

CITY OF BUCHANAN COMMISSION MINUTES  
January 11, 2010

Public Hearing

The Mayor called the public hearing to order at 7:01 p.m. and invited public to express comments regarding an Ordinance of the City of Buchanan, amending Chapter 18, Businesses, Article VII., Taxicabs, Division 3. Driver's License, Section 18-64, Issuance; Badge; Division 5. Rules of Operation, Section 18-107. Rate of Fare; Manner of Charging; and Division 5. Rules of Operation, Section 18-114. Dress of Drivers. No public or written comments received. The Mayor closed the Public Hearing at 7:02 p.m.

Call to Order

**The regular meeting of the City Commission** was held at the Buchanan City Hall, 302 N. Redbud Trail, Buchanan, Michigan, Monday, January 11, 2010. Mayor Clark called the meeting to order at 7:03 p.m.

Pledge/Invocation

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

Appreciation  
Recognition  
Award

Commissioner Moore read the biography of the Berrien County Civitan Club and the Mayor presented the Appreciation Recognition Award to Phyllis Davis, President.

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, and Clerk Gladys Bybee

Guests/Visitors present: Phyllis Davis, Civitan President 13 visitors including 1 reporter

Roll Call

***Moore moved, seconded by Cole to amend the Consent Calendar by removing item E. Banner Placement Request for BYSBA Sign Up and place it under New Business and also add, under New Business, Consider Authorization of Investigation of Oak Ridge Cemetery for Paranormal Phenomena. Roll call vote carried unanimous. Cole moved, seconded by Moore to approve the Consent Calendar as amended. Roll call vote carried unanimous.***

Consent Calendar

Agenda as amended

- Agenda
- Minutes: Regular Meeting December 28, 2009
- Checks 58639 to 58732 in the amount of \$222,051.27
- Notice of Meetings in 2010 for City of Buchanan City Boards

Minutes  
Checks  
2010 Notice of  
Meetings

Civitan President Phyllis Davis introduced members' of the board in attendance and invited interested individuals to join the organization. Greetings were shared.

After brief summary from the City Manager, ***Cole moved, seconded by Weaver to approve the ordinance as presented.***

CITY OF BUCHANAN, BERRIEN COUNTY, MICHIGAN AN ORDINANCE AMENDING CHAPTER 18, DIVISION 3 AND DIVISION 5

THE CITY OF BUCHANAN ORDAINS: Chapter 18, "BUSINESSES" Division 3 and Division 5, of the Buchanan Code of Ordinances is amended as follows:

**Division 3. Driver's License**

**Sec. 18-64. Issuance.**

If the application for a taxicab driver's license is approved by the city commission, the chief of police shall return the application, together with his approval endorsed thereon, to the city clerk, who shall issue to the applicant a taxicab driver's license. (Ord. No. 327, § 20.623(4), 12-29-92)

Ordinance  
2010.01/381,  
Taxicab Ordinance  
Amendment

**Division 5. Rules of Operation**

**Sec. 18-107. Rate of fare; manner of charging.**

Section 18-107 is repealed in its entirety.

**Sec. 18-114. Dress of drivers.**

Section 18-114 is repealed in its entirety.

**Roll call vote carried unanimous.** Ordinance 2010.01/381 declared adopted.

The City Manager reported that Cemetery staff referred Alex Cooper to her with a request to investigate paranormal phenomena activity in Oak Ridge Cemetery about the end of January. She explained that the Friends of Oak Ridge Cemetery staff was not opposed to request but she had not received any paperwork from them nor Mr. Cooper. Discussion was shared between commissioners and city manager. She and the City Attorney did not give a definitive opinion and after brief deliberation **Norton moved, seconded by Weaver to deny the request. Roll call vote carried by majority. YEA: Moore, Norton, Weaver, Clark. ABSTAIN: Cole**

The City Manager stated that the banner policy only allows a two week period for display and the applicant requested dates from January 15<sup>th</sup> to February 20<sup>th</sup>. **Moore moved, seconded by Cole to approve the banner placement for Buchanan Youth Softball Baseball Association (BYSBA) Sign Up for a two week period with the dates selected by the applicant. Roll call vote carried unanimous.**

Public comments were heard from Randall Peart and Rae Ann Clark.

City Manager and Commissioners' comments were heard.

**Cole moved seconded by Weaver to go into closed session at 7:56 p.m. for the personnel evaluation of the City Manager as requested by the City Manager [15.268 Sec. 8. (a).] Roll call vote carried unanimous.**

The Mayor reconvened the regular meeting at 9:09 p.m.

**Cole moved, seconded by Moore to adjourn the meeting at 9:09 p.m.**

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Gladys M. Bybee, CMC-City Clerk

\_\_\_\_\_  
Barbara Clark, Mayor

Taxicab Ordinance  
Amendment

**New Business**

Request to  
Investigate  
Paranormal  
Phenomena in Oak  
Ridge Cemetery

BYSBA Banner  
Approval

**Public Comments**

**City Manager &  
Commissioner's  
Comments**

**Closed Session**

**Adjourn**

**Unfinished Business continued**

Ordinance 2010.01/381,

CITY OF BUCHANAN COMMISSION MINUTES

January 25, 2010

The regular meeting of the City Commission was held at the Buchanan City Hall, 302 N. Redbud Trail, Buchanan, Michigan, Monday, January 25, 2010. Mayor Pro-Tem Cole called the meeting to order at 7:00 pm.

The Pledge was recited by all in attendance. Invocation was led by Pastor Pat.

Commissioners present: Carla Cole, Patricia Moore, William Norton, Warren Weaver  
Commissioners absent: Barbara Clark  
Staff Present: City Manager Meg Mullendore  
Guest/Visitors present: Kim O’Haver, SMCAS Director Tim Grey, Abonmarche Consultants  
Kenton McAndrew and Jeffrey Saylor, 26 visitors and one reporter

One visitor spoke regarding an item that appeared on the agenda

*Norton moved, seconded by Moore to remove from the agenda section XII. Closed Session To review minutes from January 11, 2010 Closed Session, Personnel Evaluation of the City Manager as requested [15.268 Sec. 8. (a)] and deal with this matter at a later date. Roll call vote carried unanimous.*

*Moore moved, seconded by Cole that on page 2 under new business on line three, delete the words Friends of and the word staff be inserted after the word Cemetery. Roll call vote carried unanimous.*

*Moore moved, seconded by Weaver to approve the consent calendar as amended. Roll call vote carried unanimous.*

- Agenda
- Minutes: Regular Meeting January 11, 2010
- Approve Checks 58733 to 58818 in the amount of \$541,133.64
- Approve Banner Placement Request for Buchanan Athletic Boosters Tournament
- Resolution 2010.01/02, Negotiate the Summer School Tax Collection Fee
- Mid Year Budget Amendment, General Fund, Fiscal 2009-2010
- Approve Farmers’ Market By-Laws Change

There were no reports offered

There were no unfinished business matters to take care of

After a brief summary from Kim O’Haver regarding MDOT Project Authorization FY 2011 Section 5311 Operating, *Moore moved, seconded by Weaver to approve Resolution 2010.01/03, Accepting Operating Agreement and Authorizing the Mayor and Transportation Coordinator to sign the same. Roll call vote carried unanimous.*

Commissioner Moore explained that commissioners have a responsibility to serve on various boards and committees. After a brief discussion, it was determined that Commissioner Representative Board Appointments would not change. *Moore moved, seconded by Norton to approve the Commissioner Representative Board Appointments as submitted. Roll call vote carried unanimous.*

2010-2011 Budget Process Schedule information was explained by the City Manager. *Weaver moved, seconded by Cole that we approve the Budget Process Schedule. Roll call vote carried unanimous.*

Public comments were heard on any non agenda matters  
Tim Grey, Director of SMCAS provided a mid year summary regarding SMCAS activity and budget matters. Public comments were also heard from Randy Bickert and Jim King.

Call to Order

Pledge / Invocation

Roll Call

Public Comment

Consent Calendar

Agenda as amended

Minutes as corrected

Checks  
Banner request  
Resolution 2010.01/02  
Budget Amendment  
Farmers Market By Laws

Reports

Unfinished Business

New Business  
Resolution 2010.01/03  
Resolution of Intent  
For Dial-A-Ride

Commissioner  
Board Appointments

2010-11 Budget  
Process Schedule

Public Comments

CITY OF BUCHANAN COMMISSION MINUTES  
January 25, 2010

City Manager and Commissioners' comments were heard.

**City Manager &  
Commissioner's  
Comments**

The City Hall Study Public Meeting Work Session will begin after a brief break.  
Commission Cole declared this meeting adjourned at 7:41 pm.

**Adjourn**

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Jane Lano, Bertrand Township Clerk  
Acting in the absence of Gladys Bybee

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Carla Cole, Mayor Pro Tem

CITY OF BUCHANAN COMMISSION MINUTES  
February 9, 2010

**The regular rescheduled (due to the funeral of Mayor Barbara Clark) meeting of the City Commission** was held at the Buchanan City Hall, 302 N. Redbud Trail, Buchanan, Michigan, Tuesday, February 9, 2010. Mayor Pro Tem Cole called the meeting to order at 7:00 p.m.

Reverend Leonard Bailey asked for a moment of silence for Mayor Barbara Clark and then gave the Invocation. The Pledge was recited by all in attendance.

Commissioner Norton read the biography of James Kidd and Dalton Shearer and the Mayor Pro Tem presented the Appreciation Recognition Award to James Kidd and Dalton Shearer.

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

Commissioners absent: None

Staff present: City Manager Meg Mullendore, City Attorney Randy Hyrns, and Clerk Gladys Bybee

Guests/Visitors present: 32 visitors including 1 reporter

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

- Agenda
- Minutes: Regular Meeting January 25, 2010  
Work Session January 25, 2010
- Checks 58819 to 58915 in the amount of \$643,528.38
- Banner Placement Request for Buchanan School Farm Plow Day from April 2-18

After recommendation from the City Manager, ***Moore moved, seconded by Norton to reschedule the annual goal session until after the 5<sup>th</sup> member of the commission is appointed. Roll call vote carried unanimously.***

City Attorney Randy Hyrns announced the 30 day process, per the Charter, in which the City Commission has to fill the vacancy on the commission. ***Moore moved, seconded by Weaver to regretfully inform the citizens of the passing of Barbara J. Clark, Mayor for the City of Buchanan. Roll call vote carried unanimously.*** Upon Norton's request, Mullendore explained the three parts of the application to fill the vacancy and clarified the specific process of the filing procedure.

Hyrns reported that he researched how to fill the vacancy of the Mayor position as requested and issued an attorney opinion letter for the City Commission to review. He stated that it was the Commission's choice to go into closed session, but they could discuss the matter in open session. If the commission chose closed session they would need a two-thirds vote and recommended moving the Mayoral Vacancy Process to XII Closed Session already on the agenda as number XII. ***Norton moved, seconded by Moore to move the discussion of the Mayoral Vacancy Process to number XII. Closed Session. Roll call vote carried unanimously.***

**Call to Order**

**Pledge/Invocation**

**Appreciation  
Recognition  
Award**

**Roll Call**

**Consent Calendar**

Agenda

Minutes

Checks

Banner Placement

**Unfinished  
Business**

Reschedule Annual  
Goal Setting Mtg.

**New Business**

Process for City  
Commission  
Appointment

Mayoral Vacancy  
Process

Public comments were heard from Randall Peart and he distributed his written suggestions on City Hall renovations/relocation to Commissioners.

**Public Comments**

City Manager and Commissioners' comments were heard. The City Manager noted that a quote was received to repair and upgrade PEG Channel 17 at an estimate of a little over \$26,000 and we would be applying for a grant.

**City Manager & Commissioner's Comments**

*Weaver moved seconded by Moore to go into closed session at 7:30 p.m. to review the January 11, 2010 minutes from the personnel evaluation of the City Manager as requested by the City Manager [15.268 Sec. 8. (a).] and Review of Confidential Attorney Opinion Letter [15.268 Sec. 8. (h).]. Roll call vote carried unanimously.*

**Closed Session**

The Mayor Pro Tem reconvened the regular meeting at 7:51 p.m.

*Norton moved, seconded by Moore to approve the Closed Session Minutes from January 11, 2010. Roll call vote carried unanimously.*

Closed Session Minutes

The Mayor Pro Tem announced that the Mayor position would be filled within 30 days.

Mayoral Position

*Moore moved, seconded by Norton to adjourn the meeting at 8:55 p.m.*

**Adjourn**

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Gladys M. Bybee, CMC-City Clerk

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Carla Cole, Mayor Pro Tem

CITY OF BUCHANAN COMMISSION MINUTES  
February 22, 2010

The regular scheduled meeting of the City Commission was held at the Buchanan City Hall, 302 N. Redbud Trail, Buchanan, Michigan, Monday, February 22, 2010. Mayor Pro Tem Cole called the meeting to order at 7:00 p.m.

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

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

Commissioners absent: None

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

Guests/Visitors present: 23 visitors including 1 reporter

State Representative Sharon Tyler reported on the upcoming budget and legislative actions currently being reviewed and testimony being heard. Cole asked about the sales tax verses services tax and state shared revenue. Tyler said hard changes for all of us.

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

- Agenda
- Minutes: Regular Rescheduled Meeting February 9, 2010
- Checks 58916 to 58996 in the amount of \$196,245.93
- Approve Banner Placement Request for Buchanan Athletic Boosters from March 8 to 22 (Front Street)
- Banner Placement Request for Buchanan Youth Softball Baseball Association (BYSBA) from February 23 to March 9 (Front Street)
- Banner Placement Request for Chamber of Commerce from March 10 to 24 (Redbud Trail)

Assessor Schreiber reported he has been reviewing properties with building permits and code violations and also working with Chamber Director Monroe Lemay and DDA Director Debra Patzer for businesses for the forthcoming assessment roll. He explained his two page written report while all reviewed.

Commissioner Moore reported that she requested "Election to fill Mayor Vacancy" to be on the agenda as she wanted to let other commissioners know that she had sent information to the City Attorney to review and re-evaluate his Attorney's Opinion regarding the Mayor vacancy.

After explanation from the City Manager that Premier Tool and Die Cast Corp wishes to sell their business/property, *Weaver moved, seconded by Norton to waive the Right to Repurchase Property from Premier Tool and Die Cast Corp and Deliver the Signed Waiver for Lot 4 of the Andrews Farm Industrial Park and authorizes the City Manager to sign said waiver. Roll call vote carried unanimously.*

Downtown Development Authority (DDA) Chairman Dave Hagey explained the need for the City and DDA to meet and discuss the exchange of properties owned by the DDA and the \$250,000 loan. He asked that the Commission establish a meeting date and time to

Call to Order

Pledge/Invocation

Roll Call

Public Comments

Consent Calendar

Agenda

Minutes

Checks

Banner Placements

Reports

Assessor Dept.

Unfinished

Business

Election to fill  
Mayor Vacancy

New Business

Waiver to  
repurchase property  
Lot 4, Andrews  
Farm Industrial Pa

Joint meeting with  
DDA

Commission Meeting Minutes February 22, 2010  
meet with the DDA members. After shared discussion, it was agreed that the City Manager and the DDA Director would set up the meeting for March 10<sup>th</sup>.

No Public Comments were heard.

City Manager and Commissioners' comments were heard.

*Weaver moved seconded by Moore to go into closed session at 7:55 p.m. to review the February 8, 2010 minutes from the Review of Confidential Attorney Opinion Letter [15.268 Sec. 8. (h)]. Roll call vote carried unanimously.*

The Mayor Pro Tem reconvened the regular meeting at 8:00 p.m.

*Norton moved, seconded by Moore to approve the Closed Session Minutes from January 11, 2010. Roll call vote carried unanimously.*

*Moore moved, seconded by Norton to adjourn the meeting at 8:01 p.m.*

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Gladys M. Bybee, CMC-City Clerk

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Carla Cole, Mayor Pro Tem

Page 2 of 2

Joint meeting with  
DDA

**Public Comments**

**City Manager &  
Commissioner's  
Comments**

**Closed Session**  
Review 02-08-10  
Minutes

Closed Session  
Minutes

**Adjourn**

**New Business continued**

CITY OF BUCHANAN COMMISSION MINUTES  
March 8, 2010

The regular scheduled meeting of the City Commission was held at the Buchanan City Hall, 302 N. Redbud Trail, Buchanan, Michigan, Monday, March 8, 2010. Mayor Pro Tem Cole called the meeting to order at 7:00 p.m.

The Pledge was recited by all in attendance. Pastor Dave Mitchell gave the Invocation.

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

Commissioners absent: None

Staff present: City Manager Meg Mullendore and Clerk Gladys Bybee

Guests/Visitors present: Steve Graffenius along with 12 visitors including 1 reporter

David Hagey confirmed how many candidate's qualified for filling the Commissioner vacancy and then requested to withdraw his paperwork and Letter of Intent.

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

- Agenda
- Minutes: Regular Rescheduled Meeting, February 22, 2010 and 2010-2011 Budget Work Session, March 1, 2010
- Checks 58997 to 589074 in the amount of \$202,675.00
- Resolution 2010.03/04, Supporting the Buchanan Fine Arts Council to Continue Utilizing City Owned Property (Tin Shop Theatre)  
**WHEREAS**, the Buchanan City Commission declared support of the Buchanan Fine Arts Council on April 22, 1985 with a Resolution (#12,952), on March 27, 2000 with Resolution 11, and again on February 25, 2005 with Resolution 5; and  
**WHEREAS**, the previous Resolution was for a period of 60 months and will expire March 2010; and  
**WHEREAS**, the Buchanan Fine Arts Council continues its plan for cultural development within the City of Buchanan; and  
**WHEREAS**, the City Commission for the City of Buchanan continues its desire to support those goals and objectives and holds title to a parcel of property located at the southwest corner of Roe Street and Days Avenue in the City of Buchanan; and  
**WHEREAS**, it is the desire of the City to retain said property without dedication to any particular purpose.  
**NOW, THEREFORE, BE IT RESOLVED** that the City owned property at the southwest corner of Roe Street and Days Avenue in the City of Buchanan, be for their use and development for a period not to exceed 60 months from date of action.  
**BE IT FURTHER RESOLVED** that the City Commission of the City of Buchanan retains the right to rescind this declaration of use in the event the Fine Arts Council for the City of Buchanan should cease to utilize said property or in the event the City Commission of the City of Buchanan should find a necessary use commensurate with the revitalization of the downtown area; provided, however, in such a later event, reimburse the Fine Arts Council for any expenditures of funds on said property.  
**BE IT FURTHER RESOLVED** that the Fine arts Council for the City of Buchanan shall have a first right of extension of said use of said property.
- Set a Public Hearing for April 12, 2010 at 7:00 p.m. to consider granting an Industrial Facilities Exemption Certificate Transfer for the time remaining (through 2016) for C & S Machine Products

*Moore moved, seconded by Norton to regretfully accept the withdrawal request from David Hagey. Roll call vote carried unanimously. Moore moved, seconded by Weaver to appoint Joe Scanlon to fulfill the vacant seat through November, 2010. Roll call vote carried unanimously.*  
The clerk administered the Oath of Office.

Call to Order

Pledge/Invocation

Roll Call

Public Comments

Consent Calendar

Agenda

Minutes

Checks

Resolution  
2010.03/04, Support  
for the Fine Arts  
Council to continue  
utilizing city owned  
property (Tin Shop  
Theatre)

Public Hearing to  
transfer IFEC

Unfinished  
Business

Appointment to fill  
Commissioner  
Vacancy

***Moore moved to designate Carla Cole as Mayor. Cole seconded the motion and the motion carried by majority. YEA: Moore, Cole, Scanlon. NAY: Norton, Weaver.***

The clerk administered the Oath of Office.

