

CITY OF BUCHANAN COMMISSION MINUTES

January 10, 2011

The regular scheduled meeting of the City Commission was held at Buchanan City Hall, 302 N. Redbud Trail, Buchanan, Michigan, Monday, January 10, 2011. Mayor Cole called the meeting to order at 7:08 p.m. (due to public broadcasting difficulties).

The Pledge was recited by all. Reverend Len Bailey gave the Invocation.

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

Commissioners absent: David Hagey

Staff present: City Manager Bill Marx and Clerk Gladys Bybee

Guests/Visitors present: 10 visitors including 1 reporter

Weaver moved, seconded by Moore to amend the minutes to reflect, under Roll Call, that Commissioner Hagey was absent. Roll call vote carried unanimously. Scanlon moved, seconded by Weaver to approve the consent calendar as amended. Roll call vote carried unanimously.

- Agenda
- Minutes as amended: Regular rescheduled meeting, December 28, 2010
- Checks 60805 to 60875 in the amount of \$541,380.40
- Notice of Meetings in 2011 for City of Buchanan and City Boards
- Excuse the absence of Commissioner David Hagey from December 28, 2010 meeting

Bill Marx read the written report for the Fire Department as Fire Chief Tim Gowen had an emergency and could not be present.

After brief summary from Marx and review of memo from Treasurer Juli O'Bryant, *Weaver moved, seconded by Moore to approve the Twenty Nine Month Price Payroll Processing Agreement with ADP in the annual amount of \$6,841.07. Roll call vote carried unanimously.*

Marx explained that resident Don Ryman had been on Niles-Buchanan-Cass Area Transportation Study (NATS) 16 years while being County Commissioner and had agreed to be Buchanan's representative. *Scanlon moved, seconded by Weaver to appoint Don Ryman to work with the City Manager by serving as City Representative on the NATS Committee. Roll call vote carried unanimously.*

Sylvan Street resident Kathy Kingery was concerned that the plows were being driven too fast.

Marx shared personal comments and reported the challenges from the current snow storm (equipment breakdown and injured employee). He announced the projected itinerary, gave the telephone number to call after hours and confirmed he would meet with the crews for their input. Discussion was shared between all.

Commissioners' personal comments/greetings were heard.

Scanlon moved, seconded by Moore to adjourn the meeting at 7:42 p.m.

Gladys M. Bybee, MMC-City Clerk

Carla M. Cole, Mayor

Call to Order

Pledge/Invocation

Roll Call

Consent Calendar

Agenda

Minutes as amended

Checks

Notice of 2011 Meetings

Excuse

Commissioner

Absence

Reports

Fire Department

New Business

Payroll Processing

Agreement

NATS City

Representative

Public Comments

City Manager

Commissioner's

Comments

Adjourn

CITY OF BUCHANAN COMMISSION MINUTES

January 24, 2011

The regular scheduled meeting of the City Commission was held at Buchanan City Hall, 302 N. Redbud Trail, Buchanan, Michigan, Monday, January 24, 2011. Mayor Cole called the meeting to order at 7:00 p.m.

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

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: 6 visitors including 1 reporter

After request from the Clerk, ***Scanlon moved, seconded by Hagey to amend the minutes to include K. Reappoint Board of Review Members under the Consent Calendar. Roll call vote carried unanimously. Weaver moved, seconded by Hagey to approve the consent calendar as amended. Roll call vote carried unanimously.***

- Agenda as amended
- Minutes: Regular scheduled meeting, January 10, 2011
- Checks 60876 to 60951 in the amount of \$169,309.63
- Addendum 1 to Notice of Meetings in 2011 for City of Buchanan City Boards
- Excuse the absence of Commissioner David Hagey from January 10, 2011 meeting
- Resolution 2011.01/27, Negotiate the Summer School Tax Collection Fee
- Mid Year Budget Amendment, General Fund, Fiscal 2010-2011
- Mid Year Budget Amendment, Major Streets & Street Repair & maintenance, Fiscal 2010-2011
- Downtown Development Authority (DDA) By-Laws Change
- Downtown Development Authority (DDA) Budget Amendment, Fiscal Year 2010-2011
- Reappoint Board of Review Member's Jim King, Margaret Young, and Jennifer Singleton to another two year term

Kim O'Haver explained the past year statistics for Dial-A-Ride and the operating grant application ready for submittal to Michigan Department of Transportation (MDOT). She announced that City Manager Bill Marx will be sitting on the Steering Committee to oversee all transportation businesses in Berrien County. Questions were shared. ***Scanlon moved, seconded by Weaver to accept Operating Agreement FY 2011 Section 5311 and approve Resolution 2011.01/28 as presented. Roll call vote carried unanimously.***

After Marx reported the renewal with the same charges, ***Weaver moved, seconded by Scanlon to approve the three year Electrical Inspection Service Contract between the City of Buchanan and Ken Simpson as presented. Roll call vote carried unanimously.***

After explanation from Marx regarding the mutual aid for water and wastewater, ***Scanlon moved, seconded by Moore to approve and authorize the City Manager to sign the Memo of Understanding (MOU) with the City of Dowagiac for sharing of services and equipment. Roll call vote carried unanimously.***

Call to Order

Pledge/Invocation

Roll Call

Consent Calendar

Agenda as amended
Minutes
Checks
Addendum to
Notice of 2011
Meetings
Excuse
Commissioner
Absence
Resolution
2011.01/27
Mid Year Budget
Amendments
DDA Bylaw
Change
DDA Budget
Amendment
Board of Review
reappointments

New Business

Resolution
2011.01/28,
Operating
Agreement FY 2011
Section 5311

Electrical Inspection
Service Contract

Memo of
Understanding
(MOU)

New Business
continued

Schedule Annual
Planning Meeting

After shared discussion and review of calendar, *Scanlon moved, seconded by Hagey to schedule the Annual Planning Meeting for Saturday February 19th. Roll call vote carried unanimously.*

Public Comments

Sylvan Street resident Kathy Kingery noted her appreciation for the City Manager researching her concerns. Marx shared detailed information about his meeting with the snow removal crews and discussion was shared.

City Manager

Marx shared personal comments and further reported on the status of current street/sidewalk equipment and staff. He announced the Watershed Project concerns about the challenges from Department of Natural Resources and Environmental (DNRE) with possible receipt of the permit in May.

Commissioner's
Comments

Commissioners' personal comments/greetings were heard.

Adjourn

Hagey moved, seconded by Weaver to adjourn the meeting at 7:49 p.m.

Gladys M. Bybee, MMC-City Clerk

Carla M. Cole, Mayor

CITY OF BUCHANAN COMMISSION MINUTES

February 14, 2011

The regular scheduled meeting of the City Commission was held at Buchanan City Hall, 302 N. Redbud Trail, Buchanan, Michigan, Monday, February 14, 2011. Due to the absence of the Mayor and Mayor Pro Tem, the Clerk called the meeting to order at 7:00 p.m. and asked for a volunteer to run the meeting. Commissioner Moore volunteered.

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

Commissioners present: David Hagey, Patricia Moore, Warren Weaver

Commissioners absent: Carla Cole, Earl J. Scanlon

Staff present: City Manager Bill Marx and Clerk Gladys Bybee

Guests/Visitors present: DDA Director Debra Patzer; 6 visitors including 1 reporter

Debra Patzer asked for approval for the appointment of Adam Parin to the DDA Board and approval of the Pears Mill Agreement with the Preservation Society.

After explanation from the Clerk to change the wording on VII.A. and explanation of new distributed pages to VIII.B. and VIII.C., **Weaver moved, seconded by Hagey to amend the Agenda as reported. Roll call vote carried unanimously. Hagey moved, seconded by Weaver to approve the consent calendar as amended. Roll call vote carried unanimously.**

- Agenda as amended
- Minutes: Regular scheduled meeting, January 24, 2011
- Checks 60952 to 61082 in the amount of \$219,856.78
- Reappointment of Carla Cole and Joe Scanlon to the SEBCL Board
- \$10,446.19 Expenditure for Emergency repair to the Vac Truck from Sewer Equipment Reserves
- Addendum 2 to Notice of Meetings in 2011 for City of Buchanan City Boards
- Appoint Adam Parin to the Downtown Development Authority (DDA) to fulfill an unexpired term through 2014

Donna Southwell, resident on the Executive Committee of the Friends of McCoy's Creek Trail, introduced Engineering Consultant Rick Smigielski and invited questions regarding the grant submittal for Phase II of the Trail. **Weaver moved, seconded by Hagey to approve the resolution as presented.** Approval to move forward with the submission of the grant application to the Department of Natural Resources for Phase II of the McCoy's Creek Trail Project.

"RESOLVED, that the City of Buchanan, Michigan, does hereby approve the application to apply for a MICHIGAN NATURAL RESOURCES TRUST FUND 2011 grant for to complete Phase II of the McCoy's Creek Trail and will accept and abide by the terms of the Agreement if the grant is received from the Michigan Department of Natural Resources and Environment (DEPARTMENT), and that the City of Buchanan, Michigan does hereby specifically agree, but not by way of limitation, as follows:

1. To appropriate all funds necessary to complete the project during the project period and to provide One Hundred Twenty-Six Thousand (\$126,000) dollars already on hand to match the grant authorized by the DEPARTMENT.
2. To maintain satisfactory financial accounts, documents, and records to make them available to the DEPARTMENT for auditing at reasonable times.
3. To construct the project and provide such funds, services and materials as may be necessary to satisfy the terms of said Agreement.
4. To regulate the use of the trail as constructed and reserved under this Agreement to assure the use thereof by the public on equal and reasonable terms.
5. To comply with any and all terms of said Agreement including all terms not specifically set forth in the foregoing portions of this Resolution."

Roll call vote carried unanimously. Resolution 2012.02/29 declared adopted.

Call to Order

Pledge/Invocation

Roll Call

Public Comments

Consent Calendar

Agenda as amended
Minutes
Checks

SEBCL
Reappointments

Emergency
Expenditure

Addendum 2 to
Notice of 2011
Meetings

DDA Appointments

New Business

Resolution
2011.02/29,
Submission of grant
application to
MDNR Trust Fund
2011 for McCoy's
Creek Trail Phase

After explanation from Marx, **Hagey moved, seconded by Weaver to approve the resolution as presented and explained.** Designating Surplus General Fund Balance for City portion to complete Front Street Streetscape with NATS for 2013

Resolution 2011.02/30, Designating Surplus General Fund Balance

WHEREAS, The City has Undesignated Funds reserved in General Fund Balance in the amount of \$1,300,868 after the completion of Plante & Moran's 2010 Financial Audit,

WHEREAS, Surplus General Fund Balance in the amount of \$161,000 will be classified as "Designated Reserve Fund Balance" to pay City portion completing the Front Street Streetscape project through NATS which is due for payment in Fiscal Year 2012-2013,

WHEREAS, the City Commission approves these monies to be transferred to "Designated Fund Balance" in the amount of \$161,000: and

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

1. The City Treasurer may designate surplus funds from Undesignated General Fund Balance to complete the Front Street Streetscape Project with NATS in the amount of \$161,000.
2. The City Treasurer may transfer this money to the Designated General Fund Balance and expend funds to complete the Front Street Streetscape Project through NATS when payment is due.

Roll call vote carried unanimously. Resolution 2011.02/30 declared adopted.

Agreement with Berrien County for Data Processing & tax billing

Weaver moved, seconded by Hagey to approve Agreement with Berrien County for Data Processing Service for tax billing Function and Agreement with Berrien County for utilization of BS&A application and software to provide Tax Processing Service. Roll call vote carried unanimously.

Pears Mill Agreement with the Preservation Society

Patzer explained the Agreement with the Preservation Society to maintain and operate the Pears Mill and confirmed Attorney Hyrns review. **Weaver moved, seconded by Hagey to approve the Pears Mill Agreement with the Preservation Society and authorize the City Manager and City Clerk to sign the same. Roll call vote carried unanimously.**

City Manager

Marx shared personal comments and further reported on the snow removal, upcoming meeting with the Department of Natural Resources and Environmental (DNRE) and the new business downtown.

Commissioner's Comments

Commissioners' personal comments/greetings were heard and most commented about the positive snow removal comments they were receiving.

Adjourn

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

Gladys M. Bybee, MMC-City Clerk

Carla M. Cole, Mayor

CITY OF BUCHANAN COMMISSION MINUTES
February 28, 2011

The regular scheduled meeting of the City Commission was held at Buchanan City Hall, 302 N. Redbud Trail, Buchanan, Michigan, Monday, February 28, 2011. Mayor Cole called the meeting to order at 7:00 p.m.

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

Commissioners present: Carla Cole, David Hagey, Patricia Moore

Commissioners absent: Earl J. Scanlon, Warren Weaver

Staff present: City Manager Bill Marx, Assessor Gordon Schreiber, Sergeant JT Adkerson, Interim Public Services Director Jon Raines, Fire Chief Tim Gowen and Clerk Gladys Bybee

Guests/Visitors present: 11 visitors including 2 reporters

Moore moved, seconded by Hagey to include VIII.E. Accept resignation from Commissioner Warren Weaver and consider procedure to fill the vacancy under New Business. Roll call vote carried unanimously. Moore moved, seconded by Hagey to approve the consent calendar as amended. Roll call vote carried unanimously.

- Agenda as amended
- Minutes: Regular scheduled meeting, February 14, 2011
- Checks 61083 to 61147 in the amount of \$413,829.74
- Excuse Mayor Carla Cole and Mayor Pro Tem Joe Scanlon from the 2-14-11 Meeting
- Banner Placement Form for Buchanan Athletic Boosters from 3/4/11 to 3/25/11
- Resolution 2011.02/31, A Resolution to Approve the Summer School Tax Collection Fee in the Sum of \$2,220.68 per School District totaling \$6,662.04

WHEREAS, the City agrees to collect the total summer school taxes as certified by the School District for the levy on July 1, 2011 for property located within the City; and

WHEREAS, the School District agrees to pay City costs of assessment and collection in the total amount of \$1.03 per parcel, for all three School District's, totaling \$2,220.68 each; and

WHEREAS, no later than June 1, 2011, the School District shall certify to the Treasurer the school millage to be levied on property for summer school tax collection in 2011; now, therefore,

BE IT RESOLVED, that the Treasurer is authorized and directed to charge Buchanan Community School, Berrien RESA and Lake Michigan College \$2,220.68 each (\$1.03 per parcel, per school, totaling \$6,662.04), on behalf of the City of Buchanan for the reasonable expenses for collection of the district's summer property tax levy that the City may bill under MCLA 280.1611 or MCLA 280.1612.

- Acknowledge Temporary Leave of Absence from Joe Scanlon as Representative Appointment to the Southeast Berrien County Landfill Board

Schreiber reported on upcoming Board of Review Board meetings, that he reviewed all building permits, filed annual report with the State for revenue sharing, changes to property taxes, and review of homestead filings.

Adkerson reported on identifying person(s) that come into the City to peddle/solicit and explained the process. He displayed the new identification badge and explained its purpose.

Moore moved, seconded by Hagey to approve the resolution; Peddlers and Solicitors

Identification Badge and Deposit Fee

WHEREAS, the City of Buchanan regulates Peddlers and Solicitors within the City of Buchanan pursuant to Chapter 66 of the Buchanan Code Of Ordinances; and

WHEREAS, Chapter 66 of the Buchanan Code of Ordinances authorizes the City Commission, by resolution to set a fee; and

Call to Order

Pledge/Invocation

Roll Call

Consent Calendar

Agenda as amended

Minutes

Checks

Excuse Absences

Banner Placement

Resolution
2011.02/31

Temporary Leave of
Representative on
the SEBCL Board

Reports

Assessor Dept.

New Business

Resolution
2011.02/32,
Peddlers &
Solicitors License
Policy

WHEREAS, the fee shall be included with the City of Buchanan -- Schedule of Fees and Charges.
NOW THEREFORE, BE IT RESOLVED that a fee of \$10.00 shall be collected by the Buchanan City Police Department as deposit for an Identification Badge that Peddlers and Solicitors will be required to wear during the approved time period as specified on approved application when soliciting within the City of Buchanan.
BE IT FURTHER RESOLVED that the fee shall be reimbursed to the applicant upon return of such Identification Badge to the Buchanan City Police Department.

Roll call vote carried unanimously. Resolution 2011.02/32 declared adopted.

Marx explained the request to purchase the toolcat for the cemetery and the possibility for future attachments for other City departments while all reviewed the proposal. Discussion was shared between Commission, City Manager and Jon Raines with Raines confirming that a maintenance program was being followed. **Moore moved, seconded by Hagey to purchase the Bobcat 5600 Turbo Toolcat Work Machine F-Series in the amount of \$53,848 out of Perpetual Care Fund. Roll call vote carried unanimously.**

SEBCL Temporary
Designee
Appointment

Moore moved, seconded by Cole to appoint Dave Hagey as the designee to the Southeast Berrien County Landfill Board for three months or until the landfill management issue is resolved, whichever is the later date. Roll call vote carried unanimously.

Resolution
2011.02/33,
Direction &
Authorization to
obtain documents
from SEBCL

After brief deliberation, **Moore moved, seconded by Hagey to approve the resolution as confirmed.** Direction and Authorization to obtain documents from the Southeast Berrien County Landfill

WHEREAS, the Southeast Berrien County Landfill (SEBCL) is owned by Buchanan and Niles Cities, Bertrand, Buchanan and Niles Townships; and

WHEREAS, deliberations have been ongoing about selling or not selling the Southeast Berrien County Landfill; and
WHEREAS, the Buchanan City Commission wishes to understand and gain knowledge of the resources from the Southeast Berrien County Landfill.

