-appointment to the Brownfield Redevelopment Authority: Shelley Klug as Designated Economic Developer for a three year term ending 2012
- Appoint Kelly Catalano to the Fine Arts Council for a two year term ending in 2011 as recommended by the Fine Arts Council
- Appoint Jonathon Corwin to the Fine Arts Council for a two year term ending in 2011 as recommended by the Fine Arts Council
- Budget Amendment, General Fund-City Commission, City Clerk, City Manager
- Request from Chamber of Commerce for Fire Works Display during Old Mill Festival
- Banner Placement at 403 E. Front Street for the period from August 11, 2009 through August 17, 2009 for American Legion Post 51 Annual Jack Glavin Benefit Ride

Paul Malewski, Sales Marketer reported on the Senior Living Facility proposed for 1207 N. Redbud Trail, while Bharat Kothari, CEO of BP Convergence Group, LLC. distributed the presentation for the Facility and Independent-Assisted-Alzheimer Clinic to

## Call to Order

## Pledge/Invocation

## Citizen Appreciation

## Roll Call

## Public Comments

## Consent Calendar

Agenda as amended

Minutes

Checks as amended

Annual Re-Appointment

Fine Arts Council Appointments

Budget Amendment

Fire Works Display Permit

Banner Placement

## Reports

BP Convergence Group, LLC

Commissioners and Manager. Kothari introduced the project team from Revere Healthcare, Urban Green LLC., and Premier Contracting Group and explained the project in detail (1-2 years to complete). Berrien County Treasurer Brett Witkowski summarized the Land Bank Program that had been discussed with the City in a previous meeting and invited all to a presentation later in the week for the partnership.

Mullendore explained the current regulations regarding Building and Building Regulations, Private Swimming Pools, Safety Precautions; Fence, Enclosures and the proposed ordinance amendment. After brief deliberation, **Weaver moved, seconded by Norton to leave the ordinance as is. Roll call vote carried unanimous.**

No Public comments were heard.

City Manager comments were heard.

Commissioners' comments were heard.

***Cole moved, seconded by Weaver to go into closed session at 7:45 p.m. to consider material exempt from discussion or disclosure by state or federal statute [15.268 Sec. 8. (h)].***

The Mayor reconvened the regular meeting at 7:58 p.m. with no decisions made in closed session.

***Cole moved, seconded by Weaver to adjourn the meeting at 7:59 p.m. Roll call vote carried unanimous.***

**Reports continued**

BP Convergence Group, LLC

**New Business**

Ordinance Amendment, Private Swimming Pools

**Public Comments**

**City Manager &**

**Commissioner Comments**

**Closed Session**

**Adjourn**

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

\_\_\_\_\_  
Barbara J. Clark, Mayor

CITY OF BUCHANAN COMMISSION MINUTES  
August 24, 2009

**The regular meeting of the City Commission** was held at City Hall, 302 N. Redbud Trail, Buchanan, Michigan, Monday, August 24, 2009. Mayor Clark called the meeting to order at 7:00 p.m.

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

Commissioners present: Barbara Clark, Carla Cole, Patricia Moore, William Norton, Warren Weaver

Commissioners absent: None

Staff present: City Manager Meg Mullendore, DDA Director Debra Patzer, and City Clerk Gladys Bybee

Guests/Visitors present: Senior Center Executive Director Alice Hopkins and 12 visitors

***Cole moved, seconded by Moore to amend the agenda to include under New Business, Discussion of Condemnation Process for boarded up houses within the City. Roll call vote carried unanimous. Cole moved, seconded by Moore to approve the Consent Calendar as amended.***

- Agenda as amended
- Minutes: Regular Meeting August 10, 2009
- Checks 57808 to 57912 in the amount of \$2,289,983.12
- Budget Amendment to General Fund to budget for payment in lieu of taxes from Water and Sewer to General Fund that was not paid during fiscal year 2008-09
- Appoint Ralph McDonald and Ray Cole to the Construction Board of Appeals Board for three year terms ending in 2012
- Appoint official representative and alternate as a voting member at the Annual Business Meeting of MML; Conference scheduled for September 22-25, 2009
- Resolution 2009.08/26, Dial-A-Ride Amended Public Transportation Employment Policy on Alcohol and Drug Use (attached as part of this record)

Patzer explained her conversation with the Downtown Development Authority (DDA) members regarding the request from the City to acquire Clark Park (a.k.a. Duck Pond) as requested by the City Commission. She said she recommended that the request be honored and the DDA passed a motion to deed the property to the City in exchange for reduction of the \$250,000 loan by the amount of the appraisal of the property that was done two years ago and explained her calculation at arriving at the \$40,000. Cole recommended a current reappraisal at the DDA's expense and Norton wanted something in writing clarifying property lines. After discussion was shared between commissioners, all concurred to both concerns.

Alice Hopkins summarized the Buchanan Area Senior Center request for property tax exemption, as they are a 501 (C) (3) nonprofit on their newly acquired property at 810 Rynearson while all reviewed the documentation provided. After shared discussion, ***Moore moved, seconded by Cole to approve the request to exempt the property taxes at 810 Rynearson for the Buchanan Area Senior Center. Roll call vote carried unanimous.***

Call to Order

Pledge/Invocation

Roll Call

Consent Calendar

Agenda as amended  
Minutes  
Checks

Budget Amendment

CBOA  
Appointments

Appoint MML  
Voting  
Representatives

Resolution  
2009.08/26

Unfinished  
Business

DDA response to  
relinquish Clark  
Park

New Business

Property Exemption  
for Senior Center

Patzer distributed the brochure for the Non-Pareil and explained in detail the business- sponsored event. After clarification that the festivities would not be blocking any streets, **Weaver moved, seconded by Cole to approve the request from DDA to use the Gazebo, Mill Race Alley, Sculpture Alley, and the right-of-way at the southwest corner of the intersection of Front Street and Days Avenue as possible location for street musicians on Saturday September 5, 2009, as presented. Roll call vote carried unanimous.**