Reliable Disposal Sales Manager Steve Graffenius requested that the monthly recycling day change to once every four weeks at no additional cost to the customer instead of once a month effective April 29 with that date being the first pick up day. He confirmed that letters will be sent, extra bins can be obtained at no extra cost, will still have first of May pick-up, and will have 13 recycling pickup days instead of 12. After brief discussion,

***Weaver moved, seconded by Moore to approve the change in recycling collection to every four weeks. Roll call vote carried unanimously.***

No Public Comments were heard.

City Manager and Commissioners' comments were heard.

***Moore moved, seconded by Norton to adjourn the meeting at 7:29 p.m.***

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Gladys M. Bybee, CMC-City Clerk

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Carla M. Cole, Mayor

**New Business**

Recycling pick up schedule change

**Public Comments**

**City Manager & Commissioner's Comments**

**Adjourn**

**Unfinished Business continued**

Election to fill Mayor Vacancy

CITY OF BUCHANAN COMMISSION MINUTES  
March 22, 2010

Public Hearing

The Mayor called the public hearing to order at 7:00 p.m. and invited public to express comments regarding an application for Industrial Facilities Tax Exemption Certificate Transfer from C & S Machine Products, Inc. Hearing no comments, the Public Hearing was continued to April 12, 2010 at 7:00 p.m.

Call to Order

**The regular scheduled meeting of the City Commission** was held at the Buchanan City Hall, 302 N. Redbud Trail, Buchanan, Michigan, Monday, March 22, 2010 directly following the public hearing. Mayor Cole called the meeting to order at 7:01 p.m.

Pledge/Invocation

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

Roll Call

Commissioners present: Carla Cole, William Norton, Earl Scanlon, Warren Weaver

Commissioners absent: Patricia Moore

Staff present: City Manager Meg Mullendore and Clerk Gladys Bybee

Guests/Visitors present: DDA Director Debra Patzer and Preservation Practices Owner Pam O'Connor along with 24 visitors including 1 reporter

Consent Calendar

***Scanlon moved, seconded by Weaver to amend the Agenda by removing item A. under Unfinished Business; Consider Agreement for Granting of an Industrial Facilities Exemption Certificate (IFEC) Transfer from Premier Tool & Die Cast to C & S Machine Products, Inc. to expand their manufacturing of precision parts for the computer, aerospace, and defense industries. Roll call vote carried unanimously. Weaver moved, seconded by Scanlon to approve the Consent Calendar with the amended agenda. Roll call vote carried unanimously.***

Agenda

Minutes

Checks

- Agenda as amended
- Minutes: Regular Meeting March 8, 2010, Joint Meeting with DDA Summary March 10, 2010, and Special Meeting March 11, 2010
- Checks 589075 to 59135 in the amount of \$98,413.25
- Accept resignation from JT Adkerson from the Board of Review effective April 1, 2010
- Acknowledge receipt of 2010-2011 Annual Budget as presented by the City Manager in accordance with Charter Section 9.2: Call Public Hearing April 12, 2010 at 7:00 p.m. to invite and hear public comments according to Charter Section 9.4
- Appoint Jeff Griffin to the Buchanan Area Recreation Board (BARB) to fulfill the vacant term caused by Scott Wahlstrom through 2011
- Appoint Mayor Carla Cole to the Downtown Development Authority, Southeast Berrien County Landfill Authority, Southwestern Michigan Economic Growth Alliance (SMEGA), and Brownfield Redevelopment Authority
- Appoint Commissioner Joe Scanlon to the Downtown Development Authority (DDA) and the Joint Water & Sewer Board

Board of Review  
Resignation  
2010-2011 Budget  
receipt from City  
Manager  
BARB  
Appointment  
Mayoral Board  
Appointments  
Commissioner  
Board  
Appointments

Pam O'Connor distributed a revised National Register of Historic Places Designation for Buchanan's Residential District and summarized the process as it began a couple years ago. She explained the boundaries of the district with the probability of minor changes forthcoming. There was shared discussion with commission and O'Connor about effects and restrictions when tax credits were utilized.

Reports

National Register of  
Historic Places  
Designation-  
Residential District

The City Clerk reported current vacancies on Boards and Committees.

**Unfinished Business**

Tom Fehlner, Chairman of the Ad Hoc Committee on the McCoy’s Creek Watershed reported their recommendation that the City Commission authorize the City Manager to engage knowledgeable consultants and engineers to plan and give a cost estimate in preparation for a permit application required by the Department of Natural Resources and Environment (DNRE). He explained the three components of the recommendation in detail and passed around a model cross vane structure. The committee suggests that Joe Mitchell from RiverTenders be engaged to provide a cost. Fehlner asked that their written recommendation approved as presented. Comments from commission were heard and discussion followed. Discussion was shared.

Ad Hoc Advisory Committee on the McCoy’s Creek Watershed

**New Business**

Alan Robandt, Representative of the Chamber of Commerce explained their request for the Commission to approve the date change of the Buchanan City Wide Annual Garage Sale to coincide with the US 12 Heritage Route Garage Sales (212 miles). ***Norton moved, seconded by Weaver to approve the City Wide Garage Sales date change from June to August 13<sup>th</sup> and 14<sup>th</sup> as presented and recommended. Roll call vote carried unanimously.***

Community Wide Garage Sale Date Change

Debra Patzer explained the Downtown Development Authority (DDA) request for support of continuing the beginning phase, Associate Level of the Main Street Program. ***Scanlon moved, seconded by Norton to approve the resolution as presented.***

Resolution 2010.03/06, DDA Main Street Program Support

A RESOLUTION SUPPORTING THE DOWNTOWN DEVELOPMENT AUTHORITY’S LETTER OF INTENT TO THE MICHIGAN MAIN STREET CENTER TO REMAIN IN THE MAIN STRET PROGRAM AT THE ASSOCIATE LEVEL FOR ONE ADDITIONAL YEAR.

WHEREAS, the City of Buchanan City Commission created the City of Buchanan Downtown Development Authority in 1976 pursuant to the provisions of P.A. 197 of 1975 to be a catalyst in the development and redevelopment of the Downtown District, and

WHEREAS, the City Commission has supported the activities of the Downtown Development Authority to preserve the historic character of the downtown and to strengthen its economic base, and

WHEREAS, the Downtown Development Authority and concerned citizens and business owners have participated in the Main Street training sessions offered at the Associate Level over the past year, and

WHEREAS, the Downtown Development Authority and those who have participated in the training feel that the four points of the Main Street Program – Organization, Promotion, Design and Restructuring are the key to downtown Buchanan’s revitalization and wish to stay in the Main Street Program for one more year at the Associate Level, and WHEREAS, the Downtown Development Authority has prepared a Letter of Intent that was sent to the Michigan Main Street Center at MSHDA stating our intent to remain in the program at the Associate Level for one additional year, and

WHEREAS, the Downtown Development Authority, at their Wednesday, March 10, 2010 unanimously passed a resolution of support for the Main Street Program which is necessary to enable Buchanan to remain in the Main Street Program at the Associate Level for one additional year;

NOW, THEREFORE BE IT RESOLVED: That the City of Buchanan City Commission fully supports the actions of the Downtown Development Authority sending the Letter of Intent to the Michigan Main Street Center and passing a Resolution of support to stay at the Associate Level for one more year, and

BE IT FURTHER RESOLVED: That the City Commission will continue to support the activities of the Downtown Development Authority and cooperate with them as they participate in all four points of the Michigan Main Street Program.

**Roll call vote unanimous, Resolution 2010.03/06 declared adopted.**

Nominating Petition Process

The City Clerk explained the Nominating Petitions process for three City Commissioner seats and announced the upcoming May School Election.

**Reports continued**

Board/Committee Vacancies

Commissioner Norton proposed amending the Fiscal Budget 2010-2011

to include funding the membership for Southwestern Michigan Economic Growth Alliance (SMEGA) and the Buchanan Area Chamber of Commerce. *Norton moved, seconded by Scanlon to withhold the SMEGA payment until receiving a report from them and discussing the advantages and disadvantages of belonging to the organization. Roll call vote carried unanimously.* The Chamber of Commerce Director urged attendance to the annual membership meeting with SMEGA.

Public Comments from Randall Peart were heard and he distributed a written request for an ordinance amendment.

City Manager and Commissioners' comments were heard.

*Scanlon moved, seconded by Norton to adjourn the meeting at 8:30 p.m.*

**Public Comments**

**City Manager & Commissioner's Comments**

**Adjourn**

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Gladys M. Bybee, CMC-City Clerk

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Carla M. Cole, Mayor

**New Business continued**

CITY OF BUCHANAN COMMISSION MINUTES  
April 12, 2010

**The Mayor called the public hearing to order** at 7:00 p.m. and invited public to express comments regarding an application for Industrial Facilities Tax Exemption Certificate (IFEC) Transfer from C & S Machine Products, Inc. Southwestern Michigan Economic Growth Alliance (SMEGA) Director Shelley Klug announced that the sale of Premier Tool & Die property fell through, thus C & S wished to withdraw the IFEC application. **Moore moved, seconded by Scanlon to adjourn the Public Hearing at 7:02 p.m.**

**The Mayor called the public hearing to order** at 7:02 p.m. and invited public to express comments regarding the 2010-2011 Annual Budget according to Charter Section 9.4. Being no written or verbal comments, **Moore moved, seconded by Scanlon to adjourn the Public Hearing at 7:03 p.m.**

**The regular scheduled meeting of the City Commission** was held at the Buchanan City Hall, 302 N. Redbud Trail, Buchanan, Michigan, Monday, April 12, 2010 directly following the public hearings. Mayor Cole called the meeting to order at 7:03 p.m.

The Pledge was recited by all in attendance. Pastor Len Bailey gave the Invocation.

Commissioner Norton read the biography of Judy Bellaire and Mayor Cole presented the Citizen Recognition Award to Mrs. Bellaire.

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

Commissioners absent: none

Staff present: City Manager Meg Mullendore and Clerk Gladys Bybee

Guests/Visitors present: Southwestern Michigan Economic Growth Alliance (SMEGA) Director Shelley Klug, Buchanan Common Committee Chair Liz Miller and Buchanan Lions Club President Mark Skene along with 16 visitors including 1 reporter

**Scanlon moved, seconded by Weaver to amend the Agenda to include item D. Appointment of Mayor Pro Tem under New Business. Roll call vote carried unanimously. Moore moved, seconded by Scanlon to approve the Consent Calendar with the amended agenda. Roll call vote carried unanimously.**

- Agenda as amended
- Minutes: Regular scheduled meeting, March 22, 2010
- Checks 59136 to 59238 in the amount of \$236,580.89
- Banner Placement request from American Legion Riders for Annual Jack Gavin Benefit Ride
- Call a Public Hearing on April 26<sup>th</sup> at 7:00 p.m. to invite and hear comments concerning the distribution of the FY 2010-2011 Southwestern Michigan Community Ambulance Services (SMCAS) Special Assessment Levy and proposed SMCAS budget for fiscal year 2010-2011, which includes the special assessment in the amount of \$20.00 per dwelling.

**Public Hearings**  
Industrial Facilities  
Tax Exemption  
Certificate (IFEC)  
Transfer from C &  
S Machine  
Products, Inc.

2010-2011 Annual  
Budget

**Call to Order**

**Pledge/Invocation**

Citizen Recognition  
Award

**Roll Call**

**Consent Calendar**

Agenda as amended

Minutes

Checks

Banner Placement

Call Public Hearing  
for SMCAS Budget

- Project  
Authorization

No. Z5 for Michigan Department of Transportation (MDOT) Project No. 109356 under Master Agreement 2007-0181 for FY 2010 Section 5311 Operating

- Resolution 2010.04/7, Authorizing the City Manager and City Treasurer the Authority to sign Contracts and Project Authorizations for Public Transportation Grants

**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 April 12, 2010 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 and/or City Treasurer.

- Corporate Authorization Resolution from Chemical Shoreline Bank, Accounts Payable
- Corporate Authorization Resolution from Chemical Shoreline Bank, Payroll Account
- Resolution 2010.04/8, A Resolution to Approve the Summer School Tax Collection Fee in the Sum of \$2,703.76 per School District totaling \$8,111.28 (see attached)
- Appoint Jennifer Singleton to the Buchanan City Board of Review
- Proclamation, White Cane Week
- Proclamation, Arbor Day

The Mayor presented the White Cane Week Proclamation to Mark Skene and Mark Nixon.

Skene distributed handouts and introduced fellow Lion Member Mark Nixon. He explained the Lion’s involvement with the community and that last year was the Lions Club 75<sup>th</sup> Anniversary. Nixon explained the slides in their power point presentation.

Miller explained the Buchanan Common Committee seasons event dates and times and encouraged attendance.

Klug distributed handouts (Why SMEGA is important to Southwestern Michigan and what they do for us) and explained the retention of existing businesses and minimal job increases in the declining economy. Discussion was shared with Commission, Manager, and Klug and requested that SMEGA come on a quarterly basis to meeting.

No unfinished business was heard.

After explanation and recommendation from the City Manager, *Weaver moved, seconded by Scanlon to approve the Authorizing Resolution as presented.*

**WHEREAS**, the City Commission of the City of Buchanan, by unanimous vote, approved a purchase agreement on March 28, 2005 with the Buchanan Art Center to sell 117 W. Front Street, Buchanan Michigan (commonly known as the “Old Library Building”); and

**WHEREAS**, the City Commission finds that it continues to be in the public's interest to convey 117 W. Front Street to the Buchanan Art Center; and

**WHEREAS**, the City Commission of the City of Buchanan wishes to authorize the Mayor, Carla M. Cole and the Clerk, Gladys M. Bybee, to sign any and all documents to satisfy the closing requirements for the sale of the property described above;

**Consent Calendar continued**  
Project Agreement for MDOT

Resolution 2010.04/7

Accounts Payable  
Corporate  
Authorization

Payroll Account  
Corporate  
Authorization

Resolution  
2010.04/8  
Board of Review  
Appointment  
Proclamation  
Proclamation

**Reports**  
Buchanan Lions  
Club

Common  
Committee

Southwestern  
Michigan Econom  
Growth Alliance

**Unfinished  
Business**  
None

**New Business**  
Resolution  
2010.04/09

**NOW,  
THEREFORE,  
BE IT  
RESOLVED**  
that the  
Buchanan  
Mayor and City

Clerk have authority to sign any and all documents for closing, on behalf of Buchanan City, Berrien County.

**Roll call vote carried unanimously. Resolution 2010.04/9 declared adopted.**

After explanation from the City Manager and confirmation that the equipment would be put on a preventative maintenance program, **Weaver moved, seconded by Norton to approve the sole source bid waiver in the amount of \$11,238. for the repair of the Wastewater Treatment Plant (WWTP) Vactor Truck as presented. Roll call vote unanimous.**

Bid Waiver, 621B  
Wheel Loader

After explanation from the City Manager and confirmation that the equipment would be put on a preventative maintenance program, **Weaver moved, seconded by Moore to approve the sole source bid waiver in the amount of \$6,161.65 for the repair of the Department of Public Works (DPW) Case 621B Wheel Loader as presented. Roll call vote unanimous.** The City Manager noted that it was quite probable that more repairs would be forthcoming.

Mayor Pro Tem  
Appointment

**Norton moved, seconded by Scanlon to appoint Warren Weaver as Mayor Pro Tem. Roll call vote unanimous.**

**Public Comments**

**City Manager & Commissioner's Comments**

Public Comments from Len Bailey were heard.

City Manager and Commissioners' comments were heard.

**Adjourn**

**Scanlon moved, seconded by Norton to adjourn the meeting at 8:17 p.m.**

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

\_\_\_\_\_  
Carla M. Cole, Mayor

**New Business continued**

Resolution 2010.04/09

Bid Waiver, Vactor Truck

CITY OF BUCHANAN COMMISSION MINUTES  
April 26, 2010

**The Mayor called the public hearing to order** at 7:00 p.m. and invited public to express comments concerning the distribution of the FY 2010-2011 Southwestern Michigan Community Ambulance Services (SMCAS) Special Assessment Levy and proposed SMCAS budget for fiscal year 2010-2011, which includes the special assessment in the amount of \$20.00 per dwelling. Bill Norton asked about the assessment amount and asked for clarification about different charges to residents and non residents. SMCAS Director Tim Grey confirmed that the \$20.00 assessment was a renewal as approved by the electors and explained the resident verses non resident rate. No written comments were received. Being no further comments, **Moore moved, seconded by Norton to adjourn the Public Hearing at 7:02 p.m.**

**Public Hearings**  
SMCAS 2010-2011  
Annual Budget and  
Special Assessmen

**The regular scheduled meeting of the City Commission** was held at the Buchanan City Hall, 302 N. Redbud Trail, Buchanan, Michigan, Monday, April 26, 2010 directly following the public hearing. Mayor Cole called the meeting to order at 7:02 p.m.

**Call to Order**

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

**Pledge/Invocation**

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

Commissioners absent: none

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

Guests/Visitors present: SMCAS Director Tim Grey, Chamber of Commerce Director Ted Chase, and TMI President Kim O'Haver along with 18 visitors including 1 reporter

**Roll Call**

**Moore moved, seconded by Scanlon to amend the agenda to include item E. Budget Amendment under new business. Roll call vote carried unanimously. Norton moved, seconded by Scanlon to remove, from the consent calendar, E. Appoint Tim Gowen to the Plan Commission to fulfill a vacant term through 2011 and F. Approve Resolution 2010.04/10, Authorizing the City Clerk the Authority to sign the Grant Agreement With the State of Michigan for the Qualified Voter File's Electronic Poll Book (EPB) Laptop & Accessories Purchase and place under new business as F. and G. for discussion. Roll call vote carried unanimously. Scanlon moved, seconded by Weaver to approve the Consent Calendar as amended. Roll call vote carried unanimously.**

**Consent Calendar**  
Agenda as amended

- Agenda as amended
- Minutes: Regular scheduled meeting, April 12, 2010
- Checks 59239 to 59309 in the amount of \$133,253.55
- Street Closure; Oak Street from Front St. to Charles Ct., Arbor Day Celebration

Minutes

Checks

Street Closure

Ted Chase, Chamber President distributed a presentation booklet (*Harvest Buchanan*) and explained the change in festivals from Old Mill Festival to Harvest Buchanan. Discussion was shared between Commission and Chase.

**Reports**  
Buchanan Chamber  
of Commerce

Carol McKean, Arbor Day Celebration Chairperson reported on the upcoming event and planting of the dogwood tree by the Creek downtown. She urged attendance to the festivities. Mayor Cole presented the Proclamation to Ms. McKean.

Treasurer Dept.

The Treasurer gave a full report on tax collection and the distinction of color envelopes for mailing property tax bills. She announced the new budget and tax information would be on the City Website.

**Unfinished Business**

Resolution  
2010.04/10,  
SMCAS Budget &  
Special Assessment

Grey gave further explanation on the revenue loss in Medicare and Medicaid and explained that all charges were restructured. After shared discussion, *Weaver moved, seconded by Norton to approve the resolution as presented.*

**A RESOLUTION OF THE CITY OF BUCHANAN COUNTY OF BERRIEN, STATE OF MICHIGAN APPROVING THE 2010-2011 SOUTHWESTERN MICHIGAN COMMUNITY AMBULANCE SERVICE (SMCAS) BUDGET AND SPECIAL ASSESSMENT.**

BE IT RESOLVED, that the CITY OF BUCHANAN, acting jointly and in conjunction with the City of Niles, the Townships of Niles, Buchanan, Bertrand in Berrien County, and the Township of Howard in Cass County, pursuant to a certain joint assessment district resolution for the support of SMCAS adopted June 30, 2008 and approved by the majority vote of the electorate on August 5, 2008, does hereby take the following action:

1. The special assessment district, pursuant to such resolution, is hereby established.
2. The proposed SMCAS financial budget for fiscal year 2010-2011 indicating an assessment of \$20.00 is hereby approved.
3. The amount of the special assessment is \$20.00 and the assessing officer is directed to spread the assessment as provided in the joint resolution along with the December 2010 tax assessment to be due and collected as provided in the joint resolution.
4. As a further clarification of the parcel/units to be assessed, as set out in paragraph 3 of the joint resolution, the assessing officers are directed to levy the assessment amount of \$20.00 per unit as follows:
  - a. Campground – One unit for the campground itself and one unit for each permanent dwelling situated on the campground. Each rental “hook-up” will not be considered as a separate unit.
  - b. Mobile Home Park – One unit for each mobile home, the number of mobile homes being determined by the average number of mobile homes located in the mobile home park for the calendar year in which the special assessment is levied.
  - c. Hotels and Motels – One unit for each hotel and motel and one unit for each living unit occupied by a permanent resident.
  - d. Commercial – One unit for each improved parcel, which shall include all contiguous commercial parcels as one unit and one unit for each dwelling therein.
  - e. Residential – One unit for each dwelling that is occupied or is available for occupancy and is permanently affixed.
  - f. Where provisions herein are inconsistent with the joint resolution, these provisions herein shall supersede such provisions and be controlling.
5. The Public Hearing of the City of Buchanan to hear comments to the distribution of the \$20.00 special assessment levy was held at City Hall, 302 N. Redbud Trail, Buchanan, MI 49107 on April 26, 2010 at 7:00 p.m., local time.