NOW, THEREFORE, BE IT RESOLVED, that the City of Buchanan by and through its duly elected City Commission hereby authorizes and directs its Buchanan City Representative to obtain from the Southeast Berrien County Landfill copies of all contracts with haulers, number of staff and a salary breakdown, the 2001 Feasibility Study to Privatizing the Landfill, and the current rate schedule.

BE IT FURTHER RESOLVED, that Mayor Cole, whom is the Buchanan City Commission Representative is directed to deliver in person this Resolution.

Roll call vote carried unanimously. Resolution 2011.02/33 declared adopted.

Resignation,
Warren Weaver

Moore moved, seconded by Hagey to regretfully accept the resignation from Commissioner Warren Weaver effective March 1, 2011 with a deadline for receiving candidate filings until 5:00 p.m. Monday March 21, 2011. Roll call vote carried unanimously.

City Manager

Marx shared personal comments and further reported on cross training at DPW, WWTP, and Water Dept., water tower struck by lightning causing a surge in electrical panel to shut pumps off with a loss of several hundred gallons of water and our first occasion to help Dowagiac with their water distribution system per the MOU.

Commissioner's
Comments

Adjourn

Commissioners' personal comments/greetings were heard.

Moore moved, seconded by Hagey to adjourn the meeting at 8:03 p.m.

Gladys M. Bybee, MMC-City Clerk

Carla M. Cole, Mayor

New Business continued

Resolution 2011.02/32, Peddlers & Solicitors License Policy

CITY OF BUCHANAN COMMISSION MINUTES
March 14, 2011

The regular scheduled meeting of the City Commission was held at Buchanan City Hall, 302 N. Redbud Trail, Buchanan, Michigan, Monday, March 14, 2011. Mayor Cole called the meeting to order at 7:01 p.m.

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

Commissioners present: Carla Cole, David Hagey, Patricia Moore, Earl J. Scanlon

Commissioners absent: none

Staff present: City Clerk Gladys Bybee

Guests/Visitors present: Redbud Area Ministries (RAM) Chairman Chris Kruchkow and Buchanan District Library Children's Services Manager Nicole Dembinski along with 5 visitors including 1 reporter

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

- Agenda
- Minutes: Regular scheduled meeting, February 28, 2011
- Checks 61148 to 61256 in the amount of \$143,808.11
- Excuse Mayor Pro Tem Joe Scanlon from the 2-28-11 Meeting
- Budget Amendment: General Fund in the amount of \$8,500 for contractual services for a Special Project Manager
- Contract for Special Projects Manager, Donna Southwell
- Project Authorization No. Z7 for Michigan Department of Transportation (MDOT) Project No. 112519 under Master Agreement 2007-0181 for FY 2011 Section 5311 Operating
- Resolution 2011.03/34, Authorizing the City Manager and City Treasurer the Authority to sign Contracts and Project Authorizations for Public Transportation Grants (attached as part of this record)

Redbud Area Ministries (RAM) Chairman Pastor Chris Kruchkow reported on statistics for RAM food pantry, clothing, household furnishing, medical, and utility assistance. He further explained 60 families assisted with Christmas baskets and Logo Contest with the School and Art Center. Discussion/questions shared between commission and Kruchkow.

Nicole Dembinski reported on all of the new services at Buchanan District Library; 13 public computers, encouraged legislators support for MEL and also asked for persons to come in and look at old Buchanan photo's to put names to them. She explained collaboration with Buchanan Community Schools to provide a safe productive place for youth to go, and Director Kate Scheid wants to present public forums on how to support the community.

After brief deliberation, ***Moore moved, seconded by Scanlon to award the bid for the 2011 Portable Toilet Facilities to White's Septic in the amount of \$3,826 as recommended. Roll call vote carried unanimously.*** The one at the Common needing emptying and checking on Friday's is noted.

Call to Order

Pledge/Invocation

Roll Call

Consent Calendar

Agenda

Minutes

Checks

Excuse Absences

Budget Amendment

Special Projects

Manager Contract

Project

Authorization for

MDOT

Resolution

2011.03/34

Reports

Redbud Area

Ministries (RAM)

Buchanan District

Library

New Business

Portable Toilet

Facilities Bid

Award

Scanlon moved, seconded by Moore to approve the resolution as presented. AMENDMENT 1 TO MICHIGAN DEPARTMENT OF TRANSPORTATION CONTRACT 2007-0181.

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

WHEREAS, the City of Buchanan approved Master Agreement No. 2007-0181 by resolution on October 9, 2006; and

WHEREAS, the purpose of this amendment is to align the master agreement with federal procurement requirements.

NOW THEREFORE BE IT RESOLVED, the City Commission of the City of Buchanan does hereby approve Amendment 1 to Master Agreement No. 2007-0181, Agenda: DIR; and

NOW, THEREFORE BE IT FURTHER RESOLVED, that the City Manager of the City of Buchanan be authorized and directed to execute said agreement for and on behalf of the City of Buchanan.

Roll call vote carried unanimously. Resolution 2011.03/35 declared adopted.

The Mayor announced that the City Manager was on vacation and the outcome from the Goal Setting Session. Commissioners' personal comments/greetings were heard.

Scanlon moved, seconded by Moore to adjourn the meeting at 7:55 p.m.

New Business continued

Resolution 2011.03/35, Amendment 1 to MDOT Contract 2007-0181

Commissioner's Comments

Adjourn

Gladys M. Bybee, MMC-City Clerk

Carla M. Cole, Mayor

CITY OF BUCHANAN COMMISSION MINUTES

March 28, 2011

Michigan Department of Environmental Quality (confirmed by Zimont), Remediation Division Representative Ben Zimont called the Public Meeting at Buchanan City Hall to order at 5:30 p.m. for the purpose of consideration of a final Closure Report documenting remedial actions taken to address releases at the former Clark Equipment Company facility (a.k.a. the McCoy's Creek Industrial Park Clean up). He introduced Charlene McGue, Horizon Environmental and she gave a power point presentation and summarized the past occurrences, interim actions taken for removal, identifying risks and determining mitigation (risk evaluation) with the closure. They presented Final Closure Report and a map showing the boundaries. Commissioner's Carla Cole, Dave Hagey, and Patricia Moore were in attendance along with City Manager Bill Marx, City Attorney Randy Hyrns and Clerk Gladys Bybee. After questions/comments were shared Zimont closed the hearing at 6:30 p.m.

The regular scheduled meeting of the City Commission was held at Buchanan City Hall, 302 N. Redbud Trail, Buchanan, Michigan, Monday, March 28, 2011. Mayor Cole called the meeting to order at 7:00 p.m.

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

Commissioners present: Carla Cole, David Hagey, Patricia Moore, Earl J. Scanlon

Commissioners absent: none

Staff present: City Manager Bill Marx, Attorney Randy Hyrns, Clerk Gladys Bybee

Guests/Visitors present: 12 visitors including 1 reporter

Resident Sister Elizabeth Farrer read her written statement that was distributed before the meeting regarding her opposition to the move of the Berrien County Animal Shelter from Berrien Springs to Benton Harbor and urged the Commission to support her cause.

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

- Agenda
- Minutes: Regular scheduled meeting, March 14, 2011 and 2011-2012 Budget Work Session, March 21, 2011
- Checks 61257 to 61334 in the amount of \$103,314.80
- Street Closure for Oak Street from Front to Charles Court for the Arbor Day Celebration on April 29, 2011 from 9:00 a.m. to noon
- Banner Placement Request for Buchanan Community Schools-School Farm Plow Day from April 1 to April 17 (S. Redbud Trail)
- Banner Placement Request for Buchanan Area Chamber of Commerce Annual Chili Walk from April 1 to April 14 (E. Front Street)
- Acknowledge receipt of 2011-2012 Annual Budget as presented by the City Manager in accordance with Charter Section 9.2: Call Public Hearing April 11, 2011 at 7:00 p.m. to invite and hear public comments according to Charter Section 9.4.

Public Meeting

Final Closure Report, McCoy's Creek Industrial Park Clean up

Call to Order

Pledge/Invocation

Roll Call

Public Comment

Consent Calendar

Agenda
Minutes
Checks

Street Closure

Banner Placement

Banner Placement

2011-2012 Budget Acknowledgement
Call Public Hearing

The City Clerk reported on board/committee vacancies, ADA Compliance Grant, Downtown Rental Rehab and the May 3rd Election. Discussion was shared between Clerk and Commission.

The Mayor requested the three qualified candidates to fill the vacant term for City Commissioner (Lon McGuire, Don Ryman, and Michael Terrell) come to the podium for questions. After hearing responses from all three candidates from Commissioners questions, ***Moore moved, seconded by Scanlon to appoint Michael Terrell to fill the vacant position for the remainder term through 2012 caused by the resignation from former Commissioner Warren Weaver. Roll call vote carried unanimously.*** The Clerk administered the Oath of Office and Terrell took his seat at the dais.

Unfinished Business
Appointment to fill
Commissioner
Vacancy

After shared discussion to oppose the relocation of the Berrien County Animal Control Shelter in Berrien Springs, ***Hagey moved, seconded by Scanlon to send a resolution and letters to the Berrien County Board of Commissioners to keep the Animal Control Shelter in Berrien Springs. Roll call vote carried unanimously.***

New Business
Support for Berrien
County Animal
Control Shelter to
remain in Berrien
Springs

After summary, questions and shared discussion between the City Manager, Attorney and Commissioners regarding the Ordinance Introduction; Amending Chapter 14, Building and Building Regulations; Article VIII, Property Maintenance Code, ***Hagey moved, seconded by Scanlon to call a Public Hearing on Monday, April 11, 2011 at 7:00 p.m. at the Buchanan Senior Center, 810 Rynearson Road to invite and hear public comments on the ordinance. Roll call vote carried unanimously.***

Ordinance
Introduction &
Public Hearing call

Hagey moved, seconded by Scanlon to accept the Polling Place Accessibility Improvement Program Authorized Work Plan, Grant Agreement and resolution provided that any additional funding would be approved by the City Manager.

Polling Place
Accessibility
Improvement
Program,
Resolution
2011.03/28

Authorize the City Clerk to sign the Authorized Work Plan and Grant Agreement with the State of Michigan, Michigan Department of State

WHEREAS, the City Commission of the City of Buchanan has approved the Grant Agreement to participate in the Polling Place Accessibility Improvement Grant Program offered by the Department of State's Bureau of Elections; 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.

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 2011.03/36 declared adopted.

Resident Don Ryman declared support for the Animal Control Shelter to remain in Berrien Springs.

Public Comments

Marx shared personal comments and further reported on filling the vacancies at the Wastewater Treatment Plant.

City Manager

Commissioners' personal comments/greetings were heard and discussion was shared with Marx about the back up high pressure pumps, employee's orientation and WWTP licensed operators along with the Governors' recommendations for Retirement plans.

Comments
Commissioner's
Comments

Scanlon moved, seconded by Moore to adjourn the meeting at 8:21 p.m.

Adjourn

Gladys M. Bybee, MMC-City Clerk

Carla M. Cole, Mayor

CITY OF BUCHANAN COMMISSION MINUTES

April 11, 2011

The Mayor called the public hearing to order at 7:00 p.m. and invited public to express comments regarding the 2011-2012 Annual Budget according to Charter Section 9.4 The City Manager explained the proposed budget was the same as last year, however subject to change as receipt of revenue sharing from the state was unknown. Hearing no comments or receipt of written comments from the public, **Moore moved, seconded by Hagey to close the public hearing at 7:05 p.m. Voice vote carried unanimously.**

The Mayor called the public hearing to order at 7:05 p.m. and invited public to express comments regarding an Ordinance Amending Chapter 14, Building and Building Regulations; Article VIII, Property Maintenance Code. The City Manager, Building Inspector & Commission shared discussion. Hearing no comments or receipt of written comments from the public, **Moore moved, seconded by Hagey to close the public hearing at 7:07p.m. Voice vote carried unanimously.**

The regular scheduled meeting of the City Commission was held at Buchanan Senior Center, 810 Rynearson Road, Buchanan, Michigan, Monday, April 11, 2011. Mayor Cole called the meeting to order at 7:07 p.m.

The Pledge was recited by all. Jan Mitchell gave the Invocation.

Commissioners present: Carla Cole, David Hagey, Patricia Moore, Earl J. Scanlon III., Michael Terrell

Commissioners absent: none

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

Guests/Visitors present: Building Inspector Guy Lewis and Buchanan Schools Superintendent Andrea van der Laan along with 15 visitors including 1 reporter

After request from the Clerk, **Moore moved, seconded by Hagey to amend the consent calendar to include A. Buchanan Community Schools under VI. Reports on the Agenda. 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, March 28, 2011
- Checks 61335 to 61402 in the amount of \$201,900.59
- Schedule of Fees & Charges Update
- Business Account Application from Chemical Bank for the Buchanan City Payroll Account and Accounts Payable Account for authorized signers

Superintendent Andrea van der Laan distributed a brochure and a fact sheet on the bond issue that will be on the May Election ballot. She explained in detail.

Hagey moved, seconded by Scanlon to approve the adoption of Ordinance 2011.04/__, adopting the 2009 International Property Maintenance Code as presented.

An ordinance of the City of Buchanan, Michigan adopting the 2009 edition of the **International Property Maintenance Code**, regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the

Public Hearing’s
2011-2012 Annual
Budget

Ordinance
Amending Chapter
14, Building and
Building
Regulations; Article
VIII, Property
Maintenance Code

Call to Order

Pledge/Invocation

Roll Call

Consent Calendar
Agenda as amended
Minutes
Checks

Schedule of Fees &
Charges

Bank
Authorizations

Reports
Buchanan
Community School

Unfinished
Business
Ordinance
2011.04/383, 2009
International
Property Maint.
Code

condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures in the City of Buchanan, Michigan: providing for the issuance of permits and collection of fees therefore; repealing Ordinance No. 2001.03/352 of the City of Buchanan, Michigan and all other ordinances and parts of the ordinances in conflict therewith.

The City Commission of the City of Buchanan, Michigan does ordain as follows:

Section 1: That a certain document, one (1) copies of which are on file in the office of the Clerk’s office of the City of Buchanan, Michigan, being marked and designated as the **International Property Maintenance Code**, 2009 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the City of Buchanan, in the State of Michigan for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use: and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided: providing for the issuance of permits and collection of fees therefore: and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the Clerk’s office are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

Section 2. The following sections are hereby revised:

- Section 101.1 Insert: THE CITY OF BUCHANAN
- Section 103.5 Insert: Cost incurred plus fifteen percent (15%)
- Section 106.3 Delete: or civil infraction as determined by the local municipality
- Section 111.2 Insert: Construction Board of Appeals
- Section 112.4 Insert: not more than \$500.00
- Section 302.4 Insert: Eight (8) inches
- Section 304.14. Insert: May 1 – November 1
- Section 602.3 Insert: October 1 – July 1
- Section 602.4 Insert: October 1 – July 1

Section 3. That Ordinance No. 2001.03/352 of the City of Buchanan, Michigan entitled ORDINANCE FOR ADOPTION OF THE 2000 INTERNATIONAL PROPERTY MAINTENANCE CODE and all other ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

Section 4. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City of Buchanan, Michigan hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 5. That nothing in this ordinance or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquitted or existing under any act or ordinance hereby repealed as cited in Section 3 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 6. That the City Clerk is hereby ordered and directed to cause this ordinance to be published as required by law; and this ordinance shall take effect from and after its approval as required by law.

Section 7. That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect fifteen (15) days from and after the date of its final passage and adoption.

Roll call vote carried unanimously. Ordinance Number 2011.04/383 declared adopted.

After deliberation all members agreed to appointments’ of Board/Committee Representative Assignments. Commissioner Scanlon announced his decision to resign from the Downtown Development Authority and Commissioner Hagey accepted the appointment to fill the vacancy.

Marx explained the 15 day review and summarized the memo received from the DDA Director in response to the Michigan Liquor Control Commission (MLCC) regarding application from Slocum’s Gifts, Décor and More, LLC. for a Specially Designated Merchant (SDM) Licenses. **Hagey moved to direct the City Manager to issue a letter to the MLCC of no objection to the plan of gift baskets but strongly suggest that the license be limited to that and not in favor of the direct sale of alcohol. Scanlon seconded the motion and roll call vote carried unanimously.**

Board/Committee Representative Assignments

New Business
Michigan Liquor Control Commission, Slocum’s Gifts, Décor and More, LLC.

Moore moved, seconded by Hagey to include the memo from the Downtown

Unfinished Business continued

Ordinance 2011.04/383, 2009 International Property Maint. Code

Development Authority Director of the non-compliance of the building with the letter to the MLCC. Roll call vote carried unanimously.

Reliable Disposal
Fee Increase

Marx explained the rate adjustment from Reliable Disposal in detail and the issue of some residents in non compliance by using a different company. **Scanlon moved, seconded by Hagey to table any action until a rate comparison was completed. Roll call vote carried unanimously.**

Resolution
2011.04/38,
Recommendation
for Berrien County
Road Millage

After detailed explanation from Marx, **Scanlon moved, seconded by Hagey to approve the resolution as presented. Roll call vote carried unanimously.** Resolution 2011.04/38 declared adopted and made a part of this record. Members agreed that the County Road Commissioner and County Commissioner be invited to the next meeting to discuss the road issues and millage proposal.

Public Comments

Comments were heard from Senior Center Director Alice Hopkins, Resident’s Kathy Kingery and Bill Norton.

City Manager

Marx shared personal comments and further reported on bids forthcoming to repair a sink hole (storm drain) in the parking lot south of City Hall.

