

CITY OF BUCHANAN COMMISSION MINUTES

January 12, 2015

**Call to Order**  
**Pledge**

The regularly scheduled meeting of the City Commission was held at Buchanan City Hall, 302 N. Redbud Trail, Buchanan, Michigan Monday January 12, 2015 and was called to order by Mayor Pro Tem Moore at 7:00 p.m.

The Pledge was recited by all.

**Roll Call**

Commissioners present: Patricia Moore, Dale Toerne, Boyd van der Laan, Daniel Vigansky

Commissioners absent: Carla Cole (called in)

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

Guests/Visitors present: 7 visitors

**Consent Calendar**

Agenda

*Toerne moved, seconded by van der Laan to amend the Consent Calendar December 8, 2014 Minutes to reflect the correct check number, 69561 in the amount of \$30,000. to SMCAS. Roll call vote carried unanimously. Toerne moved, seconded by Vigansky to approve the Consent Calendar as amended. Roll call vote carried unanimously.*

Minutes as amended

- Agenda
- Minutes: Regular scheduled meeting, December 8, 2014 as corrected
- Checks 69563 to 69634 in the amount of \$163,384.97 dated Dec 22, 2014
- Checks 69635 to 69751 in the amount of \$244,342.21 dated January 12, 2015
- Notice of Meetings, City of Buchanan, City Boards Meetings during 2015 as applicable to the Open Meetings Act
- Banner Placement; Buchanan Youth softball and Baseball (BYSBA), February 9, 2015 through February 23, 2015, Annual Sign-Ups
- Banner Placement; City of Buchanan, January 12 2015 through February 2015, Thrill on the Hill variance requested for an extra week of display from the required two week maximum)

Checks

Notice of Meetings for 2015

Banner Placements

Buchanan Art Center Director Janet Flahaven-Law reported that attendance and programs are increased at the Center and that they are partnering with other Community organization. She announced upcoming events.

**Reports by**  
Buchanan Art Center

Fire Department

Fire Chief Mike Adams summarized the categories in the Buchanan Fire Department 2014 annual report while all reviewed. He explained the status of the 1989 Spartan pumper that needed to be replaced or refurbished and he recommended that it be refurbished (letter submitted to City Officials). He also noted that turn out gear and pagers needed to be replaced and a new fire station needed to be located. All have been discussed with the City Manager. Commissioner Vigansky, Manager Marx and Adams shared discussion about the possibility of merging departments (Buchanan and Bertrand Townships and Buchanan City). Marx explained that he has asked Adams to meet with both Township Fire Chief's to partner in purchasing equipment. He noted difference that the townships have millages for Fire, where the City does not.

**Managers**  
**Comments**

City Manager comments included Thrill on the Hill preparations underway with other events from local merchants for weekend festivities, and DPW/WWTP employees training for using the sewer camera for the forthcoming SAW grant (\$1.2 million).

Commissioners thanked the Fire Department and commended the Art Center. Commissioners' comments included happy to be back after holiday break, grateful to the DPW on cleaning the streets and thank you for scarecrow snowmen.

**Commissioner's  
Comments**

*Toerne moved, seconded by van der Laan to adjourn the meeting at 7:44 p.m. Voice vote carried unanimously.*

**Adjourn**

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Gladys M. Bybee, MMC-City Clerk

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Carla M. Cole, Mayor

CITY OF BUCHANAN COMMISSION MINUTES  
January 26, 2015

**The Regularly scheduled meeting of the City Commission** was held at Buchanan City Hall, 302 N. Redbud Trail Buchanan, Michigan, on Monday, January 26, 2015.

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

Roll Call:

Commissioners present: Patricia Moore, Daniel Vigansky, Carla Cole, Dale Toerne, Boyd van der Laan

Commissioners absent: None

Staff Present: City Manager Bill Marx, Building Inspector Guy Lewis, Fire Chief Mike Adams, DDA Director Debra Patzer

Guests/Visitors present: Jeff Griffin, Norma Ferris, Alan Robandt, reporter Stan Maddox

Public Comments: Jeff Griffin addressed the Commission, stating that he and his wife Kim have been longtime residents of Buchanan and recently opened their business in downtown Buchanan. On New Year's Eve he checked his sales and found that 30,780 people ate at his restaurant last year. He thanked City Officials and the Commission for working with him on this endeavor and stress that we must all keep working together. Norma Ferris stated that she was interested in the part time position if one was created.

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

- Approve Agenda
- Approve Minutes: Regular scheduled meeting, January 12, 2015
- Approve Checks 69752 to 69829 in the amount of \$56,824.55
- Excuse Mayor Carla Cole from January 12 Meeting
- Acknowledge 2015-16 Budget Process Schedule
- Approve Banner Placement Form; Annual Swiss Steak Supper, 1. 26 – 2.7. 2015
- Approve Resolution 2015.01/115, To Negotiate the Summer School Tax Collection
- Approve Participation Agreement with HERC Platinum Pricing Program for U. S. Communities Government Purchasing Alliance
- Support a Part Time Clerical Position at City Hall

Reports by Departments, Committees, Boards: Building Inspector Guy Lewis presented his 2014 report, noting that there were the same number of permits issued as in the previous year, but that revenues were up, primarily due to the new construction in the Andrews Farm TIF (Ramer Products). He gave an update on the status of several permits and noted that a new home will be constructed on two lots that were combined in Ottawa Ridge. Moore asked about building permit renewal fees, and Cole commented she was glad to see people improving their homes.

New Business:

**BYSBA PROPOSAL:** Marx explained the BYSBSA's proposal to remove the tennis courts at Smith Park and enlarge one ball field to accommodate a wider variety of ball games. Moore further explained that the BYSBA had presented a wish list to the BARB and this project was at the top of the list. It will result in more usefulness and a better use of the space. The BARB looked at the

plan and felt it was a good idea and recommended its approval to the Commission. The City and the BYSBA, working together, can complete this project at a reasonable cost. This improvement would also allow for tournaments, and the benefits of tournaments were discussed. The relocation of the play equipment was discussed, with Victory and Kathryn parks proposed as good locations. Marx stated that the equipment was inspected and certified in good condition when the City accepted it from BCS. ***Moore moved, seconded by Toerne, to approve the removal of the tennis courts and enlargement of the ball field at Smith Park by the BYSBA as recommended by the BARB. Roll call vote carried unanimously.***

**BOBCAT MINI EXCAVATOR:** Marx directed the Commissioners to their weekly briefing for details regarding the history and purchase recommendation of the Bobcat Mini Excavator. The purchase was first discussed seven months ago, but no decision was made. Now our existing Bobcat has broken down and we are waiting for the repair estimate. The Cemetery crew has explored unanimous favorite because of its extendable arm which will allow the Cemetery crew to work in close proximity to gravestones without having to move them (the arm can reach over the stones). The excavator will also save the crew a considerable amount of time. Moore commented that two of the major concerns of the Friends of the Cemetery were damage to the grave stones caused by routine maintenance and storm damage. Toerne asked if the machine was new (yes) and the warranty and capabilities of the unit were discussed. Marx commented that this unit should be in service for 15-20 years. ***Vigansky moved, seconded by Toerne, to approve a bid waiver and purchase a Bobcat Mini Excavator with enclosed cab from Bobcat of Michiana in an amount not to exceed \$42,580.90. Roll call vote passed unanimously***

Public Comments: Norma Ferris asked if the City had a Chaplain for Utilities employees. Marx responded that the PD had three chaplains who would assist anyone in need.

City Manager's Comments: Marx told the Commission about the City's preparations for Thrill, noting that we were making snow and commenting on the employee's passion for the event as evidenced by their extraordinary commitment to making the event a success. He outlined the event from the closing of the hill to the carriage rides sponsored by the Chamber. He stated that he is excited about 2015 with some of the developments that are proposed for the downtown that are critical for the expansion of the business district.

Commissioner's Comments: van der Laan asked if the Thrill could be postponed because of the weather. Toerne agreed with van der Laan that the event should be postponed if possible. Vigansky asked about the event breaking even, and Marx explained the 10 year plan for the Thrill. Moore thanked the Building Inspector for his work on the Tin Shop and Thrill shanties and encouraged everyone to come to Thrill. Cole explained that there will be a fire pit at this year's Thrill so there will be a place for people to get warm. She thanked the DPW guys for the wonderful work on the shanties. She commented on the importance of volunteers to make things happen and thanked our volunteers and sponsors for Thrill.

There being no further business, ***van der Laan moved, seconded by Toerne to adjourn the meeting at 7:56 p.m. Voice vote carried unanimously.***

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Debra Davino Patzer, DDA Director

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Carla M. Cole, Mayor

CITY OF BUCHANAN COMMISSION MINUTES

February 9, 2015

Call to Order

Pledge/Invocation

Roll Call

Consent Calendar

Agenda

Minutes

Checks

Banner Placement

Introduce  
Ordinance Repeal

Banner Placements

Unfinished  
Business

New Business

Managers  
Comments

The regularly scheduled meeting of the City Commission was held at Buchanan City Hall, 302 N. Redbud Trail, Buchanan, Michigan Monday February 9, 2015 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.

Commissioners present: Carla Cole, Patricia Moore, Boyd van der Laan, Daniel Vigansky

Commissioners absent: Dale Toerne (called in)

Staff present: City Manager Bill Marx and Clerk Gladys Bybee

Guests/Visitors present: Dennis Schuh, Berrien County Community Transportation Representative along with 4 visitors

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

- Agenda
- Minutes: Regular scheduled meeting, January 26, 2015
- Checks 69830 to 69921 in the amount of \$130,415.90
- Banner Placement; 9<sup>th</sup> Annual Chili Walk March 19<sup>th</sup>, Buchanan Chamber of Commerce, March 2 to March 19, N. Redbud location
- Public Notice to Introduce Ordinance 2015.02/\_\_\_, Repeal Begging
- Banner Placement; Kindergarten and Preschool Round-Up, February 27 to March 18, E. Front Street location
- Banner Placement; School Farm Plow Days, April 3 to April 19, N Redbud location

Marx explained this was the third year with no changes to the Transit Operating Agreement with Berrien County. Schuh was available for questions and responded that Berrien County Corporate Counsel was asked by the County Commission to research a Countywide Transportation System. ***Moore moved, seconded by Vigansky to approve the Amendments to the FY 2015 Transit Operating Agreement between Berrien County and the City of Buchanan. Roll call vote carried unanimously.***

Marx announced that Thrill on the Hill was very successful with 2,129 wristbands sold and reported the details of the event. ***Cole moved, seconded by Moore to approve the 5<sup>th</sup> Annual Thrill on the Hill 2016, January 29 & 30, 2016. Roll call vote carried unanimously.***

City Manager stated it was his goal to pay back the initial investment of the Thrill on the Hill and the 5<sup>th</sup> Year should create a credit for the Parks and Recreation Department. He clarified that we are trying to educate property owners on clearing the snow from their sidewalks for safety reasons due to complaints. He also reported on a meeting with DEQ, Developers and Environmental Attorney regarding a couple future developments in the Third Street Brownfield.

All Commissioners commented on Thrill on the Hill and other events concurrent with the Thrill. Mayor Cole was pleased that we are providing shoveling sidewalks at a reasonable price for those in violation of the City Code.

**Commissioner's  
Comments**

*Moore moved, seconded by van der Laan to adjourn the meeting at 7:24 p.m. Voice vote carried unanimously.*

**Adjourn**

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Gladys M. Bybee, MMC-City Clerk

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Carla M. Cole, Mayor

CITY OF BUCHANAN COMMISSION MINUTES

February 23, 2015

The regularly scheduled meeting of the City Commission was held at Buchanan City Hall, 302 N. Redbud Trail, Buchanan, Michigan Monday February 23, 2015 and was called to order by Mayor Cole at 7:00 p.m.

The Pledge was recited by all.

Commissioners present: Carla Cole, Patricia Moore, Boyd van der Laan, Daniel Vigansky

Commissioners absent: Dale Toerne (called in)

Staff present: City Manager Bill Marx, Public Services Director JT Adkerson, Wastewater Treatment Plant Operator's Bill Housand and Mark McClaren, Water Operator Scott Desenberg and Clerk Gladys Bybee

Guests/Visitors present: Bob Deorsey from Reliable/Republic Services and Kim O'Haver from Transportation Management Inc. along with 7 visitors

***Moore moved, seconded by van der Laan to add item B. Wastewater Treatment Plant under Reports and move item E. Approve altered date of Public Notice for Ordinance Repeal of Article III, Section 58-65, Begging from the Consent Calendar to A. under Unfinished Business. Roll call vote carried unanimously.***

Vigansky asked about the sidewalk clearing enforcement and Marx replied that he would address it in his comments.

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

- Agenda
- Minutes: Regular scheduled meeting, February 9, 2015
- Checks 69922 to 69992 in the amount of \$264,212.41
- Excuse Commissioner Toerne from February 9, 2015 Meeting
- Banner Placement; Art Center Class Sign-Ups, March 18 to April 1, N. Redbud location
- Public Notice to Introduce Ordinance 2015.03/\_\_\_\_, An Ordinance of the City of Buchanan, Berrien County, is amended by revising Article III. Sidewalks, Section 86-67, Paragraph (2) of said Code, Duty to keep sidewalk clear of obstruction
- Street Closure; Days Avenue from Front Street to the end of Library Building, Egg Drop Contest for Buchanan District Library, 04/29/15 from 4 to 6 p.m.

Bob DeOrsey distributed folders to Commissioner's and explained his 2014-2015 written Reliable/Republic Services Trash Collection Services Annual Report while all reviewed. He introduced resident and Republic Services Driver Brian Grice and commended him as a twelve year worker. Marx reported that we have not received any complaints and is pleased with their performance.

Adkerson distributed a power point presentation for the Wastewater Treatment Plant and explained while all viewed the projected presentation. He introduced two of the three Wastewater Treatment Plant employees that were in attendance. Discussion was shared with Commission and Adkerson.

**Call to Order**

**Pledge**

**Roll Call**

**Consent Calendar**

Agenda as amended

Minutes

Checks

Excuse

Commissioner

Banner Placement

Introduce Ordinance Amendment, Sidewalks

Street Closure

**Reports**

Reliable/Republic Trash Services

Wastewater Treatment Plant

Marx reported that discussion needed to be had at the next meeting when considering adoption of the repeal ordinance. He briefly explained the letter received from UCLA to the City Attorney declaring Buchanan’s Unconstitutional Begging Ordinance and article from the Michigan Municipal League “Michigan Anti-begging Statute Declared Unconstitutional” (both documents presented for review). **Moore moved, seconded by Vigansky to approve the altered date of Public Notice for ordinance repeal of Article III, Section 58-65, Begging. Roll call vote carried unanimously.**

**Unfinished Business**  
Public notice with altered date for Ordinance, Begging

Kim O’Haver, President of TMI, the third party administrator for Buchanan Dial-A-Ride explained the Resolution of Intent to apply for State Formula Operating Assistance for Fiscal Year 2016 under Act 51 of the Public Acts of 1951, as amended. She reported that 2014 services were increased and explained the contract certifications necessary to receive financial assistance under the Act. Discussion was shared with Commission and O’Haver. **Moore moved, seconded by Cole to approve the Resolution as presented. Roll call vote tied. Motion lost. YEA: Cole, Moore. NAY: van der Laan, Vigansky.** Moore stated that without this State Assistance we cannot operate Dial-A-Ride. After further discussion, **Moore moved, seconded by Cole to approve the resolution as presented (Resolution attached as part of this record). Roll call vote carried by majority. YEA: Cole, Moore, van der Laan. ABSTAIN: Vigansky.** Resolution 2015.02/116 declared adopted.

**New Business**  
Resolution 2015.02/116, Apply for State Formula Operating Assistance for Dial-A-Ride

O’Haver explained the new Americans with Disability Act (ADA) Complaint Policy for Dial-A-Ride as the State requires a separate policy. **Moore moved, seconded by Vigansky to approve the Dial-A-Ride Americans with Disability Act (ADA) Complaint Policy as submitted. Roll call vote carried unanimously.**

Dial-A-Ride ADA Complaint Policy

Desenberg introduced Ira Gabin from Dixon Engineering to report on the general condition of Front and Moccasin Street Water Towers and the need for exterior cleaning and painting. Gabin explained previous history on the Moccasin (1993) and Front (1997) Street water towers estimating another ten years before interior coating of tanks is needed. He explained the exterior over coating that is needed currently and encouraged the project to be completed within two years.

Front and Moccasin Street Water Towers

After recommendation from the City Manager, **Moore moved, seconded by van der Laan to schedule the Community Wide Garage Sales on the second weekend in June every year. Roll call vote carried unanimously.**

Annual date, Community Wide Garage Sales

City Manager thanked Adkerson and WWTP staff and announced that operations would be discussed during budget meetings. He explained that 55 residences were tagged for now clearing the snow from their sidewalk and the proposed change in the ordinance is from 48 hours to 24 hours.

**Managers Comments**

Commissioner’s comments included congratulations to the Tin Shop on their February performances, encouraged public to attend upcoming performances, and thanks to all for reports.

**Commissioner’s Comments**

**Moore moved, seconded by van der Laan to adjourn the meeting at 8:45 p.m. Voice vote carried unanimously.**

**Adjourn**

CITY OF BUCHANAN COMMISSION MINUTES

March 9, 2015

The regularly scheduled meeting of the City Commission was held at Buchanan City Hall, 302 N. Redbud Trail, Buchanan, Michigan Monday March 9, 2015 and was called to order by Mayor Cole at 7:00 p.m.

The Pledge was recited by all.

Commissioners present: Carla Cole, Patricia Moore, Dale Toerne, Boyd van der Laan, Daniel Vigansky

Commissioners absent: none

Staff present: City Manager Bill Marx and Clerk Gladys Bybee

Guests/Visitors present: Alice Kring, Redbud Insurance and Gordon Schreiber, Berrien County Equalization along with 7 visitors

Raymond Kohler, corner Sylvan and Smith resident opposed the sidewalk ordinance and the fine of elderly persons. Donald Bumstead, 320 Lake Street says he clears his walks and part of Kathryn park sidewalks; he was concerned about the way the City clears the walks leaving ice buildup. Corbin Detgen 301 Hillview encouraged the Commission to do everything to preserve the Ross Sanders building. Doyle Vergon, 114 Lake Street commented about repair and upkeep of the sidewalk; difficult to clear when the sidewalk is broken up. Vergon asked that a program, as in the past, work with the homeowners to repair/replace sidewalks. Norma Ferris, Oak Street asked for more explanation about the Ross Sanders item on the Agenda.