***Roll call vote carried unanimously, Resolution 2010. 4/10 declared adopted.***

***Norton moved, seconded by Weaver to include the SMEGA and Chamber membership dues in the 2010-2011 budget. Voice vote carried unanimously. Moore moved, seconded by Scanlon to approve the 2010- 2011 budget resolution.***

Resolution  
2010.04/11,  
2010-2011 FY  
Budget

**A RESOLUTION FOR THE CITY OF BUCHANAN, COUNTY OF BERRIEN, MICHIGAN TO ADOPT A BUDGET FOR THE CITY OF BUCHANAN FOR FISCAL YEAR 2010-2011**

**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, 2010 through June 30, 2011; and

**WHEREAS**, a public hearing was held on April 12, 2010 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 2010-2011 fiscal year for the purposes set forth below:

**Reports continued**

Buchanan Garden Club

General Government  
City  
Commission

\$ 42,848.

\$396,376.	City Manager	106,756.
	Elections	27,909.
	Assessor	40,250.
	City Clerk	62,832.
	Treasurer	115,781.
<b>Public Safety</b>	Police Department/Code Enforcement	\$ 977,400.
\$1,126,490.	Crossing Guards	27,125.
	Fire Department	90,665.
	Building Inspection	31,300.
<b>DPW &amp; Cemetery</b>	DPW/Streets	\$ 227,070.
\$372,011.	Cemetery	144,941.
<b>Parks &amp; Recreation</b>	Parks & Recreation	\$ 3,600.
\$3,600.		
<b>Other</b>	Building & Grounds	\$ 68,550.
\$143,585.	Rental Property	535.
	Misc. Costs/Transfers	74,500.
<b>Total General Fund</b>		<b>\$2,042,062.</b>
<b>Major Streets</b>		\$ 406,431.
<b>Local Streets</b>		249,545.
<b>Street Repair &amp; Maintenance</b>		351,709.
<b>Water &amp; Sewer Enterprise</b>		1,415,213.
<b>Brownfield-TIF</b>		35,278.
<b>Total Other Funds</b>		<b>\$2,458,176.</b>
<b>Total Budget Including General Fund</b>		<b>\$4,500,238.</b>

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 2010-2011 in the amount of \$4,500,238. as presented by the City Manager is hereby approved and adopted by the City Commission of the City of Buchanan.

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

***Roll call vote carried unanimously, Resolution 2010.04/11 declared adopted.***

After O'Haver explained the financial assistance from the State, ***Norton moved, seconded by Scanlon to approve the resolution as presented.***

ACCEPTING FINANCIAL ASSISTANCE FY 2010 SECTION 5311 OPERATING

WHEREAS, the State of Michigan Department of Transportation (MDOT) has offered the City of Buchanan Dial-A-Ride public transportation system 5311 operating monies equal to 16 percent of audited costs for FY2010; and WHEREAS, MDOT Agreement No. 2007-0181/Z6, Project No. 109891 will provide 16 percent of eligible audited operating costs, which are \$12,679.

**NOW, THEREFORE BE IT RESOLVED** that the City of Buchanan does hereby make its intentions known to accept this MDOT Agreement No. 2007-0181/Z6, Project No. 109891 Section 5311 federal operating assistance for FY2010.

**BE IT FURTHER RESOLVED** that the City of Buchanan authorizes Julianne O'Bryant as Transportation Coordinator, and Margaret Mullendore, City Manager of the City of Buchanan to jointly execute MDOT Agreement No. 2007-0181/Z6, Project No.109891 for the Commission for 2010 Section 5311 Federal operating assistance.

***Roll call vote carried unanimously, Resolution 2010.04/12 declared adopted.***

**Unfinished Business continued**

Resolution 2010.04/11,

**New Business**

Resolution  
 2010.04/12,  
 Accepting Financial  
 Assistance FY 2010  
 Section 5311  
 Operating

Patzer explained the  
 Budget amendments  
 for 2009-2010  
 budget from the

grant improvement programs in detail. **Moore moved, seconded by Scanlon to approve the budget amendment in the amount of \$35,000 for the Downtown Development Authority as requested. Roll call vote carried unanimously.**

Request to Use City Property for Training Purposes

Chief Gowen explained the training that would be taking place at the properties. After shared discussion, **Scanlon moved, seconded by Weaver to approve the request for the Fire Department to use 511 Michigan Street and 204 Redbud Trail as requested and presented. Roll call vote carried by majority with an abstention from Norton.**

Fire Dept. Air Compressor and Bottle Refill Station Purchase

Chief Gowen distributed a quote from West Shore and explained the purpose for the air compressor and bottle refill station (20 year lifespan). He recommended that the quote from West Shore be selected and discussion was shared. Mullendore explained that the expenditure was not included in the current budget, thus a budget amendment would need to be brought forward. **Weaver moved, seconded by Norton to approve the purchase of the 10HP compressor from West Shore Fire with a budget amendment coming forward on the next agenda. Roll call vote carried by majority with an abstention from Norton.**

Budget Amendment for Consultant Agreement for Assessment and cost estimate

Mullendore summarized the recommendation from the Ad Hoc Committee on the McCoy's Creek Watershed from March 22<sup>nd</sup> and advised this was an unbudgeted expense. **Scanlon moved, seconded by Moore to approve the budget amendment in the amount of \$2,400 for the Agreement with Joe Mitchell, River Tenders. Roll call vote carried unanimously.**

Plan Commission Appointment

**Moore moved, seconded by Scanlon to appoint Tim Gowen to the Plan Commission to fill a vacant term ending in 2011. Roll call vote carried by majority with an abstention from Norton.**

Resolution 2010.04/13, Authorizing Clerk to sign Grant Agreement w/State

After explanation from the clerk, **Moore moved, seconded by Weaver to approve the resolution as presented. WHEREAS**, the City Commission of the City of Buchanan wishes to participate in the E Poll Book Laptop Procurement Program through the Department of State's Bureau of Elections Qualified Voter Files Electronic Poll Book; and

**WHEREAS**, the City Commission of the City of Buchanan authorizes the City Clerk to sign the Grant Agreement between the State of Michigan and the City of Buchanan to allow the purchase of the Qualified Voter File's Electronic Poll Book (EPB) Laptop & Accessories Purchase.

**NOW, THEREFORE, BE IT RESOLVED** that the Buchanan City Clerk is authorized to sign and submit the Grant Agreement on behalf of the City of Buchanan.

**Roll call vote carried unanimously, Resolution 2010.04/13 declared adopted.**

Public Comments

Public Comments from Tim Gowen, Mac Elliott, and Debra Patzer were heard.

City Manager

No City Manager comments were heard.

Commissioner's Comments

Commissioners' comments were heard.

Adjourn

**Weaver moved, seconded by Scanlon to adjourn the meeting at 8:22 p.m.**

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

\_\_\_\_\_  
Carla M. Cole, Mayor

CITY OF BUCHANAN COMMISSION MINUTES

May 10, 2010

The regular scheduled meeting of the City Commission was held at the Buchanan City Hall, 302 N. Redbud Trail, Buchanan, Michigan, Monday, May 10, 2010. Mayor Cole called the meeting to order at 7:00 p.m.

Call to Order

The Pledge was recited by all in attendance. Pastor Len Bailey gave the Invocation.

Pledge/Invocation

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

Roll Call

Commissioners absent: none

Staff present: City Manager Meg Mullendore and Clerk Gladys Bybee

Guests/Visitors present: 17 visitors including 1 reporter

Public Comments

Downtown Business persons Alan Robandt and Jan Quinn opposed the closing of Front Street that was listed on the consent calendar for approval alleging that it was detrimental to their businesses last year.

Alice Kring supported the street closing for the Cruise In event and explained the success from previous years. She also invited attendance to performance at the Tin Shop Theatre.

*Norton moved, seconded by Moore to amend the Consent Calendar to include B. Request to install "No Smoking Signs" at the Farmers' Market under New Business. Roll call vote carried unanimously. Scanlon moved, seconded by Norton to amend the Agenda to remove letter E. Street Closure: Front Street, Redbud to Oak, June 26<sup>th</sup> for Buchanan's Great Cruise In under the Consent Calendar to C. under New Business.*

Consent Calendar

Agenda as amended

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

- Agenda as amended
- Minutes: Regular scheduled meeting, April 26, 2010
- Checks 59310 to 59396 in the amount of \$98,577.04
- Budget Amendment: General Fund in the amount of \$31,686 to purchase 10 HP Compressor System for the Fire Department as approved at the April 26, 2010 meeting
- Banner Placement 6-14-10 to 6-28-10: Buchanan's Great Cruise In
- Street Closure: Front Street from the American Legion to Oak Ridge Cemetery, May 31st for Memorial Day Parade
- Set a Public Hearing for May 24, 2010 at 7:00 p.m. to consider granting an Industrial Facilities Exemption Certificate for C & S Machine Products, Inc., 215 Post Road

Minutes

Checks

Budget Amendment

Banner Placement  
Street Closure

Set Public Hearing

The Buchanan Masonic Lodge 68 presented a check in the amount of \$3,000 to Redbud Area Ministries.

Reports

Masonic Lodge 68

Jan Quinn explained Un-Sanctioned, the event planned for downtown on Memorial Day Weekend and asked permission to use Mill Alley, Sculpture Alley, the Gazebo and the sidewalks. *Moore moved, seconded by Scanlon to approve the use of the properties as requested for the special event. Roll call vote carried unanimously.*

Un-Sanctioned

Paul Milewski and Bharat Kothari from BP Convergence Group, LLC presented drawings of the proposed destination facility (banquet, restaurant, hotel, meeting rooms) for 1207 N. Redbud Trail and explained in detail.

BP Convergence  
Group, LLC

The City Manager summarized the presentation by Tom Fehlner regarding the Ad Hoc Advisory Committee on the McCoy’s Creek Watershed and Mill Race recommendations. After confirmation that no monetary value was being pledged at this time, **Scanlon moved, seconded by Weaver to approve the recommendations from the Ad Hoc Advisory Committee on the McCoy’s Creek Watershed and Mill Race as previously presented by Tom Fehlner and confirmed by the City Manager. Roll call vote carried unanimously.**

Resolution 2010.05/14, to place Dial-A-Ride Transportation System proposition on the August 3, 2010 Election Ballot

After Mullendore explained the resolution, **Weaver moved, seconded by Moore to approve the resolution as presented.**

TO PLACE DIAL-A-RIDE MILLAGE FOR FOUR CONSECUTIVE YEARS 2011-2014 UNDER UMTA SECTION 5, FTA ACT OF 1978 UNDER GENERAL TRANSPORTATION FUND PROGRAM, AND ACT 327 OF THE P.A. OF 1972 AS AMENDED

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

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

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

**WHEREAS**, the City is authorized to ask voters to renew a previously-authorized millage;

**NOW, THEREFORE, BE IT RESOLVED** by the Buchanan City Commission to place a proposition on the August 3, 2010 Election Ballot to read:

Shall the City of Buchanan continue its local support of the “Dial-A-Ride” Bus System, more properly known as the “Dial-A-Ride Transportation System”, under UMTA Section 5, Federal Transportation Act of 1978, the general transportation fund program, and Act 327 of the P.A. of 1972, as amended, of the state of Michigan by levying one mill (One [\$1.00] Dollar per each One Thousand [\$1,000.00] Dollars) on the taxable value of all taxable property in the City of Buchanan to support its local share, for a period of four (4) consecutive years, to be levied in 2011, 2012, 2013 and 2014? The requested millage rate represents a renewal of a previous millage of one mill (One [\$1.00] Dollar per each One Thousand [\$1,000.00] Dollars) on the taxable value of all taxable property in the City of Buchanan. Based on current valuation, it is estimated that the amount of revenue generated from the total millage in the first year of the levy (2011) will be approximately Eighty Seven Thousand Seven Hundred Eight (\$87,708.00) Dollars. The proposed millage is a renewal of a previously-authorized millage.

YES  NO

No Smoking Signs at the Farmers’ Market Structure

**Roll call vote carried unanimously, Resolution 2010.05/14 declared adopted.**

Mullendore explained the smoking ban is applicable at the Farmers’ Market as the property is government owned and does have an employee. Norton then presented the request he received from the Farmers’ Market Board to install No Smoking Signs. **Moore moved, seconded by Norton to approve the request from the Farmers’ Market Board to install two 10 x 15 No Smoking signs at each end of the market structure. Roll call vote carried by majority. YEA: Cole, Moore, Norton, Weaver. NAY: Scanlon.**

Street Closure: Front Street, Redbud to Oak, June 26<sup>th</sup>

The City Manager announced that she had no recommendation as she had not spoken with the Police Chief or the DDA Director for any input regarding the Front Street, Redbud to Oak Street closure on June 26. Commissioners were concerned about the possibility of hindering the businesses and lack of information. After the Mayor confirmed that each person would speak with their respective group, **Moore moved, seconded by Weaver to table the consideration of the street closure request until the next meeting when further investigation information would be presented. Roll call vote carried unanimously.**

**Public Comments**

Public comments were heard from Southwestern Michigan Economic Growth Alliance Director Shelley Klug and Alice Kring regarding United Way Girls on the Run.

City Manager comments were heard.

**Unfinished Business**

Ad Hoc Advisory Committee on the McCoy’s Creek Watershed and Mill Race Recommendations

Commissioners’ comments were heard.

*Scanlon moved, seconded by Moore to adjourn the meeting at 8:18 p.m.*

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Gladys M. Bybee, CMC-City Clerk

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Carla M. Cole, Mayor

**City Manager**

**Commissioner's Comments**

**Adjourn**

CITY OF BUCHANAN COMMISSION MINUTES

May 24, 2010

**The Mayor called the public hearing to order** at 6:00 p.m. as published and invited public to express comments regarding an application for Industrial Facilities Tax Exemption Certificate for C & S Machine Products, Inc., 215 South Post Road. Southwestern Michigan Economic Growth Alliance Director Shelley Klug introduced Dominick Sarratore from C&S Machine and then she explained that C&S is a manufacturer of precision parts for the computer, aerospace, and defense industries with a total project cost of \$2,313,000 and requesting that the City Commission approve the application. There was discussion between Commission, and Sarratore regarding his business. Hearing no public comment and receiving no written comment, **Moore moved, seconded by Norton to adjourn the public hearing at 6:06 p.m.**

**Public Hearing**  
Industrial Facilities  
Tax Exemption  
Certificate for C &  
S Machine  
Products, Inc.

**The regular scheduled meeting of the City Commission** was held at the Buchanan City Hall, 302 N. Redbud Trail, Buchanan, Michigan, Monday, May 24, 2010. Mayor Cole called the meeting to order at 7:00 p.m.

**Call to Order**

The Pledge was recited by all in attendance.

Commissioner Scanlon read the biography of Jim King and the Mayor presented the Citizen Appreciation Recognition Award to Mr. King.

Dean and Kyra Clark accepted the Mayor Gavel on behalf of their wife/mother Barbara Clark as presented by Mayor Carla Cole.

**Pledge/Invocation**  
**Recognition**  
**Awards**

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

Commissioners absent: none

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

Guests/Visitors present: 17 visitors including 1 reporter

**Roll Call**

After information from the clerk, **Moore moved, seconded by Scanlon to amend the Consent Calendar to include D. DPW Roof under New Business and two checks to the check register in the total amount of \$12,879 for the closing on the sale of the Art Center. Roll call vote carried unanimously. Moore moved, seconded by Weaver to approve the Consent Calendar as amended. Roll call vote carried unanimously.**

**Consent Calendar**  
Agenda as amended

- Agenda as amended
- Minutes: Regular scheduled meeting, May 10, 2010
- Checks 59397 to 59474 in the amount of \$549,093.81 as amended
- Banner Placement 5-31 to 6-14: Buchanan Rocket Football Cheerleading Sign-ups
- Banner Placement 6-21 to 6-30: Buchanan Rocket Football Cheerleading Sign-ups
- Banner Placement 7-5-10 to 7-18-10: Michiana Cruisers Car Show
- Introduce Ordinance 2010.06/\_\_\_\_, Amendment of Zoning Ordinance; Call a Public Hearing for June 14, 2010 at 7:00 pm to hear comments on the proposed Ordinance to amend the Comprehensive Zoning Ordinance
- Street Closure Request: 5-27-10 from 6:15 to 8:00 pm on Smith, Detroit, Harlan, Main, Moccasin and Front Streets for Girls on the Run
- Street Closure Request: 7-18-10 from 8 am to 2:30 pm on Smith Street for Michiana Cruisers Car Show
- Certify Delinquent Utility Billings to the 2010 Summer Tax Roll
- Appoint Mayor, Mayor Pro-tem and City Attorney to Contract Review Committee

Minutes

Checks as amended

Banner Placement

Banner Placement

Banner Placement

Ordinance

Introduction, Public

Hearing Call

Street Closure

Street Closure

Certify Delinquent

Utility Bills

Contract Review

Committee

After brief discussion, *Weaver moved, seconded by Norton to grant the Agreement for the Industrial Facilities Exemption Certificate to C & S Machine Products, Inc. 215 South Post Road and approve the resolution as presented.*

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

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

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

WHEREAS, before acting on said application the Commission held a public hearing on May 24, 2010 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, 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 (the "City").

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

The Commission finds and determines that the granting of the Certificate considered together with the aggregate amount of the certificates currently in force under Public Act No. 198 shall not have the effect of substantially impeding the operation of the Commission, or impairing the financial soundness of a taxing unit, which levies ad valorem property taxes in the City.

The Letter of Agreement between the Applicant and the City is hereby approved.

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

***Roll call vote carried unanimously, Resolution 2010.05/15 declared adopted.***

After confirmation that all parties agreed, *Scanlon moved, seconded by Moore to approve the Street Closure Request: 6-26-10 from 4:00 pm to 9:00 pm, on Front Street from Redbud to Oak for Buchanan's Great Cruise In. Roll call vote carried unanimously.*

After confirmation from the City Manager that money is available in capital equipment reserve, the 1995 year old mower would be sold as an auction item, and questions answered from Commissioners, *Weaver moved, seconded by Moore to approve the purchase of the Kubota mower in the amount of \$17,100 as low bid from HFS Tractor Sales & Service as presented. Roll call vote carried unanimously.*

Director Debra Patzer summarized the Downtown Development Authority (DDA) 2010-2011 Budget that was unanimously approved by the Downtown Development Authority at their May meeting and requested favorable approval of their proposed balanced budget. After questions and discussion about the Michigan Main Street Program, *Scanlon moved, seconded by Moore to approve the 2010-2011 DDA Budget as presented. Roll call vote carried unanimously.*

Patzer summarized her memo to the City Manager while all reviewed the documents presented including a map and information about the properties. She presented the notebook with all detailed information on the individual properties and explained the few property exceptions. Patzer urged Commissioners to visit her office, welcomed questions from them, and invited them to the June DDA meeting. Discussion and debate was shared with Commissioner's, Patzer and Alice Kring (who worked for the City and was on the DDA board from its inception). Commissioners agreed to their attendance of the June 9<sup>th</sup> DDA meeting.