**New Business continued**

Request from DDA to use the Gazebo, Mill Race Alley, Sculpture Alley, et

Patzer explained in detail the Michigan Main Street Program Community Requirements and Expectations Agreement while all reviewed. She will be showing the power point presentation at the September DDA meeting and invited Commissioners to attend. Discussion was shared with commissioners and Patzer about the training expenses and confirmation that the DDA did approve it. **Cole moved, seconded by Moore to approve the Michigan Main Street Program Agreement as presented. Roll call vote carried unanimous.**

Michigan Main Street Program Community Requirements and Expectations Agreement

Mullendore explained the request from the Plan Commission for the City Commission to approve a motion to overhaul the Zoning Ordinance and develop a Capital Improvement Program. She reported that the project may be cost prohibitive and going out to bid for professional services would define the cost. After shared discussion about classes attended by Mullendore, **Moore moved, seconded by Cole to solicit bids as requested. Roll call vote carried unanimous.**

Solicit bids for Zoning Ordinance Upgrade and Capital Improvement Program

Norton reported the problem properties that he has been working with Code Enforcement on and the need to find a resolution. He further explained the properties are unsafe and one owner allegedly is willing to give her property to the City. He suggests that the City accept the offer as City crews are currently maintaining them. Mullendore explained the process of the two-year tax forfeiture (technically known as Operative Sheriff's Deed).

Condemned Properties Procedure

City Manager comments were heard.

Commissioners' comments were heard.

**Cole moved, seconded by Moore to go into closed session at 7:50 p.m. to review minutes from August 10, 2009 Closed Session. Roll call vote carried unanimous.**

**City Manager & Commissioner Comments**

The Mayor reconvened the regular meeting at 7:53 p.m. with no decisions made in closed session.

**Closed Session**

**Weaver moved, seconded by Cole to go approve the Closed Session Minutes from August 10, 2009 to consider material exempt from discussion or disclosure by state or federal statute [15.268 Sec. 8. (h)]. Roll call vote carried unanimous.**

August 10, 2009 Closed Session Minutes

**Weaver moved, seconded by Moore to adjourn the meeting at 7:54 p.m. Roll call vote carried unanimous.**

**Adjourn**

# CITY OF BUCHANAN COMMISSION MINUTES

September 14, 2009

**The regular meeting of the City Commission** was held at the Tin Shop Theatre on Roe Street, Buchanan, Michigan, Monday, September 14, 2009. Mayor Clark called the meeting to order at 7:00 p.m.

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

Mayor Pro-Tem Cole read the biography of the Tin Shop Theatre and the Fine Arts Council 25<sup>th</sup> Anniversary and the Mayor presented the Appreciation Recognition Award to the Fine Arts Council Acting President Samantha Blevins.

Alice Kring, Chamber of Commerce President thanked and presented the City Commission with a Certificate of Appreciation for their support and assistance with Old Mill Festival. She announced and thanked all of the sponsors for another successful year.

Commissioners present: Barbara Clark, Carla Cole, Patricia Moore, William Norton, Warren Weaver

Commissioners absent: None

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

Guests/Visitors present: Fine Arts Council Acting President Samantha Blevins and Chamber of Commerce President Alice Kring along with 22 visitors

Dick Proud, Friends of McCoy's Creek Trail Chairman distributed an explanation letter and invitation to the Commission and Manager to attend the upcoming Public Hearing to invite comments about formulating a plan for a walking/biking trail on the southwestern part of town; the hearing is required by the Department of Natural Resources Trust Fund Grant the Friends of the Trail are submitting for about \$300,000.

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

- Agenda
- Minutes: Regular Meeting August 24, 2009 and August 27, 2009
- Checks 57913 to 58046 in the amount of \$356,485.11
- Appoint Cindy Depoy to the Fine Arts Council to fill a vacant term through 2010
- Budget Amendment: Local Streets Fund

Mullendore gave an update of the Buchanan Area Recreation Board (BARB).

Bybee distributed the notice for the upcoming Public Hearing to consider establishing an Industrial Development District and the request for an Industrial Facilities Exemption Certificate.

***Weaver moved, seconded by Cole to observe Trick-or-Treat Saturday, October 31<sup>st</sup> from 6:00 p.m. to 7:30 p.m. Roll call vote carried unanimous.***

The Mayor announced that there have been inquiries and complaints about the maintenance of McCoy's Creek Trail and asked for discussion of maintenance

## Call to Order

## Pledge/Invocation

## Citizen Appreciation

## Roll Call

## Public Comments

## Consent Calendar

Agenda  
Minutes  
Checks  
Fine Arts Council  
Appointment  
Budget Amendment

## Reports

Recreation Dept.

Clerk Dept.

## New Business

Trick-or-Treat

McCoy's Creek  
Trail Maintenance  
Responsibility

responsibility. Trail Chairman Proud replied the Trail is a Linear Park under the auspices of the Recreation Board established by City ordinance. He reported the Committee's Mission and explained the \$1,000 donation set up in a trust fund specifically for maintenance with additional funding added to that, although the City does the mowing, trash removal, etc. Commissioner Weaver suggested that part-time and community service workers be designated to maintain the trail as they do other parks.

Bill Roundy, owner of Benjamin Franklin Plumbing distributed documents to the City Manager and Commission and alleged that he has had issues with the Department of Public Works since 2006 and the issues have been exacerbated since 2009. He requested that the issue be put on the next agenda for resolution. He summarized his issues and belief that certain companies are shown favoritism as the City had no rules or regulations on the bidding process. The Mayor replied to take under advisement and requested that it be put on the next meeting agenda.

City Manager comments were heard.

Commissioners' comments were heard.

A recess was taken at 8:10 p.m. and all went for a tour of the Tin Shop lead by Acting President Samantha Blevins.

***Cole moved, seconded by Moore to go into closed session at 8:16 p.m. to review minutes from August 27, 2009 Closed Session. Roll call vote carried unanimous.***

The Mayor reconvened the regular meeting at 8:17 p.m. with no decisions made in closed session.