Comments
Commissioner’s
Comments

Commissioners’ personal comments/greetings were heard and greetings were shared with Senior Center Representatives for hosting the meeting in their new facility.

Adjourn

Scanlon moved, seconded by Terrell to adjourn the meeting at 8:16 p.m.

Gladys M. Bybee, MMC-City Clerk

Carla M. Cole, Mayor

New Business continued

MLCC

CITY OF BUCHANAN COMMISSION MINUTES

April 25, 2011

Call to Order

The regular scheduled meeting of the City Commission was held at City Hall, 302 N. Redbud Trail, Buchanan, Michigan, Monday, April 25, 2011. Mayor Cole called the meeting to order at 7:00 p.m.

Pledge/Invocation

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

Roll Call

Commissioners present: Carla Cole, David Hagey, Patricia Moore, Earl J. Scanlon III., Michael Terrell

Commissioners absent: none

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

Guests/Visitors present: Berrien County Commissioner Mac Elliott and County Road Commissioner Brian Berndt along with 25 visitors including 2 reporters

Consent Calendar

The Clerk asked to include Committee/Board Commissioner Representative Item under Unfinished Business and a Closed Session as requested by City Manager/Police Chief Bill Marx for his six month performance review as allowed under 15.268(a) before adjournment. **Moore moved, seconded by Scanlon to amend the Agenda to include the Committee/Board Commissioner Representative Assignments and the Closed Session for the six month performance review of City Manager Bill Marx. Roll call vote carried unanimously. Moore moved, seconded by Scanlon to approve the consent calendar with the amendment to the Agenda. Roll call vote carried unanimously.**

Agenda as amended

- Agenda as amended
- Minutes: Regular scheduled meeting, April 11, 2011
- Checks 61403 to 61466 in the amount of \$110,279.47
- Banner Placement Request from May 1 to May 14 for First United Methodist Church & Faith United Methodist Church, 132 Oak Street-Change the World Day (S. Redbud Trail)
- Banner Placement Request from August 5 to August 21 for American Lion Post 51 Riders-Annual Jack Glavin Veteran’s Benefit Ride (E. Front Street)
- Banner Placement Request from May 23 to June 13 for Buck Teens Committee
- Appointment of Jan Quinn to the Downtown Development Authority to fill a vacant term ending 2012
- Street Closure Request from the American Legion Post 51 for the Memorial Day Parade; Front Street from the Legion to Oak Ridge Cemetery
- Arbor Day Proclamation

Minutes

Checks

Banner Placements (3)

DDA Appointment

Street Closure

Arbor Day Proclamation

Reports

Louise Solak introduced the Community Health Assessment completed by Bethel College Nursing Student’s and presented a notebook to the City to be on file. She introduced Jeanette Conklin and Ms. Conklin did a power point presentation in which all reviewed.

Community Health Assessment-Bethel College

Buchanan Garden Club Member Carol McKean explained the upcoming Arbor Day Celebration and introduced colleagues Liz Miller, Leanne Feldman and Sheila Daly who helped with the event. The Mayor presented an Arbor Day Proclamation to McKean and Miller who were in attendance.

Buchanan Garden Club

Berrien County Road Commissioner Brian Berndt explained the proposed Berrien County Road Millage that could be on the ballot in 2012. Discussion/questions were shared with Commissioners, public, Berndt and County Commissioner Mac Elliott.

Treasurer Department

Treasurer Juli O'Bryant reported on property taxes, the new budget, working on Governor Snyder's proposal for revenue sharing dollars, electronic meter reader program through the utility department, and urged all to utilize City of Buchanan Facebook.

Unfinished Business
Reliable Disposal
Contract Rate
Adjustment

Marx reported that Reliable Disposal asked for the maximum increase allowable by the current contract but had not had an increase in the previous year. All reviewed the written comparison from other company's for trash collection. **Scanlon moved, seconded by Hagey to approve the 1.7 % rate adjustment as presented by Reliable Disposal. Roll call vote carried unanimously.**

Resolution
2011.04/39,
Adopting 2011-
2012 FY Budget

After brief explanation from Marx, **Hagey moved, seconded by Moore to approve the resolution as presented and reviewed. TO ADOPT A BUDGET FOR THE CITY OF BUCHANAN FOR FISCAL YEAR 2011-2012**

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, 2011 through June 30, 2012; and

WHEREAS, a public hearing was held on April 11, 2011 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 2011-2012 fiscal year for the purposes set forth below:

General Government	City Commission	\$ 42,848.
\$366,570.	City Manager	78,462.
	Elections	28,458.
	Assessor	41,450.
	City Clerk	61,257.
	Treasurer	114,095.
Public Safety	Police Department/Code Enforcement	\$ 976,839.
\$1,164,482.	Crossing Guards	27,125.
	Fire Department	128,218.
	Building Inspection	32,300.
DPW & Cemetery	DPW/Streets	\$ 229,581.
\$385,146.	Cemetery	155,565.
Parks & Recreation	Parks & Recreation	\$ 9,600.
\$9,600.		
Other	Building & Grounds	\$ 64,450.
\$141,058.	Rental Property	4,135.
	Arts & Historical Buildings	9,959.
	Misc. Costs/Transfers	62,514.
Total General Fund		\$2,066,856.
	Major Streets	\$ 395,296.
	Local Streets	241,230.
	Street Repair & Maintenance	363,054.
	Water & Sewer Enterprise	1,453,887.
	Brownfield-TIF	33,798.
Total Other Funds		\$ 2,487,265.

Total Budget Including General Fund \$4,554,121.

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.

Reports continued

Proposed Berrien County road Millage

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, 2011, as follows:

	Water	Sewer	Ready to Serve (RTS)
City	\$3.02/1000 gal.	\$5.46/1000 gal.	\$15.80 monthly
Township	3.53/1000 gal.	6.39/1000 gal.	18.48 monthly

BE IT FURTHER RESOLVED that the total budget for the City of Buchanan for the fiscal year 2011-2012 in the amount of \$4,554,121. 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 2011.04/39 declared adopted.

2011-2012 City Commission Priorities

Board/Committee Representative Assignments

Scanlon moved, seconded by Terrell to approve the 2011-2012 City Commission Priorities as presented. Roll call vote carried unanimously.

New Business

Commissioner Scanlon explained that he would resign from the Plan Commission but would like to remain on the Zoning Board of Appeals and Terrell agreed to withdraw from the ZBA and represent the Plan Commission, **Moore moved, seconded by Terrell to approve the resignations and appointments as discussed. Roll call vote carried unanimously.**

Resolution 2011.04/40, Support to Retain Historic Preservation Tax Credits

The City’s Historic Preservation Consultant Pam O’Connor explained the Historic Preservation tax credit history and benefits of the tax credits and requested that the City forward the Resolution to the Governor and State Representatives. **Moore moved, seconded by Cole to approve Resolution 2011.04/40, Support of retaining Michigan’s Historic Preservation Tax Credits for Residential and Commercial Properties as presented. Roll call vote carried unanimously.** Resolution attached as a part of this record.

Accept Proposal to repair sink hole at 204 N. Redbud Trail

Marx summarized the necessary proposed storm drain (sink hole) repair in the north parking lot of 204 N. Redbud Trail (directly south of City Hall). Employee Mike Baker, whom was in attendance confirmed that he contacted four different vendors without response and Marx recommended that the proposal be approved. **Hagey moved, seconded by Scanlon to accept the proposal from BG Green in the amount of \$4,600 to repair the sink hole as explained and recommended. Roll call vote carried unanimously.**

City Manager Comments

Marx shared personal comments and further explained the street pavement damage on River Street and Rynearson Road. He further reported that Affordable Asphalt would need to dig down and correct the problem on River in the amount of \$3,940 which would be repaired as soon as weather permits and Rynearson repair proposal estimated at \$6,700 which he would be reviewing.

Commissioner’s Comments

Commissioners’ personal comments/greetings were heard.

Moore moved, seconded by Scanlon to go into Closed Session at 8:43 p.m. as requested by City Manager Bill Marx to complete his personnel

Unfinished Business continued

Resolution 2011.04/39, Adopting 2011-2012 FY Budget

The Mayor reconvened the regular meeting at 9:35 p.m.

Hagey moved, seconded by Scanlon to give Bill Marx, City Manager a positive six month performance review. Voice vote carried unanimously.

Adjourn

Scanlon moved, seconded by Terrell to adjourn the meeting at 9:36 p.m.

Gladys M. Bybee, MMC-City Clerk

Carla M. Cole, Mayor

CITY OF BUCHANAN COMMISSION MINUTES

May 9, 2011

The regularly scheduled meeting of the City Commission was held at City Hall, 302 N. Redbud Trail, Buchanan, Michigan, Monday, May 9, 2011

I. Call to Order

Mayor Cole called the meeting to order at 7:00 p.m.

II. Pledge of Allegiance – Invocation

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

III. Roll Call

Commissioners present: Carla Cole, Patricia Moore, Earl J. Scanlon III., Michael Terrell

Commissioners absent: David Hagey

Staff present: City Manager Bill Marx, Acting PS Director Jon Raines, WWTP Operator Jason Williams, and Clerk Gladys Bybee

Guests/Visitors present: Downtown Development Authority Director Debra Patzer and Special Projects Manager Donna Southwell along with 12 visitors including 1 reporter

IV. Public Comments

Resident Larry Elliott reported the Village of Berrien Springs' Council passed a resolution to close the fish ladder in Berrien Springs alleging the security of the water from the Asian Carp. He opposed their request and asked the Commission to support keeping the fish ladder open. Discussion was shared between Commission and Elliott regarding the Asian Carp situation and he urged the Commission to oppose the closing of the Ladder.

V. Consent Calendar

The Clerk asked to include three resolutions (D. E. F.) from Special Projects Manager Donna Southwell under New Business and remove B. Berrien Springs Fish Ladder under Reports. *Scanlon moved, seconded by Moore, to amend the Agenda to remove and include the items as explained by the Clerk. 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, April 25, 2011
- Checks 61467 to 61539 in the amount of \$138,725.70
- Proclamation, White Cane Week
- Call a Public Hearing on May 23rd to invite and hear comments concerning the distribution of the FY 2011-2012 Southwestern Michigan Community Ambulance Services (SMCAS) Special Assessment Levy and proposed SMCAS budget for fiscal year 2011-2012, which includes the special assessment in the amount of \$20.00 per dwelling
- May 2011 Budget Amendment: General Fund, Major Streets and Street Repair & Maintenance, Water & Sewer Enterprise Fund, and Water & sewer Bond Expenditure

VI. Reports by: Departments, Committees, Boards

A. Buchanan Lions Club

Buchanan Lions Club President Rudy Kappe explained the purpose of offering white canes to raise funds in support of White Cane Week. The Mayor read the White Cane Proclamation and presented it to Mr. Kappe.

B. Berrien County Fish Ladder – Larry Elliott

Larry Elliott's report is listed under item IV. Public Comments.

C. Public Services Department – Jon Raines

Raines reported on the water department and the wastewater treatment plant and recognized Gary Greathouse and Jason Williams who were in attendance. He then updated all on the 2010-2011 Street Department leaf collection season and snow plowing. He also reported the current status at Oak Ridge Cemetery. Discussion was shared between Commission, Raines and public.

VII. Unfinished Business

A. Consider accepting proposal/quote for repair and upgrade to the Wastewater Treatment Plant Initial Grinder – Jason Williams

Williams and Marx explained the proposal/quote for repair and upgrade to the Wastewater Treatment Plant Initial Grinder. After discussion, ***Scanlon moved, seconded by Terrell, to accept the maintenance work as explained and recommended in the amount of \$14,361.26. Roll call vote carried unanimously.***

VIII. New Business

A. Consider Request for use of City Owned Properties: Mill & Sculpture Alleys and Harger & Gazebo Parks for UN-SANCTIONED – DDA Director Debra Patzer

Patzer explained in detail the request for use of City owned properties for Un-Sanctioned event on May 28, 2011. After discussion ***Moore moved, seconded by Terrell, to authorize use of City owned properties for the Un-Sanctioned event being held on Memorial Weekend. Roll call vote carried unanimously.***

B. Consider Wastewater Treatment Plant Expenditures as proposed by D.A. Dodd in the total amount of \$6,711
Williams explained the need for the repairs at the Wastewater Treatment Plant. Discussion was shared regarding work completed, work underway, and work planned for the future. After discussion, ***Scanlon moved, seconded by Moore, to authorize the expenditure for the DeZurik Plug Valve, Chemical Feed, Change 6” Butterfly Valve DeZurik to aeration valve gallery, and Change valves & adaptor at drilling bed influent in the total amount of \$6,711 to D.A. Dodd, as presented. Roll call vote carried unanimously.***

C. Consider Cemetery Services Fees Proposed Changes

Marx explained, and recommended the Commission approve, the proposed Cemetery Services Fees changes received from Raines. The comparison chart was reviewed. After discussion, ***Moore moved, seconded by Scanlon, to approve the updated fee schedule. Roll call vote carried unanimously.***

D. Consider Resolution 2011.05/41 Submittal of grant to Michigan Trails and Greenways Alliance

Special Project Manager Donna Southwell reported on the small grant with the maximum of \$5,000. After discussion, ***Terrell moved, seconded by Scanlon, to approve Resolution 2011.05/41, Submittal of grant application to Michigan Trails and Greenways Alliance (MGTA) for improvements to McCoy’s Creek Trail as presented. Roll call vote carried unanimously*** (Resolution 41 included as part of this record).

E. Consider Resolution 2011.05/42 Submittal of grant to FishAmerica Foundation

Southwell explained the pre-process application prior to a final grant submittal for up to a maximum of 75,000. After discussion, ***Terrell moved, seconded by Moore, to approve Resolution 2011.05/42, Submittal of grant to FishAmerica Foundation and NOAA restoration center for restoring community-based habitat restoration projects, as presented. Roll call vote carried unanimously*** (Resolution 42 included as part of this record).

F. Consider Resolution 2011.05/43 in Support of Michigan DNRE Management of Fisheries and Invasive Species and oppose closing the Berrien Springs Dam

After Southwell explained, ***Scanlon moved, seconded by Moore, to approve Resolution 2011.05/43 to support the decisions of the Michigan Department of Natural Resources and Environment regarding the management of fisheries and invasive species and oppose the closing of the Berrien Springs dam. Roll call vote carried unanimously*** (Resolution 43 included as part of this record).

IX. Public Comments – There were no Public Comments

X. City Manager's Comments

Marx shared personal comments, and also reported Fire Chief Tim Gowen has retired after 28 years of service. Mike Adams will serve as Interim Fire Chief. A proposal will be forthcoming.

Marx also reported the sink hole at 204 N. Redbud Trail is in the process being repaired.

XI. Commissioners' Comments

All Commissioners expressed thanks to Tim Gowen for 28 years of service to the City.

Mayor Cole thanked the DDA for the \$100 donation they provided for the Arbor Day tree. The Mayor encouraged each Commissioner to make a donation for the purchase of trees to be placed at The Common and/or other City parks, where needed.

XII. Closed Session – to review minutes from the April 25, 2011 Closed Session: Personnel Evaluation of the City Manager as requested [15.268 Sec. 8. (a)]

Scanlon moved, seconded by Moore, to go into closed session at 8:40 p.m. to review 4-25-11 closed session minutes. Roll call vote carried unanimously.

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

Moore moved, seconded by Cole to approve April 25, 2011 Closed Session minutes as reviewed in closed session. Voice vote carried unanimously.

XIII. Adjournment

There being no other business, *Scanlon moved, seconded by Terrell, to adjourn the meeting at 8:44 p.m.*

Gladys M. Bybee, MMC-City Clerk

Carla M. Cole, Mayor

CITY OF BUCHANAN COMMISSION MINUTES

May 9, 2011

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I. Call to Order

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Commissioners absent: David Hagey

Staff present: City Manager Bill Marx, Acting PS Director Jon Raines, WWTP Operator Jason Williams, and Clerk Gladys Bybee

Guests/Visitors present: Downtown Development Authority Director Debra Patzer and Special Projects Manager Donna Southwell along with 12 visitors including 1 reporter

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Resident Larry Elliott reported the Village of Berrien Springs' Council passed a resolution to close the fish ladder in Berrien Springs alleging the security of the water from the Asian Carp. He opposed their request and asked the Commission to support keeping the fish ladder open. Discussion was shared between Commission and Elliott regarding the Asian Carp situation and he urged the Commission to oppose the closing of the Ladder.

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Marx explained, and recommended the Commission approve, the proposed Cemetery Services Fees changes received from Raines. The comparison chart was reviewed. After discussion, ***Moore moved, seconded by Scanlon, to approve the updated fee schedule. Roll call vote carried unanimously.***

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Southwell explained the pre-process application prior to a final grant submittal for up to a maximum of 75,000. After discussion, ***Terrell moved, seconded by Moore, to approve Resolution 2011.05/42, Submittal of grant to FishAmerica Foundation and NOAA restoration center for restoring community-based habitat restoration projects, as presented. Roll call vote carried unanimously*** (Resolution 42 included as part of this record).

F. Consider Resolution 2011.05/43 in Support of Michigan DNRE Management of Fisheries and Invasive Species and oppose closing the Berrien Springs Dam

After Southwell explained, ***Scanlon moved, seconded by Moore, to approve Resolution 2011.05/43 to support the decisions of the Michigan Department of Natural Resources and Environment regarding the management of fisheries and invasive species and oppose the closing of the Berrien Springs dam. Roll call vote carried unanimously*** (Resolution 43 included as part of this record).