**Unfinished Business**

Resolution 2010.05/15, IFEC for 215 S. Post Rd.

**New Business**

Street Closure:  
Front Street,  
Redbud to Oak,  
June 26<sup>th</sup>

Kubota Mower  
Purchase

DDA 2010-2011  
Budget

DDA proposal to  
return all DDA  
owned properties to  
the City in exchange  
for forgiveness of  
the Andrew's Farm  
TIF loan

Norton asked about  
the status of the  
DPW roof since it  
was brought  
forward several  
months ago.

Mullendore confirmed her work with the building inspector and he has recommended an architect and/or structural engineer to review. *Norton moved, seconded by Weaver to hire an architect to develop specifications to replace the entire Department of Public Works roof with a pitched roof.* The City Manager confirmed that the DPW Director has a quote to repair the partial rubberized roof with a 25 year warranty and she would bring forward quotes. After shared discussion, *the motion failed. YEA: Weaver, Norton. NAY: Scanlon, Cole, Moore.*

**Public Comments**

Public comments were heard from Alice Kring and she requested permission from the Commission to utilize Mill Alley during the Cruise In on June 26th as it was possible a DJ would be playing. *Moore moved, seconded by Scanlon to approve the request as presented. Roll call vote carried unanimously.*

**City Manager**

**Commissioner's  
Comments**

City Manager comments were heard.

**Adjourn**

Commissioners' comments were heard.

*Scanlon moved, seconded by Norton to adjourn the meeting at 8:25 p.m.*

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Gladys M. Bybee, CMC-City Clerk

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Carla M. Cole, Mayor

**New Business continued**

Department of Public Works Barn Roof

CITY OF BUCHANAN COMMISSION MINUTES

June 14, 2010

Amendment of the Comprehensive Zoning Ordinance

**The Mayor called the public hearing to order** at 7:02 p.m. as published and invited public to express comments regarding Ordinance 2010.06/\_\_\_\_, Amendment of the Comprehensive Zoning Ordinance; Article III – Definitions and Use of Terms; Article V – R-1A & R-1B Single-Family Residential Districts. Hearing no public comment and receiving no written comment, **Moore moved, seconded by Scanlon to adjourn the public hearing at 7:03 p.m.**

**Call to Order**

**The regular scheduled meeting of the City Commission** was held at the Buchanan City Hall, 302 N. Redbud Trail, Buchanan, Michigan, Monday, June 14, 2010. Mayor Cole called the meeting to order at 7:03 p.m.

**Pledge/Invocation Recognition Award**

The Pledge was recited by all in attendance. Pastor Dave Mitchell gave the Invocation. Commissioner Weaver read the biography of Richard Wonacott and the Mayor presented the Citizen Appreciation Recognition Award to Mr. Wonacott.

**Roll Call**

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

Commissioners absent: none

Staff present: City Manager Meg Mullendore, Downtown Development Authority Director Debra Patzer, Police Chief Bill Marx, Fire Chief Tim Gowen and Clerk Gladys Bybee

Guests/Visitors present: 13 visitors including 1 reporter

**Consent Calendar Agenda**

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

Minutes

- Agenda
- Minutes: Regular scheduled meeting, May 24, 2010
- Checks 59475 to 59586 in the amount of \$191,026.45
- Re-appoint Cindy Depoy to the Buchanan Fine Arts Council for a four year term ending 2014
- Approve withdrawal referral from the Fine Arts Council for members that have absented themselves from six or more meetings: Sarah Dickey, Tyler York, Zachary Leitz, Vladimir Tackett
- Appoint Katina Kourlas to the Buchanan Fine Arts Council to fill a vacant seat ending 2011
- Re-appoint Robert Brown to the Friends of Oak Ridge Cemetery Board for a four year term ending 2014
- Re-appoint Ralph McDonald and Jason Lietz to the Buchanan Plan Commission for a three year term ending 2013
- Appoint Dale Price to the Downtown Development Authority (DDA) for a four year term ending 2014

Checks

Fine Arts Council Members Withdrawal Fine Arts Council Appointment Friends of Oak Ridge Cemetery Appointment Plan Commission Reappointment DDA Appointment

American Legion Post 51 Service Officer Marv Pruett presented a map of Oak Ridge Cemetery Veteran’s Circle and explained their request to construct a Columbarium closer to Knight’s Chapel as previously planned. Discussion and questions were shared with

**Reports**

American Legion Post 51

**Public Hearing**

Pruett and Commissioners while the map

rendering was reviewed by all Commissioners. *Scanlon moved, seconded by Moore to authorize the American Legion to work with the Cemetery Sexton to proceed with the construction of the columbarium in the Veterans' Circle at Oak Ridge Cemetery as reviewed and planned previously from original drawings reviewed by then Building Inspector Warren Weaver and Legion Commander Lyle Sumerix.*

Downtown Development Authority

Downtown Development Authority (DDA) Director Patzer announced the newest members of the DDA and reported on their budget past and future. She further explained the future events for the Downtown Arts and Historical District along with the expenditures for grants/loans to downtown business owners for infrastructure programs afforded by the \$250,000 loan.

Police and Code Enforcement Dept.

Police Chief Marx highlighted his previously distributed written report while all reviewed. Discussion was shared regarding more foot patrols downtown because of witnessed vandalism in the downtown historical district with the City Manager confirming that surveillance cameras would continue to be utilized as a continued tool.

Fire Dept.

Fire Chief Gowen summarized his distributed written report with fire calls for the first six months of 2010 while all reviewed.

**Unfinished Business**  
Ordinance 2010.06/382, Amending Section 3.01 by adding additional definition(s) and amending Section 5.01 and Section 5.03.

After explanation from the City Manager of review by the Plan Commission and Legal Counsel, *Moore moved, seconded by Scanlon to approve the Ordinance as presented and recommended by the Buchanan City Plan Commission.*

An ordinance amending Section 3.01 by adding additional definition(s) and amending Section 5.01 and Section 5.03.

**BE IT ORDAINED** by the City Commission of the City of Buchanan, Berrien County, Michigan that based upon the unanimous recommendation made by the Plan Commission after its public hearing held on May 11, 2010, that the City of Buchanan Zoning Ordinance is amended as follows:

ARTICLE III

**DEFINITIONS AND USE OF TERMS**

**Section 3.01 – Definitions.**

**Charitable Purpose Corporation.** Charitable Purpose Corporation means a nonprofit corporation that is exempt under Section 501(C)(3) of the internal revenue code, 26 USC 501.

ARTICLE V

**R-1A & R-1B SINGLE-FAMILY RESIDENTIAL DISTRICTS**

**Section 5.01 – Intent.** The Single-Family Residential District is established as a district in which the principal use of the land is for single family dwellings. The District includes the R-1A subdistrict representing a minimum six thousand six hundred (6,600) square foot minimum lot size and the R-1B subdistricts a five thousand (5,000) square foot minimum lot size. Lot size, setback and coverage requirements are addressed in Section 5.09 and 5.10.

**Section 5.03 – Uses Permitted by Special Use Permit.** The following uses are permitted in this district subject to obtaining a special use permit as provided in Article XX.

- A. Home occupations as a special use pursuant to Article XVIII, Section 18.09.
- B. Child Care as part of a home occupation.
- C. Bed and breakfast operations in compliance with Article XVII, Section 18.02.
- D. Parks, schools, Churches and City or other government agency buildings.
- E. Charitable Purpose Corporations.
- F. Utility transmission facilities not deemed essential services.

**Severability**

All parts of Ordinance 154 as amended, in conflict with this Ordinance are hereby repealed to the extent they conflict with this Ordinance.

*Roll call vote carried unanimously, Ordinance 2010.06/382 declared adopted.*

Patzer distributed and summarized her memo regarding the proposal from the DDA and explained

**Reports continued**

American Legion Veteran's Circle Columbarium Construction

her conversations with Berrien County Community Development Director Dan Fette with regards to the Andrews Farm TIF \$250,000 loan (tax capture). She reaffirmed information from DDA Chairman Dave Hagey from the Joint meeting between the DDA and City Commission on June 9<sup>th</sup> and quoted the unanimously stated motion from the DDA board. After concerns about other taxing entities signing off of return of their taxes, Mullendore confirmed that the other entities had already forgiven their share of the taxes three years ago when she worked with Berrien County Representatives Bret Witkowski, Bill Wolf and Dan Fette. After shared discussion between Patzer, Mullendore and Commissioners, ***Moore moved, seconded by Scanlon to accept the eleven parcels of property now owned by the DDA in consideration of the \$250,000 Andrews Farm TIF loan and release the DDA obligation of paying for the downtown street lights although the DDA would remain in charge of all the programming with the downtown Arts and Historical District properties. Roll call vote carried by majority. YEA: Cole, Moore, Scanlon. NAY: Norton, Weaver.***

Seven Year Loan to  
pay for the balance  
owed on the new  
fire truck

The City Manager confirmed discussions from 2010-2011 Budget Work Session and recommended that the remainder of the balance, \$202,110 for the purchase of the fire truck be repaid with a seven year bank loan. After shared discussion about the open bid process, ***Moore moved, seconded by Scanlon to authorize the City Manager to move forward with procuring a loan from Chemical Bank in the amount of \$202,110 for the remainder of the balance due for the new fire truck as presented. Roll call vote carried unanimously.***

Approve \$10,000 to  
River Tenders for  
the Permit & Design  
of the duck pond  
area and dam  
removal, Mill Race  
to Pears Mill, and  
McCoy's Creek  
from Elliott  
property line to the  
St. Joseph River

After the Mayor confirmed the positive discussions with the City Manager and Joe Mitchell along with comments heard from Ad Hoc Committee Chairman Tom Fehlner, ***Moore moved, seconded by Scanlon to approve the expenditure of \$10,000 to River Tenders for the design and permits for the duck pond area and dam removal, Mill Race to Pears Mill, and McCoy's Creek from Elliott property line to the St. Joseph River as recommended by the Ad Hoc Committee.*** The City Manager confirmed that Joe Mitchell from River Tenders has built a good rapport with Jay Wesley from the DNR and explained all three proposals for the design and permitting would be completed throughout the summer. She reported that fund balance would have to be used to finance the project and confirmed grants would be pursued. ***Roll call vote carried unanimously.***

**New Business**  
Resolution  
2010.06/16,  
Marriage Ceremony  
Fee

After deliberation about the fee, ***Cole moved, seconded by Scanlon to approve the resolution as discussed.***

**MARRIAGE CEREMONY FEE**

**WHEREAS**, Mayors have the authority to solemnize marriage in the State of Michigan; and  
**WHEREAS**, pursuant to MCL 551.7 the City Commission shall charge and collect a fee to be determined by the City Commission; and  
**WHEREAS**, the fees shall be included with the City of Buchanan - Schedule of Fees and Charges.

**NOW THEREFORE, BE IT RESOLVED** the fee for a marriage solemnized by the Mayor of the City of Buchanan pursuant to the provisions of Public Act 211 of 1972 be and the same hereby is set at Fifty dollars-----(\$50.00)

which shall be collected by the Mayor at the time of said solemnization and remitted to the City Treasurer for deposit in the General Fund of the City of Buchanan.

***Roll call vote carried unanimously; Resolution 2010.06/16 declared adopted.***

After explanation  
from the Fire Chief  
and shared  
discussion with  
Commission,  
***Scanlon moved,  
seconded by Moor***

**Unfinished Business continued**

DDA owned properties in consideration of the \$250,000 Andrews Farm TIF loan and street light costs

***to authorize the Fire Chief to acquire the engine exhaust removal system for the Fire Department in the amount of \$6,272. Roll call vote carried unanimously.***

The City Manager announced concern for the liquidity of the Landfill as she is unsure of its worth and the bank would hold the City of Buchanan (and other owner jurisdictions) responsible to make the loan payments whole if the Landfill cannot pay the full payment. Mullendore explained the fiduciary responsibility and each commissioner voiced their concern and discussion/questions were shared. ***Scanlon moved, seconded by Moore to not support the "Limited Guarantee" for the \$1,200,000 loan the Landfill needs to construct the new cell. Roll call vote carried unanimously***

Limited Guarantee  
for the Landfill

**Public Comments**

**City Manager**

**Commissioner's  
Comments**

**Adjourn**

Public comments were heard from Tom Fehlner and Debra Patzer.

City Manager comments were heard.

Commissioners' comments were heard.

***Scanlon moved, seconded by Norton to adjourn the meeting at 9:06 p.m.***

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

\_\_\_\_\_  
Carla M. Cole, Mayor

**New Business continued**

Exhaust Removal System Purchase

CITY OF BUCHANAN COMMISSION MINUTES

June 28, 2010

Call to Order

The regular scheduled meeting of the City Commission was held at Buchanan City Hall, 302 N. Redbud Trail, Buchanan, Michigan, Monday, June 28, 2010. Mayor Cole called the meeting to order at 7:02 p.m.

Pledge/Invocation

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

Roll Call

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

Commissioners absent: none

Staff present: City Manager Meg Mullendore, City Attorney Randy Hyrns, Downtown Development Authority Director Debra Patzer, and Clerk Gladys Bybee

Guests/Visitors present: 6 visitors including 1 reporter

Consent Calendar

Agenda as amended

*Scanlon moved, seconded by Moore to amend the consent calendar to remove item F. Reappoint Mark Soltys to the Downtown Development Authority for a four year term ending 2014 under the Consent Calendar to discuss it under New Business B. and include C. Status of Golden Farms Candy Building, 204 N. Redbud Trail under New Business along with adding A. Recent Development of the DDA Property Exchange under Unfinished Business. Norton moved, seconded by Scanlon to approve the Consent Calendar as amended. Roll call vote carried unanimously.*

Minutes

Checks

District Library Board Reappointments

BARB Reappointments

Zoning Board of Appeals Reappointments

2009-2010 Year End Budget Amendment

Reports

Friends of McCoy's Creek Trail

- Agenda as amended
- Minutes: Regular scheduled meeting, June 14, 2010
- Checks 59587 to 59668 in the amount of \$297,614.61
- Re-appointment of Becky Kaltenbach and Dianne Ross to the Buchanan District Library Board for four year term ending 2014
- Re-appointment of Ron Dreitzler to the Buchanan Area Recreation Board (BARB) as recommended by the Buchanan Community School Corporation, for a three year term ending in 2013.
- Re-appointment of Lanny Fisher to the Buchanan Area Recreation Board (BARB) for a three year term ending 2013
- Re-appointment of Jim King, Joe Scanlon and Jason Lietz to the Zoning Board of Appeals for a three year term ending 2013
- Budget Amendment – End of Year General Fund Fiscal 2009-2010.

Friends of McCoy's Creek Trail Chair Dick Proud reported that an Eagle Scouts Project was continuing on Phase 1, EB Clark Woods to Farmers Market. He distributed a rendering of the refurbished old pump house above the water fall and explained the future plans of continuing the Trail west through the Elliott property, hoping to be done this summer. Also the railroad property has been secured and Friends of the Trail will be preparing a grant for further development. After shared discussion, Proud presented the reprint of "The Real McCoy" being offered for sale.

Unfinished Business

Recent Development of the DDA Property Exchange

Patzer announced that the DDA retained Attorney Sarah Bell to do the paperwork to get through the process of the property exchange and Bell would be working with City Attorney Randy Hyrns. Patzer explained that Bell was confident that the issues (that were circulated via email) could be worked through; discussion was shared with Commission.

Mullendore explained the emergency with the

computer server and operating system for City Hall which she and the Treasurer believed necessitated the upgrade. **Moore moved, seconded by Norton to approve the bid waiver and expenditure not to exceed \$8,330 to Custom Computer for replacement of the Network Server and Operating System as presented and recommended. Roll call vote carried unanimously.**

DDA  
Reappointment

Norton reported that he was disappointed in comments made at previous public meetings by DDA Member Mark Soltys about the City of Buchanan. **Scanlon moved to reappoint Soltys to the Downtown Development Authority for a four year term ending 2014. Motion failed for lack of a second.** It was confirmed that the reappointment failed.

Municipal Comple

Mullendore summarized the City’s closing on the purchase of the Golden Farms Candy building property (204 N. Redbud Trail) in 2006 with preliminary plans done by Barker-Nestor with no further action from Commission; the purchase of the bank building on the hill that was later rescinded, leaving the Municipal Complex issue at a standstill. She then reported that staff is awaiting direction of the commission to move forward. Discussion was shared about marketing the property and changes that would occur as a result of the property exchange with the DDA. **Scanlon made a motion to sit down as a Commission and invite Kevin Barker and have him bring out old sketches to a work session for review and discussion with an inclusion of a fourth option to consider a new building on the Third Street parcel(s).** Mullendore and Commission shared discussion about energy costs of current city hall and USDA loan for building a new municipal building to house all. **Moore seconded the motion with amendment of fourth option review and roll call vote carried unanimously.**

Commissioner’s  
Comments

Commissioners’ comments were heard.

Closed Session

**Scanlon moved, seconded by Weaver to go into closed session to consider the periodic personnel evaluation under MCL 15.268 Sec. 8. (a) of the City Manager as confirmed and requested by the City Manager and to go into closed session excluding the City Manager pursuant to Act 267 of 1976, 15.268 Sec. 8(h) to consider material exempt from discussion or disclosure by state or federal statute; to discuss the written attorney opinion. Roll call vote carried unanimously.**

The Mayor reconvened the regular meeting at 9:37 p.m.

City Manager  
Contract Review

**Scanlon moved, seconded by Moore that based upon the City Manager evaluation and contract review the parties have agreed to the monetary terms of a separation agreement and authorize the Mayor and City Manager to sign the final documents drafted and prepared by the City Attorney. Roll call vote carried unanimously.**

**Scanlon moved, seconded by Weaver to authorize the Mayor to send a letter to the St. Joseph City Council requesting the assistance of their City Manager Frank Walsh to facilitate the Buchanan City Manager Search. Roll call vote carried unanimously.**

Adjourn

**Weaver moved, seconded by Norton to adjourn the meeting at 9:40 p.m.**

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

\_\_\_\_\_  
Carla M. Cole, Mayor

New Business

Network Computer Server & Operating System

CITY OF BUCHANAN COMMISSION MINUTES

July 12, 2010

Call to Order

The regular scheduled meeting of the City Commission was held at Buchanan City Hall, 302 N. Redbud Trail, Buchanan, Michigan, Monday, July 12, 2010. Mayor Cole called the meeting to order at 7:00 p.m.

Pledge/Invocation

The Pledge was recited by all in attendance. Harvey Burnett gave the Invocation.

Citizen  
Appreciation  
Recognition  
Award

Commissioner Moore read the biography of Harvey Burnett and the Mayor presented the Citizen Appreciation Recognition Award to Mr. Burnett.

Roll Call

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

Commissioners absent: none

Staff present: City Manager Meg Mullendore and Clerk Gladys Bybee

Guests/Visitors present: 12 visitors including 1 reporter

Consent Calendar

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

- Agenda
- Minutes: Regular scheduled meeting, June 28, 2010
- Checks 59669 to 59774 in the amount of \$226,183.36
- Banner Placement form for Buchanan Athletic Boosters from August 13-27, 2010
- Proclamation, Supporting the "27th Annual National Night Out"

Agenda  
Minutes  
Checks  
Banner Placement

Proclamation  
Supporting National  
Night Out

The Mayor also presented the Proclamation to Mr. Burnett.

Reports  
Clerk/Election

The City Clerk reported on open seats on boards, upcoming elections with adding electronic poll books, downtown rental rehab reporting, receipt of Clerks' Conference scholarships, return of PEG Channel 17, and several website feedback contacts.