***Toerne moved, seconded by Moore to add item C. Consider Michigan Gateway Grant Agreement for the Fire Department in the amount of \$2,500 under New Business. Roll call vote carried unanimously. Moore moved, seconded by Vigansky to approve the Consent Calendar as amended. Roll call vote carried unanimously.***

- Agenda as amended
- Minutes: Regular scheduled meeting, February 23, 2015
- Checks 69993 to 70085 in the amount of \$292,613.46
- Excuse Commissioner Toerne from February 23, 2015 Meeting
- Resolution 2015.03/117, Approve the Summer School Tax Collection Fee in the sum of \$2,522.28 per school district-totaling \$7,566.84
- Appoint JT Adkerson to the Southeast Berrien County Landfill Board
- Appoint Patricia Moore as the Commission Representative on the Downtown Development Authority (DDA)
- Banner Placement form, Michiana Cruisers Annual Car Show, 7-10-15 to 7-20-15

Kring thanked the City for the work that was completed on the Tin Shop Theatre. She announced the upcoming performances that the Fine Arts Council has developed and that she submitted their budget for the Tin Shop to City Treasurer. Commissioner Moore suggested that grab bars be installed in the bathrooms and encouraged public to attend the performances. Discussion was shared with Commissioner's and Kring. Kring commended Marx and Adkerson and distributed tickets and a brochure for an upcoming performance. She noted that Gateway Foundation supplied a grant for the furnace and air conditioner.

**Call to Order**

**Pledge**

**Roll Call**

**Public Comments**

**Consent Calendar**

Agenda as amended  
Minutes  
Checks  
Excuse  
Commissioner  
Resolution  
2015.03/117,  
Approve Summer  
School Tax  
Collection  
Landfill & DDA  
Appointment  
Banner Placement

**Reports**

Tin Shop Theatre

Kring announced the date of the Easter Egg Hunt that she sponsors and administers and requested donations. She asked permission to use the Common and put up a banner near the gazebo on Front Street.

**Reports**  
**continued**  
Easter Egg Hunt

Gordon Schreiber, Deputy Director of Berrien County Equalization Department, whom contracts for City Assessing, summarized his two page report while all reviewed the written report. Discussion was shared.

Assessor  
Department

Marx explained the State litigation that deemed our Code regarding begging unconstitutional and recommended adoption. ***Moore moved, seconded by Toerne to approve the ordinance as presented and recommended.*** An Ordinance providing for the repeal of Article III, Sec. 58-65 of the code of ordinances of the City of Buchanan, Berrien County, Michigan, and declaring same to be null and void and of no effect  
THE CITY OF BUCHANAN ORDAINS: Chapter 58, Offenses, Article III, Offenses Against the Person

**Unfinished**  
**Business**  
Ordinance  
2015.03/390,  
Repeal Begging  
Code

**Sec. 1.**  
That Section 58-65 of the Code of Ordinances of the City of Buchanan, Berrien County, Michigan, is hereby repealed and declared null and void and of no effect.

MADE, PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF BUCHANAN, BERRIEN COUNTY, MICHIGAN, ON THE 9th DAY OF MARCH, 2015, AND IT WAS PUBLISHED IN THE BERRIEN COUNTY RECORD NEWSPAPER ON March 2, 2015 AND March 16, 2015 AND EFFECTIVE IMMEDIATELY.

***Motion carried by majority roll call vote. YEA: Cole, Moore, Toerne, Vigansky. NAY: van der Laan.*** Ordinance 2015.03/390 declared adopted.

Marx explained what is being requested is that the amount of hours (48 to 24) after property is red tagged for clearing snow from the sidewalks is recommended. He noted that 86 properties red tagged (69 complied, 17 did not). Discussion was shared with Commissioners and Marx. Discussion was shared with Commissioners and Marx. ***Vigansky moved, seconded by Moore to approve the ordinance as presented and recommended.*** An Ordinance of the City of Buchanan, Berrien County, is amended by revising Article III. Sidewalks, Section 86-67, Paragraph (2) of said Code, Duty to keep sidewalk clear of obstruction of the City of Buchanan, Berrien County, is amended by revising Article III. Sidewalks, Section 86-67, Paragraph (2) of said Code, Duty to keep sidewalk clear of obstruction

Ordinance  
2015.03/391, Duty  
to keep sidewalk  
clear of obstruction

THE CITY OF BUCHANAN ORDAINS:

That **ARTICLE III, SIDEWALKS**, Section 86-67, Paragraph 2 entitled "DUTY TO KEEP SIDEWALK CLEAR OF OBSTRUCTION", is hereby revoked and amended to read as follows:

**Section 86-67.** Duty to keep sidewalk clear of obstruction

(1) The owner or occupant of any lands and premises butting upon any public sidewalk shall keep the same free of all sand, rubbish, dirt and litter, and shall remove promptly all snow which shall fall thereon and all ice which shall form thereon.

(2) If the occupant(s) and/or the owner(s) fail to remove all sand, rubbish, dirt, litter, ice or snow from said sidewalks within 24 hours of being notified by the city of such violation, the failure to remove may result in any offending accumulation to be removed by the city at the expense of the occupant(s) and/or owner(s)

Introduced and Filed on the 23rd day of February, 2015 and effective immediately after the date of adoption and publication as required by Section 7.4 of the City Charter.

Made, Passed and Adopted by the City Commission of the City of Buchanan, Berrien County, Michigan, on the 9th day of March, 2015, and it was published in the Berrien County Record Newspaper on Monday March 2, 2015 and Monday March 16, 2015.

***Motion carried by majority roll call vote. YEA: Cole, Moore, van der Laan, Vigansky. NAY: Toerne.*** Ordinance 2015.03/391 declared adopted.

***Moore moved, seconded by Toerne to approve the resolution as presented.*** In support of the Buchanan Fine Arts Council to continue utilizing City owned property in the City of Buchanan

**New Business**  
Resolution  
2015.03/118, Fine  
Arts Council to  
utilize Tin Shop  
Theatre

**WHEREAS**, the Buchanan City Commission declared support of the Buchanan Fine Arts Council on April 22, 1985 with a Resolution (#12,952), on March 27, 2000 with Resolution 11, on February 25, 2005 with Resolution 5 and again on March 8, 2010 with Resolution 4; and

**WHEREAS**, the previous Resolution was for a period of 60 months and will expire March 2015; and  
**WHEREAS**, the Buchanan Fine Arts Council continues its plan for cultural development within the City of Buchanan; and  
**WHEREAS**, the City Commission for the City of Buchanan continues its desire to support those goals and objectives and holds title to a parcel of property located at the southwest corner of Roe Street and Days Avenue in the City of Buchanan; and  
**WHEREAS**, it is the desire of the City to retain said property without dedication to any particular purpose.  
**NOW, THEREFORE, BE IT RESOLVED** that the City owned property at the southwest corner of Roe Street and Days Avenue in the City of Buchanan, be for their use and development for a period not to exceed 60 months from date of action.  
**BE IT FURTHER RESOLVED** that the City Commission of the City of Buchanan retains the right to rescind this declaration of use in the event the Fine Arts Council for the City of Buchanan should cease to utilize said property or in the event the City Commission of the City of Buchanan should find a necessary use commensurate with the revitalization of the downtown area; provided, however, in such a later event, reimburse the Fine Arts Council for any expenditures of funds on said property.  
**BE IT FURTHER RESOLVED** that the Fine arts Council for the City of Buchanan shall have a first right of extension of said use of said property.

**Roll call vote carried unanimously.** Resolution 2015.03/118 approved.

Marx explained the proposal from the School of the Art Institute of Chicago second proposal (received one last year) for the Ross Sanders building. He reported we currently have \$22,000 held in reserve for repair of the building with a \$30,000 roof repair quote. Commissioners shared discussion and opinions. **Moore moved, seconded by Cole to not enter into the Agreement from the School of the Art Institute of Chicago to provide restoration services to the Ross Sanders House in an amount not to exceed \$15,000. Roll call vote carried unanimously.**

Marx explained the Gateway Foundation Grant Agreement that was added to the agenda. **Toerne moved, seconded by van der Laan to approve the Grant Agreement with Gateway Foundation and authorize the Mayor to sign said agreement for the Fire Department to purchase a Sensit HCN CO Gas Analyzer in the amount of \$2,500. Roll call vote carried unanimously.**

Alice Kring commented that the Mill was restored in the 1980's by a special millage in the DDA District and suggested that a millage be proposed to the electors for the repair of the Ross Sanders building. She also noted that she pays someone to shovel everyday by her business while others around her do not. Raymond Kohler reported that snow plows are loading snow on the handicap approach, thus doing damage. Donald Bumstead noted the ends of sidewalks are just like brick walls and become icy.

City Manager explained and clerk distributed the Annual Planning Session folder for Saturday meeting. He passed out the Michigan Natural Resources Trust Fund (MNRTF) brochure that they featured City of Buchanan McCoy's Creek Trail as they provided \$288,000 grant. Marx also commented on thanks to Michigan Gateway Foundation for the Fire Department grant, supportive of the gems in the historic district including the Ross Sanders building, receipt of an invitation from the Garden Club for Arbor Day Celebration, sidewalk replacement program to be discussed at the session on Saturday, and 2101 filmed here in Buchanan will be debuting in Dowagiac Vickers Theatre.

**Moore moved, seconded by Toerne to allow Kring the use of the Common and signage as requested earlier in the meeting. Roll call vote carried unanimously.**

**New Business**  
**continued**  
 Resolution  
 2015.03/118, Fine  
 Arts Council to  
 utilize Tin Shop  
 Theatre

Chicago Art  
 Institute  
 Agreement

Gateway  
 Foundation Grant  
 Agreement

**Public Comments**

**Managers**  
**Comments**

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

Commissioner's comments included thanks to Kring for her service at the Tin Shop Theatre and mentioning a special millage for upgrading Ross Sanders, Schreiber for informing them about Berrien County not being able to collect delinquent taxes/mowing bills and the Firefighters for pursuing the Gateway grant. Other comments included congratulations to City for Thrill on the Hill, thanks to neighbors during absence, outstanding job of clearing snow by the City, urged attendance to Tree Ceremony, outstanding job of clearing snow by the City, urged attendance to April 4 Easter Egg hunt and Dog Egg hunt and a couple looking at property in the city because of amenities like Pears Mill, Tin Shop Theatre, Art Center and Ross Sanders. There was debate about preserving the Ross Sanders building.

**Commissioner's  
Comments  
continued**

*Toerne moved, seconded by Vigansky to adjourn the meeting at 8:58 p.m. Voice vote carried unanimously.*

**Adjourn**

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Gladys M. Bybee, MMC-City Clerk

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Carla M. Cole, Mayor

CITY OF BUCHANAN COMMISSION MINUTES

March 23, 2015

The regularly scheduled meeting of the City Commission was held at Buchanan City Hall, 302 N. Redbud Trail, Buchanan, Michigan Monday March 23, 2015 and was called to order by Mayor Cole at 7:00 p.m.

The Pledge was recited by all. Pastor Nate Babcock gave the Invocation.

Commissioners present: Carla Cole, Dale Toerne, Boyd van der Laan, Daniel Vigansky

Commissioners absent: Patricia Moore

Staff present: City Manager Bill Marx and Clerk Gladys Bybee

Guests/Visitors present: Yvonne "Bonnie" Shaw and Bob Feldman, Buchanan Garden Club and Buchanan Youth Softball Baseball Association (BYSBA)

Representatives along with 11 visitors

Buchanan Community Schools Superintendent Andrea van der Laan gave information that the school has collected on ballot proposal 15-1 and supported the proposal.

*Toerne moved, seconded by Van der Laan to approve the Consent Calendar as presented. Roll call vote carried unanimously.*

- Agenda
- Minutes: Regular scheduled meeting, March 9, 2015 and Annual Planning Session Summary, March 14, 2015
- Checks 70086 to 70159 in the amount of \$122,297.97

*Vigansky moved, seconded by Toerne to set the light at Front/Oak Street intersection to cycle from 7:00 a.m. to 7:00 p.m. and blink from 7:00 p.m. to 7:00 a.m. for a length of one year and discuss again at the end of that year. Roll call vote carried unanimously.*

Marx reported that the Michigan Municipal League requested the resolution of support of the ballot proposal and City Attorney Randy Hyrns changed some of the verbiage. He explained the proposal and recommended approval of the resolution. All shared discussion. *Cole moved, seconded by Toerne to approve the resolution as presented.* In support of Proposal 1 increasing the sales/use tax to fund needed road improvements in Michigan.

**WHEREAS**, Michigan's roads and bridges threaten driver safety and contribute to countless accidents each year, as drivers swerve to avoid potholes and other road hazards; and

**WHEREAS**, 38 percent of Michigan's state and locally owned urban roads and 32 percent of the state's state and locally owned rural roads are in poor condition; and

**WHEREAS**, Michigan has relied on Band-Aid, short-term fixes for our roads instead of investing enough money to fix our roads for the long term; and

**WHEREAS**, Michigan invests less per capita in transportation than any state in the United States of America; and

**WHEREAS**, the longer we wait to fix Michigan's roads, the more it will cost us, and our economy; and

**WHEREAS**, in addition to threatening public safety, Michigan's crumbling roads hurt our economy; and

**WHEREAS**, Proposal 1 on the May 5 ballot is Michigan's best chance to fix our roads with funds while also supporting Michigan's long-term future by investing in our public schools and local communities;

**NOW THEREFORE BE IT RESOLVED:** That the City of Buchanan supports Proposal 1 on the May 5 ballot to provide the funding needed to fix our roads for the long term; and

**BE IT FURTHER RESOLVED:** That the City of Buchanan believes that the 1 cent increase in the sales tax will benefit local communities and help ensure drivers' safety on the roads; and

**BE IT FURTHER RESOLVED:** That the City of Buchanan formally supports Proposal 1, "Safe Roads Yes!"

*Roll call vote carried by majority. YEA: Cole, Toerne, van der Laan. NAY:*

*Vigansky. Resolution 2015.03/119 declared adopted.*

Call to Order

Pledge

Roll Call

Public Comments

Consent Calendar

Agenda

Minutes

Checks

Unfinished

Business

Stop Light at

Front/Oak Streets

New Business

Resolution

2015.03/119,

Support Proposal 1

increasing the

sales/use tax to

fund needed road

improvements in

Michigan

Marx explained the unfunded mandate by the State of Michigan for each jurisdiction building department to obtain state building code books in the amount of \$30,000 and the partnership with applicable Berrien County jurisdictions. After shared discussion, ***Toerne moved, seconded by Vigansky to approve the participation with other Berrien County jurisdictions to partner for a jointly funded library, held at Berrien County, of the required Building Department Referenced Standards. Roll call vote carried unanimously.***

**New Business**  
**continued**  
Partnering for State Building Code Books

Chris Tomkins from BYSBA explained the reconstruction of the concession stands that would be done by Tim Austin (who is volunteering his labor) along with the help from city crews. All reviewed the proposal and discussion was shared. ***Vigansky moved, seconded by Toerne to allow the improvements to the Smith Park Concession stand as proposed by the BYSBA and recommended by the BARB. Roll call vote carried unanimously.***

Reconstruction of Concession Stands at Smith Park by BYSBA

Representative of the Buchanan Garden Club Bob Feldman presented the Blue Star Memorial By-Way plaque that would be erected in the plantings at the Gazebo Park and explained the project and July 4<sup>th</sup> presentation. Shaw detailed the plantings and plaque location. After shared discussion, ***Toerne moved, seconded by Vigansky to approve the creation of a Blue Star Memorial Garden by the Buchanan Garden Club at Gazebo Park as recommended by the BARB. Roll call vote carried unanimously.***

Development of a Blue Star Garden at Gazebo Park

***Toerne moved, seconded by Vigansky to award of bid for Portable Toilet Facilities to the lowest bidder and from Buchanan, Pride, The Portable Toilet Company in the amount of \$4,590. Roll call vote carried unanimously.***

Portable Toilet Facilities Bid Award

Marx comments included thanks to Andrea van der Laan for researching the road proposal information and Bonnie Shaw and the Garden Club for their work on the gardens within the City. He stated the brownfield and the winery projects are moving forward.

**Managers**  
**Comments**

Commissioner’s comments included thanks to Andrea van der Laan for her research and presentation for the road proposal information. Other comments included thanks to Toerne, pleased with the ball park upgrades and construction for outdoor use of the bathrooms at the Redbud Center, due to nice weather watch out for children, discouraged by legislature on road proposal, praise to the Garden Club and upcoming Arbor Day Celebration.

**Commissioner’s**  
**Comments**

***Toerne moved, seconded by Vigansky to adjourn the meeting at 8:13 p.m. Voice vote carried unanimously.***

**Adjourn**

CITY OF BUCHANAN COMMISSION MINUTES

April 13, 2015

The regularly scheduled meeting of the City Commission was held at Buchanan City Hall, 302 N. Redbud Trail, Buchanan, Michigan Monday April 13, 2015 and was called to order by Mayor Cole at 7:00 p.m.

The Pledge was recited by all. Father Altine gave the Invocation.

Commissioners present: Carla Cole, Patricia Moore, Dale Toerne, Boyd van der Laan, Daniel Vigansky

Commissioners absent: None

Staff present: City Manager Bill Marx, Assistant Police Chief Tim Ganus, Police Officer Michael Horton, Clerk-Cashier Yvonne Waggoner, Park Maintenance Worker Jim Waggoner and Clerk Gladys Bybee

Guests/Visitors present: Sheila Daly, Buchanan Garden Club along with 13 visitors

Don Ryman, W Front Street was concerned about demolishing Neal’s Automotive (123 Days Avenue) and believed someone would be interested in keeping that on the tax roll. Alan Robandt, E Front St. was concerned about the demolition of Neal’s building and asked that a public hearing be held prior to any decision (he distributed 15 reasons’ to keep the building).

***Moore moved, seconded by Toerne to change verbiage of Resolutions for the Michigan Liquor Control Commission item C. & D. under New Business. Roll call vote carried unanimously. Moore moved, seconded by Toerne to approve the Consent Calendar as amended. Roll call vote carried by majority. YEA: Cole, Moore, Toerne, van der Laan. NAY: Vigansky.***

- Agenda
- Minutes: Regular scheduled meeting, March 23, 2015 and 2015-16 FY Budget Work Session Summary, March 30, 2015
- Checks 70160 to 70259 in the amount of \$147,773.34
- Excuse the Absence of Commissioner Patricia Moore from the March 23, 2015 City Commission Meeting
- Acknowledge Receipt of the 2015-2016 FY Budget as presented by the City Manager in accordance with Charter Section 9.2
- Call Public Hearing on April 27, 2015 at 7:00 p.m. to hear public comments regarding the proposed 2015-16 budget, the property tax millage rate and the water and sewer rates proposed to be levied to support the proposed budget
- Arbor Day Proclamation for the Mayor to present to the Buchanan Garden Club at their Arbor Day Celebration
- Street Closure; Oak Street south of Front Street for one block for Arbor Day Celebration
- Addendum 1, Notice of Meetings for City Boards during 2015

Sheila Daly, on behalf of the Buchanan Garden Club cordially invited all to the Arbor Day Celebration. She reported they will not be having annual fundraiser plant sale, state and federal process to have a Blue Star Garden with ceremony on July 4th, and they are looking for members. The Mayor read the Arbor Day Proclamation and presented it to Ms. Daly.