IX. Public Comments – There were no Public Comments

X. City Manager's Comments

Marx shared personal comments, and also reported Fire Chief Tim Gowen has retired after 28 years of service. Mike Adams will serve as Interim Fire Chief. A proposal will be forthcoming.

Marx also reported the sink hole at 204 N. Redbud Trail is in the process being repaired.

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XII. Closed Session – to review minutes from the April 25, 2011 Closed Session: Personnel Evaluation of the City Manager as requested [15.268 Sec. 8. (a)]

Scanlon moved, seconded by Moore, to go into closed session at 8:40 p.m. to review 4-25-11 closed session minutes. Roll call vote carried unanimously.

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

Moore moved, seconded by Cole to approve April 25, 2011 Closed Session minutes as reviewed in closed session. Voice vote carried unanimously.

XIII. Adjournment

There being no other business, *Scanlon moved, seconded by Terrell, to adjourn the meeting at 8:44 p.m.*

Gladys M. Bybee, MMC-City Clerk

Carla M. Cole, Mayor

CITY OF BUCHANAN COMMISSION MINUTES

May 23, 2011

Public Hearing

The Mayor called the Public Hearing to order at 7:00 p.m. to invite and hear comments concerning the distribution of the FY 2011-2012 Southwestern Michigan Community Ambulance Services (SMCAS) Special Assessment Levy and proposed SMCAS budget for fiscal year 2011-2012, which includes the special assessment in the amount of \$20.00 per dwelling. Hearing no comments or receipt of written comments from the public the Mayor closed the public hearing at 7:01 p.m.

The regular scheduled meeting of the City Commission was held at City Hall, 302 N. Redbud Trail, Buchanan, Michigan, Monday, May 23, 2011. Mayor Cole called the meeting to order at 7:01 p.m.

Call to Order

Pledge/Invocation

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

Roll Call

Commissioners present: Carla Cole, David Hagey, Patricia Moore, Earl J. Scanlon III., Michael Terrell

Commissioners absent: none

Staff present: City Manager Bill Marx, and Clerk Gladys Bybee

Guests/Visitors present: Southwest Michigan Community Ambulance Services Director (SMCAS) Tim Gray along with 8 visitors including 1 reporter

Consent Calendar

Agenda as amended

The Clerk asked and explained to include H. I. J. under the Consent Calendar, B. under Unfinished Business and three resolutions (D. E. F.) under New Business. **Moore moved, seconded by Scanlon to amend the Agenda to include all items as explained by the Clerk. Roll call vote carried unanimously. Scanlon moved, seconded by Moore to approve the consent calendar with the amendments to the Agenda. Roll call vote carried unanimously.**

Minutes

Checks

- Agenda as amended
- Minutes: Regular scheduled meeting, May 9, 2011
- Checks 61540 to 61621 in the amount of \$160,510.66
- Re-appoint Sheila Daly and Jeff Griffin, to the Buchanan Area Recreation Board; each for a three-year term ending 2014
- Re-appoint Richard Gault and Tim Gowen to the Buchanan Plan Commission; each for a three-year term ending 2014
- Certify Delinquent Billings to the 2011 Summer Tax Roll
- Street Closure Request: Oak Street north from Front St. to Dewey, and south from Front St. to the end of Gazebo Park for the Un Sanctioned event
- Excuse the absence of Commissioner David Hagey from May 9, 2011 meeting
- Banner Placement for Buchanan Youth Baseball Softball Association
- Banner Placement for Buchanan Youth Baseball Softball Association

Reappointments for the BARB & Plan Commission

Certify Delinquent Billings

Street Closure

Request

Excuse the absence

Banner Placement?

Reports

Southwest Michigan Community Ambulance Service

SMCAS Director Gray gave a report on the SMCAS services. Discussion shared between Gray and Commission regarding membership to emergency ambulance services.

Scanlon moved, seconded by Terrell to approve the Resolution 2011.05/44 approving the 2011-2012 Southwestern Michigan Community Ambulance Service (SMCAS) Budget and Special Assessment as submitted. Roll call vote carried unanimously. (Resolution 44 included as part of this record)

Unfinished Business

Resolution 2011.05/44

After explanation from Marx and shared discussion regarding the increased costs for services, **Scanlon moved, seconded by Moore to approve the updated Cemetery Services Fee Comparisons dated May 23, 2011. Roll call vote carried unanimously.**

Berrien County
Assessing Contract

After explanation from Marx and confirmation of cost remaining the same, **Scanlon moved, seconded by Hagey to approve the Berrien County Assessing Contract as presented. Roll call vote carried unanimously.**

Resolution
2011.05/45, River
Bluff Park Lease

After explanation from Marx and shared discussion regarding length of lease and right-of-first refusal with American Electric Power for River Bluff Park, **Scanlon moved, seconded by Terrell to approve the resolution as submitted.** A Joint Letter from the Michigan Department of Natural Resources (MDNR) and the City of Buchanan to American Electric Power (AEP), Requesting a Lease Transfer of the Buchanan Dam South Side Recreational Facility from the MDNR to the City Of Buchanan

Whereas the State of Michigan DNRE leased said property from AEP to provide parking & toilet facilities for a fishing pier on the south side of the Buchanan dam on the St. Joseph River System, and,
Whereas the pier was removed due to unsafe conditions, and,
Whereas the MDNR no longer operates the site and would like to transfer the lease to the City of Buchanan, and,
Whereas the City of Buchanan would like to utilize this property as a park to be known as "River Bluff Park" and for future recreational development to include a portion of the McCoy's Creek Trail, and,
Whereas the City of Buchanan would like to enter into a long-term lease with AEP, and,
Whereas the DNR will remove the vault toilet, fix the fence and leave the site in a clean and hazardous free condition;

Be it hereby resolved that the Commissioners of the City of Buchanan, authorize the City Manager to pursue a lease transfer of the Buchanan Dam South Side Recreational Facility from the DNR to the City of Buchanan.

Roll call vote carried unanimously. Resolution 2011.05/45 declared approved.

Five Year Buchanan
Area Recreation
Plan

Marx reported that the Buchanan Area Recreation Board held a public hearing and had the Five Year Buchanan Area Recreation Plan available for perusal for 30 days. He did report that a verbal comment was received to be conscious that we have a lot of parks that are not taken care of and not add any more. **Moore moved, seconded by Cole to approve the 2012-2016 Buchanan Area Recreation Plan as submitted and recommended. Roll call voice carried unanimously.**

Resolution
2011.05/46, Dog
Park Subcommittee

After explanation from Marx, **Moore moved, seconded by Cole to approve the resolution as proposed.** A Resolution officially establishing and acknowledging "BARB Dog Park Subcommittee" according to Resolution 2004.04/11

Whereas, the City Commission supports and promotes Volunteer Committees to address the needs of the City Parks and Recreation in the 2011-2012 City Commission Priorities adopted April 25, 2011; and

Whereas, a group of citizens presented a formal written request to the Buchanan Area Recreation Board on May 11, 2011; and

Whereas, the Buchanan Area Recreation Board (BARB) supported and recommended the formation of the BARB's Dog Park Subcommittee at its May 11, 2011 public meeting; and

Whereas, the Dog Park Subcommittee shall be charged with designing and development of a dog park facility within the city limits of Buchanan and, if possible, provide for the future maintenance of such a facility; and

Whereas, the Buchanan Area Recreation Board shall be charged with administration of said Subcommittee.

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

Roll call vote carried unanimously. Resolution 2011.05/46 declared approved.

Marx explained the
sharing of costs
between the school
and City as the
grant required,

Unfinished Business continued
Cemetery Services Fee Approval
New Business

Scanlon moved, seconded by Terrell to approve the resolution as presented. Submittal of a Grant Application to the United States Department of Justice Community (USDOJ) Oriented Policing Services (COPS)

Whereas the Buchanan City Commission in the County of Berrien, State of Michigan has expressed continued concern and support for the safety of community, and,

Whereas after years of declining revenues there is an opportunity to add an officer to the department, and,

Whereas USDOJ is soliciting applications for grants to subsidize the pay and benefits of this officer for three years with the City responsible for the 4th year, and,

Whereas this proposal will request funds to be used to support the "Community Partners" component of the grant, and,

Whereas this officer will partner with the Buchanan Area Schools, and the Schools will subsidize the final year of the grant, and,

Whereas this proposal will be for approximately \$280,000 with \$76,000 being required for the 4th and final year, and,

Whereas this proposal will have a positive impact on the budget;

Be it hereby resolved that the Buchanan City Commission approves this application submittal and authorizes the City Manager to sign any and all agreements relating to this grant.

Roll call vote carried unanimously. Resolution 2011.05/47 declared approved.

After Marx explained the 50% match grant, **Moore moved, seconded by Scanlon to approve the resolution as proposed.** Submittal of a Grant Application to the United States Department of Justice (USDOJ) Bulletproof Vest Partnership (BVP)

Whereas the Buchanan City Commission in the County of Berrien, State of Michigan has expressed continued concern and support for the safety of its Public Safety Department, and,

Whereas after years of declining law enforcement line-of-duty deaths, the country realized a dramatic 37% increase in officer deaths in 2010, and,

Whereas USDOJ is soliciting applications for grants to subsidize the purchase of BVPs for Law Enforcement Departments that have a "mandatory wear" policy for uniformed officers, and,

Whereas this proposal will request funds to be used to purchase updated and up-to-standard BVPs recommended by the USDOJ 1 April 2011, and,

Whereas this proposal will have a positive impact on the budget;

Be it hereby resolved that the Buchanan City Commission approves this application submittal and authorizes the City Manager to sign any and all agreements relating to this grant.

Roll call vote carried unanimously. Resolution 2011.05/48 declared approved.

Marx shared personal comments and further reported that \$900 was received from Niles Buchanan Rotary Club to replace playground equipment at Kathryn Park, expected revenue sharing cuts, and rearranged operational organization (Sergeant Adkerson is assuming position of Public Safety Services Director).

All Commissioners personal comments/greetings were heard.

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

Resolution
2011.05/48,
Bulletproof Vest
Grant

**City Manager
Comments**

**Commissioners
Comments**

Adjourn

Gladys M. Bybee, MMC-City Clerk

Carla M. Cole, Mayor

New Business continued

CITY OF BUCHANAN COMMISSION MINUTES

June 13, 2011

Call to Order

The regular scheduled meeting of the City Commission was held at City Hall, 302 N. Redbud Trail, Buchanan, Michigan, Monday, June 13, 2011. Mayor Cole called the meeting to order at 7:00 p.m.

Pledge/Invocation

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

Roll Call

Commissioners present: Carla Cole, David Hagey, Patricia Moore, Earl J. Scanlon III., Michael Terrell

Commissioners absent: none

Staff present: City Manager Bill Marx, WWTP Maintenance Operator Jason Williams and Clerk Gladys Bybee

Guests/Visitors present: Downtown Development Authority (DDA) Director Debra Patzer, Special Projects Manager (SPM) Donna Southwell, Volunteer Firefighter's Zack Hoetger and Josh Breeding along with 8 visitors including 1 reporter

Consent Calendar

Agenda as amended

After the clerk requested the additions of three (3) Resolutions to the agenda under new business and a correction of a clerical error under VIII. A, **Moore moved, seconded by Scanlon to approve the consent calendar with the inclusions and correction to the Agenda. Roll call vote carried unanimously. Moore moved, seconded by Scanlon to accept the amended agenda. Roll call vote carried unanimously. Moore moved, seconded by Scanlon to approve the Consent Calendar. Roll call vote carried unanimously.**

Minutes

Checks

2010-2011 Year
End Budget
Amendment

- Agenda as amended
- Minutes: Regular scheduled meeting, May 23, 2011
- Checks 61622 to 61729 in the amount of \$108,046.13
- Budget Amendment – End of Year General Fund, Major Streets & Local Streets, Water & Sewer Enterprise Fund Fiscal 2010-2011
- Downtown Development Authority (DDA) Bookkeeping Amendment, \$250,000 “Transfer to General” needed to record DDA Loan Forgiveness by Commission
- Discharge of Rental Rehab Deferred Payment Mortgage for 103 & 105 E. Front Street
- Re-appoint Donna Lace and Ann Rose to the Friends of Oak Ridge Cemetery Committee for a four year term ending 2015
- Appoint Tom Pierce to the Friends of Oak Ridge Cemetery Committee for a term ending 2014
- Appoint Mayor for a term ending 2014, Treasurer for a term ending 2013, and City Manager for a term ending 2013 to the Brownfield Redevelopment Board

DDA Bookkeeping
Amendment

Discharge of Rental
Rehab Deferred
Payment Mortgage

Reappointment's to
Boards

(DDA) Director Patzer reported on the DDA Loan/grant program, current FY Budget, managing the events at the Common, discontinuance of the Downtown Main Street Program (voted on by the DDA) and she welcomed any ideas for programs that the City Commission wished to include in the Downtown TIF Plan. Discussion was shared.

Reports

Downtown
Development
Authority

After explanation from Marx, **Hagey moved, seconded by Scanlon to approve the one Year Extension on Labor Agreement between the City of Buchanan and Service Employees International Union (SEIU) Local 517M. Roll call vote carried unanimously.**

Unfinished

Business

SEIU Local 517M
Labor Extension

After detailed explanation of changes that may need to be made, ***Scanlon moved, seconded by Terrell to approve the Three Year Labor Agreement between City of Buchanan and Police Officers Labor Council (POLC) as presented. Roll call vote carried unanimously.***

DDA FY Budget Approval

Williams explained the use of the chainbelt digester at the WWTP and concern was discussed about any surprises that may occur in the process. ***Scanlon moved, seconded by Terrell to approve the quote for the waterside cleaning of the Chainbelt Digester from Kalamazoo Boiler Co, Inc. not to exceed \$6,500. as presented. Roll call vote carried unanimously.***

Interlocal Agreement with RCTA

After explanation from Patzer, ***Hagey moved, seconded by Moore to approve the Downtown Development Authority (DDA) Fiscal Year 2011-2012 Budget. Roll call vote carried unanimously.***

Waiver of Conflict for Miller Canfield

After explanation from Marx, ***Terrell moved, seconded by Moore to approve the Interlocal Agreement between Roscommon County Transportation Authority (RCTA) and Buchanan Dial-A-Ride and grant authority for the City Manager to sign. Roll call vote carried unanimously.***

SEBCL Appointments

After explanation and confirmation that the document was reviewed by City Attorney Hyrns, ***Scanlon moved, seconded by Terrell to approve the Waiver of Conflict from Miller Canfield for City of Buchanan Regarding SEMCO Energy. Roll call vote carried unanimously.***

Fire Department Standard Operating Guidelines

Scanlon moved, seconded by Moore to appoint Hagey and Cole as City Representatives to the Southeast Berrien County Landfill Board. Roll call vote carried unanimously.

Volunteer Firefighter's Hoetger and Breeding explained the Standard Operating Guidelines (SOG) endorsed by the State Michigan Municipal League and discussion was shared with Commission, Firefighters and City Manager. ***Scanlon moved, seconded by Terrell to approve the Buchanan Fire Department Standard Operating Guidelines (SOG) as presented. Roll call vote carried unanimously.***

Sewer Use Agreement for WWTP Leachate

After explanation from Marx and Cole about the cost savings and forwarding the agreement on for consideration to Bertrand and Buchanan Townships and the Landfill Authority, ***Scanlon moved, seconded by Moore to approve the Sewer Use Agreement between the City of Buchanan and the Southeast Berrien County Landfill Authority and joined in by the Township of Bertrand and the Township of Buchanan pending final review by City Attorney Randy Hyrns. Roll call vote carried unanimously.***

Resolution 2011.06/49, USDOE Charge Project Grant Application

After explanation from Southwell and shared discussion, ***Hagey moved, seconded by Moore to approve the resolution as presented.*** Resolution for Acceptance of a Grant from the United States Department of Energy (USDOE) Charge Point Project ***Whereas***, the Buchanan City Commission in the County of Berrien, State of Michigan has expressed continued concern and support for the environment in the community, the state and the nation, and, ***Whereas***, Electric cars are good for the environment, as they emit no harmful greenhouse or noxious gases, and, ***Whereas***, the Federal government through the DOE wants to create an electric vehicle-charging infrastructure so that people will feel comfortable with acquiring electric cars, and,

Whereas, electric cars can reduce the country's reliance on foreign oil and they cost less to operate than gas-powered vehicles, and, ***Whereas***, community re-charging stations can lead the way to

Unfinished Business continued

POLC Labor Agreement

New Business

WWTP Chainbelt Digester Cleaning

cleaner, healthier tomorrow, and,

Whereas, this grant will be for approximately \$23,000 with \$10,000 being a match from the City, and,

Be it hereby resolved that the Buchanan City Commission approves this grant and authorizes the City Manager to sign any and all agreements relating to this grant.

Roll call vote carried unanimously. Resolution 2011.06/49 declared adopted.

After explanation from Southwell and shared discussion, *Terrell moved, seconded by Moore to approve the resolution as presented.* Resolution for Submittal of a Grant Application to the Michigan Department of Environmental Quality (MDEQ) Resource Management Division

Whereas the Buchanan City Commission in the County of Berrien, State of Michigan has expressed continued concern and support for the safety of community's water supply, and,

Whereas the City has participated in the Michigan Well Head Protection project since 1992, and,

Whereas Since the time of the 1992 WHPA Delineation the City has abandoned three wells (1, 2 and 4) and installed one new production well (Well 5), and,

Whereas The City currently produces groundwater from four production wells (Well 1A, Well 3, Well 4A, and Well 5), and,

Whereas MDEQ is soliciting applications for grants to subsidize one-half of the costs of creating and updating well head protection plans that will protect the new wells and the closed wells, and,

Whereas The City wishes to update their 10 year time of travel WHPA Delineation to reflect the changes in production well location and production rates, and,

Whereas The cost associated with updating the City of Buchanan 10 year time-of-travel WHPA delineation is \$29,500 with \$14,750 being required for a match, and,

Be it hereby resolved that the Buchanan City Commission approves this application submittal and authorizes the City Manager to sign any and all agreements relating to this grant.