Unfinished  
Business  
Resolution  
2010.07/17,  
Authorizing  
Execution to  
Finance Installmen  
Purchase

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

RESOLUTION TO AUTHORIZE THE EXECUTION OF AN INSTALLMENT PURCHASE AGREEMENT TO FINANCE THE COST OF A SPENCER SM/TM-1000 RESCUE PUMPER APPARATUS, AND AUTHORIZING THE UNDERTAKING OF ALL OTHER NECESSARY REQUIRED ACTS IN CONNECTION WITH THE FINANCING THEREOF

*Roll call vote carried unanimously. Resolution 2010.07/17 declared adopted.* Copy of such attached as part of these minutes.

Agreement for Fire  
Truck

*Weaver moved, seconded by Scanlon to approve the Installment Purchase Agreement with Chemical Bank for the remainder of the purchase for the Fire Truck in the amount of \$202,880 as presented. Roll call vote carried unanimously.*

New Business  
Purchase of a  
Kubota Diesel  
Mower  
\$500 Payment to  
Chamber of  
Commerce

After explanation from the City Manager and shared discussion with Commission, *Norton moved, seconded by Weaver to approve the purchase of a Kubota Diesel Mower for \$17,100.00 as presented. Roll call vote carried unanimously.*

The City Manager reported that staff was concerned that the City would not collect

enough funds to  
cover the \$500

payment to the Chamber of Commerce due to the changed dates of the Community Wide Garage Sale. **Norton moved, seconded by Scanlon to continue the partnership with the Chamber of Commerce, as the garage sales are a community wide event and to pay the allocation of \$500 to the Chamber of Commerce for their services provided with said event.** There was candid discussion regarding the letter received from the Chamber of Commerce President regarding the Chambers role with the Garage Sales. **Roll call vote carried unanimously**

Two Discharge of Rental Rehab Deferred Payment Mortgage's

After explanation from the City Clerk, **Weaver moved, seconded by Norton to approve both Discharge of Rental Rehab Deferred Payment Mortgage's for Thomas Gauthier and Sharon Gauthier as recorded in Liber 2739 page 1029 and Liber 2473 pages 1936 through 1939 as presented and recommended. Roll call vote carried unanimously.**

Request from BAMA for Permission to use the City Logo

The City Manager explained that Pastor Sean Kidd from the Buchanan Area Ministerial Association (BAMA) contacted her to request permission for BAMA to use the City Logo for its Faith and Family Day, August 29, 2010. **Scanlon moved, seconded by Moore to approve the request as presented. Roll call vote carried unanimously.**

Solicit Bids for Demolition of 511 Michigan Street

The City Manager reported that fire training had occurred at City owned property, 511 Michigan Street and was now requesting permission to solicit bids for demolition with funds taken from fund balance. Norton explained the fire trainings and thanked the City for allowing the Fire Department to utilize the acquired property. **Norton moved, seconded by Moore to approve the request to solicit bids as presented. Roll call vote carried unanimously.**

**Public Comments**

Public comments were heard from Monroe Lemay.

**City Manager & Commissioner's Comments**

City Manager and Commissioners' comments were heard with **Commissioner Moore making a motion to appoint Chief Bill Marx to the Acting City Manager position and Mayor Cole seconding the motion.** After discussion the motion was withdrawn and **Weaver moved, seconded by Norton to call a Work Session for July 15th to discuss appointing an Acting City Manager. Roll call vote carried unanimously.**

**Closed Session**

**Scanlon moved, seconded by Moore to go into closed session at 8:13 p.m. to review closed session minutes from the June 28<sup>th</sup> meeting. Roll call vote carried unanimously.**

Minutes from June 28, 2010

The Mayor reconvened the regular meeting at 8:17 p.m.

**Scanlon moved, seconded by Moore to approve both sets of closed session minutes from June 28<sup>th</sup> for the periodic personnel evaluation under MCL 15.268 Sec. 8. (a) of the City Manager as confirmed and requested by the City Manager and to go into closed session excluding the City Manager pursuant to Act 267 of 1976, 15.268 Sec. 8(h) to consider material exempt from discussion or disclosure by state or federal statute; to discuss the written attorney opinion. Roll call vote carried unanimously.**

**Adjourn**

**Scanlon moved, seconded by Moore to adjourn the meeting at 8:18 p.m.**

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

\_\_\_\_\_  
Carla M. Cole, Mayor

**New Business continued**

\$500 Payment to Chamber of Commerce

CITY OF BUCHANAN COMMISSION MINUTES

July 26, 2010

The regular scheduled meeting of the City Commission was held at Buchanan City Hall, 302 N. Redbud Trail, Buchanan, Michigan, Monday, July 26, 2010. Mayor 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, Earl Scanlon, Warren Weaver

Commissioners absent: none

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

Guests/Visitors present: Fine Arts Council Co Chairman Rich Shepardson, Friends of McCoy's Creek Trail Chairman Dick Proud, and Abonmarche Project Manager Kenton McAndrew along with 13 visitors including 1 reporter

Lorne Kay asked questions about Police Chief Bill Marx being appointed Acting City Manager. Kay also asked how much Ms. Mullendore was receiving upon her departure. Kathy Kay thanked Bill Marx.

***Moore moved, seconded by Weaver to amend the Agenda to include D. Banner Placement Form for City Wide Garage Sales and E. Chemical Bank Resolution under the Consent Calendar along with G. City Manager Position Advertisement and H. Southeast Berrien County Landfill Representative Appointment. Roll call vote carried unanimously.***

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

- Agenda as amended
- Minutes: Regular scheduled meeting, June 12, 2010, Work Session, July 15, 2010, Special Meeting, July 19, 2010
- Checks 59775 to 59855 in the amount of \$695,029.39
- Banner Placement Form for City Wide Garage Sales for August from the Chamber of Commerce
- Chemical Bank Resolution Authorizing Acting City Manager William Marx as an authorized signer on the Payroll Account

Rich Shepardson reported that the Fine Arts Council was working with the Trail Committee and Garden Club, doing upgrades to the building/property, available positions, a new website, and developing a long term plan to be a four-season theatre. Discussion was shared with Commission about holding a meeting at the Tin Shop and possible weddings.

***Weaver moved, seconded by Moore to approve the Budget Amendment in the General Fund for Fiscal year 2010-2011 in the amount of \$202,880 for the balance due on the 2010 Fire Rescue-Pumper. Roll call vote carried unanimously.***

***Weaver moved, seconded by Norton to approve the Acting City Manager Contract with William Marx as presented. Roll call vote carried unanimously***

**Call to Order**

**Pledge/Invocation**

**Roll Call**

**Public Comment**

**Consent Calendar**

Amended Agenda

Minutes

Checks

Banner Placement

Chemical Bank Resolution

**Reports**

Fine Arts Council

**Unfinished Business**

Budget Amendment for Fire Truck

Acting City Manager Contract

**Moore moved, seconded by Scanlon to schedule a Work Session at 6:00 p.m. on Monday August 9<sup>th</sup> to discuss the Municipal Complex with Department Heads and Architect Kevin Barker. Roll call vote carried unanimously.**

Landrails Quote to remove Tracks & Rail

Rich Shepardson confirmed that the Fine Arts Constitution was an amendment. **Moore moved, seconded by Scanlon to approve the Amended Buchanan Area Fine Arts Council Constitution as presented. Roll call vote carried unanimously.**

Dick Proud reported that the purchase of the railroad property was completed from Roe Street (end of Tin Shop property behind City maintenance shed) to the Elliott Property by partnering with the Park Board. He explained the solicited quote costs to remove the tracks and rails in detail. After shared discussion with Commission, **Norton moved, seconded by Weaver to approve the quote in the amount of \$2,240 from Landrails as recommended by the Friends of McCoy's Creek Trail Committee. Roll call vote carried unanimously.**

Main Street Program Agreement

After Patzer explained the Main Street Program Agreement in detail as requested, shared discussion followed. **Moore moved, seconded by Scanlon to approve the Community Requirements and Expectations Agreement for the Main Street Program as presented. Roll call vote carried unanimously.**

Resolution 2010.07/18, Designating an Authorized Project Representative

After brief explanation from McAndrew, **Weaver moved, seconded by Norton to approve the resolution as presented. A RESOLUTION DESIGNATING AN AUTHORIZED PROJECT REPRESENTATIVE**

WHEREAS, the City of Buchanan recognizes has begun construction of improvements to its drinking water plant and distribution systems in accordance with the State of Michigan Drinking Water Revolving Loan Program; WHEREAS, the current representative, Ms. Margaret Mullendore, will no longer be employed by the City; NOW THEREFORE BE IT RESOLVED, that the Acting City Manager, a position currently held by William Marx, is designated as the authorized representative for all activities associated with the project referenced above, including the submittal of said Project Plan as the first step in applying to the State of Michigan for a Drinking Water Revolving Fund Loan to assist in the implementation of the selected alternative.

**Roll call vote carried unanimously. Resolution 2010.07/18 declared adopted.**

Resolution 2010.07/19, CITY and Buchanan Public Schools Inter-Agency Agreement For Coverage Under the Phase II NPDES Permit

After brief explanation from McAndrew reporting that the State changed laws to include Schools to have permits for storm sewers, **Weaver moved, seconded by Moore to approve the resolution as recommended.**

**WHEREAS**, the City of Buchanan (CITY) and Buchanan Public School (BPS) are subject to the requirements of the Phase II Storm Water Regulations (the "Phase II Regulations"), 33 USC 1251, *et seq.*, published by the United States Environmental Protection Agency ("EPA") in the Federal Register on December 8, 1999; and

**WHEREAS**, the Phase I Regulations of the existing National Pollutant Discharge Elimination System (NPDES) storm water program were published in the Federal Register on November 16, 1990 and the Phase II Regulation expands the existing program to address storm water discharges from small public separate storm drainage systems and construction sites that disturb one to five acres. The CITY is subject to Phase II because the CITY meets the criteria for regulation based on the 2000 census urbanized area maps. BPS are regulated as it is a public facility with separate storm drainage that lies within an urbanized area and the facility's separate storm drainage meets the concept of a "system" as described in the Federal regulation; and

**WHEREAS**, the CITY is applying for a Michigan Department of Environmental Quality National Pollutant Discharge Elimination System Wastewater Discharge (NPDES) General Permit for Storm Water Discharges from Municipal Separate Storm Sewer Systems (MS4s) Subject to Watershed Plan

Requirements (MIG619000). The CITY is also applying cover BPS which lies within the jurisdiction limits of CITY under the CITY's permit as allowed in Part I, Section A.2. of the General Permit; and

**Unfinished Business continued**

Schedule Work Session

**New Business**

Fine Arts Council Constitution

**WHEREAS**, the Phase II Regulations and the General Permit impose certain requirements on the CITY and BPS that must be satisfied; and

**WHEREAS**, the CITY Council has approved the CITY to provide coverage for BPS under the General Permit to enable the CITY and BPS to comply with the requirements of the Phase II Regulations, the General Permit and to engage in other storm water management activities related thereto; and

**WHEREAS**, the CITY and BPS agree to cooperate and actively participate in the activities necessary to enable the CITY and BPS to comply with the Phase II Regulations and the General Permit; and

**WHEREAS**, the CITY will bill BPS Five Hundred (\$500) Dollars annually for nesting coverage under the CITY'S NPDES Permit and BPS will pay said amount annually to CITY; and

**WHEREAS**, the CITY and BPS are authorized to enter into an Agreement for a term up to but not beyond the expiration date of the CITY'S Certificate of Coverage under the General Permit and

**NOW, THEREFORE, BE IT RESOLVED** In order to provide permit coverage, it is necessary that the CITY and BPS enter into the Inter-Agency Agreement For Coverage Under the Phase II NPDES Permit.

After shared discussion, *Scanlon moved, seconded by Moore to approve an amount not to exceed for the City Manager Advertising Budget. Roll call vote carried unanimously.*

*Moore moved, seconded by Scanlon to appoint Joe Scanlon to the Southeast Berrien County Landfill board to fill the vacancy of City Manager Meg Mullendore. Roll call vote carried by majority. YEA: Scanlon, Moore, Cole, Weaver. NAY: Norton.*

Public comments were heard from Candidate Todd Griffee, Rich Shepardson and resident Monroe Lemay.

City Manager and Commissioners' comments were heard.

*Moore moved, seconded by Scanlon to go into closed session at 8:14 p.m. to review closed session minutes from the July 19th meeting. Roll call vote carried unanimously.*

The Mayor reconvened the regular meeting at 8:15 p.m.

*Moore moved, seconded by Scanlon to approve July 19, 2010 closed session minutes to consider material exempt from discussion or disclosure by state or federal statute [15.268 Sec. 8. (h)]. Roll call vote carried by majority with an abstention from Weaver as he was absent from said closed session.*

*Moore moved, seconded by Scanlon to adjourn the meeting at 8:15 p.m.*

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

\_\_\_\_\_  
Carla M. Cole, Mayor

City and  
Buchanan Public  
Schools Inter-  
Agency Agreement  
For Coverage Under  
the Phase II NPDES  
Permit

Budget for City  
Manager  
Advertising

Southeast Berrien  
County Landfill  
board Appointment

Public Comments

City Manager &  
Commissioner's  
Comments

Closed Session

Minutes from July  
19, 2010

Adjourn

CITY OF BUCHANAN COMMISSION MINUTES

August 9, 2010

The regular scheduled meeting of the City Commission was held at Buchanan City Hall, 302 N. Redbud Trail, Buchanan, Michigan, Monday, August 9, 2010. Mayor Cole 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 of Jeremy Lausch and the Mayor presented the Citizen Appreciation Recognition Award to Mr. Lausch.

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

Commissioners absent: none

Staff present: Acting City Manager Bill Marx, DDA Director Debra Patzer and Clerk Gladys Bybee

Guests/Visitors present: 33 visitors including 1 reporter

Public comments were heard from resident Lorne Kay and Kathy Kay.

After a request from the clerk and time taken to read minutes, **Moore moved, seconded by Scanlon to amend the Agenda to include July 26, 2010 Work Session Summary and July 26, 2010 Open Forum Meeting Minutes under B. of the Consent Calendar. Roll call vote carried unanimously. Scanlon moved, seconded by Weaver to approve the Agenda as amended. Roll call vote carried unanimously.**

- Agenda as amended
- Minutes: Regular scheduled meeting, July 26, 2010
- Checks 59856 to 59961 in the amount of \$877,114.35
- Reappoint Eugene Gorton, Jim King, and Roger Long to the Construction Board of Appeals for a three year term ending 2013
- Budget Amendment in the General Fund, City Manager Budget for Fiscal year 2010-2011 in the amount of \$2,500 for the publications of the City Manager Position Vacancy
- Appoint Marsha Gorbitz to the Buchanan Area Fine Arts Council to a four year term ending 2014 as recommended
- Michigan State Housing Development Authority Authorized Signature Designation Form for Acting City Manager Bill Marx
- Michigan Department of Transportation, Resolution for Designation of Street Administrator Designating Acting City Manager Bill Marx
- Street Closure: Front Street, Terre Coupe, Smith Street October 8, 2010 for Buchanan High School Homecoming Parade

Mayor Cole distributed and read the *Separation Agreement between the City of Buchanan and Margaret Mullendore* dated August 3, 2010.

After Norton confirmed that no bids were received since the July 12<sup>th</sup> vote to solicit bids for demolition of 511 Michigan Street, he asked if the demolition could be done by City staff. Marx replied that he believes it is possible. After shared discussion, **Scanlon moved to authorize city crews to do demolition after an Inspector has ruled out any**

Call to Order

Pledge/Invocation

Citizen

Appreciation

Recognition

Roll Call

Public Comment

Consent Calendar

Amended Agenda

Minutes

Checks

CBOA

Reappointments

Budget Amendment

Fine Arts

Appointment

MSHDA Signature

Designation

MDOT Signature

Designation

Street Closure

Unfinished

Business

Mullendore

Separation

Agreement

511 Michigan St.

Demolition

*asbestos. Weaver seconded the motion and roll call vote carried unanimously.* Marx confirmed to locate an inspector.

**New Business**  
Call Public Hearing  
for vacating  
streets/alleys

Lou Desenberg introduced his family and explained their request for a plat modification to the Desenberg properties with vacation of the streets/alleys located within the properties. Weaver commented that the streets/alleys had never been developed or infrastructure put in. Attorney Hyrns confirmed the procedure according to Charter Section 8.2. ***Scanlon moved, seconded by Moore to call a Public Hearing on September 13<sup>th</sup> at 7:00 p.m. to invite comments regarding the Street and Alley Vacations. Roll call vote carried unanimously.***

Resolution  
2010.08/20, Liquor  
License Transfer

After Marx reported that the Police Department had completed the investigation into the new owners at 215 E. Front Street, ***Weaver moved, seconded by Scanlon to approve the resolution for Liquor License Transfer Request from Bergum Enterprises, LLC to Bar 4 Enterprises, LLC for 215 E. Front Street as presented. Roll call vote carried unanimously. Resolution 2010.08/20 declared adopted.***

Permission to use  
City Sidewalks for  
Sidewalk Sales

DDA Director Patzer explained her written request for permission for the downtown merchants to utilize City sidewalks for "Sidewalk Sales" during the Community Wide Garage Sales. ***Scanlon moved, seconded by Norton to grant permission for Buchanan businesses to utilize City sidewalks for sales during the Citywide Garage Sales as presented. Roll call vote carried unanimously.***

Permission to use  
Public Property  
(Sculpture Alley,  
Mill Alley, Garden  
Club Memorial Park  
Gazebo, and  
Sidewalks)

The DDA Director explained her written request for permission utilize public property; Sculpture Alley, Mill Alley, Garden Club Memorial Park Gazebo, and Sidewalks for the Downtown Merchants Non-Pareil Event. Patzer confirmed that they have requested that 2 police officers be on foot patrol as wine will be served inside private stores. She assured the Commission the merchants would be responsible for all aspects of the event. ***Weaver moved, seconded by Moore to grant permission for Buchanan Merchants to utilize the public property as presented. Roll call vote carried unanimously.***

Permission  
to use Public  
Property  
(Gazebo)

Patzer announced that Justin Lovelady has interned and worked on the light and sound systems for the Common and some equipment has gone missing and he also proposes to provide music at the gazebo to raise funds to purchase sound equipment and lighting for the Common. She confirmed that locks have been changed and contact made with Garden Club President Liz Miller for preliminary plans to rent out the park with a donation to be split between the Garden Club and the Common. ***Moore moved, seconded by Scanlon to grant permission to utilize the Garden Club Memorial Park Gazebo for the fundraiser and agreed to the concept of renting out the gazebo. Roll call vote carried unanimously.***

**Public Comments**

Public comments were heard from Landfill Member Dick Haigh and Monroe Lemay.

**City Manager & Commissioner's Comments**

Acting City Manager and Commissioners' comments were heard.

**Adjourn**

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

CITY OF BUCHANAN COMMISSION MINUTES

August 23, 2010

Call to Order

The regular scheduled meeting of the City Commission was held at Buchanan City Hall, 302 N. Redbud Trail, Buchanan, Michigan, Monday, August 23, 2010. Mayor Cole 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: Carla Cole, Patricia Moore, William Norton, Earl Scanlon

Commissioners absent: Warren Weaver

Staff present: Acting City Manager Bill Marx, Assessor Gordon Schreiber, and Clerk Gladys Bybee

Guests/Visitors present: 54 visitors including 1 reporter

Public Comment

Public comments were heard from resident Lorne Kay, Kathy Kay, Jim King and Dick Proud.