**Call to Order**

**Pledge**

**Roll Call**

**Public Comments**

**Consent Calendar**

Agenda as amended  
Minutes  
Checks

Excuse  
Commissioner  
Absence

Receipt of 2015-16  
Budget

Call Public  
Hearing

Arbor Day  
Proclamation

Street Closure

Addendum to  
Notice of Meetings

**Reports**

Buchanan Garden  
Club

Chamber of Commerce Director Randy Hendrixson presented a power point of the City of Buchanan Mobile App with geofencing capabilities for a cellular phone available April 23rd. All viewed the power point presentation while Hendrixson explained. Discussion was shared with Commission, Hendrixson and Marx.

**Reports**  
**continued**  
Cell phone App,  
City of Buchanan

Assistant Police Chief Tim Ganus introduced Mike Horton and Horton gave a brief biography. Ganus reported on quarterly statistics for the Police Department. He explained the downtown concerns and thus a larger police presence in the downtown area, evacuation drill at Ottawa School, and upcoming Neighborhood Watch town hall meeting.

Police Department

***Moore moved, seconded by Toerne to approve the 2015-16 City Commission Priorities as presented. Roll call vote carried unanimously.***

**Unfinished**  
**Business**

2015-16  
Commission  
Priorities

Marx explained the reasons for the purchase of 123 Days Avenue (former Neal’s Automotive) and the purchase agreement with some minimal language changes from the City Attorney. Discussion was shared between Commission and City Manager about demolition and renovation costs. ***Vigansky moved, seconded by Toerne to delay the purchase for two weeks until the next meeting to gather further information. Motion denied by majority. YEA: Vigansky, van der Laan. NAY: Moore, Toerne, Cole. Moore moved, seconded by Toerne to approve the purchase agreement to buy 123 Days Avenue (Neal’s Automotive) for the sum of \$29,000 with the intention of expanding the public parking lot around the Commons with the possibility of constructing an ice skating rink at a later date. Roll call vote carried by majority. YEA: Cole, Moore, Toerne. NAY: van der Laan, Vigansky.***

Purchase  
Agreement for 123  
Days Avenue

City employee’s Jim and Yvonne Waggoner reported that the City has removed 200 plus trees and would like for the City to have a Tree Memorial Program within the City. They explained the program and presented paperwork that was available at Commissioner’s places. Discussion was shared with Commission, Waggoner’s and the City Manager. ***Toerne moved, seconded by Vigansky to approve the City of Buchanan’s “Tree Memorial Program” that will kick off on Arbor Day 2015. Roll call vote carried unanimously.***

**New Business**  
Buchanan Tree  
Memorial Program

Steve Lecklider, Lehmann’s Orchard explained his business at 204 N Redbud Trail. After discussion, ***Moore moved, seconded by Toerne to approve Resolution 2015.04/20, Approving Lehman’s Orchard, LLC application for a Small Distiller License through Michigan Liquor Control Commission. Roll call vote carried unanimously.*** (Resolution made a part of this record)

Resolution  
2015.04/20,  
Small Distiller  
Application

***Vigansky moved, seconded by Moore to approve Resolution 2015.04/21, Approving Lehman’s Orchard, LLC application for a Micro Brewer License through Michigan Liquor Control Commission. Roll call vote carried unanimously.*** (Resolution made a part of this record)

Resolution  
2015.04/21,  
Micro Brewer  
Application

***Toerne moved, seconded by Vigansky to approve Resolution 2015.04/22, Approving Lehman’s Orchard, LLC application for a Small Winemaker License through Michigan Liquor Control Commission. Roll call vote carried unanimously.*** (Resolution made a part of this record)

Resolution  
2015.04/22,  
Small Winemaker  
Application

After explanation from Marx that this was a first of more repairs to come, **Moore moved, seconded by Toerne to approve the bid waiver and approve the quoted repairs from Dave Crumley for the masonry pillars at the cemetery entrance/exit off of Terre Coupe in the amount of \$1,872. Roll call vote carried unanimously.** Marx noted extensive repairs to Chapel forthcoming.

Dave Crumley  
Masonry Pillar  
repairs at  
Cemetery

Buchanan DDA,  
City and Library  
Revenue Sharing  
Agreement

Marx explained the Revenue Sharing Agreement and discussion was shared with Commission. Library Board member Mary Lysy explained the millage proposed ballot language for an August election and the reason the Library chose not to be in the DDA District. **Moore moved, seconded by Toerne to approve the Revenue Sharing Agreement between the City of Buchanan Downtown Development Authority (DDA), the City of Buchanan and the Buchanan District Library as recommended by the Library and DDA contingent upon City Attorney and DDA Attorney verbiage changes and approval of the Library millage proposal by the voters of the Library District at the August 4, 2015 election. Roll call vote carried by majority. YEA: Cole, Moore, Toerne, Vigansky. NAY: van der Laan.**

**Public Comments**

Father Altine opposed the Oak/Front Street stop light cycling on and off. He preferred a blinking light.

**Managers  
Comments**

Marx comments included that he is pleased with the way the City of Buchanan is going and great things to come in the next two years. He mentioned the nine acre parking lot that the City could purchase for back taxes on River Street for Fire Department and Building Department with extra property left over to develop. He announced spring clean-up and removal of Stark playground equipment.

**Commissioner's  
Comments**

Commissioner's comments included thanks to Lehman's Orchard, keep elderly in mind that won't use cell phone app, thanks to Yvonne Waggoner for decorating the Commission Chamber, positive tree memorial program, cell phone app is good, yard waste pickup, brush pickup, would like improvements at Kathryn Park and thanks to Sheila Daly for arranging the Arbor Day Ceremony.

**Adjourn**

***Vigansky moved, seconded by Toerne to adjourn the meeting at 9:04 p.m. Voice vote carried unanimously.***

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

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

CITY OF BUCHANAN COMMISSION MINUTES

April 13, 2015

The Mayor called the Public Hearing to order at 7:00 p.m. and invited public comments on the proposed 2015-2016 FY Budget including the property tax millage rate and the water and sewer rates proposed to be levied to support the proposed budget according to Charter Section 9.4. Being no public or written comments, the Mayor adjourned the Hearing at 7:01 p.m.

The regularly scheduled meeting of the City Commission was held at Buchanan City Hall, 302 N. Redbud Trail, Buchanan, Michigan Monday April 27, 2015 and was called to order by Mayor Cole at 7:01p.m. The Pledge was recited by all.

Commissioners present: Carla Cole, Patricia Moore, Dale Toerne, Boyd van der Laan, Daniel Vigansky

Commissioners absent: None

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

Guests/Visitors present: Kim O’Haver, TMI President along with 2 visitors

Moore moved, seconded by Toerne to amend the Agenda to include a report from Kim O’Haver on Buchanan Dial-a-Ride under IV. Reports and replace the Resolution for VIII. B. Resolution 2015.04/\_\_\_, Secure and Purchase nine acre lot at 401 River Street with the new one that was edited by the City Attorney. Roll call vote carried unanimously. Moore moved, seconded by Toerne to approve the Consent Calendar as amended. Roll call vote carried unanimously.

- Agenda
- Minutes: Regular scheduled meeting, April 13, 2015
- Checks 70260 to 70313 in the amount of \$48,399.24
- Call Public Hearing on May 11, 2015 to hear public comments regarding the proposed FY 2015-2016 Southwestern Michigan Community Ambulance Services (SMCAS) Special Assessment Levy and proposed SMCAS budget for fiscal year 2015-2016, which includes the special assessment in the amount of \$20.00 per dwelling.
- Budget Amendment in General Fund, Major Streets, Local Streets, Street Repair & Maintenance and Water & Sewer Enterprise Funds
- Banner Request; Buckteen’s Reunion on E Front Street
- Reappoint Carla Cole and Margret Young to the Board of Review for a two year term ending 2017
- Certificate of Appreciation for Alice Hopkins, Retirement from the Buchanan Area Senior Center
- Public Services Employee Job Description
- Appoint Commissioner Bud van der Laan as Representative to the Southwestern Michigan Economic Growth Alliance (SMEGA) Board replacing Mayor Cole

O’Haver reported Buchanan Dial-a Ride vehicle hours, miles, people transported were all increased. Also more students, three new persons that work in Niles and one homeless student were riding the buses.

**PUBLIC HEARING**

**Call to Order**

**Pledge**

**Roll Call**

**Consent Calendar**

Agenda as amended  
Minutes  
Checks

Call Public Hearing

Budget Amendment

Banner Request

Board of Review Appointment’s

Certificate of Appreciation

PSE Job Description

SMEGA Rep Appointment

**Reports**

Buchanan Dial-a-Ride

Bybee reported on the upcoming special election, openings on Boards and Committees, and other activities in the Clerk and Election Department's.

**New Business**

TMI President Kim O'Haver explained the second contract for the next five months of the year (2015) will see an 18.5 percent increase. **Moore moved, seconded by Toerne to approve the resolution as presented.** Certified Signature Resolution for MDOT FY 2015 Section 5311 Operating Formula Grants for Rural Areas Program, Buchanan Dial-A-Ride. CERTIFIED SIGNATURE RESOLUTION FOR MDOT FY 2015 SECTION 5311 OPERATING FORMULA GRANTS FOR RURAL AREAS PROGRAM

Resolution  
2015.04/123,  
Section 5311  
Operating Formula  
Grants

**Whereas**, the City of Buchanan has the authority to contract with the Michigan Department of Transportation for State and/or federal funds for passenger transportation-related services; and, **Whereas**, the City of Buchanan does hereby approve Project Authorization Agreement No. 2012-0052, Authorization No. P4/R1, Project No. 125896,

**Now, Therefore**, be it resolved that Julianne O'Bryant as Transportation Coordinator, and William Marx as 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 2015.04/123 declared adopted.

Resolution  
2015.04/124,  
Purchase Property  
for Back Taxes  
from Berrien  
County Treasurer  
for Public Use

Marx reported the property (old parking lot at 401 River Street) availability through back taxes and assured the Commission that a timeline had not been determined for the DPW and Fire Department move but the property was available now. He explained in detail the possibility of working with Berrien County to develop smaller parcel for economic development and presented a conceptual plan provided by local business owner Kevin Barker, Architect. Discussion was shared between Manager and Commission. **Moore moved, seconded by Toerne to approve the resolution.**

RESOLUTION TO PURCHASE PROPERTY FOR BACK TAXES FROM BERRIEN COUNTY TREASURER FOR PUBLIC USE

**WHEREAS**, the City of Buchanan has a need to relocate the current Fire Department and Department of Public Works building; and

**WHEREAS**, the Buchanan City Commission wishes to exercise an option to purchase the 9-acre site at 401 River Street, Tax ID# 11-58-0025-0019-02-5 for back taxes in the amount of \$7,755.00 plus 2015 property taxes to be used for the future location of the City's Fire Department and Department of Public Works building; and

**NOW, THEREFORE**, the City resolves to prepare and execute a purchase agreement to purchase the 9-acre site at 401 River Street, Tax ID# 11-58-0025-0019-02-5 from the Berrien County Treasurer for back taxes in the amount of \$7,755.00 plus 2015 property taxes for the public use purpose of securing a site for the future locations of city buildings and operations including the Fire Department and Department of Public Works;

**BE IT FURTHER RESOLVED** that in the event the City sells the property in the future, the City shall be obligated to forward any excess proceeds (less expenses) that it receives from the sale of the property to the Berrien County Treasurer's Foreclosure Fund, pursuant to Berrien County's policies and procedures.

**Roll call vote carried unanimously.** Resolution 2015.04/124 declared adopted

**Managers  
Comments**

Marx comments included that a new business would be opening on River Street although the sale was pending, phase 1 work on the Winery almost complete, Arbor Day Ceremony well attended, Blue Star Garden beginning mid-May, seeking estimates on the repair of the roof and chimney at Ross Sanders, within 30 days to begin construction of exterior toilet facilities at the Redbud City Center, and utility squad car caught on fire so paperwork will be forthcoming with a scrap request.

**Reports continued**

Commissioner's comments included Happy Birthday to Mayor Cole, attendance to Alice Hopkins retirement and burning of Senior Center mortgage, commendation to Jim Waggoner and crew along with Sheila Daly for Arbor Day preparation, pleased that Terre Coupe pot holes are repaired, remember to vote on May 5, and NAACP grateful for the City of Buchanan for Commissioner Toerne attendance to their banquet meeting. Commissioner Toerne presented brochures on Civil Rights Heritage Center and the Mayor commented on her attendance to Mayors banquet for Berrien County queens and she will be presenting to Miss Buchanan and Senator Proos here for Arbor Day.

**Adjourn**

*Toerne moved, seconded by Vigansky to adjourn the meeting at 8:04 p.m. Voice vote carried unanimously.*

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Gladys M. Bybee, MMC-City Clerk

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Carla M. Cole, Mayor

CITY OF BUCHANAN COMMISSION MINUTES

May 11, 2015

**PUBLIC HEARING**

**The Mayor called the Public Hearing to order** at 7:00 p.m. and invited public comments on the proposed FY 2015-2016 Southwestern Michigan Community Ambulance Services (SMCAS) Special Assessment Levy and proposed SMCAS budget for fiscal year 2015-2016, which includes the special assessment in the amount of \$20.00 per dwelling. Resident Norma Ferris asked why we were doing this twice. Manager Marx and Director Brian Scribner responded. Being no public or written comments, the Mayor adjourned the Hearing at 7:02 p.m.

**Call to Order**

**The regularly scheduled meeting of the City Commission** was held at Buchanan City Hall, 302 N. Redbud Trail, Buchanan, Michigan Monday May 11, 2015 and was called to order by Mayor Cole at 7:02p.m.

**Pledge**

The Pledge was recited by all.

**Roll Call**

Commissioners present: Carla Cole, Patricia Moore, Dale Toerne, Boyd van der Laan, Daniel Vigansky

Commissioners absent: None

Staff present: City Manager Bill Marx, Environmental Attorney James Enright, Zoning Administrator Debra Patzer, Treasurer Juli O'Bryant, Assistant Fire Chief Bobby Blaylock, and Clerk Gladys Bybee

Guests/Visitors present: Brian Scribner, SMCAS; Alice Kring, Buchanan Galien Lions Club Representative; American Legion Members' Larry Money and Marvin Pruett along with 7 visitors

**Public Comments**

Resident Norma Ferris asked for a good explanation on items under new business, the purchase of the properties that public hearings were being called for the next meeting.

**Consent Calendar**

***Moore moved, seconded by Toerne to amend the agenda to include item H. Street Closure Request under the Consent Calendar. Roll call vote carried unanimously. Moore moved, seconded by Toerne to approve the Consent Calendar as amended. Roll call vote carried unanimously.***

Agenda as amended  
Minutes  
Checks

- Agenda
- Minutes: Regular scheduled meeting, April 27, 2015
- Checks 70314 to 70395 in the amount of \$105,247.16
- Reappoint Mayor Carla Cole and JT Adkerson to the Southeast Berrien County Landfill Board
- Street Closure Request; Front Street from American Legion, 403 E. Front Street to Oak Ridge Cemetery for Memorial Day Parade, May 25, 2015
- Proclamation in Observance of May 11 to May 17, 2015 as White Cane Week
- Appoint Trevor Hough and Megan Goodrich to the Buchanan Area Fine Arts Council as recommended by the Fine Arts Council
- Street Closure Request; Carrol Street from Liberty to Claremont in front of Smith Park for BYSBA Opening Weekend, May 15 & 16, 2015

SEBC Landfill  
Appointments

Street Closure  
Request

White Cane Week  
Proclamation

Fine arts Council  
Appointments  
Street Closure  
Request

American Legion Post 51 Veteran's Money and Pruett reported they put out flags at Cemetery for Memorial Day, will be participating with the City Open House for the War Memorial Room, increased participants in Memorial Day parade & assistance on

**Reports**

American Legion  
Post 51

Commission Meeting Minutes  
 July 4 with the dedication of the Blue Star Marker Garden with a World War II  
 Veteran in attendance, along with other services.

May 11, 2015

Buchanan-Galien Lions President Alice Kring reported that they will be out collecting donations for white canes on Friday and Saturday May 15 & 16, 2015. She explained the benefits for visually impaired persons 83<sup>rd</sup> year of serving the community, four fundraisers a year, holiday nut and candy sales, euchre tournaments, assistance with Faith and Family Day, leaf raking day for Seniors, along with many other services. The Mayor presented her with the White Cane Week Proclamation.

**Reports**  
**continued**  
 American Legion  
 Post 51  
  
 Buchanan Galien  
 Lions

After explanation from Manager Marx and Treasurer O'Bryant, **Moore moved, seconded by Toerne to approve the Resolution for 2015-2016 budget, the property tax millage rate and the water and sewer rates proposed to be levied to support the proposed budget.**

**Unfinished**  
**Business**  
 Resolution  
 2015.04/125,  
 2015-16 FY  
 Budget, Utility  
 rates

**A RESOLUTION FOR THE CITY OF BUCHANAN, COUNTY OF BERRIEN, MICHIGAN TO ADOPT A BUDGET FOR THE CITY OF BUCHANAN FOR FISCAL YEAR 2015-2016**

**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, 2015 through June 30, 2016; and

**WHEREAS**, a public hearing was held on April 27, 2015 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 2015-2016 fiscal year for the purposes set forth below:

<b>General Government</b>	City Commission	\$ 46,577.
\$407,560.	City Manager	119,942.
	Elections	26,153.
	Assessor	40,250.
	City Clerk	58,933.
	Treasurer	115,705.
<b>Public Safety</b>	Police Department/Code Enforcement	\$ 912,892.
\$1,155,174.	Crossing Guards	31,609.
	Fire Department	8,148.
	Building Inspection	42,525.
<b>DPW &amp; Cemetery</b>	DPW/Streets	\$ 292,925.
\$465,121.	Cemetery	172,196.
<b>Parks &amp; Recreation</b>	Parks & Recreation	\$ 10,000.
\$10,000.		
<b>Other</b>	Building & Grounds	\$ 72,350.
\$108,789.	Rental Property	5,958.
	Arts & Historical Buildings	11,331.
	Misc. Costs/Transfers	19,150.
		<u>2,146,644.</u>
<b>Total General Fund</b>		
	Major Streets	\$ 278,186.
	Local Streets	239,830.
	Street Repair & Maintenance	334,181.
	Water & Sewer Enterprise	2,000,337.
	Brownfield-TIF	9,172.
		<u>\$ 2,861,706.</u>

**Total Budget Including General Fund \$5,008,350.**

**BE IT FURTHER RESOLVED** that the City Commission of the City of Buchanan authorizes levy of 17.6000 mills on real and personal property within the City of Buchanan for municipal operating purposes.