Roll call vote carried unanimously. Resolution 2011.06/50 declared adopted.

Southwell explained the technology upgrades for the Police grant through the program and Marx explained the equipment in detail. *Terrell moved, seconded by Scanlon to approve the resolution as presented.* Resolution For Submittal Of A Grant Application For FY 2012 Byrne Justice Assistance & Residential Substance Abuse Treatment Grant Programs through Michigan State Police

Whereas, the Buchanan City Commission in the County of Berrien, State of Michigan has expressed continued concern and support for the safety of community and its Police Department, and,

Whereas, Criminal justice technology has dramatically improved the ability of police, prosecutors, courts and corrections to solve crimes, prosecute criminals and manage criminal sanctions, and,

Whereas, Increased demands on resources have created shortfalls for agencies to obtain, upgrade and/or maintain the technology needed for effective, efficient and equitable improvement, and,

Whereas, Failure to implement the use of technology has decreased community and criminal justice security, and added to increased costs for criminal justice, and,

Whereas, The intent of this program area is to assist local communities to improve or maintain local criminal justice efforts to effectively address crime

Whereas, MSP is soliciting applications for grants to subsidize full costs of updating and enhancing technology, and,

Whereas, The City wishes to update video cameras and computers for their Law Enforcement vehicles, and,

Whereas, The cost associated with updating these vehicles will be approximately \$50,000;

Be it hereby resolved that the Buchanan City Commission approves this application submittal and authorizes the City Manager to sign any and all agreements relating to this grant.

Roll call vote carried unanimously. Resolution 2011.06/51 declared adopted

The DDA Director thanked all for their support and help for the Un-Sanctioned event. Positive comments of the event were shared between all

New Business continued

Resolution 2011.06/49, USDOE Charge Project Grant Application

Resolution 2011.06/50, MDEQ Wellhead Protection Grant Application

Resolution
2011.06/51, Police
Cameras &
Equipment Grant
Application

Public Comments

Marx reported that
brush pick up would
be increased to
twice a month
beginning July,
reminder of work
session before the
next meeting behind
new water building
at 5:30 p.m., and his
upcoming absence
due to vacation.

All Commissioners commended employees and businesses for their efforts in and for the City and other personal comments were heard.

Comments

Adjourn

Hagey moved, seconded by Moore to adjourn the meeting at 8:30 p.m.

Gladys M. Bybee, MMC-City Clerk

Carla M. Cole, Mayor

City Manager Comments

Commissioners

CITY OF BUCHANAN COMMISSION MINUTES

June 27, 2011

Call to Order

The regular scheduled meeting of the City Commission was held at City Hall, 302 N. Redbud Trail, Buchanan, Michigan, Monday, June 27, 2011. Mayor Cole called the meeting to order at 7:00 p.m.

Pledge/Invocation

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

Roll Call

Commissioners present: Carla Cole, David Hagey, Patricia Moore, Earl J. Scanlon III., Michael Terrell

Commissioners absent: none

Staff present: City Clerk Gladys Bybee

Guests/Visitors present: Fine Arts Council Chairman Rich Shepardson and Preservation Society Representative and Watershed Committee Member Tom Fehlner along with 5 visitors including 1 reporter

Consent Calendar

Agenda as amended

After the clerk noted and explained the request from the Fine Arts Council, **Moore moved, seconded by Hagey to amend the Agenda to include the Fine Arts Board Member Changes as I. under the Consent Calendar. Roll call vote carried unanimously. Moore moved, seconded by Hagey to approve the consent calendar as amended. Roll call vote carried unanimously.**

Minutes

Checks

Resolution
2011.06/52, Five
Year Park Plan

- Agenda as amended
- Minutes: Regular scheduled meeting, June 13, 2011
- Resolution 2011.06/52, To Adopt a Five year Park and Recreation Plan for the City of Buchanan (copy attached)
- Banner Placement Request: July 1 to July 18; Michiana Cruisers Car Show (S. Redbud Trail)
- Street Closure Request: Smith Street; July 17; Michiana Cruisers Car Show
- Banner Placement Request: July 18 to July 31; Buchanan’s Great Cruise-In (S. Redbud Trail)
- Street Closure Requests: 1) Front St. from Redbud to Oak and, 2) the first two parking spaces on both sides of Main St.; July 30; Buchanan’s Great Cruise-In
- Reappoint Darlene Clevenger, Jonathan Corwin and Rich Shepardson, appoint new member Judy Ruetz and acknowledge the removal or resignation of Katina Kourlas and Kelly Catalano on the Buchanan Area Fine Arts Council

Banner Placement
& Street Closure

Banner Placement
& Street Closure

Member Changes to
Fine Arts Council

Fehlner distributed his written report and explained in detail. He stated the goals of the Committee is three issues; improving the habitat of McCoy’s Creek and Mill Race, provide solution to the duck pond and to restore water to run Pears Mill. He summarized the process since 2009, the permit process (have not received the permit to date), and 12 grant proposals submitted with \$23,000 approved. After shared discussion it was agreed to display the renderings at City Hall for public perusal and comments.

Reports

Watershed Advisory
Committee

Shepardson reported on upcoming events at the Tin Shop, maintenance of the building and thanked the Commission for use of the community center (old senior center, 131 S. Oak Street) for practices. He summarized the “Landscape Design for the Tin Shop Theatre” distributed in packet funded by private funds and donations in the amount of \$2,800 and requested approval and implementation of the design, **Moore moved, seconded by Cole to approve the landscape design at the Tin Shop Theatre. Roll call vote carried unanimously.**

Fine Arts
Council/Tin Shop
Theatre

The Mayor reported
the changes in the

Police Officer Labor Council (POLC) contract that was approved at the last meeting (6-13-11) as explained in the City Manager Briefing (6-24-11). *Moore moved, seconded by Scanlon to rescind the previous contract approved on June 13, 2011 and approve the amended Contract between the City of Buchanan and the Police Officer Labor Council (POLC) as presented. Roll call vote carried unanimously.*

Public Comments

**Commissioners
Comments**

Alice Kring noted upcoming events.

Adjourn

Commissioners' personal comments/greetings were heard.

Scanlon moved, seconded by Terrell to adjourn the meeting at 7:49 p.m.

Gladys M. Bybee, MMC-City Clerk

Carla M. Cole, Mayor

Unfinished Business

Amended Three Year Police Officer Labor Council (POLC) Contract

CITY OF BUCHANAN COMMISSION MINUTES

July 11, 2011

The regular scheduled meeting of the City Commission was held at City Hall, 302 N. Redbud Trail, Buchanan, Michigan, Monday, July 11, 2011. Mayor Cole called the meeting to order at 7:02 p.m.

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

Commissioners present: Carla Cole, David Hagey, Patricia Moore, Michael Terrell

Commissioners absent: Earl J. Scanlon III.

Staff present: City Manager Bill Marx, Attorney Randy Hyrns and Clerk Gladys Bybee

Guests/Visitors present: 4 visitors including 1 reporter

After the clerk requested that a Closed Session be added to the Agenda, *Moore moved, seconded by Terrell to amend the Agenda to include a Closed Session under 15.268 Section 8 (e) as XII. before Adjournment. Roll call vote carried unanimously. Moore moved, seconded by Terrell to approve the consent calendar with the amendment to the Agenda. Roll call vote carried unanimously.*

- Agenda as amended
- Minutes: Regular scheduled meeting, June 27, 2011 and Off-Premise Site Visit Summary, June 27, 2011
- Checks 61820 to 61911 in the amount of \$279,355.49

Marx explained the letter from Mr. Murray, 513 Michigan Street requesting the purchase of the property located at 511 Michigan Street (City owned) directly adjacent to his property. Discussion/questions were shared between Commissioners and Manager.

Moore moved, seconded by Hagey to call a public hearing on August 8, 2011, 7:00 p.m. at the Tin Shop Theatre, 108 W. Roe Street to invite and hear comments regarding the sale of real property located at 511 Michigan Street according to Charter Section 8.7(b). Roll call vote carried unanimously.

After explanation from Marx regarding the burned 2000 Chevy Impala Police Utility Vehicle, *Terrell moved, seconded by Moore to approve the disposal by scrapping the 2000 Chevy Impala Police Utility Vehicle. Roll call vote carried unanimously.*

The City Manager commented on receipt of the Tool Cat with broom and watershed permit withdrawn to allow six months for the City to complete required documents.

Commissioners' personal comments/greetings were heard. The Mayor directed the City Manager to develop a leash law with mandatory excrement pick up.

Scanlon moved seconded by Moore to go into closed session to consult with Attorney Hyrns regarding trial or settlement strategy (15.268, Sec. 8 (e) at 7:26 p.m. Roll call vote carried unanimously.

The Mayor reconvened the regular meeting at 8:10 p.m.

Moore moved, seconded by Terrell to adjourn the meeting at 8:10 p.m.

Call to Order

Pledge/Invocation

Roll Call

Consent Calendar

Agenda as amended

Minutes

Checks

New Business

Sale of Public Property; Call Public Hearing

Personal Property Disposal, 2000 Chevy Impala

City Manager Comments

Commissioners Comments

Closed Session

Adjourn

CITY OF BUCHANAN COMMISSION MINUTES

July 25, 2011

The regular scheduled meeting of the City Commission was held at City Hall, 302 N. Redbud Trail, Buchanan, Michigan, Monday, July 25, 2011. 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 J. Scanlon III., Michael Terrell

Commissioners absent: none

Staff present: City Manager Bill Marx, Acting Fire Chief Mike Adams, and Clerk Gladys Bybee

Guests/Visitors present: Buchanan Senior Center Director Alice Hopkins along with 8 visitors including 1 reporter

After the clerk requested that an additional item be added to the consent calendar and removal of the Closed Session to consult with Attorney regarding trial or settlement strategy under MCL 15.268 Sec. 8 (e) to the Agenda, *Scanlon moved, seconded by Hagey to amend the Agenda to include Excused Absence of Commissioner Scanlon from the 7-11-11 meeting under the consent calendar and remove the Closed Session to consult with the Attorney under XII. Roll call vote carried unanimously. Hagey moved, seconded by Scanlon to approve the consent calendar with the amendments to the Agenda. Roll call vote carried unanimously.*

- Agenda as amended
- Minutes: Regular scheduled meeting, July 11, 2011
- Checks 61912 to 61995 in the amount of \$448,144.35
- Budget Amendment General Fund to record Fire Department "Safer Grant" Revenue and Expenditure Budget
- Budget Amendment General Fund to make upgrades to the Community Center and City Parks
- Surplus Personal Property for Disposal
- Addendum 4 Notice of Meetings for the City of Buchanan City Boards during 2011; Design Review Committee
- Excuse absence of Commissioner Scanlon from July 11, 2011 meeting

Buchanan Senior Center Director Alice Hopkins explained the changes and upgrades to the center and questions were shared with commissioners, Manager and Ms. Hopkins.

Marx explained the four (4) historical marker plaques for McCoy's Creek Culvert, Ross Sanders House/old City Hall, Mill Alley, and Pears Mill as proposed by the Downtown Development Authority Director Debra Patzer. *Moore moved, seconded by Scanlon to approve the purchase of the four markers in the amount of \$200 each. Roll call vote carried unanimously.*

Chief Adams summarized the Standard Operating Guidelines for Recruitment and Staffing and explained the changes. *Scanlon moved, seconded by Terrell to approve both Amendments to Buchanan City Fire Department Standard Operating Guidelines I approved June 13, 2011 as presented. Roll call vote carried unanimously.*

Call to Order

Pledge/Invocation

Roll Call

Consent Calendar

Agenda as amended

Minutes

Checks

Budget Amendment, Fire Department

Budget Amendment Community Center & Parks

Disposal of Public Personal Property

Excused Absence

Reports

New Business
Historical Marker Plaques Purchase

Standard Operating Guideline Amendments

Scanlon moved, seconded by Terrell to approve the Buchanan Fire Department Standard Operating Guidelines II as submitted. Roll call vote carried unanimously.

After explanation from Marx and a brief recess to review the agreement, ***Hagey moved, seconded by Scanlon to approve the Settlement Agreement with former employee John Brown as read. Roll call vote carried unanimously.***

**City Manager
Comments**

The City Manager commented on brush chipper breakdown causing the delay in collection, repair of more sink holes, trial testing of new back hoes, meetings with purchasers of the Clark Complex off of River Street to take down three of the five buildings. He also noted the probable forthcoming of a lease for a portion of the former Golden Farms Candy building and the purchase of tables and chairs for the former Senior Center, 131 S. Oak Street. All agreed to a contest to rename the building at 131 S. Oak Street. ***Scanlon moved, seconded by Terrell to authorize the City Manager to continue negotiations for the lease of a portion of the former Golden Farms Candy building. Roll call vote carried unanimously.***

Negotiate Lease fo
204 N. Redbud
Trail

**Commissioners
Comments**

Commissioners' personal comments/greetings were heard. Moore noted receipt of comments about Cemetery to use leaf blowers after trimming and concern of the short distance to merge on the east and west portion of Front Street.

Closed Session
July 11, 2011
Closed Session
Minutes

Scanlon moved seconded by Moore to go into closed session to review the July 11, 2011 Closed Session Minutes at 7:55 p.m. Roll call vote carried unanimously.

The Mayor reconvened the regular meeting at 7:58 p.m.

Hagey moved, seconded by Scanlon to approve the Closed Session minutes to consult with Attorney regarding trial or settlement strategy under MCL 15.268 Sec. 8 (e). Roll call vote carried unanimously.

Adjourn

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

Gladys M. Bybee, MMC-City Clerk

Carla M. Cole, Mayor

New Business continued

Standard Operating Guidelines II

CITY OF BUCHANAN COMMISSION MINUTES

August 8, 2011

A Public Hearing was scheduled and publication as required for August 8, 2011 at the Tin Shop Theatre, 108 W. Roe Street to hear public comments regarding the sale of public property. The Mayor called the public hearing to order at 7:00 p.m. and invited public to express comments concerning the sale of said public property located at 511 Michigan Street, Buchanan, Michigan. The City Manager explained that the neighbor had proposed to purchase the property that is adjacent to his and raise the condemned house located on the property. He also summarized his conversation with a realtor regarding the parcel. Hearing no comments or receipt of written comments, ***Moore moved, seconded by Hagey to close the public hearing at 7:07 p.m. Voice vote carried unanimously.***

Public Hearing

The regular scheduled meeting of the City Commission was held at the Tin Shop Theatre, 108 W. Roe Street, Buchanan, Michigan, Monday, August 8, 2011. Mayor Cole called the meeting to order at 7:07 p.m.

Call to Order

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

Pledge/Invocation

The Mayor read the letter of recognition to City employee Craig Miller and then she presented the Appreciation Recognition Award to Craig Miller.

Appreciation Recognition

Commissioners present: Carla Cole, Patricia Moore, Earl J. Scanlon III., Michael Terrell

Commissioners absent: David Hagey

Staff present: City Manager Bill Marx, DPW Employee Mike Baker and Craig Miller, and Clerk Gladys Bybee

Guests/Visitors present: Fine Arts Council Representatives Rich Shepardson and Alice Kring, Transportation Management Inc. President Kim O'Haver and SMEGA Director Shelley Klug along with 14 visitors including 1 reporter

Roll Call

Alan Robandt, supported the name of Buchanan Community Center under New Business; Consider Naming the Community Center.

Public Comments

The clerk requested that an additional check be added to the Check Register in the amount of \$153.00, a typographical error change to the consent calendar item I, include items to the Agenda: B. Addendum to Surplus Personal Property approved at 7-25-11 meeting for Auction under Unfinished Business, B. Revised List to Name the Community Center (131 S. Oak Street) under New Business, and also D. Consider Supplemental Right of Way and Easement for AEP under New Business. ***Scanlon moved, seconded by Moore to amend the Consent Calendar including the Agenda as requested. Roll call vote carried unanimously. Scanlon moved, seconded by Terrell to approve the consent calendar and the amendments to the Agenda. Roll call vote carried unanimously.***

Consent Calendar

Agenda as amended

- Agenda as amended
- Minutes: Regular scheduled meeting, July 25, 2011
- Checks 61996 to 62086 in the amount of \$1,519,479.33 with inclusion
- Repeal of Buchanan City Fire Department Standard Operating Guidelines (SOG) approved June 13, 2011
- Ordinance Introduction: Call a Public Hearing on Monday, August 22, 2011 at 7:00 p.m. to invite and hear public comments on an Ordinance for Renewing Grant of Franchise SEMCO Energy Gas Company

Minutes

Checks as amended

Repeal of Fire Dep
SOG

Ordinance
Introduction:
SEMCO Franchise

- Ordinance Introduction: Call a Public Hearing on Monday, August 22, 2011 at 7:00 p.m. to invite and hear public comments on a new Ordinance Creating Chapter 12, Animals and Fowl, Article I. In General
- Reappoint Tom Hoetger to the Joint Sewer/Water Board for a 3-year term ending in 2014, as recommended by the Joint Sewer/Water Board
- Amend the bylaws of the Joint Sewer/Water Board to change their quarterly meeting day and time from Wednesday at 7:30 p.m., to Monday at 7:00 a.m., as requested by the Joint Sewer/Water Board
- Street Closure Request from DDA, for September 3, 2011, from 8:00 a.m. to midnight on **MAIN STREET FROM** Front St. to North Parking Lot; and from noon to midnight from the North Parking Lot to Dewey St. for the Non-Pareil event

Southwestern Michigan Economic Growth Alliance (SMEGA) Director Shelley Klug distributed a map of Michigan that had been divided into regions which could be found on Michiana Partners, Berrien County Manufacturing Council and Buchanan properties websites. She also distributed a list of Buchanan Partners and new legislation for interested businesses.