Consent Calendar

After a request from the clerk, *Moore moved, seconded by Scanlon to amend the Agenda to include C. Review, discuss and hear from McCoy's Creek Trail President Dick Proud to change contractors for removal of the railroad tracks and D. Buchanan Dial-A-Ride Revised Project Authorization under New Business. Roll call vote carried unanimously. Moore moved, seconded by Scanlon to approve the Consent Calendar as amended. Roll call vote carried unanimously.*

Amended Agenda

- Agenda as amended
- Minutes: Regular scheduled meeting, August 9, 2010 and Work Session Summary, August 9, 2010
- Checks 59962 to 60073 in the amount of \$3,337,284.05
- Resolution 2010.08/21, RESOLUTION TO CALL A PUBLIC HEARING TO VACATE BLUFF STREET BETWEEN COMMERCIAL STREET AND ABANDONED RIVER STREET; ELIZABETH STREET BETWEEN COMMERCIAL STREET AND BLUFF STREET; ENTERPRISE STREET BETWEEN ARCTIC STREET AND BLUFF STREET; AND THE WESTERLY ONE-HALF OF THE ABANDONED RIGHT OF WAY OF RIVER STREET FROM COMMERCIAL STREET TO THE CURRENT RIVER STREET RIGHT OF WAY; AND THE ALLEYS IN BLOCKS 2 AND 10; ALL AS SHOWN ON THE PLAT OF ENGLISH AND HOLMES ADDITION.
- Street Closure Request from the Moose Lodge to close Rynearson from Redbud to Smoke Vision & Johnson from Rynearson to Front during their Safety Day Event, August 29th

Minutes

Checks

Resolution  
2010.08/21, Callin  
a Public Hearing

Street Closure

Reports  
Assessor  
Department

Assessor Schreiber explained his bi-annual report while all reviewed his written report.

With the absence of Project Manager Kenton McAndrew, Marx explained the written report provided by McAndrew regarding the Sewer and Water Project Update. Noted that valve replacement was completed and a possible delay in getting power to the new water well.

Sewer and Water  
Project Update

After Marx reported that bids were received for the Department of Public Works building (606 Clark Street), all reviewed and shared discussion, the commission passed around the material to be used. *Moore moved, seconded by Norton to award the bid to Hoekstra Construction in the amount of \$5,865 for the repair to the Department of Public Works building as recommended. Roll call vote carried unanimously.*

Unfinished  
Business  
606 Clark St. Roof  
Repair

After Marx reported that bids were received for the Police Department/Building Inspector building (107 W. Front Street), all reviewed and shared discussion, **Moore moved, seconded by Scanlon to award the bid to Hoekstra Roofing in the amount of \$1,478 for the repair to the Police Department /Building Inspector building as recommended. Roll call vote carried unanimously.**

107 W. Front St.  
Roof Repair

After Marx reported that bids were received for the City Hall (302 N. Redbud Trail), all reviewed and shared discussion, **Moore moved, seconded by Norton to award the bid to Hoekstra Roofing in the amount of \$39,378 for the repair to City Hall as recommended. Roll call vote carried unanimously.**

302 N. Redbud Trl  
Roof Repair

Marx explained the emergency need to replace the culvert on Smith Street and his request for Abonmarche to provide renderings; two bids were received. After shared discussion of the need for a permit from the Department of Natural Resources And Environment (DNRe), **Scanlon moved, seconded by Moore to award the bid to replace Smith Street bridge/culvert at McCoy's Creek to BG Green Company in the amount of \$48,600 contingent on MDNRe approval of the plan and starting as soon as permit is received with a re-route until repaired as recommended. Roll call vote carried unanimously.** Noted that a request for bridge inspection quotes would be forthcoming.

Smith Street  
Bridge/Culvert  
Replacement at  
McCoy's Creek

After review of the Schedule for the City Manager Selection Process, **Scanlon moved, seconded by Norton to approve the schedule contingent upon Niles City Administrator Terry Eull's availability on the schedule. Roll call vote carried unanimously.**

Schedule for City  
Manager Search  
Process

Commissioners concurred to a Work Session at 5:45 p.m., September 13 to meet with the Friends of McCoy's Creek Trail to discuss McCoy's Creek Trail.

After shared discussion between Commission, Clerk and public, **Moore moved, seconded by Scanlon to change the Freedom of Information Act (FOIA) Coordinator to the City Clerk and the City Manager with the ability to consult with the City Attorney if necessary. Roll call vote carried unanimously.**

**New Business**  
FOIA Coordinator  
Appointment

**Scanlon moved, seconded by Moore to appoint Acting City Manager Bill Marx as the Official Representative and Commissioner Scanlon as the as a voting member at the Annual Business Meeting of MML; Conference scheduled for September 22<sup>nd</sup>. Roll call vote carried unanimously.**

MML Official  
Representative and  
Alternate Annual  
Meeting  
Appointment

Trail Chairman Richard Proud requested that the Commission rescind the motion from July 26<sup>th</sup> granting the work to Landrail to remove the rails and confirmed that no agreement had been signed with Landrail nor would the work require any permits through DNRE. He further explained that Cole's Auto, Inc. (local) contacted him and submitted a quote to remove brush along with removal of the rails and pay the Buchanan Trail Committee \$2,240 so there would be no cost for the City. After shared questions and discussion, **Scanlon moved, seconded by Moore to rescind the prior award to Landrail and approve the Railroad Track Removal Agreement between Buchanan Trail Committee and Cole's Auto, Inc. as presented. Roll call vote carried unanimously.** Noted that R/R ties would not be removed with the rail removal and the Trail Dinner Dance October 16.

McCoy's Creek  
Trail Railroad Rail  
Removal  
Agreement

**Unfinished Business continued**

After brief  
explanation from  
the Clerk and

confirmation that a resolution would be forthcoming at the next meeting with Kim O’Haver present, *Scanlon moved, seconded by Norton to authorize the Acting City Manager Bill Marx and Transportation Coordinator Juli O’Bryant to sign the Revised Project Authorization FY 2010 Section 5311 Operating Agreement Z6/R1 as presented. Roll call vote carried unanimously.*

**Public Comments**

Public comments opposing the sale of the Southeast Berrien County Landfill were heard from Landfill Member Dick Haigh, Residents’ Don Ryman and Jim King, Landfill Employee’s Mike Horner and Andrea Meyers, Homeowners’ close to the Landfill Betty Smith and Rita Laher, Niles Township Trustee Dick Noble and concerned citizen Jess Minks. Other public comments were heard from Residents Lorne and Kathy Kay. The Clerk requested that any written questions for the Commission be submitted for further review by the Commission.

**City Manager & Commissioner’s Comments**

**Adjourn**

Acting City Manager and Commissioners’ comments were heard.

*Scanlon moved, seconded by Moore to adjourn the meeting at 9:39 p.m.*

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

\_\_\_\_\_  
Carla M. Cole, Mayor

**New Business continued**

Dial-A-Ride Revised Project Authorization Agreement

CITY OF BUCHANAN COMMISSION MINUTES

September 13, 2010

**Public Hearing**

**The Mayor called the public hearing to order at 7:06 p.m.** and invited public comments concerning Street and Alley Vacations, more specifically Bluff Street between Commercial Street and abandoned River Street; Elizabeth Street between Commercial Street and Bluff Street; Enterprise Street between Arctic Street and Bluff Street; and the Westerly one-half of the abandoned right of way of River Street from Commercial Street to the current River Street right of way; and the alleys in Blocks 2 and 10; all as shown on the Plat of English and Holmes Addition. Lou Desenberg on behalf of wife Catherine and brother Jim (both in attendance) requests and supports the vacation of the above listed streets and alleys. Desenberg confirmed that the easement to maintain current sewer line and electric lines would be retained. He also confirmed continued discussion with the Trail Committee on providing an easement for McCoy's Creek Trail. Hearing no public comment and receiving no written comment, **Scanlon moved, seconded by Moore to adjourn the meeting at 7:12 p.m.**

**The regular scheduled meeting of the City Commission** was held at Buchanan City Hall, 302 N. Redbud Trail, Buchanan, Michigan, Monday, September 13, 2010. Mayor Cole called the meeting to order at 7:12 p.m.

**Call to Order**

The Pledge was recited by all in attendance. No Invocation was heard. Kim O'Haver, Administrator for Buchanan Dial-A-Ride presented a 35 year plaque awarded to the City by Michigan Department of Transportation (MDOT) to the Mayor and Transportation Coordinator Juli O'Bryant.

**Pledge/Invocation**

35 Year Plaque for Buchanan Dial-A-Ride

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

Commissioners absent: None

Staff present: Acting City Manager Bill Marx, Treasurer Juli O'Bryant, and Clerk Gladys Bybee

Guests/Visitors present: Kim O'Haver, Vice President of Transportation Management Inc. along with 23 visitors including 1 reporter

**Roll Call**

Sam Shade, an Arctic Street resident was concerned about continued sewage back up running in his neighbors' basement and information that was previously emailed to Commissioners. Marx gave an update on the issue and requested that the two gentlemen meet with him to review the situation. Buchanan Township resident Jess Minks thanked the two commissioner representatives for their vote on canceling the sale of the Landfill.

**Public Comment**

***Moore moved to amend the Consent Calendar to include B. Fine Arts Council Report under Reports by Department, Committees, Boards. Scanlon seconded and roll call vote carried unanimously. Norton moved to include C. Discussion of Representatives on the Southeast Berrien County Landfill Board under New Business. Weaver seconded and roll call vote denied. YEA: Norton, Weaver. NAY: Scanlon, Cole, Moore.***

**Consent Calendar**

Amended Agenda

After request from the Clerk, ***Moore moved, seconded by Scanlon to remove the Closed Session from the Agenda as explained by the Clerk. Roll call vote carried unanimously.***

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

- Agenda as amended
- Minutes: Regular scheduled meeting, August 23, 2010 and Work Session Summary, August 30, 2010
- Checks 60074 to 60196 in the amount of \$707,649.33
- Banner Placement 9-20-10 to 10-4-10: Buchanan Area Chamber of Commerce “Harvest Buchanan Festival”
- Street Closure Request from the Chamber of Commerce to close Days Avenue from Front Street to Chicago Street for Harvest Buchanan, October 2
- Street Closure Request from the Chamber of Commerce to close Front Street from Schirmer Parkway to Days Avenue for Harvest Buchanan Parade, October 2
- Street Closure Request from the Chamber of Commerce to close Roe Street from Days Avenue to Oak Street for Harvest Buchanan, October 2
- Trick-or-Treat, Saturday, October 30, 2010 from 6:00 p.m. to 7:30 p.m.
- Appoint William Cameron to the Downtown Development Authority to fill a vacant seat ending 2014 as recommended by the Downtown Development Authority

Minutes  
 Checks  
 Banner Placement  
 Street Closure’s  
 Trick-or-Treat  
 DDA Appointment

**Reports**  
 Dial-A-Ride

O’Haver reported on Buchanan Dial-A-Ride increased man hours approved by the State.

Tin Shop

Rich Shepardson, Chairman of the Fine Arts Council distributed a rendering of the Tin Shop with the inclusion of the McCoy’s Creek Trail to redo the concrete at the Tin Shop. Dick Proud, McCoy’s Creek Trail Chairman distributed the material to be used for the Trail on the Tin Shop property. ***Moore moved, seconded by Scanlon to approve the project as presented. Roll call vote carried unanimously.***

Concrete Project approval

After brief explanation from O’Haver, ***Weaver moved, seconded by Scanlon to approve the resolution as presented.*** Authorizing the City Manager and City Treasurer to sign the Revised Project Authorization No. Z6/R1 for Michigan Department of Transportation (MDOT) Project No. 109891 for FY 2010 Section 5311 Operating.

Resolution  
 2010.09/22,  
 Authorizing the  
 City Manager and  
 City Treasurer to  
 sign the Revised  
 Project  
 Authorization No.  
 Z6/R1

**WHEREAS**, the City Commission at a regular public meeting held on Monday August 23, 2010 authorized the Acting City Manager and/or City Treasurer the authority to sign contracts and project authorizations for public transportation grants; and

**WHEREAS**, the State of Michigan Department of Transportation (MDOT) has offered the City of Buchanan Dial-A-Ride public transportation system Section 5311 operating monies equal to 16 per cent of eligible audited operating expenses for FY 2010; and

**WHEREAS**, MDOT Agreement 2007-0181/Z6, Project 109891, was accepted by Resolution 2010.04/12 on April 26, 2010; and

**WHEREAS**, MDOT Agreement 2007-0181/Z6/R1, Project 109891, revises the original Project Authorization and provides an additional \$12,512 in federal Section 5311 operating assistance, for a total of \$25,191.

**NOW, THEREFORE BE IT RESOLVED** that the City of Buchanan does hereby make its intentions known to accept this MDOT Agreement 2007-0181/Z6/R1, Project 109891, for additional federal Section 5311 operating assistance in the amount of \$12,512.

**BE IT FURTHER RESOLVED** that the City of Buchanan authorizes Julianne O’Bryant as Transportation Coordinator, and William Marx as Acting City Manager of the City of Buchanan, to jointly execute MDOT Agreement 2007-0181/Z6/R1, Project 109891, on behalf of the Commission.

***Roll call vote carried unanimously.*** Resolution 2010.09/22 declared adopted.

**Unfinished Business**

***Moore moved seconded by Scanlon to postpone consideration of the resolution to Vacate Bluff Street between Commercial Street and abandoned River Street; Elizabeth Street between Commercial Street and Bluff Street; Enterprise Street between Arctic Street and Bluff Street; and the Westerly one-half of the abandoned right of way of***

Postpone  
 consideration of the  
 resolution to Vacate  
 Streets & Alleys

**River Street from Commercial Street to the current River Street right of way; and the alleys in Blocks 2 and 10; all as shown on the Plat of English and Holmes Addition to October 11, 2010 regular City Commission meeting. Roll call vote carried unanimously.**

Resolution 2010.09/23, Amendment to Non-Union Employees Personnel Policies

After response from Marx that State law had been followed to draft the resolution and confirmation that Attorney Hyrns had not reviewed it, **Norton moved, seconded by Scanlon to approve the resolution as presented.**

**Amendment to Non-Union Employees Personnel Policies**

**WHEREAS**, the City of Buchanan Non-Union Employees Personnel Policies was adopted on February 9, 2004; and **WHEREAS**, under certain conditions, employees of state or local government agencies may voluntarily receive compensatory time off at a rate of not less than one and one-half hours for each overtime hour worked, instead of cash overtime pay; and

**WHEREAS**, Minimum Wage Law of 1964, Act 154 of 1964, more specifically MCL 408.384a allows Compensation for overtime; exceptions; rules; unpaid minimum wages; appropriation; compensatory time in lieu of monetary overtime compensation; and

**WHEREAS**, the City Commission must review, revise and amend individual elements of the Non-Union Employees Personnel Policies periodically as specific situations and needs are determined.

**NOW, THEREFORE, BE IT RESOLVED** by the City Commission that the verbiage below be included in the City of Buchanan Non-Union Employees Personnel Policies between OVERTIME and COMPENSATORY TIME FOR DEPARTMENT HEADS

NON-EXEMPT AND NON-UNION EMPLOYEES COMPENSATORY TIME

Non-exempt and Non Union employees may have the ability to voluntarily accrue compensatory time only if an agreement in writing is obtained before the compensatory time is earned. Compensatory time will be earned at a rate of 1.5 hours for each hour the employee exceeds an 8 hour work day.

A leave request for the use of any or all of the employee’s compensatory time will be submitted to the employee’s normal supervisor for consideration. The ability to use compensatory time will be at the discretion of the supervisor who shall grant the use of such time based on the minimum staffing needs of the specific department or work site.

If an occasion arises when an employee must accrue compensatory time in excess of the amount set by the City Manager, the employee will be required to use the excess accrued compensatory time within a two-week period. If the excess compensatory time cannot be used within those two weeks, the employee will be paid out for those compensatory time hours which exceed the amount approved by the City Manager.

The accrual and use of compensatory time will be documented by the employer. It is the responsibility of the employee to notify the employer of any accrued compensatory time within one week of when the time was accrued and no later, for it to be considered for accrual.

The employee’s compensatory time may be carried over into the next budget year upon approval by the City Manager, after a written request to do so is received. This time is not to exceed the maximum that has been established.

**Roll call vote carried unanimously.** Resolution 2010.9/23 declared adopted.

Oak Ridge Cemetery storage barn roof replacement

Marx explained the opportunity to replace the roof at the storage barn at Oak Ridge Cemetery along with documentation of the check received from the Insurance Company for previous storm damage. After brief discussion, **Moore moved, seconded by Scanlon to accept the quote to Pro Build Construction in the amount of \$7,850 for a complete replacement of the 40` x 60` large storage barn roof at Oak Ridge Cemetery. Roll call vote carried unanimously.**

Public Comments

Landfill Member Dick Haigh read a letter written by City resident Donna Norton regarding the removal of Buchanan Landfill Representative Carla Cole (letter distributed to all Commissioners and entered as part of these minutes). Citizen Monroe Lemay announced that she obtained Michigan Attorney General Communication, and was noticing the Mayor and City Commission for their alleged City Charter violations.

Unfinished Business continued

Vacate Streets & Alleys

New Business

Acting City Manager noted the mechanical failure of air conditioning at the Senior Center



CITY OF BUCHANAN COMMISSION MINUTES

September 27, 2010

Call to Order

The regular scheduled meeting of the City Commission was held at Buchanan City Hall, 302 N. Redbud Trail, Buchanan, Michigan, Monday, September 27, 2010. Mayor Cole 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: Carla Cole, Patricia Moore, William Norton, Earl Scanlon, Warren Weaver

Commissioners absent: None

Staff present: Acting City Manager Bill Marx, DDA Director Debra Patzer, and Clerk Gladys Bybee

Guests/Visitors present: Mary Lister, Buchanan Art Center President along with 20 visitors including 1 reporter

Consent Calendar

Agenda

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

Minutes

- Agenda
- Minutes: Regular scheduled meeting, September 13, 2010 and Work Session Summary, September 13, 2010
- Checks 60197 to 60256 in the amount of \$254,512.17
- Excuse the absence of Commissioner Warren Weaver from August 23, 2010 meeting
- Budget Amendment General Fund Utilizing funds from Fund Balance: Capital Outlay, Rental Property appropriate \$4,678 to replace the air conditioning unit at the Senior Center and Capital Outlay, Cemetery appropriate \$3,076 for roof repairs to the Cemetery barn
- Request from the DDA on behalf of the downtown merchants to use Mill Alley or Sculpture Alley, Gazebo Park, and possibly some downtown sidewalks for street musicians to perform during Harvest Buchanan from noon to 6 p.m. October 2nd

Checks

Excuse Absence

Budget Amendment

DDA Request to use City Property

Reports

Buchanan Art Center

Mary Lister reported that the Art Center celebrated their fifth anniversary, dedicated three galleries, and that they were gifted funds from the late Marie Hess. Lister announced the board believes that goals are being met; increase in membership, volunteers, class enrollment, and endowment fund. She thanked all the working board members and Commissioners commended Lister and the Art Center Organization. She distributed postcards to Commission.

Unfinished

Business

Patzer reported on the DDA-City Property Transfer in that she has been working with Attorney Sara Bell, whom in turn is working with City Attorney Randy Hyrns. Who will be responsible for paying the tax share owed to Berrien County, Dial-A-Ride, and LMC is what the Attorneys are working on currently. Patzer explained in detail and shared discussion with the Commission.

DDA-City Property Transfer

New Business

Debra Patzer reported that she was assisting the City Manager on an amendment to the Zoning Ordinance to add proposed language for District Regulations. Marx reported that jurisdictions across the State are having issues with setting up and dispensing medical marijuana and adhering to the new State legislation. Patzer explained the ordinance that the City of Livonia adopted in their Zoning Ordinance and the new section she was proposing for Buchanan's Zoning Ordinance. *Moore moved, seconded by Weaver to*

Initiate Zoning Ordinance Amendment for District Regulation

*initiate the ordinance and forward it to the Plan Commission and City Attorney simultaneously for review, public hearing and then come back to the City Commission. Roll call vote carried unanimously.*

Sidewalk Amenities  
Policy Amendment  
Refer to Plan  
Commission

Patzer explained that the Sidewalk Amenities Policy was not flexible, she has received complaints from downtown businesses, and after attendance to the Main Street Program Training (they support amenities on public sidewalks) she would like to work with the City Manager to amend the policy. After shared discussion between Patzer and Commission, *Weaver moved, seconded by Scanlon to refer draft revision of the Sidewalk Amenities Policy to the Plan Commission for review and recommendation. Roll call vote carried unanimously.*

Public Comments

Third Street resident Lorne Kay was concerned for the seniors about the increased cost to recycle through the trash services. Destiny Conway presented petitions requesting that the City give youths something to do, for instance opening a teen center. She and Olivia Cox explained that youth were disappointed that Buchanan doesn't have things for them to do. Discussion was shared between Commission and the youths. Jacob Glossinger, 107 W. Dewey presented a sample of his water, reported that he has had numerous problems with his facility infrastructure caused by the water and he has sent emails and reported it to the front desk. Marx invited Glossinger to meet with him to review the issue. Third Street resident Kathy Kay was also concerned about the City water, thanked the young ladies for their presentation and opposed the amendment to the Sidewalk Amenities Policy. Monroe Lemay on behalf of the Chamber announced the Harvest Buchanan Festival and thanked all for support.