**BE IT FURTHER RESOLVED** that the City Commission of the City of Buchanan hereby authorizes the levy of 1.00 mills on real and personal property within the City of Buchanan for Dial-a-Ride.

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

**BE IT FURTHER RESOLVED** that the City Commission authorizes the water and sewer rates, effective July 1, 2015, as follows:

	Water	Sewer	Ready to Serve (RTS)
City	\$3.75/1000 gal.	\$6.76/1000 gal.	\$19.37 monthly
Township	4.37./1000 gal.	7.92/1000 gal	22.66 monthly

**BE IT FURTHER RESOLVED** that the total budget for the City of Buchanan for the fiscal year 2015-2016 in the amount of \$5,008,350. 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 2015.05/125 declared adopted.

After explanation from Director Scribner, **Moore moved, seconded by Toerne to approve the FY 2015-2016 Southwestern Michigan Community Ambulance Services (SMCAS) Special Assessment Levy and proposed SMCAS budget for fiscal year 2014-2015, which includes the special assessment resolution in the amount of \$20.00 per Dwelling.**

**A RESOLUTION OF THE CITY OF BUCHANAN, COUNTY OF BERRIEN, STATE OF MICHIGAN APPROVING THE 2015-16 SOUTHWESTERN MICHIGAN COMMUNITY AMBULANCE SERVICE (SMCAS) BUDGET AND SPECIAL ASSESSMENT.**

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

1. The special assessment district, pursuant to such resolution, is hereby established.
2. The proposed SMCAS financial budget for fiscal year 2015-2016 indicating an assessment of \$20.00 is hereby approved.
3. The amount of the special assessment is \$20.00 and the assessing officer is directed to spread the assessment as provided in the resolution along with the December, 2015 tax assessment to be due and collected as provided in the resolution.
4. As a further clarification of the parcel/units to be assessed (as set out in paragraph three (3) of the resolution) the assessing officer is directed to levy the assessment amount of \$20.00 per unit as follows:
  - a) Campground – One (1) unit for the campground itself and one (1) unit for each permanent dwelling situated on the campground. Each rental “hook up” will not be considered as a separate unit.
  - b) Mobile Home Park – One (1) unit for each mobile home, the number of mobile homes being determined by the average number of mobile homes located in the mobile home park for the calendar year in which the special assessment is levied.
  - c) Hotels and Motels – one (1) unit for each hotel and motel and one (1) unit for each living unit occupied by a permanent resident.
  - d) Commercial – one (1) unit for each improved parcel, which shall include all contiguous commercial parcels as one (1) unit, and one (1) unit for each dwelling therein.
  - e) Residential – one (1) unit for each dwelling that is occupied or is available for occupancy and is permanently affixed.
  - f) Where provision herein are inconsistent with the joint resolution, these provisions herein shall supersede such provisions and be controlling.
5. The Public Hearing of the City of Buchanan to hear comments to the distribution of the \$20.00 special assessment levy was held at City Hall, 302 N. Redbud Trail, Buchanan MI 49107, May 11, 2015, at 7:00 p.m., local time.

The membership to SMCAS was discussed to market and promote the ambulance service to increase revenue.

**Roll call vote carried unanimously.** Resolution 2015.05/126 declared adopted.

**Unfinished**  
**Business**  
**continued**  
 Resolution  
 2015.04/125,  
 2015-16 FY  
 Budget, Utility  
 rates

Resolution  
 2015.05/126,  
 2015-16 FY  
 SMCAS  
 Assessment &  
 Budget

Patzer reported that the property description was included in the briefing and explained the property (12 acres) is in the Third Street Brownfield and she distributed a sketch of description for Phase 1 Bucktown Studios. She explained the Studio and Phase 2 constructing Condominiums in that she distributed a north aerial perspective for Bucktown Studio Fitness and Lifestyle Center dated May 11, 2015. She noted that a request for Planned Unit Development would be forthcoming. ***Moore moved, seconded by Vigansky to schedule a Public Hearing on Thursday, May 28, 2015 at 7:00 p.m. to hear public comments concerning the sale of public property located at 500 E. Third Street, also located in McCoy Creek Industrial Park, Buchanan, Michigan per Buchanan City Charter Section 8.7(b). Roll call vote carried unanimously.***

**New Business**  
 Schedule Public Hearing to sell 500 E. Third Street (public property)

She introduced Attorney Enright and explained that he would have to work on the legal environmental aspect for both properties (Purchase Agreement and Development Agreement). Attorney Enright stated his office is in Grand Rapids and he has been working with the City since 1994. He explained that changes were needed in the restrictive covenants' on the former Clark properties that the City obtained for \$1.00 when they left. Brief discussion was shared. Moore was concerned that big black fence would have to be installed so persons would not step off into the restrictive area, Vigansky was concerned about the liability, and Toerne concerned about including the Friends of McCoy Creek Trail Committee (adjacent to parcels) into the projects. Patzer explained the 2004 property swap with Kevin Barker and explained he has requested to purchase an additional 30 (not an acre) feet that is shown in the sketch provided earlier. Commission, Marx and Patzer shared discussion on both the properties. Patzer distributed the Certificate of Survey of the Barker and City parcels. ***Moore moved, seconded by Toerne to schedule Public Hearing on Thursday, May 28, 2015 at 7:15 p.m. to hear public comments concerning the sale of public property located North of 324 Dewey Street (30 feet), Buchanan, Michigan per Buchanan City Charter Section 8.7(b). Roll call vote carried unanimously.***

Schedule Public Hearing to sell 30 feet of public property just north of 324 Dewey Street

Resident Norma Ferris asked about the City's intent for Neal's Auto parts purchase. Marx replied the demolition of the building with use for parking purposes and utilize as an ice rink in the winter months. Alice Kring invited all to the theatre performance, "Stop the Presses"; she distributed a flyer and a free ticket for the performance.

**Public Comments**

Marx comments included receipt of the award through the Michigan Municipal League for the lowest workers compensation claims in the State. His comments included thanks to Attorney Enright, a lot of activity for the new projects, numerous demands on the clean up preparing for the Memorial Day events, and commended the American Legion and Lions. He announced he is working with union as contract will be up for renewal in June and the licensed operators wish to be separated, thus we will have two unions for ASCME.

**City Manager Comments**

Commissioner's comments included support for the performance and live theatre at the Tin Shop, thanks for street repair on Terre Coupe, downtown stop signs at cross walks not being observed, flowering trees at their peek, looking forward to new developments, apathetic voter turnout, thanked Clerk and workers, birthday wishes to van der Laan, proud of City accomplishments, Garden Club events upgrade project at

**Commissioner's Comments**

Gazebo, completed Arbor Day project at Ottawa School, June 12 & 13 Garden Club will be at City wide garage sales, May 15 will be planting pots downtown, sign up sheets for Garden Club to maintain the Gazebo, and thanks to Corbin Detgen on written history of Ross Sanders building. Toerne asked who maintains the McCoy Creek Trail with Marx replying Shembarger Sealing received the bid for work on the Trail in the amount of \$2,700.

**Commissioner's  
Comments  
continued**

*Toerne moved, seconded by Vigansky to adjourn the meeting at 8:32 p.m. Voice vote carried unanimously.*

**Adjourn**

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Gladys M. Bybee, MMC-City Clerk

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Carla M. Cole, Mayor

CITY OF BUCHANAN COMMISSION MINUTES

June 8, 2015

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

The regularly scheduled meeting of the City Commission was held at Buchanan City Hall, 302 N. Redbud Trail, Buchanan, Michigan Monday, June 8, 2015 and was called to order by Mayor Cole at 7:03 p.m.

The Pledge was recited by all. The Invocation was led by Reverend Bryan Watson.

**Roll Call**

Commissioners present: Carla Cole, Patricia Moore, Dale Toerne, Daniel Vigansky

Commissioners absent: None

Staff present: City Manager Bill Marx, Zoning Director Debra Patzer, Administrative Secretary Mandi Schanick, Bill Housand

Guests/Visitors present: Bill Green, Corbin Detgen, SMEGA Director Joe Sobieralski

*Moore moved, seconded by Toerne to amend the agenda to include five items under New Business*

*B. Consider accepting the resignation of Commissioner Boyd “Bud” van der Laan From the Buchanan City Commission effective Monday, June 8, 2015 at 1:00 P.M.*

*C. Consider developing a process to fill the vacant City Commission seat*

*D. Consider approving the bid of Fab Tech Wastewater Solution LLC in the amount of \$7,250.00 for an upflow gear reducer replacement*

*E. Consider approving a Change Order for 204 N. Redbud Trail for Environmental Testing required by the MDEQ in the amount of \$3,344.00*

*F. Consider accepting the Proposal of PRISM Science & Technology Inc for Phase I and Phase II Environmental Site Assessments, a Baseline Environmental Site Assessment, and additional environmental testing required by the MDEQ in an amount not to exceed \$24,847.00, and pending review by legal counsel*

*Voice vote carried unanimously*

*Moore moved, seconded by Toerne to accept the agenda as amended. Voice vote carried unanimously.*

- Agenda as amended
- Minutes: Regular scheduled meeting, May 26, 2015 and Public Hearing Meeting Minutes, May 28, 2015
- Checks 70478 to 70550 in the amount of \$77,562.22
- Street Closure; S. Oak St. from traffic light to parking lot on July 4, 2015 from 10:30 a.m. to 12 p.m. for the Blue Star Memorial at Gazebo Park
- Approve David VanDyke and Beth Chubb to serve a 4 year term on the Common Committee ending in 2019

**Consent Calendar**

Agenda  
Minutes  
Checks  
Street Closure  
Reappointment

Joe from SMEGA gave yearly update on investments. Also, stated possibilities for RV companies to be branching out in our areas as our County falls in the radius for business expansion. Elkhart has 0% unemployment and companies need a place to move out to supply 100 employees with work.

**Reports**  
SMEGA

Corbin Detgen from the Buchanan Preservation Society thanked the Mayor and City Commissioners for everything they’ve done for the Preservation Society. They had their Grand Opening on May 23<sup>rd</sup> at Peers Mill and had a large turnout with the Ross Sanders fundraiser. June 18<sup>th</sup> is the placemaking presentation.

Buchanan  
Preservation Society

**Toerne moved, seconded by Moore to approve Ordinance 2015.06/392, Planning Commission Ordinance recommended for approval by the Planning Commission at their Tuesday, May 19, 2015 meeting, effective date of June 23, 2015. Roll call vote carried unanimously.** Ordinance 2015.06/392 attached

Adoption of Planning Commission Ordinance

**Vigansky moved, seconded by Moore to Rescind the existing Plan Commission Ordinance, effective June 23, 2015, being Article II of Chapter 70- Planning, Sections 70-26 through 70-33. Roll call vote carried unanimously.**

Rescind existing Plan Commission Ordinance

**Toerne moved, seconded by Vigansky to consider the sale of City owned property commonly known as 500 E. Third Street to Billy G. Green and Teresa Green for the price of \$6,000/acre, subject to the terms and conditions contained in the Purchase Agreement and Development Agreement for said property subject to legal counsel approval of both documents. Roll call vote carried unanimously.**

Sale of 500 E. Third Street to Billy G. & Teresa Green

**Vigansky moved, seconded by Toerne to consider the sale of thirty feet (30') City owned property adjacent to the north property line of 324 E. Dewey Street to Kevin Barker for the price of \$6,000/acre. Roll call vote carried unanimously**

Sale of 324 E. Dewey Street to Kevin Barker

**Toerne moved, seconded by Moore to consider approving the Public Services Director to place our 1996 John Deere utility tractor for sale on Craig's list. Roll call vote carried unanimously**

Listing of John Deere on Craig's list

Marx explained the resignation of Boyd van der Laan and explained the process of finding a new commissioner. The new commissioner will fill van der Laan's position that is set to expire in 2018. **Moore moved, seconded by Toerne to consider accepting the resignation of Commissioner Boyd "Bud" van der Laan from the Buchanan City Commission effective Monday, June 8, 2015 at 1:00 P.M. Roll call vote carried unanimously.**

Resignation of Commissioner Bud van der Laan

**Toerne moved, seconded by Moore to consider developing a process to fill the vacant City Commission seat. Roll call vote carried unanimously.**

Developing process to fill Commission Seat

**Moore moved, seconded by Toerne to allow for the submittal of the criteria as provided by the City Clerk to fill the Vacant Commission seat to be posted in the paper and placed on Channel 17 website and posted on Facebook. Roll call vote carried unanimously.**

Criteria for filling vacant Commissioner seat

Bill Housand from the Wastewater Department explained the need of purchasing an upflow gear reducer replacement. The current reducer was installed in 1973 making it 42 years old. Typically a realistic lifespan for these units is around 20-25 years. That being said this reducer functioned well until January of this year when it began wearing out motors very quickly at a pace of about one per week. The estimate from Fab Tech Wastewater Solutions is the lowest bid received for the replacement. **Toerne moved, seconded by Vigansky to consider approving the bid of Fab Tech Wastewater Solutions LLC in the amount of \$7,250.00 for an upflow gear reducer replacement. Roll call vote carried unanimously.**

Upflow gear reducer replacement purchase for Wastewater

Patzer explained the environmental testing required by

**Unfinished Business**

the MDEQ is soil gas sampling. This testing is expensive but needed. **Moore moved, seconded by Toerne to consider approving a change order for 204 N. Redbud Trail for Environmental Testing required by the MDEQ in the amount of \$3,344.00. Roll call vote carried unanimously.**

Environmental testing for 204 N. Redbud Trail

Patzer explained the property for 500 E. Third Street is dirty. Nothing has been done with this since the 1980s. With the plans the Greens have for future business these testing needs to be completed. The amount of \$24,847.00 will include all testing needed for Phase I and Phase II. **Vigansky moved, seconded by Moore to consider accepting the Proposal of PRISM Science & Technology Inc for Phase I and Phase II Environmental Site Assessments, a Baseline Environmental Site Assessment, and additional environmental testing required by the MDEQ in an amount not to exceed \$24,847.00, and pending review by legal counsel. Roll call vote carried unanimously.**

Testing at 500 E. Third St.

Marx explained that as of 5:00 p.m. today 80 permits for the Community Wide Yard Sale have been sold and expect to see at least 20 more this week. He also updated us on the Community Center toilet room remodeling process. The exterior has been removed and we are waiting for Ralph McDonald to do the openings. There will be renovations made to the Ross Sanders Building including removing the chimney below the roof line, restoring the roof and removing of the old carpet. Marx also gave update on the indoor baseball/softball facility that was planning to move into Buchanan has crossed over the state line to build their business. The couple that was planning on starting this business had a deadline that had to be met and this timeline could not be promised in the location they desired in Buchanan. He also informed us of the 800 bicyclist that are planning to be passing through town on June 21<sup>st</sup> around 10am. The bicyclists are making their way across the country.

City Managers Comments

Toerne explained that Ottawa Ridge has tall grass. Communication was made but the grass has not been mowed yet. Congrats given to Barbara Craig on becoming a citizen. Toerne also stressed that the Garden Club will be doing a sale at Gazebo Park and this is their only fundraiser for the year. This sale is during the Community Wide Yard Sale and is taking donations. Toerne expressed his sorrow to see Bud resigning as a City Commissioner.

Commissioner's Comments

Moore reminded the community that this Thursday night starts the summer concerts. She also expressed sorrow to see Bud van der Laan leave the Commission.

Mayor Cole expressed excitement to see a Buchanan girl getting involved in BMX biking. She also commented that the Blue Star Garden is looking great for July 4<sup>th</sup>. She expressed sorrow to see our Commissioner Bud van der Laan resign.

**Toerne moved, seconded by Vigansky to adjourn the meeting at 8:20 p.m. Voice vote carried unanimously**

Adjourn

CITY OF BUCHANAN COMMISSION MINUTES

June 22, 2015

The regularly scheduled meeting of the City Commission was held at Buchanan City Hall, 302 N. Redbud Trail, Buchanan, Michigan Monday, June 22, 2015 and was called to order by Mayor Cole at 7:00 p.m.

The Pledge was recited by all. The Invocation was led by Father Richard Altine.

Commissioners present: Carla Cole, Patricia Moore, Dale Toerne, Daniel Vigansky

Commissioners absent: None

Staff present: City Manager Bill Marx, Zoning Director Debra Patzer, Administrative Secretary Mandi Schanick, Bill Housand

Guests/Visitors present: Randy Hendrixson, Rich Shepardson, Brenda Hess, Norma Ferris

Call to Order  
Pledge  
Invocation

Roll Call

*Moore moved, seconded by Toerne to amend the agenda to cross out Jordan York in line 9 under item F. Also, to include Banner Placement for approval as item H under the consent calendar. Roll call vote carried unanimously*

*Moore moved, seconded by Vigansky to accept the agenda as amended. Roll call vote carried unanimously.*

- Agenda as amended
- Minutes: Regular scheduled meeting, June 22, 2015
- Checks 70551 to 70643 in the amount of \$92,186.56
- Approve year end budget amendments for FY 2014-15
- Approve renewal of yearly membership in the Southwest Economic Growth Alliance (SMEGA)
- Approve the following appointments: Doug Narregan & Mary Welsh to Serve a 4 year term ending in 2019 to the Farmer's Market Board; JT Adkerson to serve a 3 year term ending in 2018 to the Zoning Board of Appeals; Patricia Moore and James Toth for a 3 year term ending in 2018 to the BARB; Economic Developer Joe Sobierlaski for a 3 year term ending in 2018 to the Brownfield Redevelopment Authority; Leona Wonacott and Ray Cole for a 3 year term ending in 2018 to the Zoning Board of Appeals; Richard Wanacott, Bill Norton and Dale Toerne for a 3 year term ending in 2018 to the Plan Commission; Charles Shore and Martha Branson-Banks for a 4 year term ending in 2019 to Buchanan Fine Arts Council; Ray Cole and Ralph McDonald for a 3 year term ending in 2018 to the Construction Board of Appeals. Carla Cole and Brian Dineen for a 3 year term ending in 2018 to the Joint Water & Sewer Board. Kevin Barker for a 3 year term ending in 2018 to the Design Review Committee; Jennifer Singleton to the Board of Review
- Approve banner placement for Buchanan Art Center Classes
- Approve the banner placement for Chamber of Commerce

Consent Calendar  
Agenda as amended  
Minutes  
Checks  
Budget Amendments  
SMEGA Renewal  
Reappointments

Banner Requests

Randy Hendrixson from the Chamber of Commerce gave update on Buchanan Open House scheduled for July 25, 2015 from 11 a.m. to 4 p.m. He gave a flyer for the sponsors this year for the Open House. The McCoy Creek Trail ribbon cutting is scheduled for 11 a.m. at the Guard Shack. Also gave update that the Buchanan App is ready for download and a Press Release will be out July 1<sup>st</sup>.