Noted that Commissioner's toured the landscaping of the Tin Shop Theatre prior to meeting and all can tour again after the meeting. Fine Arts Council President Rich Shepardson (Board committed to administration at the Tine Shop Theatre) reported on the new maintenance and repair done to the Tin Shop.

Marx summarized the request from the adjacent property owner to buy the public property located at 511 Michigan Street, parcel number 11-58-7300-0026-00-7. Marx reported that City Attorney Hyns recommended that the property be listed for sale for thirty days prior to a sale. After shared deliberation, **Scanlon moved, seconded by Terrell to reauthorize the sale of 511 Michigan Street to the adjacent property owner as discussed and reported at the previous meeting. Roll call vote carried unanimously.**

Scanlon moved, seconded by Terrell to approve the Addendum to Personal Property as presented. Roll call vote carried unanimously.

Kim O'Haver (Third Party Administrator for Dial-A-Ride) reported that the Master Agreement with the State of Michigan was a five year agreement giving details on the administration for Buchanan Dial-A-Ride. She explained the changes from the previous agreement. **Moore moved, seconded by Scanlon to approve Master Agreement No. 2012-0052 with the Michigan Department of Transportation as presented and authorizes the City Manager and Transportation Coordinator to sign said agreement. Roll call vote carried unanimously.**

The Mayor read the revised list of submitted names for 131 South Oak Street (former Buchanan Senior Center) and discussion was held. After deliberation, **Moore moved, seconded by Scanlon to name the building at 131 S. Oak Street "Buchanan Redbud City Center". Roll call vote carried unanimously.**

Marx reported that three different models of backhoe/loader had been tested by the Department of Public Works (DPW) personnel and explained that employees

Consent Calendar continued

Ordinance Introduction: Chapter 12 Animals & Fowl

Joint Water/Sewer Board Appointment
 Joint Water/Sewer Board Bylaw Amendment
 Street Closure Request

Reports
 SMEGA

Tin Shop Theatre/Fine Arts Council

Unfinished Business
 Sale of 511 Michigan Street

Addendum to Surplus Personal Property

New Business
 MDOT Master Agreement 2012-0052

Buchanan Redbud City Center, 131 S Oak Street

Backhoe/Loader Purchase

recommended the CAT due to the features. He noted that the DPW would be able to perform

the mechanics on the CAT. Discussion/questions were shared with employee/operator Mike Baker about the comparison of the different pieces of equipment. ***Scanlon moved, seconded by Terrell to purchase the CAT Backhoe/Loader for DPW in the amount of \$74,891 as presented and recommended. Roll call vote carried unanimously.***

Marx reported that the easement with Indiana Michigan Power Company runs along the Wastewater Treatment Plant and had been reviewed by the City Attorney. He explained that the large aluminum poles would replace current wooden poles. ***Terrell moved, seconded by Moore to approve the Supplemental Right of Way and Easement with Indiana Michigan Power Company as presented. Roll call vote carried unanimously.***

Alice Kring explained the upcoming Faith & Family Day in detail, urged school supply contributions and announced upcoming children’s play. Christine Baker announced that Buchanan Meadows received a National Award from the State of Michigan for Commitment to Quality and will be coming before the Commission for a sign.

City Manager personal comments were heard and noted that Cathy Swem was the person that submitted the name selected for 131 S. Oak Street and would be receiving the award.

All Commissioners acknowledged sympathy to the Burnett Family and commended Craig Miller. Their personal comments/greetings were also heard.

Scanlon moved, seconded by Terrell to adjourn the meeting at 8:28 p.m.

Gladys M. Bybee, MMC-City Clerk

Carla M. Cole, Mayor

Supplemental Right
of Way and
Easement with I&M
Power Company

Public Comments

**City Manager
Comments**

**Commissioners
Comments**

Adjourn

CITY OF BUCHANAN COMMISSION MINUTES

August 22, 2011

A Public Hearing was scheduled and publication as required for August 22, 2011 at the Buchanan City Hall, 302 N. Redbud Trail to hear public comments on an Ordinance for Renewing Grant of Franchise SEMCO Energy Gas Company. The Mayor called the public hearing to order at 7:01 p.m. and invited public to express comments. Hearing no public comments or receipt of written comments, ***Moore moved, seconded by Terrell to close the public hearing at 7:02 p.m. Voice vote carried unanimously.***

A Public Hearing was scheduled and publication as required for August 22, 2011 at the Buchanan City Hall, 302 N. Redbud Trail to hear public comments on an Ordinance for a new Ordinance Creating Chapter 12, Animals and Fowl. The Mayor called the public hearing to order at 7:02 p.m. and invited public to express comments. After hearing explanation from the City Manager and hearing no public comments or receipt of written comments, ***Moore moved, seconded by Terrell to close the public hearing at 7:02 p.m. Voice vote carried unanimously.***

The regular scheduled meeting of the City Commission was held at Buchanan City Hall, 302 N. Redbud Trail, Buchanan, Michigan Monday August 22, 2011 and was called to order by Mayor Cole at 7:03 p.m.

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

Commissioners present: Carla Cole, David Hagey, Patricia Moore, Michael Terrell

Commissioners absent: Earl J. Scanlon III.

Staff present: City Manager Bill Marx, Downtown Development Director Debra Patzer, Special Project Manager Donna Southwell and Clerk Gladys Bybee

Guests/Visitors present: Transportation Management Inc. President Kim O’Haver and Preservation Practices President Pam O’Connor along with 8 visitors including 1 reporter

Moore moved, seconded by Hagey to approve the consent calendar as submitted. Roll call vote carried unanimously.

- Agenda
- Minutes: Regular scheduled meeting, August 8, 2011
- Checks 62087 to 62180 in the amount of \$2,328,244.82
- Excuse the absence of David Hagey from August 8, 2011 meeting
- Competitive Bidding for “Creek & Mill Race Restoration MDEQ Permit Completion”

Buchanan Assessor Department written report received from Gordon Schreiber. Verbal report tabled.

Preservation Practices President Pam O’Connor announced the Buchanan North and West Neighborhoods National Register Historic District application is complete and the hearing by the State scheduled for September 16th in Lansing. A draft of the application was passed around for the Commission to peruse as O’Connor explained the 166 acre district in detail. She presented the map of the district, explained in detail and passed it around for Commission review. Questions and discussion was shared regarding loss of tax credits.

Public Hearing

Ordinance for Grant of Franchise SEMCO Energy Gas Company

Public Hearing

Ordinance for a new Ordinance Creating Chapter 12, Animals and Fowl

Call to Order

Pledge/Invocation

Roll Call

Consent Calendar

Agenda
Minutes
Checks
Excuse Absence
Creek & Mill Race
Restoration Bid

Reports

Assessor
Department

Preservation
Practices President
Pam O’Connor

***Hagey moved,
seconded by Moore***

to approve Ordinance 2011.08/384 for Renewing Grant of Franchise SEMCO Energy Gas Company as presented.

An Ordinance, granting to SEMCO Energy Gas Company, a division of SEMCO Energy, Inc., a Michigan corporation, its successors and assigns, the right, power and authority to lay, maintain and operate gas mains, pipes and services on, along, across and under the highways, streets, alleys, bridges, waterways, and other public places, and to conduct a local gas business in the City of Buchanan, located in Berrien County, Michigan, for a period of thirty years.

THE CITY OF BUCHANAN ORDAINS:

Section 1. **GRANT OF FRANCHISE.** The City of Buchanan, located in Berrien County, Michigan, hereby grants to SEMCO Energy Gas Company, a division of SEMCO Energy, Inc., a Michigan corporation, its successors and assigns, hereinafter called the "Grantee," the right, power and authority to construct, operate, maintain and replace in the public streets, highways, alleys and other public places in the City of Buchanan, Michigan, all needful and proper gas pipes, mains, conductors, service pipes and other apparatus and facilities requisite for the manufacture, transmission and distribution of gas for all purposes to the City of Buchanan, and the inhabitants thereof, and for conducting gas elsewhere to supply neighboring cities, villages and other territories supplied with gas by said Grantee, for a period of thirty years.

Section 2. **CONSIDERATION.** In consideration of the rights, power and authority hereby granted, said Grantee shall faithfully perform all things required by the terms hereof.

Section 3. **CONDITIONS.** No highway, street, alley, bridge or other public place used by said Grantee shall be obstructed longer than necessary during the work of construction or repair, and shall be restored to the same order and condition as when the work was commenced. All of Grantee's pipes and mains shall be so placed in the highways and other public places as not to unnecessarily interfere with the use thereof for highway purposes. The location of all pipes, mains, services and appurtenances shall be made under the supervision of the City and shall be subject to such reasonable regulations as shall be prescribed by said City Commission from time to time. Grantee shall comply with all applicable ordinances and shall obtain all permits, and shall be required to pay all fees required by the City.

Section 4. **HOLD HARMLESS.** Said Grantee shall at all times keep and save the City free and harmless from all loss, costs and expense to which it may be subject by reason of the Grantee's construction and maintenance of the structures and equipment hereby authorized. In case any action is commenced against the City on account of the permission herein given, said Grantee shall, upon notice defend the City and save it free and harmless from all loss, cost and damage arising out of such construction and maintenance.

Section 5. **FRANCHISE NOT EXCLUSIVE.** The rights, power and authority herein granted, are not exclusive. Either manufactured or natural gas may be furnished hereunder.

Section 6. **RATES.** Grantee shall charge for gas furnished the rates, charges and special taxes as approved from time to time by the Michigan Public Service Commission, or its successors having authority and jurisdiction to fix and regulate gas rates and charges, or as otherwise permitted or required by applicable law or tariff, for the term of this franchise. Such rates shall be subject to Commission review and change at any time upon petition therefore being made by either said City, acting by its City Council, or by said Grantee.

Section 7. **REVOCATION.** The franchise granted by this ordinance is subject to revocation upon sixty (60) days written notice by the party desiring such revocation.

Section 8. **MICHIGAN PUBLIC SERVICE COMMISSION, JURISDICTION.** Said Grantee shall, as to all other conditions and elements of service not herein fixed, be and remain subject to the reasonable rules and regulations of the Michigan Public Service Commission or its successors, applicable to gas service in said City and shall provide service in accordance with the terms and conditions set forth in its applicable tariff as approved from time to time by the Michigan Public Service Commission or its successors.

Section 9. **ASSIGNMENT OF FRANCHISE.** Grantee shall not assign this Franchise to any other person, firm or corporation without the prior written approval of the City Council except in those cases where the Michigan Public Service Commission has granted any required approval of the acquisition, transfer of control, merger or encumbrance transaction underlying the assignment of this Franchise. The City shall not unreasonably withhold its consent to an assignment if the Assignee is financially able to carry out the Grantee's obligations under this Franchise. The assignment of this Franchise to a subsidiary, division, or affiliated corporation of Grantee or its parent corporation shall not be considered an assignment requiring the consent of the City Council.

Section 10. **EFFECTIVE DATE.** This ordinance shall take effect upon the day after the date of publication thereof; provided, however, it shall cease and be of no effect after sixty days from its adoption unless within said period the Grantee shall accept the same in writing filed with the City Clerk. Upon acceptance and publication hereof, the ordinance shall constitute a contract between said City and said Grantee.

Roll call vote carried unanimously.

Moore moved, seconded by Terrell to approve Ordinance 2011.08/385 Creating Chapter 12, Animals and Fowl presented.

Unfinished Business

Ordinance 2011.08/384 for Renewing Grant of Franchise SEMCO Energy Gas Company

Ordinance
2011.08/385
Chapter 12 Animal
& Fowl

THE CITY OF BUCHANAN ORDAINS
Chapter 12, "ANIMAL AND FOWL" is now created and shall be included in the Buchanan Code Ordinances as follows:
Sec. 12-1. Definitions
The following words, terms and phrases when used in this chapter, shall have the meanings ascribed

them in this section except where the context clearly indicates different meaning:

Animal means any vertebrate animal other than human beings, including but not limited to, cats and dogs.

Animal Run means an area designated or used for the exercising or possessing of animals.

At Large means off the premises of the owners, harborer, keeper, possessor, or person in charge of the dog, cat, or animal, and not under the restraint by leash, controlled by a person of suitable age and size.

Cat means an animal of the species *Felix Catus*.

Dog means an animal of the species *Canis Familiaris*.

Owner means a person having a property interest in an animal or, who keeps or harbors the animal in his or her care or custody, or who permits the animal to remain on or about any premises occupied by the person.

Sec. 12-4. Animals running at large.

It shall be unlawful for the owner of any animal, licensed or unlicensed, wearing a collar or not wearing a collar, to allow such animal to run at large or go beyond the premises of its owner unless properly restrained on a leash not exceeding twelve (12) feet in length. This section does not apply to working dogs such as service dogs and guard dogs, and such other working dogs which are actively engaged in activities for which such dogs are trained and are under the reasonable control of its owner. A person who violates this section shall be punished as provided in section 1-15, General Penalty, of this Code.

Sec. 12-6. Control and Removal of Animal Excrement.

An owner, harborer, keeper, possessor or person in charge of any animal which discharges its excrement upon any parking lot, public thoroughfare, sidewalk, street, highway, road, boulevard, school property, cemetery, passageway, bypass, play area, park, or an place where people congregate or walk, or upon any public property whatsoever, or upon any private property without the permission of the owner of such property, shall be in violation of this section unless such person has in his immediate possession an appropriate device and uses such device for the transmission of such excrement immediately by a person to a suitable receptacle or location. A person who violates this section shall be punished as provided in section 1-15, General Penalty, of this Code.

Sec. 12-7. Cleanliness of Yards and Runs.

Yards and animal runs shall be kept free of animal excrement and maintained in a sanitary manner so as not to be a nuisance because of odor or attraction for insects and vermin. A person who violates this section shall be punished as provided in section 1-15, General Penalty, of this Code.

Roll call vote carried unanimously.

O’Haver explained the operating agreement. ***Moore moved, seconded by Hagey to approve Dial-A-Ride Project Authorization FY 2011 Section 5311 Operating Agreement and Resolution for the City of Buchanan Dial-A-Ride as presented. Roll call vote carried unanimously.*** O’Haver also reported that the state allowed a budget amendment for Dial-A-Ride for fuel and distributed a copy of such revised FY 2012 Budget. She explained in detail.

Southwell explained the HUD grant in detail. ***Moore moved, seconded by Hagey to approve Resolution 2011.08/53 for Submittal of a Grant Application to the U.S. Department of Housing and Urban Development (HUD) for the Community Challenge and Planning Grant Program as presented. Roll call vote carried unanimously.*** Attached as part of this record.

After explanation from Southwell, ***Hagey moved, seconded by Moore to approve Resolution 2011.08/54 for Submittal of a Grant Application to the FY 2011 US Fish & Wildlife Fish Passage Program. Roll call vote carried unanimously.*** Attached as part of this record.

Moore moved, seconded by Terrell to approve Resolution 2011.08/55 for Submittal of a Grant Application to the U.S. Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA) for Assistance to Fire Fighters as presented and explained by Southwell. Roll call vote carried unanimously. Attached as part of this record.

Unfinished Business continued

Ordinance 2011.08/385 Chapter 12 Animals & Fowl

New Business

Dial-A-Ride Project Authorization FY 2011 Section 5311 Operating Agreement and Resolution

Resolution 2011.08/53 for Submittal of Grant Application

Resolution 2011.08/54 for Submittal of Grant Application

Resolution 2011.08/55 for Submittal of Grant Application

Moore moved, seconded by Hagey to grant permission for the Downtown Development Authority to use Harger Park and Gazebo park and public sidewalks for the Third Annual Non-Pareil, Saturday

September 3, 2011 as explained by the DDA Director. Roll call vote carried unanimously.

MML Voting
Delegate

Hagey moved, seconded by Terrell to grant permission for the Buchanan Preservation Society to have camping at Pears Mill, be allowed to have campfires and be allowed to use blasting caps/blanks for weapons for a Civil War Reenactment during the September 3, 2011 Non-Pareil Event as described by the DDA Director. Roll call vote carried unanimously.

City Manager
Comments

Hagey moved, seconded by Cole to approve the inclusion of the Tin Shop Theatre, 108 Roe Street in the Downtown Development Tax Increment Finance Authority District as discussed and confirmed by the DDA Director. Roll call vote carried unanimously.

Commissioners
Comments

Cole moved, seconded by Terrell to designate the City Manager as the voting delegate for the Michigan Municipal League Annual Meeting. Roll call vote carried unanimously.

Adjourn

City Manager personal comments were heard and noted that he invited MIOSHA to review city practices, upgrades to Buchanan Redbud City Center, the dashboard and Citizens Financial Guide (as required by the State) has been completed and on the website, and the Request for Proposal (RFP) went out for McCoy's Creek/Mill Race Restoration.

Commissioners' personal comments/greetings were heard.

Hagey moved, seconded by Terrell to adjourn the meeting at 8:21 p.m.