***Cole moved, seconded by Moore to approve the Closed Session Minutes from August 27, 2009 to purchase or lease real property up to the time an option to purchase or lease that real property is obtained [15.268 Sec. 8. (d)]. Roll call vote carried unanimous.***

***Norton moved, seconded by Cole to adjourn the meeting at 8:19 p.m.***

**New Business**

**continued**

McCoy's Creek  
Trail Maintenance  
Responsibility

**Public Comments**

**City Manager &  
Commissioner  
Comments**

**Closed Session**

August 24, 2009  
Closed Session  
Minutes

**Adjourn**

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

\_\_\_\_\_  
Barbara J. Clark, Mayor

# CITY OF BUCHANAN COMMISSION MINUTES

September 28, 2009

The Mayor cancelled the first Public Hearing to invite and hear public comments regarding the request of Berrien Metal Products to have the property located at 460 Post Road, Buchanan, established as an Industrial Development District pursuant to Michigan Public Act 198 of 1974, as amended. The District was previously established.

## Public Hearing

The Mayor called the public hearing to order at 6:49 p.m. and invited public to express comments for the purpose of considering the application submitted by Berrien Metal Products granting an Industrial Facilities Exemption pursuant to Michigan Public Act 198 of 1974, as amended. Shelley Klug, Director from Southwestern Michigan Economic Growth Alliance (SMEGA) briefly explained the request. There being no verbal or written comments, ***Cole moved, seconded by Moore to adjourn the public hearing at 6:50 p.m. Roll call vote carried unanimous.***

Industrial Facilities  
Exemption Request  
from Berrien Metal  
Products, 460 Post  
Road

**The regular meeting of the City Commission** was held at City Hall, 302 N. Redbud Trail, Buchanan, Michigan, Monday, September 28, 2009. Mayor Clark called the meeting to order at 7:00 p.m.

## Call to Order

The Pledge was recited by all in attendance. Pastor Pat Ramsden gave the Invocation.

## Pledge/Invocation

Commissioners present: Barbara Clark, Carla Cole, Patricia Moore, William Norton, Warren Weaver

Commissioners absent: None

Staff present: City Manager Meg Mullendore, DDA Director Debra Patzer, and City Clerk Gladys Bybee

Guests/Visitors present: Moose Lodge President Chuck Porch, Dial-A-Ride Assistant Director Kim O'Haver, and SMEGA Director Shelley Klug along with 16 visitors

## Roll Call

***Moore moved, seconded by Cole to amend the Agenda by removing the Request to Establish an Industrial Development District at 460 Post Road (B.) under New Business. Roll call vote carried unanimous. Norton moved, seconded by Weaver to approve the Consent Calendar as amended. Roll call vote carried unanimous.***

## Consent Calendar

- Agenda as amended
- Minutes: Regular Meeting September 14, 2009
- Checks 58047 to 58134 in the amount of \$369,080.40
- Appoint Zachary Leitz to the Fine Arts Council to a term ending 2010
- Appoint Vladimir Tackett to the Fine Arts Council to a term ending 2012
- Approve Street Closure Request: Oak Street from Senior Center to Front Street, Front Street from Oak Street to the Moose Lodge for Halloween Parade

Agenda as amended

Minutes

Checks

Fine Arts Council  
Appointment

Street Closure

Porch requested approval of the Street Closure for the Halloween Parade and explained the festivities. He also gave a brief report of Moose activities.

## Reports

Moose Lodge

O'Haver gave a positive report on Dial-A-Ride with increased ridership and funding.

Dial-A-Ride

**New Business**

DDA Director Patzer summarized her memo regarding Clark Park while all reviewed. On behalf of the DDA, she asked if the DDA paid for an appraisal would the Commission accept the appraised value and reduce that amount from the \$250,000. accordingly. After shared discussion and deliberation, ***Moore moved, seconded by Cole to incur the expense of the appraisal for Clark Park in the amount of \$500. Roll call vote carried unanimous.***

Resolution  
2009.09/27, Dial-A-Ride Plan of Compliance with Title VI of Civil Rights

O’Haver explained the requirement by the State to adopt the Plan in detail. ***Weaver moved, seconded by Norton to approve the resolution as presented:*** Adopting a Plan of Compliance with Title VI of the Civil Rights Act of 1964 for the City of Buchanan Dial-A-Ride

**WHEREAS**, it is the policy of Buchanan Dial-A-Ride (DAR) to comply with the provisions of Title VI of the Civil Rights Act of 1964 (42 USC 2000d), as amended. This legislation requires that no person shall be denied services or subjected to discrimination in any program or activity which receives federal financial assistance, on the basis of race, color, or national origin.; and

**WHEREAS**, the City Commission has entered into an Agreement with Transportation Management Inc. (TMI) as its third party administrator to manage Buchanan Dial-A-Ride and appoints TMI Administrative Assistant Kimberly O’Haver to serve as Buchanan Dial-A-Ride Title VI Coordinator.

**NOW, THEREFORE, BE IT RESOLVED THAT:** the City Commission of the City of Buchanan adopt the Buchanan Dial-A-Ride Plan of Compliance with Title VI of the Civil Rights Act of 1964 Policy (42 USC 2000d), as amended.