Reports  
Chamber of  
Commerce

Marx explained due to the 30 day window of voting in a new City Commissioner the publication of the open City Commission seat had drawn 2 eligible applications. Brenda Hess and Rich Shepardson both applied for this seat and are present for questions.

**Unfinished Business**  
Interview for  
Commission Seat

Vigansky questioned where in the charter does it state City Commissioners have to be in attendance to other meetings besides City Commission Meetings. Patzer passed out City of Buchanan Volunteer Boards Information Sheets that expresses the duties of the Volunteers' and the Commission to help organize the City of Buchanan.

After interview of both candidates, *Vigansky moved, seconded by Toerne to nominate Brenda Hess as Commissioner. Roll call vote carried unanimously.*

Commissioner Hess was sworn in by City Clerk Gladys Bybee and took her seat at the Commission Desk.

Bybee expressed there has been a law change to the Freedom of Information Act (FOIA) and explained the forms for FOIA that have been presented to the commissioners. *Toerne moved, seconded by Vigansky to consider Freedom of Information Act (FOIA) Policy and related documents, G2015-06-26 effective July 1, 2015. Roll call vote carried unanimously.*

**New Business**  
FOIA Policy  
change

Patzer explained the rezoning that is needed to be done for the Third Street Brownfield. The rezoning would be from M-2 heavy industry to PUD. *Toerne moved, seconded by Vigansky to consider approval of Planning Commission recommendation to rezone the Third Street Brownfield from M-2 Heavy Manufacturing to PUD Planned Unit Development. Roll call vote carried unanimously.*

Rezoning of Third  
Street Brownfield

Patzer explained rezoning was needed for 401 River Street from M-1 Light Manufacturing to PUD. This is a 9 acre parcel that could be used for different things on separate parcels. *Vigansky move, seconded by Toerne to consider approval of Planning Commission recommendation to rezone 401 River Street from M-1 Light Manufacturing to PUD Planned Unit Development. Roll call vote carried unanimously.*

Rezoning of 401  
River Street

Marx explained the proposals for Schirmer Parkway Lift Station Improvements. The equipment has exhausted its life span. This has been budgeted in the 2015-16 budget so we are prepared for this financially. *Vigansky moved, seconded by Toerne to consider authorizing the City manager to send out a Request for Proposals for the Schirmer Parkway Lift Station Improvements. Roll call vote carried unanimously.*

Schirmer Parkway  
Lift Station  
Improvements

Marx thanked and recommended both applicants for their interest in the City of Buchanan and welcome Commissioner Hess to the team. He noted that the cemetery has been extremely busy during the last few weeks with burials.

**City Managers Comments**

Moore thanked Rich Shepardson for his consideration of the City Commission seat and welcomed Commissioner Hess. She added that the Tin Shop is running the play “Arsenic and Old Lace” through next week. The Friend of the Oak Ridge Cemetery Committee have started their meetings back up for the year and meet at the Presbyterian Church the third Tuesday of each month. Next month Peter Lysy will be present to show how to preserve life documents.

**Commissioners’  
Comments**

Toerne thanked Rich for his interest in the Commission seat and welcomed Commissioner Hess. He expressed his sorrow to the family of the late George Bouzas. Toerne also gave quick update on future renovations being done to Lowery’s Meat Market. He also reminded the public of the Blue Star Memorial being held by the Garden Club at Gazebo Park on July 4<sup>th</sup>.

Hess thanked the commissioners for the warm welcome and expressed her excitement to get involved with the City of Buchanan.

Mayor Cole welcomed Commissioner Hess and thanked Rich for his application. She also gave her feelings on the late George Bouzas as he will be greatly missed in the community. July 4<sup>th</sup> is just around the corner and Mayor Cole asks for everyone to be safe and be careful during the holiday.

***Toerne moved, seconded by Hess to adjourn the meeting at 8:28 p.m. Voice vote carried unanimously***

**Adjourn**

\_\_\_\_\_  
Mandi Schanick, Admin. Secretary

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

CITY OF BUCHANAN COMMISSION MINUTES

July 13, 2015

The regularly scheduled meeting of the City Commission was held at Buchanan City Hall, 302 N. Redbud Trail, Buchanan, Michigan Monday, July 13, 2015 and was called to order by Mayor Cole at 7:03 p.m.

The Pledge was recited by all. The Invocation was led by Pastor Dave Mitchell.

Commissioners present: Carla Cole, Patricia Moore, Dale Toerne, Daniel Vigansky

Commissioners absent: None

Staff present: City Manager Bill Marx and Clerk Gladys Bybee

Guests/Visitors present: P.L.A.Y. Chairperson Craig Miller, District Library Board Member Mary Lysy, along with 4 visitors

Resident Norma Ferris asked when the Committee list was going to be brought current and interest in the status of the Fire Department.

*Vigansky moved, seconded by Toerne to amend the agenda to include B. Buchanan District Library under VI. Reports by: Departments, Committees, Boards. Roll call vote carried unanimously. Moore moved, seconded by Toerne to accept the agenda as amended. Roll call vote carried unanimously.*

- Agenda as amended
- Minutes: Regular scheduled meeting, June 22, 2015
- Checks 70644 to 70750 in the amount of \$293,675.76
- Chemical Bank Business Deposit Account Resolution's for Accounts Payable and Payroll (2)
- Banner Placement, American Legion Riders, July 31 to August 17
- Banner Placement, Chamber of Commerce, July 27 to August 8, variance from two week display to three week display

Mary Lysy introduced new Library Director Barbara Wallace and explained the millage proposal that would be on the August ballot. Ms. Wallace gave a brief biography of herself. Greetings were shared.

Craig Miller arrived at 7:20 p.m. and recalled his shared discussion with City Manager Marx and estimated average of 25 youth at Kathryn Park during special projects (puzzles, coloring, etc.) for youth everyday (10 to noon) that began last week (July 6). Thursday August 27th will be last project date. He reported loss of State Farm Insurance grant due to submittal deadline, donations welcome through City, sale of t-shirts, and meetings are third Monday at Buchanan Redbud Center. Discussion was shared with Commission and Miller.

After deliberation, the Commissioner's committed to the various board representative assignments on City Committee's, Boards, Commissions.

After explanation from Marx, *Moore moved, seconded by Toerne to acknowledge the support of the Commission to continue submittal of a turn out gear grant for the Buchanan Fire Department to Gateway Foundation. Roll call vote carried unanimously.*

Call to Order  
Pledge  
Invocation

Roll Call

Consent Calendar

Agenda as amended

Minutes

Checks

Bank Resolutions

Banner Requests

Reports

District Library

Projects Leading to  
Amazing Youth  
(P.L.A.Y.)

New Business

Commission  
Assignments

Gateway Grant for  
Turn Out gear

Marx explained the  
proposal's

received from Bilmar Inc, Withrow Excavating & Construction, and Pelley Excavating for the demolition of 123 Days Avenue (former Neal’s Auto Parts store with the plan to extend the parking lot and also flood it in the winter for ice skating. **Moore moved, seconded by Toerne to approve the proposal to Bilmar, Inc. aka BG Green Construction, in the amount of \$20,000. as recommended by the City Manager. Voice vote carried by majority. YEA: Cole, Hess, Moore, Toerne. NAY: Vigansky**

**New Business**  
**continued**  
Demolition of 123 Days Avenue

Marx explained the previous discussion with Commissioner’s during budget meetings and Goal Session to refurbish the fire truck and the two estimates provided by Fire Chief Mike Adams. **Vigansky moved, seconded by Toerne to approve the estimate from Fire Services Inc. for the refurbishing the 1989 Spartan Engine Fire Truck in the amount of \$55,307.84. Roll call vote carried unanimously.** Marx confirmed to speak with Gateway for subsidized funding.

1989 Spartan Fire Truck  
Refurbishing

Marx explained the changes to the Labor Agreement between the AFSCME local 2757 Union. After shared discussion between Commissioner’s and Manager, **Moore moved, seconded by Vigansky to approve the three year Labor Agreement between Local 2757.11 AFSCME and the City of Buchanan. Roll call vote carried by majority. YEA: Cole, Hess, Moore, Toerne. NAY: Vigansky**

AFSCME Union Contract

City manager comments included the obstacles causing the delay of the exterior entrance of the bathrooms at Redbud City Center; but still hopeful for end of July completion date. He explained the slower progression on the Winery and Fitness Center Project’s due to MEDC freezing available funds. Patzer working on ordinances to allow the projects in the Brownfield.

**City Managers**  
**Comments**

Commissioner comments included thanks to Norma Ferris for caring for the planter at Ross Sanders house, commendation to the Garden Club for the Blue Star Memorial dedication, encouraged participation to Thursday Night Concerts and performances at the Tin Shop, Dog Committee doing bulb plant fundraiser, attendance to Representative Pagel’s Open House with answers to Manager Marx questions and discussion on the possible .34 cent gas tax increase vote in the house and senate (Megavote.org will provide how the legislators vote), thanks to Adam Parin and TJ Kancuzewski for sponsoring the last Saturday Concerts, thanks to Manager and staff for cleaning Bainton Mill and promptly putting out stop signs at intersections during power outages, and Pears Mill special events.

**Commissioners’**  
**Comments**

**Toerne moved, seconded by Hess to adjourn the meeting at 8:34 p.m. Voice vote carried unanimously**

**Adjourn**

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Gladys Bybee, City Clerk

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Carla M. Cole, Mayor

CITY OF BUCHANAN COMMISSION MINUTES

July 27, 2015

Call to Order  
Pledge  
Invocation

The regularly scheduled meeting of the City Commission was held at Buchanan City Hall, 302 N. Redbud Trail, Buchanan, Michigan Monday, July 27, 2015 and was called to order by Mayor Cole at 7:00 p.m.

The Pledge was recited by all. The Invocation was led by Pastor Nate Babcock.

Roll Call

Commissioners present: Carla Cole, Brenda Hess, Patricia Moore, Dale Toerne, Daniel Vigansky

Commissioners absent: None

Staff present: City Manager Bill Marx and Clerk Gladys Bybee

Guests/Visitors present: Joint Water Sewer Board Chairman Tom Gordon, along with 4 visitors

Public Comments

Resident Norma Ferris supported videotaping and airing the Southeast Berrien County Landfill meetings.

Consent Calendar

Agenda as amended

*Vigansky moved, seconded by Moore to amend the agenda to move item D. Approve Commissioner Representative Assignments on City Committee's, Boards, Commission's as listed under the Consent Calendar to Unfinished Business A. for discussion. Roll call vote carried unanimously. Moore moved, seconded by Vigansky to accept the Consent Calendar as amended. Roll call vote carried unanimously.*

Minutes

Checks

- Agenda as amended
- Minutes: Regular scheduled meeting, July 13, 2015
- Checks 70751 to 70849 in the amount of \$601,511.41

Reports

Joint Water Sewer Board

Board Chairman Tom Gordon summarized his written report regarding highlights for the past year, present and future with the water and sewer utility. He encouraged the Commission to support an asset management program for the utilities.

Unfinished

Business

Commissioner Representative Assignments

Commissioner Vigansky wanted to go on record that he was scorned for not spending time on Committee's and didn't believe elected officials needed to be on volunteer boards as he feels that is micro managing. Commissioner Moore and Toerne explained the importance for the Commission members to have Board/Committee Assignments.

New Business

Videotaping  
SEBCL Meetings

City Manager reported that the City is no longer providing the service or paying for the videotaping and airing the Southeast Berrien County Landfill meetings as the service is costly (\$165 a meeting). He explained the Landfill Board is talking about hiring someone to videotape their meetings and the Mayor confirmed that the SEBCL meetings are being audio recorded currently. *Moore moved, seconded by Toerne to rescind the motion from June 26, 2000 authorizing videotaping the Southeast Berrien County Landfill Meetings and airing same on Public Broadcasting Channel 17. Roll call vote carried by majority. YEA: Cole, Hess, Moore, Toerne. NAY: Vigansky. Moore moved, seconded by Hess that the City Landfill Representatives encourage the Southeast Berrien County Landfill Board to videotape their meetings. Roll call vote carried by majority. YEA: Cole, Hess, Moore, Toerne. NAY: Vigansky.*

After explanation from the City Manager and shared discussion with Commission, ***Toerne moved, seconded by Moore to accept the Bid Waiver, Sole Source and approve the City-Wide Computer Maintenance Contract with J.P. Gillen & Associates for three years in the amount of \$13,404 annually. Roll call vote carried unanimously.***

**New Business**  
**continued**  
Computer  
Maintenance  
Contract

**Public Comments**

Resident Norma Ferris asked if the City has a policy mandating that addresses be displayed on businesses and homes. Discussion was shared and Marx confirmed research would be done. Ashley Hanson is a coordinator at the schools and is an advocate for the P.L.A.Y. Summer Program that has been happening since June 30<sup>th</sup> with 650 visitors to date for the Kathryn Park program. Greetings and discussion were shared.

**City Managers**  
**Comments**

City Manager comments included thanks to Ashley and Dave and the PLAY Committee, thanks to Tom Gordon for the report, and AEP approved permit application for electric at the City Center. He asked the Clerk to give an update on the August 4 Election. Marx also reminded all that the Dial-a-Ride information was delivered as requested. He announced a tentative closing date (July 30) for the sale of the Third Street parcels with construction to begin directly thereafter; positive remarks received from State departments working with us on the projects.

**Commissioners'**  
**Comments**

Commissioner comments included thanks to the P.L.A.Y group and all the volunteers at Kathryn Park, thanks to all who worked on refurbishing the Guard Shack and all who participated in the Open House on Saturday, thanks to the Fireman for spraying the kids, thanks to all City workers for taking care of manicuring all the parks and the Garden Club will consider the sprinkling system in Gazebo Park, great turn out for Thursday night concerts at the Common, Fine Arts Council is looking for new Director's for performances at the Tin Shop, update from Representative Pagel that the State did not take a vote on the gas tax for the roads and Farmers Market Board is still looking for vendors.

Commissioner Vigansky asked that Dial-A-Ride be reviewed at the next meeting as it has been 10 years since a fee increase. Discussion was shared about rates. Vigansky and Cole agreed to have discussion and review of the fees for Buchanan Dial-A-Ride on the next agenda.

**Closed Session**

***Toerne moved, seconded by Moore to go into Closed Session at 8:18 p.m. to discuss the periodic personnel evaluation of the City Manager as requested [15.268 Sec. 8. (a)]. Roll call vote carried unanimously.***

The Mayor reconvened the meeting at 9:07 p.m. and announced all Commissioners came to the same conclusion that the City Manager has done a superb job in the past year.

**Adjourn**

***Toerne moved, seconded by Vigansky to adjourn the meeting at 9:08 p.m. Voice vote carried unanimously.***

CITY OF BUCHANAN COMMISSION MINUTES

August 10, 2015

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

The regularly scheduled meeting of the City Commission was held at Buchanan City Hall, 302 N. Redbud Trail, Buchanan, Michigan Monday, August 10, 2015 and was called to order by Mayor Cole at 7:00 p.m.

The Pledge was recited by all.

**Roll Call**

Commissioners present: Carla Cole, Brenda Hess, Patricia Moore, Dale Toerne, Daniel Vigansky

Commissioners absent: None

Staff present: City Manager Bill Marx, Assistant Police Chief Tim Ganus, Fire Chief Mike Adams, Fire Captain Tim Wesner, Fire Lieutenant Joe Scanlon and Clerk Gladys Bybee

Guests/Visitors present: BARB Representative Lanny Fisher and TMI President Kim O'Haver along with 7 visitors

**Consent Calendar**  
Agenda as amended

*Moore moved, seconded by Toerne to amend the Agenda to include D. Introduction of Ordinance 2015.09/ \_\_\_, Buildings and Building Regulations under the Consent Calendar and include C. Discussion of Buchanan Dial-A-Ride Charges and Fees under New Business. Roll call vote carried unanimously. Moore moved, seconded by Toerne to accept the Consent Calendar as amended. Roll call vote carried unanimously.*

Minutes

Checks

- Agenda as amended
- Minutes: Regular scheduled meeting, July 27, 2015
- Checks 70850 to 70954 in the amount of \$961,021.91
- Introduction of Ordinance 2015.09/ \_\_\_, Buildings and Building Regulations

Introduce  
Ordinance  
2015.09/ \_\_\_

Buchanan Area Recreation Board (BARB) member Lanny Fisher announced his ten year tenure and reported on the two (2) vacancies on the board, Buchanan Youth Softball Baseball Association (BYSBA), Friends of the Trail, Dog Park Committee, P.L.A.Y. Group and several parks in the City. There was discussion about utilizing/upgrading lighting and use of the baseball/softball fields with Commission and Fisher.

**Reports**

Buchanan Area  
Recreation Board  
(BARB)

Assistant Police Chief Tim Ganus reported on the festivities of National Night Out, thanked all that made it happen and commended the list of supporters that provided in one way or another.

National Night Out

Chief Adams praised the National Night Out event and summarized previous work on the fire engine and explained the previous bid. Captain Tim Wesner explained the mechanics (his career) of the engine repair. *Toerne moved, seconded by Vigansky to approve the additional motor/diesel engine repair of Fire Engine 4620 from Fire Services, Inc. in the amount of \$12,540.75. Roll call vote carried unanimously.* Chief Adams introduced Fire Lieutenant Joe Scanlon IV.

**Unfinished**

**Business**  
Motor/diesel  
engine repair of  
Fire Engine 4620

Marx explained we are a part of a Trail Town Project and have been asked to have a Trail Town Public Meeting. After deliberations, Commissioner's agreed to discussion at the regular meeting on October 12, 2015. Marx reported employee Jason Williams is the leader for the project.

**New Business**  
Trail Town Public  
Meeting

Marx announced Abilita is a company that wishes to analyze our telephone/telecommunication system and can possibly save us money and is supported and recommended by Michigan Municipal League (MML). After discussion with Commission and Manager, *Vigansky moved, seconded by Moore to approve the Master Service Agreement with Abilita to review our telecommunication system. Roll call vote carried unanimously.*

**New Business**  
**continued**  
Abilita Agreement, telephone/telecommunication system

Marx introduced Kim O’Haver who is the President of Transportation Management who manages Buchanan Dial-A-Ride. He explained the costs from the information page printed from the City website that was made available to Commissioner’s prior to the meeting. Adjustment to rates was done in 2006. Commissioners and O’Haver shared questions/answers. *Vigansky moved to review the fees in a year.* Questions continued. There was discussion about the possibility of combining transportation systems as previously discussed by Berrien County. *Motion failed for lack of a second. Moore moved, seconded by Toerne to have a comprehensive review of Dial-A-Ride including receipt of federal and state fund support in October 2015. Roll call vote carried unanimously.*

Buchanan Dial-A-Ride Charges and Fees

Resident Norma Ferris asked that the City talk with patrons of Dial-A-Ride before any decision of increasing fees was voted on.