Gladys M. Bybee, MMC-City Clerk

Carla M. Cole, Mayor

New Business continued

Permission for DDA to use City property

DDA Variance for camping, campfires, & blasting caps for weapons

Include 108 Roe Street (Tin Shop) in DDA District

CITY OF BUCHANAN COMMISSION MINUTES

September 12, 2011

The regular scheduled meeting of the City Commission was held at Buchanan City Hall, 302 N. Redbud Trail, Buchanan, Michigan Monday September 12, 2011 and was called to order by Mayor Cole at 7:00 p.m.

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

Commissioners present: Carla Cole, David Hagey, Patricia Moore, Earl J. Scanlon III., Michael Terrell

Commissioners absent: none

Staff present: City Manager Bill Marx, Special Project Manager Donna Southwell and Clerk Gladys Bybee

Guests/Visitors present: 3 visitors including 1 reporter

Scanlon moved, seconded by Moore to approve the consent calendar with the inclusion of check number 62292 in the amount of \$271.20 as requested. Roll call vote carried unanimously.

- Agenda
- Minutes: Regular scheduled meeting, August 22, 2011
- Checks 62181 to 62292 in the amount of \$469,188.20 as amended
- Excuse the absence of Joe Scanlon from August 22, 2011 meeting
- Resolution 2011.09/54, Delegating Authority to Assign Fund Balance under GASB Statement No. 54, *Fund Balance Reporting and Governmental Fund Type Definitions* (attached)
- Resolution 2011.09/55, Approving Commitment of Street Repair and Maintenance Fund Balance (attached)
- Banner Placement Request: Sept. 13 to Sept. 26; Chamber of Commerce, Harvest Buchanan (S. Redbud Trail)

After deliberation, *Scanlon moved, seconded by Moore to set Trick-or-Treat for Saturday October 29th from 6:00 to 7:30. Roll call vote carried unanimously.*

Marx reported that the Buchanan Preservation Society had raised funds and grant to pay the near 13,500 Ross Sanders House Structural Study. *Hagey moved, seconded by Scanlon to contribute \$4,000 for the structural study of the Ross Sanders House, 105 W. Front Street, City owned property as requested. Roll call vote carried unanimously.*

Southwell reported the Storm Water Pollution Prevention Initiative (SWPPI) in detail and explained the procedures with training being discussed. *Scanlon moved, seconded by Moore to approve the resolution as presented.* Accept Guidelines to Ensure Compliance with the Storm Water Pollution Prevention Initiative (SWPPI) Pursuant to the Michigan Department of Environmental Quality (MDEQ) Wastewater Discharge General Permit for Storm Water Discharges from Municipal Separate Storm Water Sewer Systems (MS4s) Subject to Watershed Management Plan (WMP) Requirements including nine (9) Procedures.

Whereas, the Buchanan City Commission in the County of Berrien, State of Michigan voted on and approved Ordinance 2005.11/367 Section 102, Article VII, the "Illicit Discharge and Connection Ordinance" in October of 2005; and,

Whereas, these guidelines will assist in reducing the discharge of pollutants from the drainage system into McCoy's Creek and the Lower St. Joseph/Galien River Watershed to the maximum extent possible; and,

Call to Order

Pledge/Invocation

Roll Call

Consent Calendar

Agenda
Minutes
Checks as amended

Excuse Absence

Resolution
2011.09/54,

Resolution
2011.09/55

Banner Placement

New Business

Trick-or-Treat

Ross Sanders House
Structural Study

Resolution
2011.09/58,
Guidelines to
Ensure Compliance
with the Storm
Water Pollution
Prevention Initiative
(SWPPI)

Whereas, these guidelines are consistent with the Lower St. Joseph/Galien River Watershed Management Plan (WMP); and,

Whereas, the SWPPI includes commitments for those actions expected to be implemented over the term of the permit; and,

Whereas, the WMP was developed as part of the National Pollutant Discharge Elimination System (NPDES) Phase II Storm Water Program by Cass & Berrien County MS4 regulated communities of which Buchanan is one; and

Whereas, the SWPPI was developed in accordance with the Certificates of Coverage issued by the DEQ,

Be it hereby resolved that the Buchanan City Commission approves the attached guidelines and authorizes the City Manager to implement any and all approved guidelines relating to this SWPPI.

Attachments:

1. Procedure to Ensure Protection of Drainage Systems
2. From Construction-Site Runoff
3. Procedure to Dispose of Storm Sewer System Operation and Maintenance Waste
4. Procedure to Construct, Operate and Maintain Streets and Parking Lots
5. Procedure to Reduce the Runoff of Total Suspended Solids
6. Procedure to Prevent Salt and Sand from Entering Receiving Streams
7. Procedure to Control Dust and Suspended Solids in Runoff
8. Procedure for Managing Vegetation on Municipal Property
9. Procedure for Using Fertilizer on Municipal Property

Roll call vote carried unanimously. Resolution 2011.09/58 approved.

City Manager personal comments were heard and he requested a work session prior to the next meeting to tour the Wastewater Treatment Plant (outline what the bond money was spent on); September 26, 5:30 p.m. at the WWTP was established.

Commissioners' personal comments/greetings were heard.

Moore moved, seconded by Scanlon to adjourn the meeting at 7:34 p.m.

Gladys M. Bybee, MMC-City Clerk

Carla M. Cole, Mayor

Resolution
2011.09/58,
Guidelines to
Ensure Compliance
with the Storm
Water Pollution
Prevention Initiative
(SWPPI)

**City Manager
Comments**

**Commissioners
Comments**

Adjourn

CITY OF BUCHANAN COMMISSION MINUTES

September 26, 2011

Call to Order

Pledge/Invocation

Reports & Public Comment

Berrien County
Animal Control

The regular scheduled meeting of the City Commission was held at Buchanan City Hall, 302 N. Redbud Trail, Buchanan, Michigan Monday September 26, 2011 and was called to order by Mayor Cole at 7:00 p.m.

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

The Mayor announced that the Commission was and would be reviewing the issue of the recent vicious dog attacks; however an ordinance was not being looked at presently. **Hagey moved, seconded by Scanlon to rearrange the Agenda to hear the report from Berrien County Animal Control Manager Val Grimes and also hear public comments on such.**

Officer Grimes reported that the dogs that attacked three citizens a couple weeks ago have been euthanized due to the severity of the attacks and approval from the owners. She then explained the many issues, including bites with numerous breeds of dogs, enforcement, insurance, and responsibilities. The State and County dangerous dog laws were discussed and Commissioners, Grimes and County Administration Bill Wolf shared questions and discussion. Resident's Bill Farr, Glenn Jackson, Donna Southwell, Lou Desenberg, Betty Cornwell, Clarence Bibbs, Marie Remington, Dan Robertson, Carla Johnson, Doyle Vergon and Scott King asked questions and shared discussion. Grimes advised and urged the public to contact animal control when there is a problem. A Work Session was set for Monday, October 17 at 6:00 p.m. for the Commission to strategize with Ms. Grimes and the City Attorney. Robyn Ockerman offered assistance from her St. Joe Valley Agility Club for a responsible dog owner class.

A recess was taken at 8:23 p.m. and the Mayor reconvened the meeting at 8:28 p.m.

Roll Call

Commissioners present: Carla Cole, David Hagey, Patricia Moore, Earl J. Scanlon III., Michael Terrell

Commissioners absent: none

Staff present: City Manager Bill Marx, Special Project Manager Donna Southwell, Downtown Development Authority Director Debra Patzer, Treasurer Juli O'Bryant and Clerk Gladys Bybee

Guests/Visitors present: 38 visitors including 4 reporters

Consent Calendar

Agenda as amended
Minutes
Checks

Scanlon moved, seconded by Terrell to approve the consent calendar with the time correction on the Street Closure Request and the inclusion of C. Review P.A. 116 Farmland/Open Space Preservation Application for Farmland Agreement from Buchanan Township under New Business as requested. 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, September 12, 2011
- Checks 62293 to 62380 in the amount of \$134,821.98
- Budget Amendment, General Fund State Revenue Sharing Reduction Impact Fiscal Year 2011-12
- Street Closure Request: Oak Street and Front Street from Masonic Temple (120 N. Oak) to the Moose Lodge, October 29; Halloween Parade with the correction of time for the closure
- Resolution 2011.09/59, In Support of Fully Replacing, Not Just Erasing, Michigan's Personal Property Tax (copy attached)

Budget Amendment

Street Closure as Amended

Resolution 2011.09/59

Southwell asked members of the Watershed

Committee in attendance to stand and summarized the bid process. She explained the Committee recommendation. Committee Member Fehlner explained the differences in cost from the contractors and questions/discussion were shared with Commission. ***Hagey moved, seconded by Scanlon to award the bid to Prein & Newhof in the amount of \$16,435 for the Creek & Mill Race Restoration MDEQ Permit Completion as presented. Roll call vote carried unanimously.***

New Business
408 River Street
Buildings
Demolition

Patzer reported that she and the City Manager had been meeting with representatives for Kilgore Industries and then she explained the demolition of buildings at 408 River Street. ***Hagey moved, seconded by Moore to approve the demolition of 408 River Street (Kilgore Industries) providing the foundations remain, the crushed concrete remain on site no more than 16 months from the date of permit approval and a cash deposit submitted as prescribed by the Building Inspector as reviewed and recommended. Roll call vote carried unanimously.***

DDA Director to
work on City
Planning & Zoning

After explanation from Marx and review of Patzer’s memo dated September 22, 2011, ***Moore moved, seconded by Hagey to approve contracting the Services of the DDA Director for Planning and Zoning Purposes for eight (8) hours a week up to 20% of her total time as approved by the DDA. Roll call vote carried unanimously.***

Buchanan Townsh
Farmland/Open
Space Preservation
Application for
Farmland

Marx summarized the process for the preservation requirements for the City to acknowledge the application received from Buchanan Township under P.A. 116 Farmland/Open Space Preservation Application for Farmland as the City is within three (3) miles from the parcel. ***Scanlon moved, seconded by Terrell to approve the application as reviewed and recommended in Patzer’s memo dated September 23, 2011. Roll call vote carried unanimously.***

**City Manager
Comments**

City Manager personal comments were heard.

**Commissioners
Comments**

Commissioners’ personal comments/greetings were heard.

Adjourn

Scanlon moved, seconded by Terrell to adjourn the meeting at 9:27 p.m.

Gladys M. Bybee, MMC-City Clerk

Carla M. Cole, Mayor

Unfinished Business

Bid Award for Creek & Mill Race Restoration

CITY OF BUCHANAN COMMISSION MINUTES

October 10, 2011

The regular scheduled meeting of the City Commission was held at Buchanan City Hall, 302 N. Redbud Trail, Buchanan, Michigan Monday October 10, 2011 and was called to order by Mayor Cole at 7:00 p.m.

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

Commissioners present: Carla Cole, David Hagey, Earl J. Scanlon III., Michael Terrell

Commissioners absent: Patricia Moore

Staff present: City Manager Bill Marx, Special Project Manager Donna Southwell, and Clerk Gladys Bybee

Guests/Visitors present: 2 visitors including 1 reporter

Scanlon moved, seconded by Terrell to amend the Agenda to postpone the Building Inspection Report until the 24th meeting as requested. Roll call vote carried unanimously. Scanlon moved, seconded by Terrell to approve the Consent Calendar as amended. Roll call vote carried unanimously.

- Agenda as amended
- Minutes: Regular scheduled meeting, September 26, 2011
- Checks 62381 to 62471 in the amount of \$265,900.41
- Budget Amendment, General Fund Fiscal Year 2011-12; City Commission, Watershed Project, Building Inspection Salaries, Building Inspection Fringes, and Police Salaries
- Banner Placement Request (Redbud Trail): Holiday Lighting Ceremony

After explanation from Southwell and shared discussion, ***Scanlon moved, seconded by Hagey to approve the resolution as presented.*** Submittal of a Grant Application to the FY 2012 U.S. Fish & Wildlife Great Lakes Fish Habitat Partnership

Whereas, the U.S. Fish & Wildlife Great Lakes Fish Habitat Partnership is requesting project proposals for the FY 2012; and

Whereas, the restoration project for McCoy's Creek and the Historic Pears Mill raceway is compatible with the requirements for the RFP; and

Whereas, the restoration project for McCoy's Creek and the Historic Pears Mill raceway is unanimously supported by the City Commission; and

Whereas, this grant request will be for \$62,000 with a match of \$20,000 for a total of \$82,000 for the project; therefore,

Be it hereby resolved that the Buchanan City Commission approves this application submittal and authorizes the City Manager to sign any and all agreements relating to this grant.

Roll call vote carried unanimously. Resolution 2011.10/60 declared adopted.

City Manager personal comments were heard.

Commissioners' personal comments/greetings were heard.

Hagey moved, seconded by Scanlon to go into closed session at 7:27 to consider the periodic personnel evaluation of the City Manager as requested [15.268 Sec. 8. (a)]. Roll call vote carried unanimously.

Hagey moved, seconded by Scanlon to reconvene the meeting at 8:47 p.m.

The Mayor announced that all concurred that Marx was doing a wonderful job and pleased with the way he has moved the City forward in the past year. She noted that another closed session would be held at the next meeting to review/negotiate changes to the agreement.

Call to Order

Pledge/Invocation

Roll Call

Consent Calendar

Agenda as amended
Minutes
Checks

Budget Amendment

Banner Placement

New Business

Resolution
2011.10/60, Grant
Application to the
FY 2012 U.S. Fish
& Wildlife Great
Lakes Fish Habitat
Partnership
Submittal

City Manager
Comments

Commissioners
Comments

Closed Session

City Manager
Annual Evaluation

The Mayor announced that the 24th meeting would be held at the Department of Public Works Barn at 7:00 p.m. *Scanlon moved, seconded by Terrell to adjourn the meeting at 8:49 p.m. Voice vote carried unanimously.*

Adjourn

Gladys M. Bybee, MMC-City Clerk

Carla M. Cole, Mayor

CITY OF BUCHANAN COMMISSION MINUTES

October 24, 2011

The regular scheduled meeting of the City Commission was held at Buchanan Department of Public Works, 606 Clark Street, Buchanan, Michigan Monday October 24, 2011 and was called to order by Mayor Cole at 7:00 p.m.

Call to Order

The Pledge was recited by all. No Invocation was heard. The Mayor asked that all speak loudly as microphones were not available in the DPW building.

Pledge/Invocation

Commissioners present: Carla Cole, David Hagey, Patricia Moore, Earl J. Scanlon III., Michael Terrell

Commissioners absent: none

Staff present: City Manager Bill Marx, Building Inspector Guy Lewis, Public Safety Director JT Adkerson and Clerk Gladys Bybee

Guests/Visitors present: 5 visitors including 2 reporters

Roll Call

Scanlon moved, seconded by Hagey to amend the Agenda to include F. Excuse absence of Commissioner Moore under the Consent Calendar and void check 62514 and replace with check 62575 which results in a change of \$205.32. Roll call vote carried unanimously. Hagey moved, seconded by Scanlon to approve the Consent Calendar as amended. Roll call vote carried unanimously.

Consent Calendar

Agenda as amended
Minutes &
Summary

Checks as amended

- Agenda as amended
- Minutes: Regular scheduled meeting, October 24, 2011 and Work Session Summary, October 17, 2011
- Checks 62472 to 62576 in the amount of \$160,594.42 as amended
- Delinquent Township Billings-Certify to Winter 2011 Tax Roll
- Street Closure Request: Front St. from Duck Pond to Oak St. from Front St to 131 S. Oak St. for Holiday Lighting Ceremony Parade
- Excuse the absence of Commissioner Moore from October 10, 2011 Meeting

Certify Delinquent
Township Billings

Street Closure

Excuse Absence

Building Inspector Lewis distributed his Annual Building Department Report from September 1, 2010 to August 31, 2011 and explained while all reviewed.

Reports

City Clerk Bybee announced vacancies on Boards/Committees, close-out of Downtown Rental Rehabilitation Grant, and preparation for upcoming elections.

Marx summarized the dog incidents in the recent past, reported that some processes have already occurred, and the conversations from the work session (10-17-11). He explained he wanted further direction due to two commissioners being unavailable for the work session with review of the proposed draft Policy. He reported that communications from dispatch had been discussed and our Public Safety Personnel have taken training from Berrien County Animal Control.

Unfinished

Business

Policy in response
to recent Dog issue

Scanlon moved, seconded by Moore to encourage the Schools and Citizens to participate with the education and animal safety and include such language in the policy. Roll call vote carried unanimously.

Commissioners shared discussion/opinions of Berrien County Ordinance 20 and for possible amendment and/or enforcement. *Scanlon moved, seconded by Hagey to authorize the Mayor and City Manager to urge Berrien County to review Ordinance 20 for enforcement, clarity of the gray areas, and remove loop holes. Roll call vote carried unanimously.*

Authorize Mayor
and City Manager
communicate with
Berrien County

New Business

After the Mayor requested a Mayoral appointment of Dave Hagey to sit on a Committee with her to review and negotiate the City Manager Agreement with Marx, ***Scanlon moved, seconded by Moore to appoint Commissioner Hagey to the committee as requested. Roll call vote carried unanimously.***

Committee Appointment to review City Manager Agreement

After Marx explained the minor adjustments to the Agreement, ***Moore moved, seconded by Terrell to approve the Crossing Guard Service Agreement with Buchanan Community Schools as presented. Roll call vote carried unanimously.***

Crossing Guard Service Agreement

Terrell moved, seconded by Moore to approve the purchase of 66” Root Grapple (brush claw attachment) for the tool cat tractor at a cost of \$3,422 with the McCoy’s Creek Trail providing one-half or up to \$1,825. Roll call vote carried unanimously.