***Roll call vote carried unanimous. Resolution 2009.09/27 declared adopted.***

12 year Industrial Facilities Exemption Application

Klug introduced Berrien Metal Products Owner Larry Barrett and he displayed pieces the company manufactures. He explained the exemption would give them the cutting edge of metal technology and the new piece of equipment has already retained one position. ***Weaver moved, seconded by Norton to approve the 12 year Industrial Facilities Exemption Application. Roll call vote carried unanimous.***

Resolution  
2009.09/28,  
Granting the IEC for Berrien Metal Products, 460 Post Road

***Moore moved, seconded by Cole to approve the resolution as presented:*** Resolution Granting an Industrial Exemption Certificate, Berrien Metal Products, 460 Post Road

**WHEREAS**, pursuant to Michigan Public Act 198 of 1974, M.C.L. 207.551 et seq. ("Act 198") after duly noticed public hearing held on September 28, 2009, this Buchanan City Commission (the "Commission") by resolution established the Andrews Farm Industrial Park’s "Industrial Development District" located at 460 Post Road, Buchanan, Michigan; and

**WHEREAS**, Berrien Metal Products, Inc. (the "Applicant") has filed an application for an Industrial Facilities Exemption Certificate (the "Certificate") with respect to personal property at 460 Post Road facility; and

**WHEREAS**, before acting on said application the Commission held a public hearing on September 28, 2009 at the Buchanan City Hall, at which hearing the Applicant, the Assessor and a representative of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

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

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

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

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

**Unfinished Business**

Appraisal for Clark Park

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

**Roll call vote carried unanimous. Resolution 2009.09/28 declared adopted.**

After explanation of fulfilling the Remedial Action Plan (RAP) at the Southeast Berrien County Landfill (SEBCL) by all five municipality owners with included language that the municipalities would not be held responsible for the loan, **Moore moved, seconded by Cole to authorize Mayor Clark and Manager Mullendore approval to vote in favor of the Southeast Berrien County Landfill entering into a letter of credit with 5/3 Bank pursuant to the terms of the Remedial Action Plan (RAP) as required by DEQ. Roll call vote carried unanimous.**

**Public Comments**

**City Manager & Commissioner Comments**

Randall Peart asked the status of ongoing preparation of Mill Race and McCoy’s Creek, pros and cons of City Hall upgrades, and access to the new water well.

**Closed Session**

City Manager comments were heard including an update as requested by Mr. Peart.

Commissioners’ comments were heard.

City Manager Evaluation

**Cole moved, seconded by Moore to go into closed session at 8:01 p.m. to discuss the personnel evaluation of the City Manager as requested [15.268 Sec. 8. (a)]. Roll call vote carried unanimous.**

**Adjourn**

The Mayor reconvened the regular meeting at 8:43 p.m.

The Mayor announced that Mullendore and Commission mutually agreed to extend the terms of the current City Manager Contract until the second meeting in November.

**Cole moved, seconded by Weaver to adjourn the meeting at 8:44 p.m.**

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

\_\_\_\_\_  
Barbara J. Clark, Mayor

**New Business continued**  
Resolution 2009.09/28

Authorization to Mayor & City Manager to vote in favor of Letter of Credit for SEBCL

# CITY OF BUCHANAN COMMISSION MINUTES

October 12, 2009

**The regular meeting of the City Commission** was held at City Hall, 302 N. Redbud Trail, Buchanan, Michigan, Monday, October 12, 2009. Mayor Clark called the meeting to order at 7:00 p.m.

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

Commissioner Norton read the biography and the Mayor presented the Citizen Appreciation Recognition Award to Jerry Flenar.

Commissioners present: Barbara Clark, Carla Cole, Patricia Moore, William Norton, Warren Weaver

Commissioners absent: None

Staff present: Police Chief Bill Marx and City Clerk Gladys Bybee

Guests/Visitors present: 8 visitors

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

- Agenda
- Minutes: Regular Meeting September 28, 2009
- Checks 58135 to 58215 in the amount of \$194,944.34
- Banner Placement Form for Faith United Methodist Women Sister Circle
- Street Closure Request: Front Street from Moose Lodge to Redbud; Redbud to Chicago; Chicago to Football Field for High School Homecoming Parade

Chief Marx explained the Police/Code Enforcement Department written report while all reviewed. Discussion was shared and the Chief commended for crime being down.

After a brief summary from the City Clerk and Commissioner deliberation, **Norton moved, seconded by Moore to approve the Construction Board of Appeals Procedures Amendment with a \$200.00 filing fee and \$20.00 compensation to each member. Roll call vote carried unanimous.**

Chief reported the boiler breakdown and failure to pass inspection at the Police Department. He explained the quotes he received to repair and/or replace the unit while Commissioners reviewed. After shared discussion, Chief recommended the Hickok quote for repair of the existing boiler and annual maintenance. **Weaver moved, seconded by Cole to approve the quote from Hickok Plumbing & Heating to repair the Boiler at the Police Department in the amount of \$6,636.44. Roll call vote carried unanimous.**

Weaver reported that he spoke with Public Services Director Willie Brown about the Limb and Brush Pick-up and clarified the size to be about a pick-up bed load and discussion was shared. **A motion was made by Weaver and seconded by Cole, and as amended, the motion was that brush collection be in a 6' by 6' by 10' pile on the tree lawn; would be the same for storm damage; accumulation larger than that would remain on the property for the property owner to take care of or if left it would qualify**

## Call to Order

## Pledge/Invocation

## Citizen Appreciation

## Roll Call

## Consent Calendar

Agenda  
Minutes  
Checks

Banner Placement

Street Closure

## Reports

Police/Code  
Enforcement Dept.

## New Business

Construction Board  
of Appeals  
Procedures

Police Department  
Boiler Repair

Limb and Brush  
Removal

*as a nuisance; and four inch diameter of branches or limbs only. Roll call vote carried unanimous.*

No City Manager comments were heard due to absence.

Commissioners' comments were heard.

*Moore moved, seconded by Weaver to go into closed session at 7:50 p.m. to review the September 28, 2009 Closed Session Minutes. Roll call vote carried unanimous.*

The Mayor reconvened the regular meeting at 7:55 p.m.

*Norton moved, seconded by Weaver to approve the September 28, 2009 Closed Session Minutes as reviewed in closed session. Roll call vote carried unanimous.*

*Cole moved, seconded by Weaver to adjourn the meeting at 7:56 p.m.*

**New Business continued**

Limb and Brush Removal

**City Manager & Commissioner Comments**

**Closed Session**

Review Closed Session Minutes

September 28, 2009 Minutes

**Adjourn**

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Gladys M. Bybee, CMC-City Clerk

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Barbara J. Clark, Mayor

CITY OF BUCHANAN COMMISSION MINUTES  
October 26, 2009

**The regular meeting of the City Commission** was held at City Hall, 302 N. Redbud Trail, Buchanan, Michigan, Monday, October 26, 2009. Mayor Clark called the meeting to order at 7:00 p.m.