**Public Comments**

City Manager comments included discussion with Police, Fire, Ambulance about house numbering (required by City Code) within the City and have reached out to Fire Chief Adams and Assistant Police Chief Ganus about a program to assist homeowners in facilitating numbering their home. He explained that the reconstruction on the Redbud City Center bathrooms has been delayed.

**City Managers Comments**

Commissioner comments included good play at the Tin Shop, this week is last Thursday night concert at the Common, good partnership with the Library for children’s programming, good turnout for communitywide garage sales and National Night Out, pitiful voter turnout for special election, Lowery’s grocery store expansion moving forward (Marx explained), update on Winery (Marx explained), no Farmers’ Market Board meeting and would like future discussion to increase the BARB budget.

**Commissioners’ Comments**

*Moore moved, seconded by Vigansky to go into Closed Session at 8:25 p.m. to review minutes from Closed Session to discuss the periodic personnel evaluation of the City Manager as requested [15.268 Sec. 8. (a)]. Roll call vote carried unanimously.*

**Closed Session**

*Moore moved, seconded by Torne to reconvene the meeting at 8:28 p.m. Moore moved, seconded by Toerne to approve the July 27, 2015 Closed Session minutes as reviewed in Closed Session. Voice vote carried unanimously*

July 27, 2015  
Closed Session  
Minutes

*Vigansky moved, seconded by Toerne to adjourn the meeting at 8:29 p.m. Voice vote carried unanimously.*

**Adjourn**

CITY OF BUCHANAN COMMISSION MINUTES

August 24, 2015

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

The regularly scheduled meeting of the City Commission was held at Buchanan City Hall, 302 N. Redbud Trail, Buchanan, Michigan Monday, August 24, 2015 and was called to order by Mayor Cole at 7:02 p.m.

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

Commissioners present: Carla Cole, Brenda Hess, Patricia Moore, Daniel Vigansky

Commissioners absent: Dale Toerne

Staff present: City Manager Bill Marx and Clerk Gladys Bybee

Guests/Visitors present: Chamber of Commerce Executive Director Randy Hendrixson, Southwestern Michigan Community Ambulance Service Executive Director Brian Scribner and BG Green Inc. owner Bill Green along with 4 visitors

**Roll Call**

**Consent Calendar**  
Agenda as amended

*Moore moved, seconded by Vigansky to approve the Consent Calendar with correction on the Agenda of VIII. New Business, F. Campbell Ford not ~~Signature Ford~~ as requested by the Clerk. Roll call vote carried unanimously.*

- Agenda as amended
- Minutes: Regular scheduled meeting, August 10, 2015
- Checks 70955 to 71080 in the amount of \$2,764,800.36
- Call Public Hearing for September 28, 2015 at 7:00 p.m. to hear public comments regarding proposed Downtown Development Authority Tax Increment Finance Plan (DDA TIFA)
- Call Public Hearing for September 14, 2015 at 7:00 p.m. The purpose is to invite and hear comments on AN ORDINANCE TO AMEND THE CITY OF BUCHANAN ZONING ORDINANCE AND ZONING MAP TO ESTABLISH THE THIRD STREET BROWNFIELD PLANNED UNIT DEVELOPMENT DISTRICT
- Appoint Ashley Hanson to the Buchanan Area Recreation Board (BARB) to fulfill an expired term through 2017 as recommended by the BARB
- Appoint Kevin Barker to the Planning Commission to fulfill an expired term through 2017 as recommended by the Planning Commission

Minutes

Checks

Call Public Hearing TIFA Amendment

Call Public Hearing PUD

BARB Appointment

Planning Commission Appointment

Chamber Director Hendrixson reported the mobile app is averaging 350 users with 50 new users each week since the original kick off. Eat, shop, events, and trail has been viewed in that order of preference. He further explained they are working on adding a Red Bud Track and Trail page, a basic Cemetery page and amenities along the McCoy Creek Trail. Marketing and promoting the mobile app was discussed between Commission and Hendrixson.

**Reports**  
Chamber of Commerce

SMCAS Director Scribner gave an update on the 2014-2015 Fiscal Year operations; purchase new ambulance, savings in payroll, updating website, blood pressure screenings at Senior Center, CPR videos available for anyone to review. Discussion was shared with Commission and Scribner. Vigansky wanted it on record that he was opposed to union double time as it causes low cash flow.

SMCAS

Marx explained our antiquated Building Code in detail and that our Building Inspector recommended the proposed Ordinance to Replace and Amend Chapter 14, Buildings

**Unfinished Business**  
Proposed Ordinance Discussion

and Building Regulations. Discussion was shared and noted the public hearing would be held at the next meeting.

After shared discussions, Monday August 31<sup>st</sup> at 7:00 p.m. was suggested to reschedule the date and time for Wastewater Treatment Plant Work Session that had to be cancelled Monday, August 17<sup>th</sup>.

Commissioner Hess presented a forty year plaque for the 40th anniversary of Buchanan's Dial-a-Ride from Michigan Department of Transportation that she accepted in Grand Rapids.

Marx explained the security measures of surveillance cameras and videotaping the new mural on McCoy’s Creek Trail. Hendrixson talked about the same need in other areas within the City and a network of surveillance throughout the city was discussed. Bill Green offered to invest in a security system. **Moore moved, seconded by Hess to authorize the City Manager to research more of a citywide security measure. Roll call vote carried unanimously.**

Scribner explained Bridge Funding due to the new medical billing issues that are expected to interrupt billing cash flow at SMCAS. He reported that SMCAS does not have a large reserve to cover the interruption (estimated \$200,000 total) and needs to be prepared. Marx recalled that the City of Buchanan and Niles had given a prepayment just a few months ago and this was the same. Marx noted that Niles City and Niles Township had agreed to such a prepayment. Commissioner Moore, as a medical professional, explained the billing process and need for reserve funds. **Moore moved, seconded by Vigansky to provide a prepayment of \$30,000 in anticipation of tax income to reimburse the City. Roll call vote carried unanimously.**

Marx invited Bill Green from BG Green, Inc. to explain his proposal (not to exceed \$15,000) to remediate the issues of Bainton Mill deck. Green explained the renderings for the project in detail (renderings placed at the Commissioners seats for review). Marx noted that the steel beams taken from the demolition of 123 Days Avenue could be used for reconstruction of Bainton Mill. **Moore moved, seconded by Hess to approve the repairs at Bainton Mill not to exceed \$15,000. to BG Green. Roll call vote carried by majority. YEA: Cole, Hess, Moore. NAY: Vigansky**

Marx recalled the past Communitywide Garage Sales (June and August) and recommended that the Commission amend the garage sale contribution of \$500 to the Chamber of Commerce to the actual amount collected in permit fees up to \$500. Moore would like an agreement to give them \$500 to work and make sure the map is on the mobile app both times. **Moore moved, seconded by Hess to remit to the Chamber up to \$500. with an expectation that the sales map are on the mobile app for the August Community wide Garage Sales in conjunction with the U.S. 12 Garage Sales. Roll call vote carried by majority. YEA: Cole, Hess, Moore. NAY: Vigansky.**

Marx reported the two 1997 pick-up trucks that do not run anymore and the third truck that needs excessive repairs (all in parking lot) that should be scrapped. Campbell Ford is \$500 less than State bid prices. After discussion of age and condition,

**Unfinished Business continued**

Work Session

**New Business**  
40 Years of Dial-A-Ride

Citywide Security Surveillance Directive

SMCAS Prepayment of \$30,000.

Bainton Mill Repair Proposal

Chamber of Commerce August Garage Sale’s

Two 2016 Ford Pickups Purchase

*Vigansky moved, seconded by Moore to purchase of two 2016 F250 4x4 Pickup from Campbell Ford and a snow Western MVP3 Snow Plow for the sum of \$54,073.00 to replace the present vehicle's that are no longer operable. Roll call vote carried unanimously.*

City Manager comments included September 11 Patriot Day, week two of the Audit, many City and private projects moving forward and unfortunate event (break-in) at middle school.

**City Managers  
Comments**

Commissioner comments included thanks to Hess for going to Grand Rapids, fantastic time to be on City Commission, excited about future, Dearborn voted in sharia law, wish the public paid more attention to what is going on around them and Buchanan has become a happening town and exciting future.

**Commissioners'  
Comments**

*Vigansky moved, seconded by Moore to adjourn the meeting at 8:42 p.m. Voice vote carried unanimously.*

**Adjourn**

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Gladys Bybee, City Clerk

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Carla M. Cole, Mayor

CITY OF BUCHANAN COMMISSION MINUTES

September 14, 2015

Public Hearing

**The Mayor called the Public Hearing to order** at 7:00 p.m. and invited public comments on an Ordinance to Replace and Amend the City of Buchanan, Michigan Code of Ordinances; to replace Chapter 14, “Buildings and Building Regulations”, Article II, Construction Code, Division 2 Building Code Section 14-36, Section 14-38 and Section 14-39; and to Designate an Enforcing Agency to Discharge the Responsibility of the City of Buchanan Under the Provisions of the Tille-Derossett Hale Single State Construction Code Act, 1972 PA 230. Being no public or written comments, the Mayor adjourned the Hearing at 7:02 p.m.

Public Hearing

**The Mayor called the Public Hearing to order** at 7:02 p.m. and invited public comments on an Ordinance to Amend the City of Buchanan Zoning Ordinance and Zoning Map to Establish the Third Street Brownfield Planned Unit Development District. Being no public or written comments, the Mayor adjourned the Hearing at 7:03 p.m.

Call to Order  
Pledge  
Invocation

**The regularly scheduled meeting of the City Commission** was held at Buchanan City Hall, 302 N. Redbud Trail, Buchanan, Michigan Monday, September 14, 2015 and was called to order by Mayor Cole at 7:03 p.m.

Roll Call

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

Commissioners present: Carla Cole, Brenda Hess, Patricia Moore, Dale Toerne, Daniel Vigansky

Commissioners absent: none

Staff present: City Manager Bill Marx, Zoning Administrator Debra Patzer and Clerk Gladys Bybee

Guests/Visitors present: City Attorney Randy Hyrns, Prien & Newhoff Engineer Dan Lewis, Wightman and Associates Representative Chris Brayak, Attorney Bob Landgraff along with 28 visitors

Public Comments  
Agenda Items

Landgraff, representing Hollander from Metea Court announced his client is available if there are any questions on the Uptown Neighborhood Revitalization Plan later in the meeting. Pastor Mitchell publicly thanked all that assisted with the 9-1-1 Program.

Consent Calendar  
Agenda as amended

*Vigansky moved, seconded by Moore to amend the Agenda as requested to include check number 71192 in the amount of \$2,400.; add C. Fine Arts Council under Reports; and correct the Closed Session to be letter (h) To consider material exempt from discussion or disclosure by state or federal statute. Roll call vote carried unanimously. Vigansky moved, seconded by Toerne to approve the Consent Calendar as amended. Roll call vote carried unanimously.*

Minutes  
Checks as amended  
Excuse  
Commissioner  
Toerne

- Agenda as amended
- Minutes: Regular scheduled meeting August 24, 2015; Special meeting August 31, 2015; Work Session Summary August 31, 2015
- Checks 71081 to 71192 in the amount of \$240,606.35 as amended
- Excuse Commissioner Dale Toerne from August 24, 2015 City Commission Meeting as he gave notice that he would be out of town
- Addendum 2 Notice of Meetings for the City of Buchanan City Boards
- Policy G2015-09-27, Public Inspection and Copying of Assessing Records

Addendum to  
Meetings  
  
Policy G2015-09-27

- Annual  
Data  
Processing  
2 Year

Contract for Information Systems with Berrien County

- Discharge of Mortgage for 117 W Front St., Buchanan Art Center
- Banner Placement, Chamber of Commerce Harvest Buchanan Festival
- Street Closure’s; Front St., Days Ave., Dewey St., for Harvest Buchanan
- Authorizing Signatory Resolution 2015.09/128 for the City Manager and City Clerk to sign the closing documents for the 500 E Third Street property to the Green’s
- Introduce Ordinance 2015.09/\_\_\_ and Call Public Hearing for Monday September 28, 2015 at 7:00 p.m. to provide for a service charge in lieu of taxes for a housing project for low income elderly persons to be financed with a federally - aided Mortgage Loan pursuant to the provisions of the State Housing Development Authority Act of 1966 (1966 PA 346, as amended; MCL 125.1401, et seq.) (the “Act”). This Ordinance shall be known and cited as the “City of Buchanan Tax Exemption Ordinance - Metea Court Senior Apartments.”
- Banner Placement, Friends of the Trail, McCoy Creek Trail 5K Walk
- Resolution for Constitution Week, September 17-23, 2015

- Discharge of Mortgage
- Banner Placement
- Street Closure’s
- Authorizing Resolution
- Ordinance Introduction
- Banner Placement Constitution Week Resolution

**Reports**

Scare Crow Charities

Scare Crow Charities President Terri Flint formally requested permission to hang scarecrows on public property and announced they will be removing them on or about Halloween and would like to display four or five carolers at the gazebo on the corner of Front Street and Oak Street. After shared discussion between Commission, Marx and Flint, *Vigansky moved, seconded by Moore for the Scarecrow Charities to contact the City Manager ten days prior to display of Scarecrows and not have to come before the City Commission for approval. Roll call vote carried unanimously.* Greetings were shared.

Assessor Department

Gordon Schreiber, Director of Berrien County Equalization Department who is our third party administrator for Buchanan Assessor Department summarized his written report while all reviewed.

Fine Arts Council

Fine Arts Council President Samantha Blevins reported this is the first year for year round performances due to the City insulating and installing new heater/air conditioner. She announced future activities, upcoming performances and completion of 2016 itinerary.

**Unfinished Business**

SAW Grant Asset Management Option, Grant Match

Lewis distributed a summary of the four options that were needed to amend the SAW Grant. He recalled the process of submitting the grant in 2013 and the City will receive letter of award on October 1, 2015. He explained the four options and that an Asset Management Plan had to be developed and submitted per the State. He explained the changes to the City Grant Agreement. Questions were answered and discussion shared. Lewis replied that this grant would locate, clean, and video the sewers within the City (infrastructure). Marx recalled the work session that was held in August and current equipment purchases. *Moore moved, seconded by Toerne to approve Option 4.* After further discussion, *Moore moved, seconded by Toerne to withdraw the original motion. Roll call vote carried unanimously. Vigansky moved, seconded by Moore to approve Option 3 with the City match of \$166,772. Roll call vote carried unanimously.*

Patzer explained that because of the Trail Mural Project an amendment was necessary to the

**Consent Calendar continued**

Data Processing Contract

**Michigan Natural Resources Trust Fund (MNRTF) Project Grant. Toerne moved, seconded by Vigansky to approve the RESOLUTION TO APPROVE AMENDMENT NO.1 TO MICHIGAN NATURAL RESOURCES TRUST FUND DEVELOPMENT PROJECT AGREEMENT TF 11-039**

**WHEREAS**, in August, 2012, the City of Buchanan entered into an Agreement with the Michigan Department of Natural Resources to accept a MNRTF Project Development Grant in the amount of \$288,000 to make improvements to and extend McCoy Creek Trail. The period of the Agreement was from August 2012 until August 2014; and

**WHEREAS**, the Trail Committee added an additional project, a historic mural, to the grant’s scope of work which additional project was approved by the DNR; and

**WHEREAS**, the Trail Committee was unable to complete the project due to inclement weather, and an extension of the Grant Agreement is necessary to allow the completion of the mural; Andrew’s Farm Industrial Park to Racine Enterprises, LLC;

**NOW, THEREFORE, BE IT RESOLVED** that the City of Buchanan hereby approves Amendment No. 1 to the MNTRF Project Agreement extending the period of the Grant Agreement until December 31, 2015.

**Resolution 2015.09/129 declared adopted. Roll call vote carried unanimously.**

**Vigansky moved, seconded by Toerne to approve the ordinance to Replace and Amend the City of Buchanan, Michigan Code of Ordinances; to replace Chapter 14, “Buildings and Building Regulations”, Article II, Construction Code, Division 2 Building Code Section 14-36, Section 14-38 and Section 14-39; and to Designate an Enforcing Agency to Discharge the Responsibility of the City of Buchanan Under the Provisions of the Tille-Derossett Hale Single State Construction Code Act, 1972 PA 230**

**THE CITY OF BUCHANAN DOES ORDAIN:**

**Section 14-36. Code Adopted repealed and replaced with the following:**

ENFORCING AGENCY DESIGNATED. Pursuant to Section 8b(6) of The Stille-DeRossett Hale Single State Construction Code Act, 1972 PA 230, MCL 125.1508b(6), City of Buchanan hereby elects to administer and enforce the 1972 PA 230 and the Michigan Building Code. The City of Buchanan shall also administer and enforce the respective provisions of the Michigan Residential, Rehabilitation, and Uniform Energy Codes and all applicable laws and ordinances. A government official registered in accordance with 1986 PA 54 shall be appointed to receive all fees, issue permits, plan reviews, notices, orders, and certificates of use and occupancy. All personnel performing plan reviews and inspections shall be registered in accordance with 1986 PA 54.

Section 1.

**Section 14-38. Amendments to code appended to read:**

(a) The City reserves the right to set building permit fees by resolution of the city commission. Such fees shall be available for inspection and distribution in the office of the city clerk.

**Section 14-39. Notice of Location of uniform publications appended to read:**

(a) Printed copies of the Michigan Building Code, Residential, Rehabilitation and Uniform Energy Codes shall be kept in the office of the city clerk and shall be available for inspection by the public at all times.

Section 2. REPEALS. All ordinances inconsistent with the provisions of this ordinance are hereby repealed.

Introduced and Filed on the 10th day of August, 2015 and effective fifteen (15) days after the date of adoption and publication as required by Section 7.4 of the City Charter.