City Manager

Acting City Manager Marx reported that the Smith Street permit was received and the culvert project would start tomorrow; may take a month to complete. He also reported that he met with the tenant at 415 Arctic, reported the City videoed the drain and lines were clear, thus the problem was referred to the Landlord.

Commissioner's  
Comments

All Commissioner shared greetings. Commissioner Moore reported that she is working with the DDA Director and the Common Committee to work with the youth to provide activities and urged youth participation to help resolve the City vandalism. Commissioner Scanlon urged all six City Commissioner Candidates to come up with a date and time to meet publicly and answer questions.

Adjourn

*Scanlon moved, seconded by Weaver to adjourn the meeting at 8:10 p.m.*

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

\_\_\_\_\_  
Carla M. Cole, Mayor

New Business continued

Initiate Zoning Ordinance Amendment

CITY OF BUCHANAN COMMISSION MINUTES

October 11, 2010

The regular scheduled meeting of the City Commission was held at Buchanan City Hall, 302 N. Redbud Trail, Buchanan, Michigan, Monday, October 11, 2010. Mayor Cole called the meeting to order at 7:03 p.m.

Call to Order

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

Pledge/Invocation

Commissioner Moore read the biography of the Scarecrow Committee and the Mayor presented the Citizen Appreciation Recognition Award to Committee Member's Darlene Clevenger, Mary Fisher, and Carol Hedstrom.

Appreciation Recognition

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

Roll Call

Commissioners absent: None

Staff present: Acting City Manager Bill Marx, DDA Director Debra Patzer, Treasurer Juli O'Bryant, and Clerk Gladys Bybee

Guests/Visitors present: Preservation Practices Owner Pam O'Connor, Building Inspector Guy Lewis, Fire Chief Tim Gowen along with 53 visitors including 1 reporter

Public Comments

Third Street resident Lorne Kay opposed to the City committing \$250,000 dollars ahead of time for McCoy's Creek Watershed. Thomas Hitchcock read his letter of support for the City to allocate the \$250,000 dollars for the project. The Commissioners concurred to giving Mr. Hitchcock additional time to continue speaking. Hitchcock then read letter's of support for the funding from downtown business owner's Justin Nurenberg, Tom Jolly and Steve Raglin. Matt Thornton, downtown business owner supports funding the project. Resident's Christine Weed, Tom Wilson, Dick Proud and Adam Herring also spoke favorable about funding the project. Jeff Burhart is in favor of funding the project but is concerned about the current vandalism and maintenance.

*Scanlon moved, seconded by Moore to amend the Agenda to include B. Building Inspection Report under VI. Reports by: Departments, Committees, & Boards. Roll call vote carried unanimously. Scanlon moved, seconded by Moore to approve the Consent Calendar as amended. Roll call vote carried unanimously.*

Consent Calendar

- Agenda as amended
- Minutes: Regular scheduled meeting, September 27, 2010, Work Session Summary, September 27, 2010, Special Meeting Minutes, September 29, 2010, Interview Meeting Summary, October 4, 2010 and Interview Meeting Summary, October 5, 2010
- Checks 60257 to 60358 in the amount of \$527,371.34
- Resignation from Ron Dreitzler from the Buchanan Area Recreation Board
- Street Closure Request from the American Legion to close Oak Street from 120 N. Oak Street to Front Street and Front Street to the Legion for the Halloween Parade on October 30th

Agenda as amended

Minutes

Checks

Recreation Board  
Resignation

Street Closure

Pam O'Connor explained the status of the Residential National Register Nomination and that she has 65% of the parcel descriptions complete and is working on the statement of significance. There have been some issues due to the large area involved, but she and the State of Michigan are working on resolving those issues.

Reports  
Residential  
Historical  
Designation

Guy Lewis reported on building inspections and permits issued from the first of the year to date.

DDA-City Property Transfer Agreement

Patzer reported on the status of the DDA-City Property Transfer and explained all of the research in which the \$250,000 figure was confirmed by Treasurer Juli O’Bryant (also a copy of the original check was presented). Copies of the proposed Resolution and Agreement were presented to the Commission this evening. Norton was concerned about Exhibit A missing from the documents. Weaver could not support the project due to the uncertainty of McCoy’s Pond Park ownership possibly belonging to Kevin Barker (324 E. Dewey Street). Patzer stated that was an issue between the City and Barker, not the DDA. **Scanlon moved to approve the Agreement contingent on the receipt of Exhibit A. Listing of ten properties. Moore seconded the motion and roll call vote carried by majority. YEA: Cole, Moore, Scanlon. NAY: Norton, Weaver.**

Resolution 2010.10/24, To Accept DDA Owned Property as Payment for Andrews Farm TIFA Loan in the Amount of \$250,000.00 and Release the DDA From the Responsibility of Paying for the Downtown Street Lighting with the Understanding that the DDA will be Responsible for Programming in the Arts and Historic District

After shared discussion, **Scanlon moved, seconded by Moore to approve Resolution as amended to the amount of \$250,000 and the fifth WHEREAS language to include “as described in the Property Exchange Agreement”.**

RESOLUTION TO ACCEPT DDA OWNED PROPERTY AS PAYMENT FOR ANDREWS FARM TIFA LOAN IN THE AMOUNT OF \$250,000.00 AND RELEASE THE DDA FROM THE RESPONSIBILITY OF PAYING FOR THE DOWNTOWN STREETLIGHTING WITH THE UNDERSTANDING THAT THE DDA WILL BE RESPONSIBLE FOR PROGRAMING IN THE ARTS AND HISTORIC DISTRICT.

**WHEREAS**, on October 23, 2006, the City Commission of the City of Buchanan approved a resolution dissolving the Andrews Farm Tax Increment Finance Authority and approving final disbursements of the funds remaining in the Andrews Farm TIF account at the time of the disbursement; and

**WHEREAS**, of the remaining funds, approximately \$250,000.00 were loaned to the City of Buchanan Downtown Development Authority (DDA) for economic development purposes; and

**WHEREAS**, on December 1,2006, TIF funds were transferred to the DDA as a loan with zero interest for a 15 year term with principal payment deferred for a period of five years with the first principal payment due on December 1, 2011; and

**WHEREAS**, the DDA used the loan proceeds for infrastructure improvements and to provide economic incentives to businesses locating in the downtown in accordance with PA 197 of 1975, but has not realized a cash repayment for these activities; and

**WHEREAS**, the DDA wishes to repay the City through the transfer of real property as described in the Property Exchange Agreement the DDA owns to the City whose monetary value is in excess of the amount owed to the City, and further agrees to repay any loan proceeds that may be due to the County and also to continue to be responsible for programming in the Arts and Historic District; and

**WHEREAS**, on June 14, 2010 the City of Buchanan City Commission moved to accept the property owned by the DDA as repayment of the \$250,000.00 Andrews Farm TIF loan and to release the DDA from its obligation to pay for the downtown street lighting, provided that the DDA continues to be responsible for programming in the Arts & Historical District; and

**WHEREAS**, the DDA has caused to be prepared a “Property Exchange Agreement” that contains the recitals and mutual covenants agreed to by both parties and that said agreement has been reviewed and approved by legal counsel for both parties

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Buchanan by and through its duly elected City Commission hereby accepts the property currently owned by the DDA as repayment for the \$250,000.00 Andrews Farm TIF Loan and holds the DDA responsible for programming in the Arts & Historical District, and

**BE IT FURTHER RESOLVED**, that the DDA is hereby released from its obligation to pay for street lighting in the downtown.

**Roll call vote carried by majority. Resolution 2010.10/24 declared adopted. YEA: Cole, Moore, Scanlon. NAY: Norton, Weaver.**

After brief explanation from Lou Desenberg and documentation presented that the Desenberg Family is willing to meet with representatives of the City to explore and attempt to define a location for the McCoy’s Creek Trail in the area of their real estate, **Moore moved, seconded by Weaver to approve the Resolution as presented.**

Resolution 2010.10/25, Desenberg Street & Alley Vacations

RESOLUTION TO VACATE BLUFF STREET BETWEEN COMMERCIAL STREET AND ABANDONED RIVER STREET; ELIZABETH STREET BETWEEN COMMERCIAL STREET AND BLUFF STREET;

ENTERPRISE STREET BETWEEN ARCTIC STREET AND BLUFF STREET; AND THE WESTERLY ONE-HALF OF THE ABANDONED

**Reports**

Building Inspection

**Unfinished Business**

RIGHT OF WAY OF RIVER STREET FROM COMMERCIAL STREET TO THE CURRENT RIVER STREET RIGHT OF WAY; AND THE ALLEYS IN BLOCKS 2 AND 10; ALL AS SHOWN ON THE PLAT OF ENGLISH AND HOLMES ADDITION.

**WHEREAS**, Bluff Street is shown on certain maps and plats as a public street extending South and East from Commercial Street to the former right of way of River Street and situated in the Plat of English and Holmes Addition; and

**WHEREAS**, Elizabeth Street is shown on certain maps and plats as a public street extending South and East from Commercial Street to Bluff Street and situated in the Plat of English and Holmes Addition; and

**WHEREAS**, Enterprise Street is shown on certain maps and plats as a public street extending East and South from Arctic Street to Bluff Street and situated in the Plat of English and Holmes Addition; and

**WHEREAS**, the abandoned westerly one-half of that portion of River Street right of way is shown on certain maps and plats as a public street extending from Commercial Street to the current right of way of River Street and situated in the Plat of English and Holmes Addition; and

**WHEREAS**, the alleys in Blocks 2 and 10 is shown on certain maps and plats as public alleys in the Plat of English and Holmes Addition; and

**WHEREAS**, the City of Buchanan has searched its records and finds no evidence of said streets or alleys, except abandoned River Street right of way, having been accepted as a public streets or alleys nor do the records of the City of Buchanan reflect that said portions of Elizabeth, Bluff or Enterprise Streets or the alleys in Blocks 2 and 10 have been opened, improved or maintained by it; and

**WHEREAS**, it appears from an inspection of said site that the abutting and adjoining owners have occupied and maintained said property for a number of years; and

**WHEREAS**, the City Commission of the City of Buchanan, wishes to confirm its lack of acceptance and release any and all claims to that portion of Bluff Street extending South and East from Commercial Street to the former right of way of River Street and situated in the Plat of English and Holmes Addition; that portion of Elizabeth Street extending South and East from Commercial Street to Bluff Street and situated in the Plat of English and Holmes Addition; that portion of Enterprise Street extending East and South from Arctic Street to Bluff Street; and the alleys in Blocks 2 and 10 all

situated in the Plat of English and Holmes Addition, and

**FURTHER WHEREAS**, the City Commission of the City of Buchanan, wishes to confirm its abandonment and release of any and all claims to that portion of River Street from Bluff Street to the current right of way of River Street; reserving to the City of Buchanan an easement for the installation, maintenance and repair of a municipal sanitary out-fall sewer main or other public utilities within said right of way of said abandoned River Street right of way.

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Buchanan by and through its duly elected City Commission hereby acknowledges that it has not accepted or maintained any portion of the above referenced streets, except that portion of abandoned River Street and adopts this Resolution for purpose of confirming that said portions of said streets are not public streets; reserving public utility easements as provided by Statute.

***Roll call vote carried unanimously. Resolution 2010.10/25 declared adopted.***

Preservation Society Chairman Tom Fehlner reported on the request to fund the McCoy's Creek Watershed Improvement Plan in the amount of \$250,000 as presented by the Watershed Committee. He introduced Joe Mitchell from River Tenders who has worked with the group and has come up with the resolution to solve the problems with the Mill Race. He explained why it should be done now and why and how to fund. He explained several possible grant funding sources. Moore commended the group and requested more information about a breakdown of costs. Former Commissioner Dave Hagey explained the original commitment when he was on the Commission of designating \$67,000 in a reserve fund for a solution to the Mill Race and asked the City to earmark \$250,000. Commissioners were concerned about not having the funds. ***Scanlon made a motion to move \$250,000 from the municipal complex reserve fund for the McCoy's Creek Watershed Improvement Plan and asked the Ad Hoc Committee to revisit and present an update within one year. Moore seconded the motion.*** Resident Donna Southwell, member on the Committee reassured the Commission that any grant application would need to come before the Commission for approval. ***Roll call vote carried unanimously***

Resolution 2010.10/25, Resolution to vacate Bluff Street between Commercial Street and abandoned River Street; Elizabeth Street between Commercial Street and Bluff Street; Enterprise Street between Arctic Street and Bluff Street; and the Westerly One-Half of the abandoned Right of Way of River Street from Commercial Street to the current River Street Right of Way; and the Alleys in Blocks 2 and 10; all as shown on the Plat of English and Holmes Addition

Funding McCoy's Creek Watershed Improvement Plan in the amount of \$250,000

After brief discussion, ***Weaver moved, seconded by Norton to appoint William Marx as the City Manager. Roll call vote carried unanimously.***

Selection of City Manager

**Unfinished Business continued**

Resident Jim Desenberg spoke favorable about funding the McCoy's Creek Watershed Improvement Plan.

**City Manager**

City Manager Marx reported Thanks to the volunteers for the Kathryn Park clean up and noted a setback to the Smith Street Culvert as DNRe wants the Plan revised to a 16 foot wide culvert and the water lines need to be replaced and lowered. Other greetings were shared.

**Commissioner's  
Comments**

All Commissioner shared greetings. A City Commissioner Candidate Questions Forum at the Senior Center was noted.

*Scanlon moved, seconded by Moore to adjourn the meeting at 9:00 p.m.*

**Adjourn**

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Gladys M. Bybee, MMC-City Clerk

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Carla M. Cole, Mayor

CITY OF BUCHANAN COMMISSION MINUTES

October 25, 2010

The regular scheduled meeting of the City Commission was held at Buchanan City Hall, 302 N. Redbud Trail, Buchanan, Michigan, Monday, October 25, 2010. Mayor Cole called the meeting to order at 7:03 p.m.

The Pledge was recited by all. Pastor Patricia Ramsden gave the Invocation.

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

Commissioners absent: None

Staff present: City Manager Bill Marx, City Attorney Randy Hyrns, DDA Director Debra Patzer and Clerk Gladys Bybee

Guests/Visitors present: 19 visitors including 1 reporter

Third Street resident Lorne Kay asked where the City would get the money to replace the municipal complex fund now that it was given to the Mill Race Project.

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

- Agenda
- Minutes: Regular scheduled meeting, October 11, 2010 and Work Session Summary, October 11, 2010
- Checks 60359 to 60431 in the amount of \$363,015.66
- Delinquent Township Billings-Certify to Winter 2010 Tax Roll
- Time-Stamp Punch Policy 2005-04-0001-R1

Bybee reported on board/committee vacancies, preparation for upcoming election, and a possible precinct change dependent on outcome of the Senior Services Center move.

The Mayor reported that she, Marx and Attorney Hyrns reviewed and discussed the draft City Manager Agreement and changes were made. A new draft was distributed with the included items that she also described. Also distributed were spreadsheets of cost savings comparison using the proposed employment contract with Marx (\$93,356); previous City Manager car allowance one year history; Marx's current salary, retirement plan, and accrued time. Attorney Hyrns noted the changes regarding evaluation, severance provision, and noted the Agreement is unique as Marx is working in both capacities as Police Chief and City Manager. Comp time and providing a city owned vehicle was discussed. Marx noted that the Bookkeeper is now keeping track of pay period hours for all employees. ***Weaver moved, seconded by Moore to approve the Agreement as currently written and add in provision of comp time consistent with department heads with review after 6 months. Roll call vote carried unanimously.***

After shared discussion, ***Scanlon moved, seconded by Moore to approve Resolution as presented.***

AUTHORIZING MAYOR & CLERK TO SIGN CLOSING DOCUMENTS FOR THE PROPERTY EXCHANGE AGREEMENT BETWEEN THE CITY OF BUCHANAN AND DOWNTOWN DEVELOPMENT AUTHORITY.

**WHEREAS**, the City Commission of the City of Buchanan, by majority vote, approved the Property Exchange Agreement on October 11, 2010 with the Buchanan Downtown Development Authority for 11 parcels all described in Exhibit A included in such Property Exchange Agreement; and

Call to Order

Pledge/Invocation

Roll Call

Public Comments

Consent Calendar

Agenda  
Minutes  
Checks

Delinquent  
Township Billings  
Time-Stamp Punch  
Policy

Reports

Clerk/Election  
Department

Unfinished  
Business

City Manager  
Agreement

Resolution  
2010.10/26,  
Authorizing Mayor  
& Clerk to sign  
closing documents

**WHEREAS**, the City Commission finds that it continues to be in the public's interest to enter into said Property Exchange Agreement; and

**WHEREAS**, the City Commission of the City of Buchanan wishes to authorize the Mayor, Carla M. Cole and the Clerk, Gladys M. Bybee, to sign any and all documents to satisfy the closing requirements for the Property Exchange Agreement;

**NOW, THEREFORE, BE IT RESOLVED** that the Buchanan Mayor and City Clerk have authority to sign any and all documents for closing, on behalf of Buchanan City, Berrien County.

**Roll call vote carried by majority. Resolution 2010.10/26 declared adopted. YEA: Cole, Moore, Scanlon. NAY: Norton, Weaver.**

Hyrns asked for direction on the agreement with the Preservation Society to maintain Pears Mill. Patzer replied that she has the original copy of the agreement between the DDA and Preservation Society and she would update it and present it to DDA.

Tom Fehlner reported that the Ad Hoc committee agreed to the proposed description, work has already started and they anticipate submittal of a permit to the Department of Natural Resources Environment (DNRe) tomorrow. **Moore moved, seconded by Scanlon to approve the proposed description of the Advisory Committee on the McCoy's Creek Watershed for three years as presented. Roll call vote carried unanimously.**

Marx reported on the current water lines in the creek at the Smith Street Culvert Project and explained they needed to bore two new 8 inch lines under the creek including shut offs. After shared discussion on the uncertainty of the water outage to the nearby buildings, including the DPW barn, **Weaver moved, seconded by Scanlon to approve the bid waiver in the amount of \$38,658 to Selge Construction Co., Inc. to modify the two Smith Street Culvert Water mains as recommended. Roll call vote carried unanimously.**

Southwest Michigan Economic Growth Alliance (SMEGA) Director **Shelly Klug** reported on the available properties available in the City for economic development, announced she and Marx will be meeting to go over available parcels for industrial development, invited commissioners to attend and urged calls of any business prospects. Third Street resident **Lorne Kay** was concerned about loosing City services (water/sewer) due to the dismissal of three City employees. Chicago Street resident **Randall Peart** was concerned about the lack of notification when AEP turns the electric off and suggested the use of the Senior Center for Youth. Third Street resident **Kathy Kay** was also concerned about the recent firings and hopeful that the current management would better oversee the city.

Marx reported that he made every effort to handle the employee situation in a professional manner and agreed that the terminations caused loss of experience however the City is working with the federal agency, Rural Water in which we are a member and we have hired a contract worker to fill the need at the wastewater plant. He confirmed that at no time were we at risk due to the 50% loss in staff but appropriate action had to be taken. He also reported on the stone caps vandalized at the Farmers Market thus the former builder will be contacted, substance found leaking into Creek by Bainton Mill with DNRE in this week to research and all leaves in town picked up within one week due to good weather and equipment.