The Pledge was recited by all in attendance. Pastor Pat Ramsden gave the Invocation.

Commissioners present: Barbara Clark, Carla Cole, William Norton, Warren Weaver  
Commissioners absent: Patricia Moore  
Staff present: City Manager Meg Mullendore and City Clerk Gladys Bybee  
Guests/Visitors present: Buchanan Garden Club President Liz Miller, DDA Director Debra Patzer along with 11 visitors

Debra Patzer requested to reserve time during the item on the agenda under new business: Discussion of Animals at City Hall.

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

- Agenda
- Minutes: Regular Meeting October 12, 2009
- Checks 58216 to 58293 in the amount of \$294,972.17
- Delinquent Township Billings-Certify to Winter 2009 Tax Roll
- Street Closure Request: Front from Liberty to Oak; Roe from Days to Oak; Days from Front to Roe; and Oak from Front to Roe for the Holiday Lighting Ceremony Parade
- Banner Placement Request: Holiday Lighting Ceremony

Buchanan Garden Club President Liz Miller distributed a 2009-2010 Buchanan Garden Club Booklet and summarized all of the programs the Garden Club has administered. She reported that member Tom Ferguson donated the funds to purchase the greens for the poles downtown if the City would install them at no cost. The City Manager and commission agreed to have the greens put up and thanked both Mr. Ferguson and the Garden Club.

Norton explained in detail the circumstances regarding the condemnation of 509 and 511 Michigan Street and the City receiving a quit claim deed for 509. After brief deliberation, ***Norton moved that the City obtain a title search and a warranty deed before moving forward to accept possession of the property. Weaver seconded the motion and roll call vote carried unanimous.*** He reported that seven properties are condemned and Code Enforcement is working diligently on cleaning them up.

After Commission deliberation and amendment, ***Weaver moved, seconded by Norton that the cats must leave City Hall by December 15<sup>th</sup> and only service animals be allowed to stay at to be in City Hall.*** Patzer spoke in objection to the motion. ***Roll call carried by majority. YEA: Norton, Weaver, Clark. NAY: Cole***

**Call to Order**

**Pledge/Invocation**

**Roll Call**

**Public Comments**

**Consent Calendar**

Agenda  
Minutes  
Checks

Certify Delinquent  
Township Billings  
Banner Placement

Street Closure

**Reports**

Buchanan Garden  
Club.

**Unfinished**

**Business**

509 Michigan Street  
Gift

**New Business**

Animals at City  
Hall

Norma Ferris, Randall Peart, Alejandra Guerrero and Liz Miller comments were heard.

The City Manager comments were heard including updates on the Duck Pond, Mill Race, City Hall Feasibility Study, access to the new well site, and the proposed senior living facility.

All Commissioners' commended the Garden Club and expressed sympathy to the Lyle Sumerix family. Individual Commissioner Comments were heard and the Mayor welcomed the City Manager back to work, but requested a Doctor's release.

*Cole moved, seconded by Norton to adjourn the meeting at 7:51 p.m.*

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Gladys M. Bybee, CMC-City Clerk

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Barbara J. Clark, Mayor

**Public Comments**

**City Manager  
Comments**

**Commissioner  
Comments**

**Adjourn**

CITY OF BUCHANAN COMMISSION MINUTES  
November 9, 2009

**The regular meeting of the City Commission** was held at the Buchanan Art Center, 117 W. Front Street, Buchanan, Michigan, Monday, November 9, 2009. Mayor Clark called the meeting to order at 7:00 p.m.

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

Commissioner Moore read the biography and the Mayor presented the Citizen Appreciation Recognition Award to Mary Lister.

Commissioners present: Barbara Clark, Carla Cole, Patricia Moore, William Norton  
Commissioners absent: Warren Weaver  
Staff present: City Manager Meg Mullendore, Treasurer Juli O’Bryant and Clerk Gladys Bybee  
Guests/Visitors present: Buchanan Art Center President Mary Lister, Plante-Moran Auditor Kenley Penner along with 13 visitors

***Norton moved, seconded by Cole to amend the October 26th minutes to read:*** After Commission deliberation and amendment, ***Weaver moved, seconded by Norton that the cats must leave City Hall by December 15<sup>th</sup> and only service animals be allowed to stay at to be in City Hall. Roll call vote carried unanimous.***

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

- Agenda
- Minutes: Regular Meeting October 26, 2009 as amended
- Checks 58294 to 58389 in the amount of \$215,138.56

Art Center President Mary Lister announced their five year anniversary and that the three galleries are booked through 2012. She explained increases in participation and visitors, funding endowment for the gift shop and the Roti Roti Gallery along with receipt of a \$10,000 grant. She thanked all for support and announced upcoming events/fundraisers.

The Treasurer gave a full report on tax cycles, dog licenses and different ways for customers to pay their utilities. She announced reduction in revenue sharing but commented that the Auditors would report later in the meeting.

Penner distributed and explained Board Presentation for 2008-2009 Fiscal Year Financial Audit Report while all reviewed. He summarized the Annual Report and commended the Commission on a Clean Audit. He went through “Reports to City Commission” and congratulated them on their fiscal responsibility.

After explanation from the City Manager and shared discussion, ***Cole moved, seconded by Norton to authorize the City Manager to enter into Agreement with Plante Moran to provide State mandated audit for Buchanan Dial-A-Ride. Roll call vote carried unanimous.***

**Call to Order**

**Pledge/Invocation**

**Citizen Appreciation**

**Roll Call**

**Consent Calendar**

Agenda

Minutes as amended

Checks

**Reports**

Buchanan Art Center

Treasurer Dept.