**Ordinance 2015.09/393 declared adopted. Roll call vote carried unanimously.**

After explanation from Patzer and affirmation that the Ordinance was reviewed and approved by the Planning Commission, **Moore moved, seconded by Toerne to approve the Ordinance to Amend the City of Buchanan Zoning Ordinance and Zoning Map to Establish the Third Street Brownfield Planned Unit Development District as presented. Ordinance 2015.09/394 declared adopted and made a part of this record. Roll call vote carried unanimously.**

After brief discussion, **Vigansky moved, seconded by Toerne to schedule Saturday October 31st from 6:00 p.m. to 7:30 p.m. for Buchanan Trick-or-Treat. Roll call vote carried unanimously.**

**Unfinished Business continued**

Resolution  
2015.09/129,  
Amendment to  
MNRTF Grant

Ordinance  
2015.09/393,  
Chapter 14  
Buildings and  
Building  
Regulations

Zoning Ordinance  
2015.09/394, Third  
Street Brownfield  
Planned Unit  
Development  
District

**New Business**  
Trick-or-Treat

Patzer introduced  
Chris Brayak from  
Wightman and  
Associates and  
explained the

“Park”ing Day Program scheduled for September 18, 2015 from 3:00 p.m. to 6:00 p.m. Brayak explained in more detail that they would be asking pedestrians what they liked about Buchanan and requested two parking spaces. **Toerne moved, seconded by Moore to approve the use of two parking spaces on E Front Street in front of the District Library. Roll call vote carried unanimously.**

Patzer explained the Uptown Neighborhood Revitalization Plan that explains the existing conditions and assessment; vision and recommendations; and implementation strategies needed by Metea Court for future upgrades and the favorable recommendation from the Buchanan Planning Commission. **Moore moved, seconded by Toerne to approve the Uptown Neighborhood Revitalization Sub Plan as presented. Roll call vote carried unanimously.**

Patzer explained in detail the Grant of Easement (including map) at 204 N Redbud Trail to Lehman’s Orchard. After shared discussion, **Toerne moved, seconded by Hess to approve the Grant of Easement as presented. Roll call vote carried unanimously.**

Marx explained and distribution of a product brochure; six to eight year life, occurring the last week of September, four to five hour curing time, and fund availability. **Hess moved, seconded by Toerne to approve the Slurry Seal Quote from Pavement Solutions, Inc. in the amount of \$62,786.25. Roll call vote carried unanimously.**

City Manager comments included he was very excited about closing on the sale of the two properties, thanks for the scarecrow charities and others for staying through the long meeting, progressing on the bathrooms at the Redbud Center and open as soon as possible, receipt of \$1,000 from AEP for Thrill on the Hill and AEP will supply the pictures at the Holiday Tree Lighting.

Commissioner comments included congratulations to the Scarecrow Charities and thanks for staying through end of meeting, reminder of upcoming play, Farmers’ Market, the beauty of the 9-1-1 Ceremony and thanks to Pastor Mitchell for arranging, pleased with the construction of the public restrooms, McCoy Trail 5K walk/run upcoming, and explanation/status of the State gas tax from Representative Dave Pagel that has not been finalized as they are at a stalemate (Toerne read Pagel’s response to his inquiry). The Mayor read the Resolution for Constitution Week.

**Toerne moved seconded by Moore to go into closed session under 15.268 Closed sessions; permissible purposes. Section 8. (h) To consider material exempt from discussion or disclosure by state or federal statute, to wit an attorney opinion letter dated September 11th, 2015 at 9:05 p.m. Voice vote carried unanimously.**

The Mayor reconvened the meeting at 9:23 p.m.

**Toerne moved, seconded by Vigansky to adjourn the meeting at 9:23 p.m. Voice vote carried unanimously.**

\_\_\_\_\_  
Gladys Bybee, City Clerk

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

**New Business continued**

“Park”ing Day

Uptown  
Neighborhood  
Revitalization Plan

Grant of Easement,  
204 N Redbud  
Trail to Lehman’s  
Orchard

Slurry Seal Quote  
for multiple streets  
and public places

**City Managers  
Comments**

**Commissioners’  
Comments**

**Closed Session**

**Adjourn**

CITY OF BUCHANAN COMMISSION MINUTES  
September 28, 2015

**Public Hearing**

**The Mayor called the Public Hearing to order** at 7:00 p.m. and invited public comments on the Ordinance to provide for a service charge in lieu of taxes for a housing project for low income elders to be financed with a federally – aided Mortgage Loan pursuant to the provisions of the State Housing Development Authority Act of 1966 (1966 PA 346, as amended; MCL 125.1401, et seq.) (the “Act”) This Ordinance shall be known and cited as the “City of Buchanan Tax Exemption Ordinance – Metea Court Senior Apartments.” Joe Hollander, owner of Metea Court introduced himself and explained the process of the renovations that are going to take place. Gratitude was shared by Marx and Cole. Norma Ferris questioned the bus stop that is being put in at the front of Metea Court and is asking if Dial – A – Ride is being taken away? After explanation from Marx that this will not take away Dial – A – Ride, Cole questioned if heated sidewalks would be in place. Hollander elaborated on the expense of heated sidewalks and this is not permissible at this time. The Mayor closed the Hearing at 7:15 p.m.

**Public Hearing**

**The Mayor called the Public Hearing to order** at 7:15 p.m. and invited public comments on the proposed Downtown Development Authority (DDA) Tax Increment Finance Plan (DDA TIFA) 2015 Amendment. Patzer explained the steps to amend the TIF. Moore gave input about DDA not moving further into the Main Street Program. Vigansky questioned what the DDA consist of? Patzer explained the DDA district. The Library is not part of the DDA District. Alan Robandt gave his reasons on why he felt this TIF should not be passed. Sherry Daniels Chairwomen of the DDA gave her thoughts on the TIF Amendment. The Mayor closed the Hearing at 7:31 p.m.

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

**The regularly scheduled meeting of the City Commission** was held at Buchanan City Hall, 302 N. Redbud Trail, Buchanan, Michigan Monday September 28, 2015 and was called to order by Mayor Cole at 7:31p.m.  
The Pledge was recited by all. Pastor Nate Babcock led in the Invocation.

**Roll Call**

Commissioners present: Carla Cole, Patricia Moore, Dale Toerne, Brenda Hess, Daniel Vigansky

Commissioners absent: None

Staff present: City Manager Bill Marx, Zoning Administrator Debra Patzer, Treasurer Juli O’Bryant, Administrative Secretary Mandi Schanick, City Attorney Randy Hyrns

Guests/Visitors present: Sherry Daniels, Dan Lewis, Robert Landgraf, Joe Hollander, Allan Robandt, Bill Cameron and 2 others

**Consent Calendar**

Agenda as amended

Minutes

Checks

***Moore moved, seconded by Toerne to amend the agenda to include item D under Unfinished Business to Approve Emergency Service Agreement between City of Buchanan and Metea Court limited. Also to include A under New Business to consider approving placement of a little free library at Clark Park. Roll call vote carried unanimously. Moore moved, seconded by Toerne to approve the Consent Calendar as amended. Roll call vote carried unanimously.***

- Agenda as amended
- Minutes: Regular scheduled meeting, September 14, 2015
- Checks 71193 to 71305 in the amount of \$76,993.76

- Approve Crossing Guard

- Approve Street Closure request; McCoy’s Creek Trail 5K Run & Walk, multiple streets listed

Street Closure

**Unfinished Business**

City of Buchanan  
Tax Exemption  
Ordinance – Metea  
Court Senior  
Apartments

Tax Increment  
Financing and  
Development Plan

Agreement between  
Prein and Newhof  
and the City for the  
SAW grant

Emergency Service  
Agreement between  
City of Buchanan  
and Metea Court

Placement of Little  
Free Library

**Public Comments**

**City Manager’s Comments**

Commissioner  
Comments  
included Tin Shop

*Toerne moved, seconded by Moore to approve Ordinance 2015.09/395, An Ordinance to provide for a service charge in lieu of taxes for a housing project for low income elderly persons to be financed with a federally – aided Mortgage Loan pursuant to the provisions of the State Housing Development Authority Act of 1966 (1966 PA 346, as amended; MCL 125.1401, et seq.) (the “Act”). This Ordinance shall be known and cited as “City of Buchanan Tax Exemption Ordinance – Metea Court Senior Apartments.” Roll call vote carried by Majority. YEA: Toerne, Moore, Cole, Hess. Abstain: Vigansky. Ordinance 2015.09/395 declared adopted.*

*Moore moved, seconded by Toerne to approve Ordinance 2015.09/396, An Ordinance to amend the Tax Increment Financing (TIF) and Development Plan of 2007 for the City of Buchanan Downtown Development Authority (DDA). Roll call vote carried unanimously. Ordinance 2015.09/396 declared adopted.*

Marx made discussion on grant approved. Dan Lewis on behalf of Prein and Newhof was present at the meeting for any questions. After discussion between Lewis and Vigansky, *Moore moved, seconded by Toerne to approve the Agreement between Prein and Newhof and the City for the administration of the SAW grant. Roll call vote carried unanimously.*

*Toerne moved, seconded by Hess to approve Emergency Service Agreement between City of Buchanan and Metea Court Limited. Roll call vote carried by Majority. YEA: Cole, More, Toerne, Hess. Abstain: Vigansky.*

Discussion took place between Commissioners regarding the Little Free Library. Hess expressed her love for the idea and put this box together herself. *Hess moved, Seconded by Moore to approve placement of a little free library at Clark Park. Roll call voted carried unanimously.*

Patzer invited the Commissioners to the Historic Marker Dedication on October 10<sup>th</sup>. Dedication will be downtown at the entrance of Mill Alley.

Robandt explained MDOT marker program.

Marx gave a word in favor of the closing of the brownfields last week. Recognized Patzer and Enright for all the hard work done. Discussion made on the hard work put out to finalize the Redbud City Center toilet rooms. Marx proposed the next scheduled Commission Meeting to be held at the Redbud City Center to invite the Commissioners to see the hard work completed. Discussion was made regarding the petition of interest for property next to Stark Funeral Home. Marx announced the upcoming events of Harvest Fest for October 10, 2015 including a 5K race/walk and breakfast.

Crossing Guard Agreement

having a night at Wheatberry where 15% of orders will be contributed back to Tin Shop October 6<sup>th</sup> 4-10p.m., Great plays coming up at the Tin Shop, Alpha One river walk in Mishawaka October 4<sup>th</sup>, Updates on gas tax, email read from Legislative of Director Ben Eikey, Reminder for 3<sup>rd</sup> Annual McCoy Creek Trail 5K Saturday, October 10<sup>th</sup>, reminder for the teen dance October 9<sup>th</sup>, Invitation to Harvest Fest.

**Closed Session**

Mayor Cole went into closed session at 8:14 p.m. to review the minutes from September 14, 2015 Closed Session for 15.268 Closed sessions; permissible purposes. Section 8. (e) To consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation

- A. Consider September 14, 2015 Closed Session Minutes

Mayor Cole reconvened the City Commission meeting at 8:15 p.m.

**Adjourn**

*Vigansky moved, seconded by Toerne to adjourn the meeting at 8:15 p.m. Voice vote carried unanimously.*

\_\_\_\_\_  
Mandi Schanick, Administrative Secretary

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

CITY OF BUCHANAN COMMISSION MINUTES

October 12, 2015

The regularly scheduled meeting of the City Commission was held at Buchanan City Hall, 302 N. Redbud Trail, Buchanan, Michigan Monday, October 12, 2015 and was called to order by Mayor Cole at 7:00 p.m.

The Pledge was recited by all. Father Richard Altine gave the Invocation.

Commissioners present: Carla Cole, Brenda Hess, Patricia Moore, Dale Toerne, Daniel Vigansky

Commissioners absent: none

Staff present: City Manager Bill Marx and Clerk Gladys Bybee

Guests/Visitors present: Dennis Schuh, Berrien County Community Development, Attorney Robert Landgraff; Marcy Colclough, Southwest Michigan Planning Commission (swmpc); Harry Burkholder, LIAA; and Cindy Burkhour, Access Recreation Group, LLC along with 13 visitors

***Moore moved, seconded by Toerne to amend the Agenda as requested to include D. Approve description of the two dodge pickups that were approved for scrap on August 24, 2015 at the regular City Commission meeting should be corrected to 2001 model years and not 1997 under the Consent Calendar. Roll call vote carried unanimously. Moore moved, seconded by Toerne to approve the Consent Calendar as amended. Roll call vote carried unanimously.***

- Agenda as amended
- Minutes: Regular scheduled meeting, September 28, 2015
- Checks 71306 to 71391 in the amount of \$244,182.18
- Description of the two dodge pickups that were approved for scrap on August 24, 2015 at the regular City Commission meeting should be corrected to 2001 model years and not 1997

Masonic Lodge Member John Rosetto explained the mission of the Masonic Lodge and the support the Mason's provide in the community.

Marx explained the Development Agreement for Low and Moderate income Senior Housing with Metea Court that has been signed by Mr. Hollander and the clerk has confirmed that the documents provided by Attorney Landgraff, Legal Counsel for Metea Court are the same as what was delivered in the Commissioner's packets on 10-09-15. ***Moore moved, seconded by Toerne to approve the Development Agreement for Low and Moderate Income Senior Housing between the City of Buchanan and Hollander Development Corporation and Metea Court Limited Dividend Housing Association Limited Partnership. Roll call vote carried by majority. YEA: Cole, Hess, Moore, Toerne. ABSTAIN: Vigansky as his wife works at Metea Court.***

Schuh summarized that Berrien County has administered the Buchanan Dial-A-Ride for 2 ½ years and this agreement is an extension of the previous agreement. He also summarized the forthcoming steps with the State approving the agreement and forthcoming State assistance. Discussion was shared along with questions and answers. Vigansky wanted it on record that he wants the State to be fined for being late on the paperwork. ***Moore moved, seconded by Hess to approve FY 2016 Transit Operating Agreement between the City of Buchanan and Berrien County to administer Buchanan Dial-A-Ride. Roll call vote carried unanimously.***

Call to Order  
Pledge  
Invocation

Roll Call

Consent Calendar  
Agenda as amended

Minutes

Checks

08-24-15 Minute  
Clarification

Reports  
Masonic Lodge

Unfinished  
Business  
Development  
Agreement for  
Low and Moderate  
Income Senior  
Housing

Transit Operating  
Agreement  
between the City  
of Buchanan and  
Berrien County to  
administer  
Buchanan Dial-A-  
Ride

Marcy Colclough, SWMPC introduced the Trail Town Project Initiative that Buchanan is one of ten projects in Michigan Communities chosen to participate. She introduced Harry Burkholder, LIAA Executive Director out of Traverse City. Burkholder summarized a power point presentation; Trail Towns, Using Trail Systems to leverage place, Tourism, and Economic Development. He explained what a Trail Town is. He introduced Cindy Burkhour from Access Recreation Group, LLC. She talked about accessible hiking trails including water trails for kayaking/canoeing; inclusive universal design (she confirmed that the City would have access to the power point presentation). Marcy announced that the group would be meeting at City Hall in the morning to review the areas along the river and spoke with the Friends of McCoy's Creek Trail that was in attendance. The report on the project would be available by the end of the year. All shared discussion.

City Manager comments included great weekend for Harvest Fest, little library and historical marker dedication, 116 walkers at 5K, 200 kids at teen dance, 124 at pancake breakfast, no issues anywhere for Harvest Fest; bathrooms were open at Redbud City Center.

**City Managers  
Comments**

Commissioner comments included thanks to all for supporting Little Free Library, enjoyable Harvest Festival, asked about road repaving, putting our Commission meetings on u-tube, proud to be at Marker Dedication at Mill Alley and at Ryman home, continue working on mobile app, proud the City is moving forward quickly, and thanks to the tremendous amount of volunteers.

**Commissioners'  
Comments**

***Moore moved, seconded by Toerne to go into closed session to review closed session minutes from September 14, 2015 at 8:48 p.m. Voice vote carried unanimously.***

**Closed Session**

The Mayor reconvened the meeting at 8:51 p.m.

***Moore moved, seconded by Toerne to approve September 14, 2015 minutes as reviewed in closed session. Voice vote carried unanimously.***

***Moore moved, seconded by Vigansky to adjourn the meeting at 8:53 p.m. Voice vote carried unanimously.***

**Adjourn**

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Gladys Bybee, City Clerk

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Carla M. Cole, Mayor

CITY OF BUCHANAN COMMISSION MINUTES

October 26, 2015

The regularly scheduled meeting of the City Commission was held at Redbud City Center, 131 S. Oak Street, Buchanan, Michigan Monday, October 26, 2015 and was called to order by Mayor Cole at 7:00 p.m.

The Pledge was recited by all. Pastor Edwin Brinklow gave the Invocation.

Commissioners present: Carla Cole, Brenda Hess, Patricia Moore, Dale Toerne, Daniel Vigansky

Commissioners absent: none

Staff present: City Manager Bill Marx and Clerk Gladys Bybee

Guests/Visitors present: Chamber of Commerce Director Randy Hendrixson and Fire Chief Mike Adams along with 2 visitors

Hendrixson presented the Mayor with a check in the amount of \$1,000. for Thrill on the Hill on behalf of American Electric Power (AEP).

*Vigansky moved, seconded by Toerne to remove item F. Resolution 2015.10/\_\_\_, Redbud City Center Rental Fees from the Consent Calendar and include it as item D. under New Business. Roll call vote carried unanimously. Toerne moved, seconded by Hess to approve the Consent Calendar as amended. Roll call vote carried unanimously.*

- Agenda as amended
- Minutes: Regular scheduled meeting, October 12, 2015
- Checks 71392 to 71481 in the amount of \$144,042.09
- Delinquent Township Billings-Certify to Winter 2015 Tax Roll
- Declare Police Department Surplus Property, 2000 Chevrolet Impala, VIN 2G1WF55K6Y9297821

Fire Chief Mike Adams built in two year review process and explained the two new Standard Operating Guidelines (SOG) and two amendments to the existing guidelines. Adams answered questions from Commission.

1. SOG 1.13 Dress uniform policy (new)
2. SOG 3.4.1 Fire Investigations (new)
3. SOG 3.1 Personal and Emergency Vehicle Driving (amendment)
4. SOG 3.8 Use of Gas Monitors (amendment)

*Moore moved, seconded by Toerne to approval all four SOG's as presented. Roll call vote carried unanimously.*

After Marx explained the purchase and change in amount he confirmed that City Staff would provide the construction. *Vigansky moved, seconded by Moore to approve the purchase of swing sets for Kathryn Park in the amount of \$1,347.18 from School Outfitters recommended by the Buchanan Area Recreation Board (BARB). Roll call vote carried unanimously.*

Marx reported on the request from Buchanan Youth Softball Baseball Association (BYSBA) to install a new electrical meter and water at Smith Park with BYSBA doing the work and the City paying the nominal fees. He explained they also want to use one of the City shanties for a concession stand at their responsibility. Discussions,

Call to Order  
Pledge  
Invocation

Roll Call

Public Comments

Consent Calendar  
Agenda as amended

Minutes

Checks

Delinquent

Township Billings

Surplus Property

New Business  
Fire Department  
Standard  
Operating  
Guidelines

Kathryn Park  
Swing set

Electric and water  
to Smith Park  
Softball Fields

including questions were shared. **Moore moved, seconded by Vigansky to authorize BYSBA to have an electric meter installed at Smith Park and install water service to the softball fields to allow watering during the playing season. Roll call vote carried unanimously.**

Electric and water to Smith Park Softball Fields

Resolution 2015.10/130, Redbud City Center Rental Fees

Marx invited all to view the new bathrooms installed at the Redbud City Center and explained the construction to create exterior access at a total cost of \$50,800.00. Marx also announced the annual rental usage and revenues from 2014 (\$1,750) and 2015 (\$1,700). After deliberation, **Toerne moved, seconded by Hess to approve the resolution as discussed. Redbud City Center Rental fees**

**WHEREAS**, the City Manager has reviewed the fees for rental of the Redbud City Center and has determined an increase is necessary; and

**WHEREAS**, the new fees shall be reviewed in one year; and

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

**NOW THEREFORE, BE IT RESOLVED THAT** City Residents shall pay a rental fee of \$100.00 with \$50.00 being refunded if the building is left clean and Non-Residents shall pay a rental fee of \$150.00 with \$50.00 being refunded if the building is left clean for the Redbud City Center, 131 S Oak Street.