66” Root Grapple Attachment Purchase

Hagey moved, seconded by Terrell to approve the proposal from Linear Electric, Inc. in the amount of \$5,485 for Glacier/Front Street Lift Station New Air Blower and Time Meters as presented. Roll call vote carried unanimously.

Glacier/Front Street Lift Station Repair

Marx comments included the recent water main break on Roe Street, Surveyors and Engineers would be reviewing and assessing the Creek and Mill Race on Wednesday and the River Street properties sale completed.

City Manager Comments

All Commissioners thanked Adkerson and staff for hosting the Commission meeting and commended them on the condition of the DPW barn. Commissioner’s personal comments/greetings were also heard.

Commissioners Comments

Hagey moved, seconded by Scanlon to adjourn the meeting at 8:04 p.m. Voice vote carried unanimously.

Adjourn

Gladys M. Bybee, MMC-City Clerk

Carla M. Cole, Mayor

CITY OF BUCHANAN COMMISSION MINUTES

November 14, 2011

Pledge/Invocation

The regular scheduled meeting of the City Commission was held at Buchanan City Hall, 302 N. Redbud Trail, Buchanan, Michigan Monday November 14, 2011 and was called to order by Mayor Cole at 7:00 p.m.

Roll Call

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

Commissioners present: Carla Cole, David Hagey, Patricia Moore, Michael Terrell

Commissioners absent: Earl J. Scanlon III.

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

Guests/Visitors present: Transportation Management President Kim O'Haver, Berrien County Transportation Coordinator Dennis Schuh, Plante Moran Auditors Kenley Penner & Britni McDole along with 4 visitors including 2 reporters

Consent Calendar

Agenda as amended

Minutes

Checks

Hagey moved, seconded by Terrell to amend the Agenda to include H. Excuse absence of Commissioner Scanlon under the Consent Calendar. Roll call vote carried unanimously. Moore moved, seconded by Hagey to approve the Consent Calendar as amended. Roll call vote carried unanimously.

DDA Appointment

- Agenda as amended
- Minutes: Regular scheduled meeting, October 24, 2011
- Checks 62577 to 62675 in the amount of \$125,187.49
- Animal Control Policy G2011-11-25
- Appoint Michael Harris to the Downtown Development Authority (DDA) to fill a vacant position for a four year term through 2015 as recommended by the DDA Board
- Banner Placement: 11-11-11 to 11-25-11 on Redbud Trail for Buchanan Athletic Boosters
- Banner Placement: 3-10-12 to 3-24-12 on Redbud Trail for Buchanan Athletic Boosters
- Excuse the absence of Commissioner Scanlon from November 14, 2011 Meeting

Banner Placement

Banner Placement

Excuse Absence

Reports

Treasurer Juli O'Bryant reported that residents will be receiving yellow tax bills from a printing company this year, urged people to join Buchanan's Facebook, selling dog licenses in December and encouraged all to use the online payment for utility bills feature on the website.

Unfinished

The Mayor reported that she and Hagey met with Marx to negotiate the employment agreement and the City Attorney prepared the same. *Moore moved, seconded by Terrell to approve the City Manager Employment Agreement between William Marx and the City of Buchanan as presented. Roll call vote carried unanimously.*

Business

City Manager Agreement

New Business

Penner explained the Board Presentation (graphs with three year comparisons) for year ended June 30, 2011 (Complete FY 2010-2011 Audit delivered with Commission packet). McDole summarized the audit letter, single audit required due to the City receiving over \$200,000 in federal grants, and commended the City for fiscal responsibility.

2010-2011 Fiscal Year Audit

Marx summarized one of his previous briefings of

Call to Order

information regarding the City’s Transportation operations in reference to partnering with Berrien County. He reported that a Consolidation Study was currently in process and information would be brought foreword. ***Hagey moved, seconded by Moore to approve the Transit Operating Agreement between Berrien County and the City of Buchanan through October 2012.*** Discussion was shared between Commission, Schuh, and O’Haver. ***Roll call vote carried unanimously. Resolution 2011.11/61 declared adopted.***

Public Comments

City Manager Comments

O’Haver reported that 2011 was a banner year for Buchanan Dial-A-ride and explained the increased ridership and revenue.

Commissioners Comments

Marx reported upcoming events, receipt of snow blower, leaf collection ending Wednesday before Thanksgiving and the closing of the Amtrak crossing on South Redbud Trail.

Closed Session
October 10, 2011
Minutes

All Commissioners personal comments were heard and all commended O’Bryant for her financial oversight.

Hagey moved, seconded by Moore to go into Closed Session at 7:37 p.m. to review minutes from the October 10 closed session. Roll call vote carried unanimously. The Mayor reconvened the regular meeting at 7:39 p.m. ***Hagey moved, seconded by Moore to approve October 10, 2011 Closed Session Minutes as reviewed in closed session. Voice vote carried unanimously***

Adjourn

Hagey moved, seconded by Moore to adjourn the meeting at 7:40 p.m. Voice vote carried unanimously.

Gladys M. Bybee, MMC-City Clerk

Carla M. Cole, Mayor

New Business continued

Transit Operating Agreement with Berrien County

CITY OF BUCHANAN COMMISSION MINUTES

November 28, 2011

The regular scheduled meeting of the City Commission was held at Buchanan City Hall, 302 N. Redbud Trail, Buchanan, Michigan Monday November 28, 2011 and was called to order by Mayor Cole at 7:00 p.m.

Call to Order

The Pledge was recited by all. Pastor Len Bailey gave the Invocation. The Mayor read the account of the dog attack that Jim Cowles and Jason Stroud stopped and presented them each with a Certificate of Appreciation. Doyle Vergon publicly thanked the two men for assisting him and his dog.

Pledge/Invocation

Roll Call

Commissioners present: Carla Cole, David Hagey, Patricia Moore, Michael Terrell

Commissioners absent: Earl J. Scanlon III.

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

Guests/Visitors present: Citizen's Jim Cowles and Jason Stroud along with 9 visitors including 1 reporter

Consent Calendar

Hagey moved, seconded by Terrell to amend the Agenda to include D. Excuse absence of Commissioner Scanlon under the Consent Calendar. Roll call vote carried unanimously. Hagey moved, seconded by Moore to approve the Consent Calendar as amended. Roll call vote carried unanimously.

Agenda as amended

Minutes

Checks

Excuse Absence

- Agenda as amended
- Minutes: Regular scheduled meeting, November 14, 2011
- Checks 62676 to 62743 in the amount of \$106,273.84
- Excuse the absence of Commissioner Scanlon from November 28, 2011 Meeting

New Business

Patzer explained that the DDA was working on their Downtown Development Plan and requested support for the Resolution expanding the Arts and Historical District. **Moore made a motion to remove the Tin Shop from the District as the Fine Arts Board was not interested in being in the DDA District.** After lengthy discussion, **Moore withdrew her motion.** After deliberation and clarification that the resolution was strictly for the Arts and Historical District not the DDA District, **Terrell moved, seconded by Cole to approve the resolution as presented.** It was agreed that all involved would meet to discuss the matter. District Creation of a New Arts and Historical District.

Resolution 2011.11/62, District Creation of a New Arts and Historical District

WHEREAS, the Tin Shop, Pears Mill and Millrace, the Common and Farmers' Market, McCoy Creek Trail and the Art Center are all important historic and cultural resources in the City of Buchanan, and;

WHEREAS, the City of Buchanan supports its historic, artistic and cultural resources, and;

WHEREAS, The City of Buchanan has an opportunity to build upon its history and culture;

NOW THEREFORE BE IT RESOLVED: the new Arts and Historic District is hereby created comprised of the Tin Shop, Pears Mill and millrace, the Common and Farmers' Market, McCoy Creek Trail and the Buchanan Art Center, as a non-contiguous district, and;

BE IT FURTHER RESOLVED: that the activities undertaken by these entities will be coordinated with one another and co-promoted whenever possible.

Roll call vote carried unanimously. Resolution 2011.11/62 declared adopted.

Patzer explained that the Arts & Historical District sign would be altered to include all of the amenities included in the previous resolution. **Hagey moved, seconded by Terrell to approve the expenditure of \$525 (one-half) to change sign to include the Millrace, Art Center and McCoy Creek Trail as requested.** Hagey confirmed that the funds were available. **Roll call vote carried unanimously.**

Update Arts & Historical Sign for \$525

Marx reported upcoming events, vandalism of Christmas lights downtown, extension of leaf collection for two weeks, response to become home for the new United Federal Credit Union Headquarters, still on task demolishing the old Clark buildings, and continued enforcement of loose dogs. Patzer explained the White Saturday Downtown Event and thanked the Department of Public Works for putting up the lights.

**City Manager
Comments**

All Commissioners personal comments were heard, all commended Cowles and Stroud, and urged attendance to the Holiday Lighting Parade/Ceremony.

**Commissioners
Comments**

Terrell moved, seconded by Hagey to adjourn the meeting at 7:48 p.m. Voice vote carried unanimously.

Adjourn

Gladys M. Bybee, MMC-City Clerk

Carla M. Cole, Mayor

CITY OF BUCHANAN COMMISSION MINUTES

December 12, 2011

The regular scheduled meeting of the City Commission was held at Buchanan City Hall, 302 N. Redbud Trail, Buchanan, Michigan Monday December 12, 2011 and was called to order by Mayor Cole at 7:00 p.m.

The Pledge was recited by all. Pastor Len Bailey gave the Invocation. The Mayor read the history of Gary Greathouse's 38 year tenure with the City and then presented him with a Certificate of Appreciation for his 38 years and a Retirement Recognition Clock. The Mayor then read and presented Life Saving Awards to Officer John Leonard and Reserve Officer Eric Lotsbaich.

A ten minute recess was taken to share retirement greetings with cake and coffee.

Commissioners present: Carla Cole, David Hagey, Patricia Moore, Earl J Scanlon III, Michael Terrell

Commissioners absent: none

Staff present: City Manager Bill Marx, Sergeant Harvey Burnett, and Clerk Gladys Bybee

Guests/Visitors present: Buchanan Preservation Society (BPS) President Marjorie Trapp along with 16 visitors including 2 reporters

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

- Agenda
- Minutes: Regular scheduled meeting, November 28, 2011
- Checks 62744 to 62843 in the amount of \$106,564.53

BPS President Marjorie Trapp explained the development to preserve the architecture on Front Street and their preservation of Pears Mill. She reported that a Clark Street home and Front Street business was bestowed the annual award, restoration of the water wheel for the Mill to continue, and a study of the Ross Sanders House. Discussion was shared.

After brief explanation from Marx, *Scanlon moved, seconded by Hagey to approve the Real Estate Buy-Sell Agreement with Robert Murray for 511 Michigan Street. Roll call vote carried unanimously.*

Marx congratulated Greathouse, Leonard and Lotsbaich. He reported the holiday light vandals confessed and he hoped restitution and community service would be mandated. He reported and explained the boost product for the streets and his meeting with Michigan Economic Development Corporation (MEDC) regarding the revolving loan fund.

All Commissioners personal comments were heard. All commended Greathouse, Leonard and Lotbaich, thanked all volunteers and staff, and wished all happy holidays.

Scanlon moved, seconded by Hagey to adjourn the meeting at 8:06 p.m. Voice vote carried unanimously.

Gladys M. Bybee, MMC-City Clerk

Carla M. Cole, Mayor

Call to Order

Pledge/Invocation

Retirement
Recognition
Life Saving Award

Roll Call

Consent Calendar

Agenda as amended
Minutes
Checks

Reports

Buchanan
Preservation Society

Unfinished

Business

511 Michigan Street
Buy-Sell Agreement

City Manager

Comments

Commissioners

Comments

Adjourn

CITY OF BUCHANAN COMMISSION MINUTES

December 27, 2011

Call to Order

The regular re-scheduled (due to Christmas holiday) meeting of the City Commission was held at Buchanan City Hall, 302 N. Redbud Trail, Buchanan, Michigan Tuesday December 27, 2011 and was called to order by Mayor Cole at 7:08 p.m.

Pledge/Invocation

The Pledge was recited by all. No Invocation was heard. The Mayor requested that Bob Hess, Neighborhood Watch Coordinator explained the diligence of Cody Carter for saving a kitten in distress. The Mayor, City Manager and Bob Hess presented a Certificate of Appreciation from the Neighborhood Association to Cody.

Neighborhood
Watch Certificate of
Appreciation

Roll Call

Commissioners present: Carla Cole, David Hagey, Patricia Moore, Earl J Scanlon III, Michael Terrell

Commissioners absent: none

Staff present: City Manager Bill Marx and Clerk Gladys Bybee

Guests/Visitors present: Preservation Practices Owner Pam O'Connor along with 15 visitors including 1 reporter

Consent Calendar

Moore moved, seconded by Scanlon to amend the consent calendar by adding check number 62925 changing the total amount of checks. Roll call vote carried unanimously. Scanlon moved, seconded by Moore to approve the Consent Calendar as amended. Roll call vote carried unanimously. Marx confirmed that the check already made out to pay for the tubes would be voided if the Commission did not approve the forthcoming resolution for the winter event as questioned.

Agenda as amended
Minutes
Checks as amended

- Agenda as amended
- Minutes: Regular scheduled meeting, December 12, 2011
- Checks 62844 to 62925 in the amount of \$135,044.49 as amended

Reports

O'Connor reported that the "Buchanan North & West Neighborhoods Historic District was placed on the National Register of Historic Places on November 30, 2011. She stated it was the largest in the State of Michigan covering about 166 acres; 701 resources including houses, barns, garages, several sacred and commercial properties, a park, street stairs and others with 23 different architectural styles and construction dates from 1840 to early 1960. She also presented a paper and CD copy of the designation.

Buchanan North &
West
Neighborhoods
Historic District

Marx explained the State law that changed that required a decision and recommended the proposed resolution through June 30, 2012 due to SEIU contract. *Scanlon moved, seconded by Terrell to approve the resolution as presented.*

New Business

WHEREAS, Public Act 152 of 2011 known as the "Publicly Funded Health Insurance Contribution Act" became effective September 27, 2011; and

WHEREAS, the Buchanan City Administration has reviewed the requirements of said Act with our city attorney and discussed conclusions regarding compliance with the Buchanan City Commissioners; and

NOW, THEREFORE, BE IT HEREBY RESOLVED that in accordance with Section 4 (2) of Public Act 152, it states medical benefit plan coverage years beginning on or after January 1, 2012, public employers shall pay no more than 80% of the total cost of all medical benefit plans, however Buchanan City's medical benefit plan coverage is effective July 1, 2011 through June 30, 2012.

BE IT FURTHER RESOLVED that in accordance with Section 8 of Public Act 152, the Buchanan City Commission does hereby exempt from the requirements of this Act for the period January 1, 2012, to June 30, 2012, all non-union employees, and all employees covered by a collective bargaining agreement in effect on January 1, 2012; and

BE IT FINALLY RESOLVED that effective on January 1, 2012 all City of Buchanan employees, including non-union and union employees covered by a collective bargaining agreement will remain status quo on the cost of their healthcare until the new medical benefit plan is in effect on July 1, 2012.

Resolution
2011.12/63,
Publicly Funded
Health Insurance
Contribution Act to
Comply with Public
Act 152 of 2011

Roll call vote carried unanimously. Resolution 2011.12/63 declared adopted.

Marx explained that he and the Mayor obtained information at the Michigan Municipal League Conference that the City of Vassar holds a winter event and he and staff have been discussing a similar event for a winter festivity. He and the Commission discussed the event. ***Hagey moved, seconded by Scanlon to approve the resolution as presented.*** City of Buchanan’s Inaugural Frolic on Front 2012

WHEREAS, the City Manager and Staff have planned a unique winter event entitled “Front Street Frolic”, and **WHEREAS**, the City Commission of the City of Buchanan support this winter program to take place on January 27 and 28, 2012 with a possible alternate date of February 10 and 11, 2012 and **WHEREAS**, the Front Street Frolic will provide a unique opportunity for the Citizen’s of the Buchanan Community to come together and share a healthy and fun wintertime activity.

NOW, THEREFORE, LET IT BE RESOLVED THAT, the Buchanan City Commission, does hereby approve, support and call upon all citizens of the City of Buchanan to participate in the “Front Street Frolic” on January 27 and 28, 2012 or February 10 and 11, 2012.

Roll call vote carried unanimously. Resolution 2011.12/64 declared adopted. Cole moved, seconded by Moore to change the name of the event from Front Street Frolic to Thrill on the Hill. Roll call vote carried unanimously.

Hagey moved, seconded by Scanlon to approve the Street Closure: E. Front Street from Liberty to Redbud Trail on January 27 and 28, 2012 for “Thrill on the Hill”. Roll call vote carried unanimously.

Scanlon moved, seconded by Hagey to approve the Street Closure: Johnson Street from Rynearson to E. Front on January 27 and 28, 2012 for “Thrill on the Hill”. Roll call vote carried unanimously.

Marx reported the City will be saving funds on land lines (telephone) replaced by wireless technology for the alarm systems at the Wastewater Treatment Plant and Water Plant and the electric car charging station delivery is expected soon.

All shared excitement about the upcoming winter event, “Thrill on the Hill”.

All Commissioners personal comments and commendations were heard.

Scanlon moved, seconded by Terrell to adjourn the meeting at 8:05 p.m. Voice vote carried unanimously.

New Business continued

Resolution 2011.12/64, City of Buchanan’s Inaugural Frolic on Front 2012

Name Change to “Thrill on the Hill”

Street Closure, E. Front Street

Street Closure, Johnson Street

City Manager Comments

Commissioners Comments

Adjourn

Gladys M. Bybee, MMC-City Clerk

Carla M. Cole, Mayor