**New Business**

Plante Moran 2008  
2009 FY Financial  
Audit

Plante Moran Audi  
Agreement for Dia  
A-Ride

The City Manager explained the development of an Advisory Committee on the Improvement of Buchanan’s McCoy’s Creek Watershed Committee as all reviewed the proposal. After shared discussion, *Cole moved, seconded by Moore to create the Advisory Committee on the Improvement of Buchanan’s McCoy’s Creek Watershed, falling under the direction of the City Manager to assist in efforts of Remediation & Improvement of both McCoy’s Creek & the Mill Race as recommended. Roll call vote carried unanimous.*

Resolution  
2009.11/29,  
Records  
Management  
Handbook  
Guidelines &  
Approved Retention  
& Disposal  
Schedule

After explanation from the Clerk, *Cole moved, seconded by Norton to approve the Resolution as presented.* Updating Records Management Handbook Guidelines and Approved Retention and Disposal Schedule for Cities and Villages

**WHEREAS**, Public records are the property of the people of the State of Michigan. As a result, Michigan government agencies are responsible for ensuring that the public records they create and receive while conducting public business are retained and destroyed in accordance with Michigan law; Public Act 271 of 1913, as amended (MCL 399.5 and 399.10), the “Historical Commission Act”; and

**WHEREAS**, the City of Buchanan currently utilizes the Records Management Handbook printed by the Michigan Municipal League revised in March 1998; and

**WHEREAS**, the State of Michigan Department of Management & Budget, Records Management Services approved the updated version October 1, 2009.

**NOW, THEREFORE, BE IT HEREBY RESOLVED**, that the Buchanan City Commission hereby adopts the “State of Michigan Records Management Manual for Local Governments”, General Record Retention and Disposal Schedule #8 excluding Section Two: Airport; Section Eight: District Court, and Section Eleven: City Income Tax Office.

**City Manager & Commissioner’s Comments**

*Roll call vote carried unanimous. Resolution 2009.11/29 declared adopted.*

**Adjourn**

City Manager comments were heard.

Commissioners’ comments were heard.

*Cole moved, seconded by Norton to adjourn the meeting at 8:20 p.m.*

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

\_\_\_\_\_  
Barbara J. Clark, Mayor

**New Business continued**

Advisory Committee on the Improvement of Buchanan’s McCoy’s Creek Watershed

CITY OF BUCHANAN COMMISSION MINUTES

November 23, 2009

The regular meeting of the City Commission was held at the Buchanan City Hall, 302 N. Redbud Trail, Buchanan, Michigan, Monday, November 23, 2009. Mayor Pro-Tem Cole called the meeting to order at 7:00 p.m.

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

Commissioners present: Carla Cole, Patricia Moore, William Norton, Warren Weaver

Commissioners absent: Barbara Clark

Staff present: City Manager Meg Mullendore, Fire Chief Tim Gowen and Clerk Gladys Bybee

Guests/Visitors present: Kenton McAndrew, Water and Sewer Project Manager from Abonmarche along with 13 visitors

Cole moved, seconded by Norton to amend the Agenda to include D. Consider Approval of Emergency Expenditure Request in the amount not to exceed \$6,026. to Dubric for repair of the Return Activated Sludge (RAS) Pump for the Wastewater Treatment Plant and E. Consider Resolution 2009.11/\_\_\_, Supporting Girls on the Run® in Berrien County and Honorably Request that the City of Buchanan be the Host City for the 2010 Girls on the Run® Event in Berrien County. Roll call vote carried unanimous.

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

- Agenda as amended
- Minutes: Regular Meeting November 9, 2009
- Checks 58294 to 58389 in the amount of \$215,138.56

Fire Chief Tim Gowen distributed his written report and announced that fire calls were up due to accident calls and the exterior painting of the fire building was complete. He explained the trip to Charlotte with the City Manager to see the progress of the new fire truck construction.

Kenton McAndrew reported that the City received bids for the water project, however the water tower did not receive any bids and per the DEQ we have to go back out to bid with an opening on the 23rd. He explained that the bids came in as expected but were below the total amount anticipated. Moore moved, seconded by Weaver to approve the bid for the Third Street Water Contract to Selge Construction in the amount of \$134,440.; Transmission Main to Selge Construction in the amount of \$349,380.15; Water Control Building to L.D. Docsa in the amount of \$999,900.; Valve Replacements to SW Transport in the amount of \$76,500.; and the Metering System to ETNA Supply in the amount of \$670,000. as presented and recommended. Roll call vote carried unanimous.

After shared discussion, Norton moved, seconded by Weaver to approve the Demolition Policy for the City of Buchanan and Resolution establishing the fee schedule as recommended by the City Manager. Roll call vote carried unanimous.

WHEREAS, the City Commission approved the Structure Demolition Policy, and WHEREAS, pursuant to said Policy the City Commission shall set the costs and/or fees for the issuance of a Demolition of Structures Permit, and

WHEREAS, the fees shall be included with the City of Buchanan -- Schedule of Fees and Charges.

NOW THEREFORE, BE IT RESOLVED THAT FEES SHALL BE ESTABLISHED AS FOLLOWS:

Commercial/Industrial	Residential
\$100.00	\$50.00

Resolution 2009.11/30 declared adopted.

Call to Order

Pledge/Invocation

Roll Call

Consent Calendar

Agenda as amended

Minutes

Checks

Reports

Buchanan Fire Dept.