Commissioners' personal comments were heard. Norton inquired about the status on Michigan and Arctic condemned properties with Marx responding that he found an asbestos specialist to evaluate.

**Unfinished Business continued**

Resolution 2010.10/26, Authorizing Mayor & Clerk to sign closing documents

Advisory Committee on the McCoy's Creek Watershed Description

Smith Street Culvert Water Main Modification Bid Waiver and Award

**Public Comments**

**City Manager**

**Commissioner's Comments**

Cole reported that the Landfill will advertise nationally for a Manager and will be reviewing and discussing the pros and cons to se

the Landfill. She also noted that she publicly thanked Niles City Administrator Terry Eull at their regular meeting and presented him with an appreciation plaque from the City of Buchanan for assisting with our City Manager Search.

**Adjourn**

*Weaver moved, seconded by Scanlon to adjourn the meeting at 8:15 p.m.*

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Gladys M. Bybee, MMC-City Clerk

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Carla M. Cole, Mayor

CITY OF BUCHANAN COMMISSION MINUTES

November 8, 2010

The regular scheduled meeting of the City Commission was held at Buchanan City Hall, 302 N. Redbud Trail, Buchanan, Michigan, Monday, November 8, 2010. Mayor Cole called the meeting to order at 7:00 p.m.

The Pledge was recited by all. Pastor Leonard Bailey gave the Invocation.

The Clerk administered the Oath of Office for City Commissioner to Carla Cole, David Hagey and Earl Scanlon as elected on November 2, 2010.

**Moore moved, seconded by Hagey to nominate and appoint Carla Cole as Mayor. Roll call vote carried by majority. YEA: Moore, Cole, Hagey. NAY: Weaver, Scanlon. Moore moved seconded by Cole to nominate and appoint Earl "Joe" Scanlon as Mayor Pro Tem. Roll call vote carried unanimously.**

Mayor Cole read and presented the Proclamation of National Hospice/Palliative Care Month, November-2010 to Debbie Hayes, Hospice at Home Community Relations.

Commissioners present: Carla Cole, David Hagey, Patricia Moore, Earl Scanlon, Warren Weaver

Commissioners absent: None

Staff present: City Manager Bill Marx and Clerk Gladys Bybee

Guests/Visitors present: 13 visitors including 2 reporters

Ottawa Court resident **Sheila Daly** read a letter of support for the Agreement between the City of Buchanan and the Nature Conservancy for Ecological Management from the Buchanan Area Recreation Board and its sub committee, Friends of McCoy's Creek Trail.

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

- Agenda
- Minutes: Regular scheduled meeting, October 25, 2010
- Checks 60432 to 60528 in the amount of \$141,884.72
- Business Account Application from Chemical Bank for the Buchanan City Payroll Account and Accounts Payable Account for authorized signers
- Banner Placement for Faith United Methodist Ladies Night Out from 11-9-10 to 11-20-10
- Street Closure; Front St. from Duck Pond to Oak St. and Oak St. from Front St. to 131 N. Oak St. for Holiday Lighting Ceremony Parade on Dec. 3, 2010
- Banner Placement for Holiday Lighting Ceremony from 11-22-10 to 12-4-10

Hospice Representative Debbie Hayes read the Hospice at Home Buchanan Remembrance Garden vision, location, activities, and maintenance. Patzer responded to the commission question about ownership of the property and confirmed that she was inquiring with Amtrak to clarify ownership. Discussion was shared with Hayes, Patzer and Buchanan Meadows Representative Christine Baker about the tranquility and safety with the frequency of trains going through. The Commission encouraged them to work with the City Manager and DDA Director.

Call to Order

Pledge/Invocation

Oath of Office

Mayor & Mayor Pro Tem Selection

Proclamation, National Hospice/Palliative Care Month

Roll Call

Public Comments

Consent Calendar

Agenda  
Minutes  
Checks

Business Account Application

Banner Placement

Street Closure

Banner Placement

Reports

Hospice at Home

After Marx explained, **Moore moved, seconded by Weaver to authorize the emergency expense of \$22,425 for the extra work due to the inability to shut off the existing 10” water main to the Smith Street Culvert Modification Project. Roll call vote carried unanimously.** Discussion was shared with commission and manager regarding documentation of existing valves and it was noted that total amount of project estimated about \$80,000. Marx also noted that the water project was delayed a couple months.

**New Business**  
Buchanan Meadow  
Memorial Garden

After discussion held earlier in the meeting and unknown ownership of the property involved, Patzer recommended on behalf of the group that no action on the Proposal from Buchanan Meadows for a Memorial Garden be taken and the item tabled to a later date. **Scanlon moved, seconded by Moore to table any action regarding the Memorial Garden until further information was available. Roll call vote carried unanimously.**

Nature Conservanc  
Agreement

Chris May from the Nature Conservancy based out of Lansing summarized the agreement and brief discussion was shared. **Weaver moved, seconded by Moore to approve the 10 year Ecological Management Agreement between the City of Buchanan and the Nature Conservancy as presented and recommended. Roll call vote carried unanimously.**

McCoy’s Creek  
Trail expenditure o  
\$25,725 to continu  
Trail to prairie

Dick Proud explained the continuation of the trail to install 3,500 linear feet of new walking trail west of the baseball fields from the Elliott property boundary to the 31 acres of the Prairie with a return loop around the existing well house with dollars coming from their fund raisers. **Scanlon moved, seconded by Moore to approve the bid waiver request from Friends of McCoy’s Creek Trail to authorize the proposal from Selge Construction Co., Inc. in the amount of \$25,725 for continuation of McCoy’s Creek Trail as presented.** After discussion about the possibility of a required permit through DNRE, **roll call vote carried unanimously.**

**City Manager**

Marx reported that the electronic equipment was installed in the Water and Sewer Department and customer billing would be billed on a monthly cycle beginning immediately. He noted that he just found out about a blower motor problem at the wastewater plant and would be working with the supplier for repair.

**Commissioner’s  
Comments**

Commissioners’ personal comments were heard and Commissioner Hagey accepted the appointment to the Farmers’ Market Board. Weaver noted that the large leaf blower was broke down thus a slow down in collection.

**Adjourn**

**Scanlon moved, seconded by Moore to adjourn the meeting at 8:02 p.m.**

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

\_\_\_\_\_  
Carla M. Cole, Mayor

**Unfinished Business**

Emergency expense of \$22,425 to Smith Street Culvert Modification Project

CITY OF BUCHANAN COMMISSION MINUTES

November 22, 2010

The regular scheduled meeting of the City Commission was held at Buchanan City Hall, 302 N. Redbud Trail, Buchanan, Michigan, Monday, November 22, 2010. Mayor Cole called the meeting to order at 7:00 p.m.

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

Commissioners present: Carla Cole, David Hagey, Patricia Moore, Earl Scanlon, Warren Weaver

Commissioners absent: None

Staff present: City Manager Bill Marx and Clerk Gladys Bybee

Guests/Visitors present: Transportation Management, Inc. President Kim O'Haver along with 5 visitors including 1 reporter

*Scanlon moved, seconded by Moore to amend the agenda to remove item D. Consider Distribution Easement between Indiana Michigan Power Company and the City of Buchanan under Unfinished Business as requested by the clerk. Roll call vote carried unanimously. Moore moved, seconded by Scanlon to approve the Consent Calendar as amended. Roll call vote carried unanimously.*

- Agenda as amended
- Minutes: Regular scheduled meeting, November 8, 2010
- Checks 60529 to 60629 in the amount of \$338,479.95

Marx summarized the emergency repair to the high pressure water back up pump and explained that a request would be forthcoming to purchase a backup pump estimated about \$7,000. There was shared questions/discussion between Wastewater Treatment Plant employee Gary Greathouse, Marx and Commissioners regarding minimal maintenance program, inventory lists, grinder, needed electrical panel repair, and touring the plant. Marx confirmed that he would distribute the inventory that was provided by former employee Eli Bromley. *Moore moved, seconded by Weaver to approve the emergency expenditure in the amount of \$5,820 for the repair of the high pressure water back up pump at the wastewater treatment plant (WWTP). Roll call vote carried unanimously. Moore moved, seconded by Scanlon to approve the purchase of a new pump in the amount of \$7,604 as explained. Roll call vote carried unanimously.*

After explanation from Marx, review of both quotes and confirmation that work would begin immediately, *Scanlon moved, seconded by Moore to accept the proposal from BG Construction in the amount of \$21,487 for the replacement of roadway pavement, concrete curb and gutters and sidewalks that had to be removed to complete the necessary installation of multiple slip valves which allowed the connection of the new water mains to the existing mains at the Smith Street Culvert replacement project. Roll call vote carried unanimously.*

Marx explained that the easement distribution was between Mac Elliott and Indiana Michigan Power Company not the City of Buchanan; thus no action was needed from the City Commission. He further explained the \$10,000 for the easement expenditure was from Abonmarche to Indiana Michigan Power but was necessary to go through the City records. Marx then explained the addendum that was necessary to the Grant of Limited

Call to Order

Pledge/Invocation

Roll Call

Consent Calendar

Agenda  
Minutes  
Checks

Unfinished Business

Emergency expenses of \$5,820 for repair of a pump at the WWTP

Approve \$7,604 to purchase new pump at WWTP

Smith Street Culvert roadway pavement concrete curb, gutters & sidewalk in the amount of \$21,487

Addendum to the grant of limited easement between R. McKinley Elliott and the City of Buchanan

Easement between Elliott and the City that was approved previously (access to the water well electrical and main pipes) and discussion was shared. The addendum would be for the Trail access that Elliott will sign on Wednesday (11-24-10). **Hagey moved, seconded by Moore to accept the Addendum to the grant of limited easement between R. McKinley Elliott and the City of Buchanan and authorize the City Manager to sign the addendum. Roll call vote carried unanimously.**

Addendum to the grant of limited easement between R. McKinley Elliott and the City of Buchanan

Kim O’Haver explained the extension would be for the fifth year for TMI to manage the Buchanan Dial-A-Ride with a 2.56 % increase. **Scanlon moved, seconded by Hagey to approve the Transportation Contract Extension with Transportation Management, Inc. for Buchanan Dial-A-Ride and authorize City Manager Bill Marx and City Treasurer Julianne O’Bryant to endorse said Contract. Roll call vote carried unanimously.** Discussion was shared between commission and O’Haver and O’Haver explained the funding for Dial-A-Ride in detail.

**New Business**  
Contract Extension with Transportation Management, Inc.

Sylvan Street resident Kathy Kingery asked the status of the facility for 1207 North Redbud Trail that was scheduled for development this year.

**Public Comments**

Marx reported that heating and electrical issues occurred at the city owned building next door during the church event. He noted an upcoming meeting with the union to keeping the seasonal workers in order to extend leaf collection as weather permits and a new snow removal plan.

**City Manager**

Commissioners’ personal comments/greetings were heard and Commissioner Hagey clarified that the new water billing system would be sent out every month with the ready- to-serve charges pro-rated depending on the previous billing cycle.

**Commissioner’s Comments**

**Adjourn**

**Scanlon moved, seconded by Moore to adjourn the meeting at 8:00 p.m.**

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Gladys M. Bybee, MMC-City Clerk

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Carla M. Cole, Mayor

CITY OF BUCHANAN COMMISSION MINUTES

December 13, 2010

The regular scheduled meeting of the City Commission was held at Buchanan City Hall, 302 N. Redbud Trail, Buchanan, Michigan, Monday, December 13, 2010. Mayor Cole called the meeting to order at 7:00 p.m.

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

Commissioner Hagey read the biography of Garrett and Marie Summers and the Mayor presented them with the Citizen Appreciation Recognition Award.

Sergeant JT Adkerson presented an Outstanding Service Award to Officer Dave Capron for the life saving skills he performed when responding to a 9-1-1 call.

Commissioners present: Carla Cole, David Hagey, Patricia Moore, Earl Scanlon, Warren Weaver

Commissioners absent: None

Staff present: City Manager Bill Marx, Treasurer Juli O'Bryant and Clerk Gladys Bybee

Guests/Visitors present: 5 visitors including 1 reporter

***Hagey moved, seconded by Moore to amend the consent calendar to remove, as requested by the Preservation Society, E. Consider the Pears Mill Agreement between the Preservation Society and the City of Buchanan under New Business. Roll call vote carried unanimously. Scanlon moved, seconded by Moore to approve the consent calendar as amended. Roll call vote carried unanimously.***

- Agenda as amended
- Minutes: Regular scheduled meeting, November 8, 2010
- Checks 60630 to 60730 in the amount of \$133,999.88,
- Banner Placement Form for Buchanan Athletic Boosters from 1/8/11 to 1/22/11
- Banner Placement Form for Buchanan Youth Softball Baseball Association (BYSBA) from 1/17/11 to 1/31/11
- Banner Placement Form for Buchanan Youth Softball Baseball Association (BYSBA) from 2/7/11 to 2/21/11

Treasurer Juli O'Bryant reported that summer tax bills will not be rolled over into the winter tax bill and that she is trying to get the color coded bills changed as they are too close in color. She also encouraged people to use City of Buchanan Facebook and explained the change (monthly instead of two month) in utility billing for water/sewer bills.

Marx explained the Distribution Easement between Indiana Michigan Power Company and the City of Buchanan. ***Scanlon moved, seconded by Moore to authorize the Mayor and Clerk to sign the Distribution Easement between Indiana Michigan Power Company and the City of Buchanan as presented. Roll call vote carried unanimously.***

Plante-Moran Partner Kenley Penner summarized the 2009-2010 Fiscal Year Financial Audit Report and the audit letter without exception and complimented the Commission on their fiscal responsibility. Accountant Britny McDowl explained the City of Buchanan

**Call to Order**

**Pledge/Invocation**

Citizen  
Appreciation

Outstanding Service  
Award

**Roll Call**

**Consent Calendar**

Agenda as amended

Minutes  
Checks

Banner Placement

Banner Placement

Banner Placement

**Reports**

Treasurer Dept.

**Unfinished  
Business**

Distribution  
Easement with I&M

**New Business**

2009-2010  
Financial Audit

Board Presentation (power point) distributed to the Commission. After brief explanation of the Five Year Audit Agreement from Marx, **Moore moved, seconded by Scanlon to authorize the City Manager to Enter into a Five Year Financial Audit Agreement with Plante & Moran, LLP as presented and recommended. Roll call vote carried unanimously.**

Budget Amendment to Purchase Laptop Computers for the Police Dept.

Sergeant Adkerson explained the Budget Amendment and Purchase of a technology upgrade for the Police Department’s patrol communication needs through the purchase of three Panasonic “Toughbook” laptop computers and the network support to allow secure web based communication/dispatch with Berrien County Dispatch. After shared discussion with Berrien County Information Technology Technician Don Meyers, Adkerson, CM/PC Marx and Commissioners, **Weaver moved, seconded by Moore to approve the budget amendment and the purchase of the laptop computers as presented. Roll call vote carried unanimously.**

Poly Electric Hopper Spreader Purchase

Marx explained that he has become familiar with the snow removal process through discussions with the DPW crews and the need for the new spreader. **Weaver moved, seconded by Scanlon to approve the purchase of a “Poly Electric Hopper Spreader” for the purchase price of \$5,995 for the Department of Public Works as presented. Roll call vote carried unanimously.**

Budget Amendment to transfer formerly owned DDA properties maintenance & utility costs

Treasurer O’Bryant clarified the amount of \$8,344 (not \$58,344) for the utility cost to the General Fund and summarized the General Fund Budget Amendment needed to transfer formerly owned DDA properties maintenance and utility costs to the General Fund in the amount of \$8,344 and \$250,000 “Transfer to DDA” needed to record DDA loan forgiveness by Commission. **Hagey moved, seconded by Scanlon to approve the budget amendment as presented. Roll call vote carried by majority. YEA: Hagey, Moore, Scanlon, Cole. NAY: Weaver.**

Public Comments

Third Street resident Lorne Kay asked about the extra cost of \$3.00 per month for recycling and would like the City to negotiate with the garbage company to remove the fee to seniors for the extra charge.

City Manager

Marx shared personal comments and stated that there was some overtime with the recent snow fall, working with DPW looking at ways to improve clearing of snow and they have removed the spreader from the recycling truck and put it on a plow truck which is more efficient. Marx and Hagey discussed snow plowing in the downtown area.

Commissioner’s Comments

Adjourn

Commissioners’ personal comments/greetings were heard.

**Scanlon moved, seconded by Weaver to adjourn the meeting at 8:11 p.m.**

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Gladys M. Bybee, MMC-City Clerk

\_\_\_\_\_  
Carla M. Cole, Mayor

**New Business continued**

Five Year Audit Agreement with Plante Moran

CITY OF BUCHANAN COMMISSION MINUTES

December 28, 2010

**The regular rescheduled** (due to holiday) **meeting of the City Commission** was held at Buchanan City Hall, 302 N. Redbud Trail, Buchanan, Michigan, Tuesday, December 28, 2010. Mayor Cole called the meeting to order at 7:00 p.m.

The Pledge was recited by all. Reverend Buddy Holmes gave the Invocation.

Sergeant JT Adkerson introduced new part-time police officer Jerad Phillips and then presented Outstanding Service Awards to Officer's Carmen Bovo and Mike Troup for their life saving skills.

Commissioners present: Carla Cole, Patricia Moore, Earl Scanlon, Warren Weaver

Commissioners absent: David Hagey

Staff present: City Manager Bill Marx, Sergeant JT Adkerson, Interim Director of Public Services Jon Raines, WWTP Operator Jason Williams and Clerk Gladys Bybee

Guests/Visitors present: 14 visitors including 2 reporters

***Scanlon moved, seconded by Weaver to approve the consent calendar as presented. Roll call vote carried unanimously.***

- Agenda
- Minutes: Regular scheduled meeting, December 13, 2010
- Checks 60731 to 60803 in the amount of \$228,585.89

After summary from Marx regarding the State legislation optional Sunday morning liquor sales and shared discussion with Commission, ***Weaver moved, seconded by Moore to take no action on the option of Sunday morning alcohol sales. Roll call vote carried unanimously.***

Aluminum Round Vertical Bus Bank pictures with descriptions were distributed to Commission. Williams explained the pictures and Marx explained the new 600 amp electrical panel and rework to existing Motor Control Center (MCC) for the blower building at the Wastewater Treatment Plant (WWTP). After shared discussion with Marx, Jason, and Commission, ***Scanlon moved, seconded by Weaver to approve the bid to Linear Electric, Inc. in the amount of \$115,800. Roll call vote carried unanimously.***

Williams noted they received the rebuilt pressure pump just recently approved and installed today and it is running properly.

Sylvan Street resident Kathy Kingery asked if tree trimmings were going to be picked up and announced the Senior Center move to their new building.

Marx shared personal comments and confirmed a walk through of the Waste Water Treatment Plant with Commissioners on January 13<sup>th</sup>. He reported submission of the permit application for the Watershed Project with two additional requests for more information, good performance and display of the new salt spreader prior to the meeting.

There was shared discussion about picking up/dropping off Christmas trees after the first of the year for use in the watershed project.

Call to Order

Pledge/Invocation

Outstanding Service Award

Roll Call

Consent Calendar

Agenda

Minutes

Checks

New Business

Sunday Morning Liquor Sales

WWTP Electrical bid to Linear Electric

Public Comments

City Manager

Commissioners' personal comments/greetings were heard. The Mayor noted the Landfill is hopeful to have a General Manager hired and in place by the first of the year and read the 4<sup>th</sup> revision of the written request to the public to sell or retain the landfill.

**Commissioner's  
Comments**

*Weaver moved, seconded by Moore to adjourn the meeting at 7:50 p.m.*

**Adjourn**

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Gladys M. Bybee, MMC-City Clerk

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Carla M. Cole, Mayor