Unfinished Business

Bid Awards for Water Supply System

New Business

Demolition Policy and Resolution 2009.11/30, Demolition Permit Fee Schedule

Mullendore reported that Fishbeck, Thompson, Carr & Huber, Inc. has been preparing the storm water permit applications for several years as required by Department of Environmental Quality (DEQ) and questions were shared with Commission. **Moore moved, seconded by Weaver to approve the four Year Agreement with Fishbeck, Thompson, Carr & Huber, Inc. to perform required DEQ National Pollutant Discharge System (NPDES) Storm Water Permit Requirements at an expense of \$6,063.00 annually from January 1, 2010 through December 31, 2013 as recommended. Roll call vote carried unanimous.**

After brief explanation from the City Manager and pictures passed around for members to review, **Weaver moved, seconded by Moore to approve the emergency expenditure for repair of the Return Activated Sludge Pump in the amount not to exceed \$6,026 to Dubric as recommended. Roll call vote carried unanimous.**

After explanation and confirmation of the impact to the City from the City Manager, **Moore moved, seconded by Norton to approve the resolution Supporting Girls on the Run® in Berrien County and Honorably Request that the City of Buchanan be the Host City for the 2010 Girls on the Run® Event in Berrien County.**

**WHEREAS**, Girls on the Run® is a life-changing after-school program for girls in 3rd to 5th grades. The program combines training for a 3.1 mile running event with self-esteem enhancing, uplifting workouts. The goals of the program are to encourage positive emotional, social, mental, spiritual and physical development; and

**WHEREAS**, Girls on the Run® combines training for 5K (3.1 miles) running event with healthy living education. The programs instill self-esteem through health education, life skills development, mentoring relationships and physical training – all of which are accomplished through an active collaboration with girls and their parents, schools, volunteers, staff, and the community; and

**WHEREAS**, the Girls on the Run® objective is to reduce the potential display of at-risk activities amount its participants; and

**WHEREAS**, the goal is fewer adolescent pregnancies and eating disorders, less depression and suicide attempts, as well as fewer substance/alcohol abuse problems and confrontations with the juvenile justice system.

**NOW THEREFORE, BE IT RESOLVED**, that the City Commission of the City of Buchanan hereby confirms support for the Girls on the Run® of Berrien County.

**BE IT FURTHER RESOLVED**, that the City Commission of the City of Buchanan wishes to invite and host the Girls on the Run® final event in 2010 in the City of Buchanan.

**Roll call vote carried unanimous. Resolution 2009.11/31 declared adopted.**

**Arthur Forbes**, owner of Blue Ribbon Taxi out of South Bend introduced Kerry and Heidi Kerr based out of Niles and wanted their intentions known that they wish to operate a 24 hour taxi cab here in the City. Questions and discussion was shared with the Commission and City Manager.

**Kathy Hempel** brought greetings from Stella Proud and reported she is doing well and wishes all Happy Thanksgiving.

City Manager comments were heard.

Commissioners' comments were heard.

**Weaver moved, seconded by Norton to adjourn the meeting at 7:45 p.m.**

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

\_\_\_\_\_  
Carla Cole, Mayor Pro Tem

**New Business continued**

Agreement with Fishbeck, Thompson, Carr & Huber, Inc. for NPDES

Return Activated Sludge Pump Emergency Repair

Resolution 2009.11/31, Supporting Girls on the Run® in Berrien County and Honorably Request that the City of Buchanan be the Host City for the 2010 Girls on the Run® Event in Berrien County

**Public Comments**

**City Manager & Commissioner's Comments**

**Adjourn**

CITY OF BUCHANAN COMMISSION MINUTES

December 14, 2009

The regular meeting of the City Commission was held at the Buchanan City Hall, 302 N. Redbud Trail, Buchanan, Michigan, Monday, December 14, 2009. Mayor Pro-Tem Cole called the meeting to order at 7:00 p.m.

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

Commissioner Moore read the biography of Sweet C Robinson and Mayor Pro Tem presented Citizen Appreciation Recognition Award.

Commissioners present: Carla Cole, Patricia Moore, William Norton, Warren Weaver

Commissioners absent: Barbara Clark

Staff present: City Manager Meg Mullendore, Fire Chief Tim Gowen and Clerk Gladys Bybee

Guests/Visitors present: Plan Commission Chairman Richard Wonacott and Kim O’Haver, Transportation Management, Inc. Assistant Director along with 6 visitors

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

- Agenda
- Minutes: Regular Meeting November 23, 2009
- Minutes: Special Meeting December 3, 2009
- Checks 58450 to 58574 in the amount of \$191,559.75

Chairman Wonacott reported that the Plan Commission considered a Zoning Ordinance Update but was cost prohibitive thus a revision would be done in house per the City Manager direction, one building review in Ottawa Ridge, and a few Design Review Meetings. Greetings were shared.

After brief explanation and recommendation from the City Manager, *Weaver moved, seconded by Moore to approve the Transportation Contract Extension with Transportation Management, Inc. for Buchanan Dial-A-Ride at \$42.04 per vehicle hour up to the contract maximum of \$156,599 and authorize City Manager Meg Mullendore and City Treasurer Julianne O’Bryant to endorse said Contract. Roll call vote carried unanimous.*

After brief explanation and shared discussion, *Norton moved, seconded by Moore to approve the resolution as presented.* Taxicab Driver’s License and Taxicab Business License Fee Schedule **WHEREAS**, Chapter 18, Businesses of the Code of Ordinances for the City of Buchanan sets forth the licensing of Taxicabs in the City of Buchanan, and

**WHEREAS**, pursuant to Chapter 18, Section 18-45 a fee for the issuance of a Taxicab Business License shall be established by the City Commission by resolution, and

**WHEREAS**, pursuant to Chapter 18, Section 18-65 a fee for the issuance of a Taxicab Driver’s License shall be established by the City Commission by resolution, and

**WHEREAS**, pursuant to Chapter 18, Section 18-44 (c) minimum insurance protection for each taxicab shall be established by the City Commission by resolution, and

**WHEREAS**, the fees shall be included with the City of Buchanan - Schedule of Fees and Charges.

**NOW THEREFORE, BE IT RESOLVED THAT FEES SHALL BE ESTABLISHED AS FOLLOWS:**

Taxicab Business License \$50.00

Renewal Fee (bi-annual)

Taxicab Driver’s License \$25.00

\$20.00

**BE IT FURTHER RESOLVED** that minimum insurance protection for each taxicab shall be in the amount of two-hundred fifty-thousand dollars (\$250,000.00) for injury to or death of one (1) person and one-million dollars (\$1,000,000.00) for injury to or death of more than one (1) person resulting from a

Call to Order

Pledge/Invocation

Citizen Appreciation

Roll Call

Consent Calendar

Agenda  
Minutes  
Checks

Reports  
Plan Commission

New Business  
Dial-A-Ride  
Extension  
Agreement w/TMI

Resolution  
2009.11/33,  
Taxicab Driver’s  
License and Taxicab  
Business License Fe  
Schedule

single accident, and five-hundred thousand dollars (\$500,000.00) for damage to property (including personal belongings or baggage of passengers) as a result of one (1) accident.

**Roll call vote carried unanimous.** Resolution 2009.12/33 declared adopted.

Fire Chief Gowen summarized the MABIS Compact that had been adopted by all of Berrien County and discussion was shared regarding MEMAC. **Weaver moved, seconded by Norton to approve the resolution as presented.** Michigan Emergency Management Assistance Compact (MEMAC) out of State

**WHEREAS**, the State of Michigan Emergency Management Act, Act 390 of the Public Acts of 1976, as amended M.C.L. 30.401 et.seq. authorizes the State and its political subdivisions to provide emergency aid and assistance in the event of a disaster or emergency; and

**WHEREAS**, the statutes also authorize the State to coordinate the provision of any equipment, services, or facilities owned or organized by the State or its political subdivisions for use in the affected area upon request of the duly constituted authority of the area; and

**WHEREAS**, this Resolution authorizes the request, provision, and receipt of interjurisdictional mutual assistance in accordance with the Emergency Management Act, Act 390 of the Public Acts of 1976, as amended among political subdivisions within the State;

**NOW, THEREFORE**, be it resolved by the City Commission of the City of Buchanan that in order to maximize the prompt, full and effective use of resources of all participating governments in the event of an emergency or disaster we hereby adopt the Michigan Emergency Management Assistance Compact which is attached hereto and incorporated by reference.

**Roll call vote carried unanimous.** Resolution No. 2009.12/34 declared adopted.

Norton explained that he and Commissioner Weaver attended both meetings of the ad hoc Advisory Committee on the Improvement of Buchanan’s McCoy’s Creek Watershed and **moved that the Committee is an advisory committee only, and all recommendations and proposed expenditures must be reviewed and approved by the Buchanan City Commission. Weaver seconded the motion and roll call vote carried unanimous.**

City Manager and Commissioners’ comments were heard. All thanked and congratulated Sweet C Robinson and sent wishes for all to have a Happy Holiday Season.

**Weaver moved, seconded by Moore to adjourn the meeting at 7:37 p.m.**

**New Business continued**

Resolution 2009.11/33

Resolution 2009.11/34, Michigan Emergency Management Assistance Compact (MEMAC) out of State

Advisory Committee on the Improvement of Buchanan’s McCoy’s Creek Watershed

**City Manager & Commissioner’s Comments**

**Adjourn**

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

\_\_\_\_\_  
Carla Cole, Mayor Pro Tem

CITY OF BUCHANAN COMMISSION MINUTES  
December 28, 2009

The regular meeting of the City Commission was held at the Buchanan City Hall, 302 N. Redbud Trail, Buchanan, Michigan, Monday, December 28, 2009. Mayor Pro-Tem Cole called the meeting to order at 7:01 p.m.

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

Commissioners present: Carla Cole, Patricia Moore, William Norton, Warren Weaver

Commissioners absent: Barbara Clark

Staff present: City Manager Meg Mullendore and Clerk Gladys Bybee

Guests/Visitors present: 1 reporter

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

- Agenda
- Minutes: Regular Meeting December 12, 2009
- Checks 58575 to 58638 in the amount of \$695,033.39
- Resolution 2009.12/35, A Resolution to revoke Industrial Facilities Exemption Certificate No. 98-249 for Leader Technologies in the City of Buchanan

**WHEREAS**, Industrial Development District No. 58-01-98 was established by Resolution No. 98-14, dated June 22, 1998 for Leader Technologies, located at 206 Main Street, Buchanan, Michigan 49107; and

**WHEREAS**, the City of Buchanan, on June 22, 1998 approved Industrial Facilities Exemption Certificate now identified as IFT No. 98-249 for Leader Technologies for \$-0- for real property and \$1,255,000 for personal property for 12 years, expiring December 30, 2012, and authorizing the Mayor and City Clerk to sign the City of Buchanan Industrial Facilities Exemption Certificate IFT Agreement as required under P.A. 198 of 1974 as amended, and

**WHEREAS**, Leader Technologies closed its entire facility and operation on December 31, 2007, and is no longer in operation in the City of Buchanan, and

**WHEREAS**, Gordon Schreiber, Assessor on December 15, 2009 reviewed this matter and recommends to the Buchanan City Commission to revoke the Industrial Facilities Exemption Certificate No. 98-249 for Leader Technologies, now therefore;

**BE IT RESOLVED**, that the Commission for the City of Buchanan revokes Industrial Facilities Exemption Certificate No. 98-249 for Leader Technologies, and

**BE IT FURTHER RESOLVED**, that the Commission for the City of Buchanan requests the Michigan State Tax Commission to revoke Industrial Facilities Exemption Certificate No. 98-249 for Leader Technologies.

- Acknowledge Public Hearing for Monday January 11, 2010 at 7:00 p.m. to invite and hear public comments to amend Chapter 18 BUSINESSES, Article II. Taxicabs

City Manager and Commissioners' comments were heard.

*Weaver moved, seconded by Moore to adjourn the meeting at 7:05 p.m.*

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

\_\_\_\_\_  
Carla Cole, Mayor Pro Tem

Call to Order

Pledge/Invocation

Roll Call

Consent Calendar

Agenda  
Minutes  
Checks  
Resolution  
2009.12/35,  
Revoking IFEC 98-  
249 for Leader  
Technologies

Acknowledge  
Public Hearing for  
Taxicab Ordinance  
Amendment

City Manager &  
Commissioner's  
Comments

Adjourn