**Roll call vote carried by majority. YEA: Cole, Hess, Moore, Toerne. NAY: Vigansky. Resolution 2015.10/130 declared adopted**

**City Managers Comments**

City Manager comments included an estimated 110 volunteers for Make a Difference Day, bathrooms complete at Redbud Center, 84,000 pounds of concrete poured for the roof on Bainton mill for an observation deck, electric installed by the mural and cameras being placed (thanks to Randy Hendrixson and Phil Place for the installation), City Hall parking lot and roadwork slurry mix complete with a five year warranty, Halloween festivities, and leaf collection begins today with bags ceased.

**Commissioners' Comments**

Commissioner comments included thanks to Michigan Gateway Community Foundations for monetary assistance to the Fire Department, congratulations to the Preservation Society new board members, last opportunity to see Tin Shop Theatre performance, vandalism in parking lots, pleased with new construction in the City, elected officials trying to make things better and the "Public Interest Legal Foundation" creates work for the government and is not a public service, Kuddos to the City crews on bathrooms, watch out for kids on Halloween, and thanks to Preservation Society knowledge and encouraged membership.

**Adjourn**

**Vigansky moved, seconded by Toerne to adjourn the meeting at 8:06 p.m. Voice vote carried unanimously.**

\_\_\_\_\_  
Gladys Bybee, City Clerk

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

CITY OF BUCHANAN COMMISSION MINUTES

November 9, 2015

The regularly scheduled meeting of the City Commission was held at City Hall, 302 N. Redbud Trail, Buchanan, Michigan Monday, November 9, 2015 and was called to order by Mayor Cole at 7:00 p.m.

The Pledge was recited by all. Pastor Daniel Barz gave the Invocation.

Commissioners present: Carla Cole, Brenda Hess, Patricia Moore, Dale Toerne

Commissioners absent: Daniel Vigansky

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

Guests/Visitors present: Plante Moran Auditor Kenley Penner along with 5 visitors

Resident Norma Ferris asked for more explanation on items C. & D. under New Business.

*Moore moved, seconded by Toerne to approve the Consent Calendar with the typographical errors to the years of the Annual Audit under New Business being 2014-2015. Roll call vote carried unanimously.*

- Agenda as corrected
- Minutes: Regular scheduled meeting, October 26, 2015
- Checks 71482 to 71552 in the amount of \$161,768.94
- Introduce Ordinance 2015.11/\_\_\_\_, An Ordinance to amend the City of Buchanan Michigan Code of Ordinances Chapter 2, Administration Article IV. Finance, Division 2. Purchasing
- Banner Placement Request; Wesner Automotive Annual Toy Drive

Treasurer O'Bryant reported on winter tax bills due in February with an extra day as it is a leap year and tax bill will have newsletter on the reverse. She further announced one summer bill and one winter bill, cannot be combined; urged all to become a friend on facebook City of Buchanan and Thrill on the Hill, over 3,000 friends for City and 1,700 for Thrill; accept debit, credit cards and automatic pay to pay utility bills; working on Holiday Lighting, thanks to Civitan Club assistance since 1999; and 5<sup>th</sup> Anniversary for Thrill on the Hill, January 29 & 30, 2016.

The Commission acknowledged the 2014-2015 Annual Audit Presentation from Plante Moran. Kenley Penner thanked all staff for assistance during the audit. He distributed the written 12 page City of Buchanan, Audit Presentation to the City Council for year ended June 30, 2015 and explained in detail while all reviewed. Discussion/questions were shared. The Financial Report with Supplemental Information dated June 30, 2015 was delivered to each Commissioner with their packet. The Commission thanked the Treasurer for her outstanding financial work.

Marx summarized the request to renew the Plante Moran Audit Contract as recommended. *Toerne moved, seconded by Hess to approve the Financial Audit Five Year Contract with Plante Moran as presented. Roll call vote carried unanimously.*

Call to Order  
Pledge  
Invocation

Roll Call

Public Comments

Consent Calendar  
Agenda as corrected

Minutes

Checks

Introduce Ordinance

Banner Placement

Reports  
Treasurer  
Department

New Business  
2014-2015 Annual  
Audit

Financial Audit  
Contract

Marx explained the roof repairs to the Ross Sanders house and invited resident and historian Peter Lysy to report on his investigation into the history of the house. Lysy explained in detail the findings of the Ross Sanders house that he and resident Bill Cameron studied. Marx reported that staff would assist in the needed chimney brick work with Dave Crumley. Discussion was shared with the City Manager, Lysy and the commission. ***Toerne moved, seconded by Moore to approve the Ross Sanders Upper Roof repairs in the amount of \$6,475 to Sheriff-Goslin. Roll call vote carried unanimously.***

**New Business**  
**continued**  
Roof repairs at Ross Sanders house

After explanation from Marx, December 7 at 6:00 p.m. at City Hall was scheduled for Wastewater Treatment Plant Work session.

Schedule WWTP Work session

Pastor Barz announced that St. Paul’s Church has a good size fellowship hall and would welcome ideas from the community for a need that the City may have to utilize it for community functions. Marx invited Pastor Barz to the Buchanan Area Recreation Board meeting (BARB).

**Public Comments**

City Manager comments included crews working long hours on collecting leaves with three locations they are being delivered to; Thursday 6:00 p.m. Trail Town meeting; hosting Chamber PERC Breakfast with Winery and Fitness Center to present their new businesses; positive meeting with new owners of the Bosch building; and researching acoustic solution for the Redbud City Center as last meeting audio could not be broadcast.

**City Managers**  
**Comments**

Commissioner comments included more upcoming projects; thanks to staff and volunteers for work at Kathryn Park; thanks to volunteers for Trek-or-Treat along the Trail; thanks for Bainton Mill project; go Buchanan Bucks and Congratulations; thanks to Marx and Adkerson for moving the City forward; and Santa and Mrs. Claus will be coming to town first Friday in December. The mayor asked the clerk to report on the Community Thanksgiving dinner.

**Commissioners’**  
**Comments**

***Toerne moved, seconded by Hess to adjourn the meeting at 8:09 p.m. Voice vote carried unanimously.***

**Adjourn**

\_\_\_\_\_  
Gladys Bybee, City Clerk

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

CITY OF BUCHANAN COMMISSION MINUTES

November 23, 2015

The regularly scheduled meeting of the City Commission was held at City Hall, 302 N. Redbud Trail, Buchanan, Michigan Monday, November 23, 2015 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, Brenda Hess, Patricia Moore, Dale Toerne, Daniel Vigansky

Commissioners absent: none

Staff present: City Manager Bill Marx and Clerk Gladys Bybee

Guests/Visitors present: 3 visitors

Resident Norma Ferris was concerned about the charter additions with ordinance adoption and what is being done to bring jobs to the city.

***Toerne moved, seconded by Vigansky to include check number 71641 in the amount of \$2,080.13 as requested. Roll call vote carried unanimously. Vigansky moved, seconded by Toerne to approve the Consent Calendar as amended. Roll call vote carried unanimously.***

- Agenda
- Minutes: Regular scheduled meeting, November 9, 2015 and Work Session, November 12, 2015
- Checks 71553 to 71641 in the amount of \$180,793.35 as amended
- Excuse Commissioner Dan Vigansky from November 9, 2015 City Commission Meeting as he gave notice that he would be out of town
- Banner Placement Request; Buchanan Art Center
- Banner Placement Request; City of Buchanan, Holiday Lighting
- Appoint Kevin Barker to the Downtown Development Authority (DDA) as recommended by the DDA to fulfill a vacant term through June 2019

After brief summary by the City Manager, ***Moore moved, seconded by Toerne to approve the Ordinance as presented.*** An Ordinance to amend the City of Buchanan Michigan Code of Ordinances Chapter 2, Administration Article IV. Finance, Division

2. Purchasing

THE CITY OF BUCHANAN ORDAINS:

Sec. 2-91. – Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Agent means the city manager or any other officer or employee designated in writing by the manager to act as purchasing agent.

Contract includes contracts or agreements for services, subject to the exclusion hereinafter mentioned, and shall include any type of service; leases for all grounds, buildings, offices and other space required by the city; and the rental, repair or maintenance of equipment, machinery and other city-owned personal property. The term "contract" shall not include professional and other contract services which may be unique and not subject to competition.

Sec. 2-92. - Purchasing agent.

The city manager shall act as purchasing agent of the city, unless he shall designate another officer or employee of the city to act as purchasing agent concurrently with him. Any such designation shall be in writing filed with the clerk. The manager shall from time to time adopt any necessary rules concerning routine requisitions and purchase orders.

Sec. 2-93. - General policy.

Competitive prices for all purchases and public improvements shall be obtained and the purchase made from, or the contract awarded to, the lowest competent bidder. Formal sealed bids shall be obtained in all transactions involving the expenditure of \$5,000.00 or more and the transaction evidenced by written contract submitted to and approved by the city commission. In cases where the commission indicates by formal unanimous resolution of those present at the

Call to Order Pledge

Roll Call

Public Comments

Consent Calendar

Agenda

Minutes

Checks as amended

Excuse

Commissioner

Absence

Banner Placement

(2)

Appoint K. Barker to

DDA

Unfinished

Business

Ordinance

2015.11/397,

Administration,

Finance,

Purchasing

meeting, based upon the written recommendation

of the city manager that it is clearly to the advantage of the city to contract without competitive bidding, it may so authorize. The City Manager shall obtain Commission approval on all contracts or transactions involving the expenditure of \$5,000.00 or more.

Sec. 2-94. - Purchases or contracts under \$5,000.00

Purchases of supplies, materials or equipment, the cost of which is less than \$5,000.00 or such other lesser amount which may from time to time be established by the commission by resolution, may be made in the open market. The purchasing agent may solicit prices verbally or by telephone, or may contact prospective vendors by written communication. Any or all bids may be rejected for any reason by the purchasing agent.

Sec. 2-95. - Award of contract.

- (1) The purchasing agent shall have the authority to award contracts within the purview of this ordinance.
- (2) Contracts may be awarded to the lowest competent bidder. In determining the lowest competent bidder in addition to the price the agent shall consider:
  - (a) The ability, capacity and skill of the bidder to perform the contract or provide the service required.
  - (b) Whether the bidder can perform the contract or provide the service promptly or within the time specified, without delay or interference.
  - (c) The character, integrity, reputation, judgment, experience and efficiency of the bidder.
  - (d) The quality of the performance of previous contracts or services.
  - (e) The previous and existing compliance by the bidder with laws and ordinances relating to the contract or services.
  - (f) The financial resources and ability of the bidder to perform the contract or provide the services.
  - (g) The quality, availability and adaptability of the supplies or contractual services to the particular use required.
  - (h) The ability of the bidder to provide future maintenance and service for the use of the subject of the contract.
  - (i) The number and scope of the conditions attached to the bid.
- (3) If the award is not made to the lowest bidder a full and complete statement of the reasons for placing the order elsewhere shall be prepared by the agent and filed with the other papers relating to the transaction.
- (4) The agent shall not award the bid to a contractor who is in default on the payment of taxes, licenses or other monies due the city.
- (5) The agent shall have authority to require a performance bond before entering a contract, in such amount as he shall find reasonably necessary to protect the best interest of the city.

Sec. 2-96. - Subdivision of contracts, purchases.

No contract or purchase shall be subdivided to avoid the requirements of this division.

Sec. 2-97. - Purchases or contracts over \$5,000.00; competitive bidding procedure.

Any expenditure for supplies, materials, equipment, construction project or contract obligating the city, where the amount of the city's obligation is in excess of \$5,000.00 must be approved by the commission and shall be approved only after competitive bidding as provided by the following provisions of this section, unless covered by section 2-98.

- (1) Such expenditure shall be made the subject of a written contract unless excepted from such requirements by the commission by resolution. A purchase order shall be a sufficient written contract in cases where the expenditure is in the usual and ordinary course of the city's business.
- (2) In all cases where sealed bids are invited, a copy of the official notice shall be posted on a public bulletin board in the city hall. The agent shall mail copies of the official notice to such qualified vendors as he/she may deem necessary to give actual notice to interested bidders and to obtain competitive bidding.
- (3) Unless prescribed by the commission, the city manager shall prescribe the amount of any security to be deposited with any bid. Such deposit shall be in the form of cash, certified or cashier's check, or bond written by a surety company authorized to do business in the state. The amount of such security shall be expressed in terms of percentage of the bid submitted. Unless fixed by the commission, the manager shall fix the amount of the performance bond and in the case of construction contracts the amount of the labor and materials bond to be required of the successful bidders.
- (4) Bids shall be opened in public at the time and place designated in the notice requesting bids in the presence of the agent and the clerk. The head of the department most closely concerned with the subject of the contract may also be present. The bids shall thereupon be carefully examined and tabulated and reported to the commission with the recommendation of the agent (as approved by the manager, if the manager is not acting as the agent for this purchase) at the next commission meeting. After tabulation all bids may be inspected by the competing bidders. In lieu of the procedure for opening bids specified in this subsection, the commission may direct that bids be opened at a commission meeting.
- (5) After the opening of the submitted bids, such bids may not be withdrawn prior to commission action without forfeiture of the bid deposit.
- (6) When such bids are submitted to the commission, if the commission shall find any of the bids to be satisfactory it may accept that bid of the lowest competent bidder as described in section 2-95. However, the commission shall have the right to reject any or all bids and to waive irregularities in bidding and to accept bids which do not conform in every respect to the bidding requirements.
- (7) Section 2-95 shall apply to this section, provided, however, that the word "commission" shall be substituted for the words "agent" or "manager."
- (8) At the time the contract for a construction project is executed by the contractor, he shall file a bond executed by a surety company authorized to do business in the state, to the city, conditioned to pay all laborers, mechanics, subcontractors and materialmen as well as all just debts, dues and demands incurred in the performance of such work and shall file a performance bond when one is required. The contractor shall also file evidence of public liability insurance in an amount satisfactory to the manager, and shall also agree to save the city harmless from loss or damage caused to any person or property by reason of the contractor's negligence.
- (9) All bids and deposits of certified or cashier's checks may be retained until the contract is awarded and signed. If any successful bidder fails or refuses to enter into the contract awarded to him within five days after the same has been awarded, or file any bond required within the same time, the deposit accompanying his bid shall be forfeited to the city and the commission may, in its discretion, award the contract to another responsible bidder or the contract may be readvertised.

Sec. 2-98. - Exceptions to competitive bidding.

Competitive bidding may not be required in the following cases:

**Unfinished**  
**Business**  
**continued**  
Ordinance  
2015.11/397,  
Administration,  
Finance,  
Purchasing

(1) Where the subject of the contract is other than a public work or improvement and the product or material contracted for is not competitive in nature and/or no advantage to the city would result from requiring competitive bidding, and the commission authorizes execution of a contract without competitive bidding by resolution passed by a unanimous vote of those commissioners present at the meeting.

(2) In the employment of professional services.

(3) Where the city elects to do the work.

Sec. 2-99. - Conflicts of interest.

(1) Any purchase order or contract within the purview of this division in which the agent or any officer or employee of the city is financially interested, directly or indirectly, shall be void, except that before the execution of a purchase order or contract the commission shall have the authority to waive compliance with this section when it finds such action to be in the best interest of the city. However, if such is waived, a letter stating the reason for waiver shall be filed with the city clerk.

(2) The agent and every officer and employee of the city are expressly prohibited from accepting directly or indirectly, from any person to which any purchase order or contract is or might be awarded, any rebate, gift, money or anything of value whatsoever.

Sec. 2-100. - Emergency purchases.

(1) In the event of an apparent emergency, endangering the public peace, health and safety of the city, the manager may purchase directly any supplies, materials or equipment which he deems necessary during the duration of the apparent emergency. Within one week from the date of the purchase, the manager shall send a written detailed explanation of the emergency and of the purchases made during the emergency to the commission.

(2) In the event of an emergency, endangering the public peace, health and/or safety of the city, any department head, with the approval of the manager, may purchase directly any supplies, materials or equipment, the immediate procurement of which is necessary to the continuation of the work of the department. Within one week from the date of the purchases, the department head making such purchases shall send a written detailed explanation of the emergency and of the purchases made during the emergency to the manager and the commission.

(3) The manager shall have the power to make any additional rules and regulations concerning emergency purchases which he deems necessary.

Sec. 2-101. - Inspection, acceptance of materials.

The responsibility for the inspection and acceptance of all materials, supplies and equipment shall rest with the ordering department.

Sec. 2-102. - Sale of city property.

Whenever any city property, real or personal, is no longer needed for corporate or public purposes, the same may be offered for sale in accordance with the restrictions established by section 8.7 of the city Charter; provided, however, that utility plants and property may be disposed of only in accordance with section 13.4 of the Charter.

Sec. 2-103. - Cooperative purchasing.

The commission or agent shall have the power to enter into purchase contracts with and from other governmental agencies, should there be an opportunity for a saving to the city and/or where the commission determines that it would be in the best interest of the city; provided, however, that the commission shall give its prior approval of such purchases, and that all such purchases shall be in compliance with the provisions of this division and the Charter. Introduced and Filed on the 9th day of November, 2015 and effective immediately after the date of adoption and publication as required by Section 7.4 of the City Charter.

MADE, PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF BUCHANAN, BERRIEN COUNTY, MICHIGAN, ON THE 23rd DAY OF NOVEMBER, 2015, AND IT WAS PUBLISHED IN THE BERRIEN COUNTY RECORD NEWSPAPER ON November 12, 2015 and November 30, 2015 and effective IMMEDIATELY.

**Roll call vote carried unanimously.** Ordinance 2015.11/397 declared adopted.

Marx reported on his conversations with Kim O’Haver, the President of Transportation Management Inc. that manages the Buchanan Dial-A-Ride. Cole spoke in opposition of the increase, Toerne spoke in opposition and discussion was shared between Manager and Commission. ***Vigansky moved to increase the rates to \$2.00 for out of town and to \$1.00 for in town.*** The Mayor called for a second. ***Motion failed for lack of a second.*** Moore commented that there was neither an economic impact nor a crisis to increase so she strongly objected. Vigansky spoke in favor of the increase as it has been ten years since an increase and the State legislators ignored the voters and raised the gas tax. ***Vigansky moved to discuss the Dial-A-Ride rates annually at budget time.*** The Mayor called for a second. ***Motion failed for lack of a second.*** The Mayor confirmed that they would review annually.

Marx reported the lease purchase was a budgeted item and recalled past purchases. He noted that estimated replacement of police vehicles every five to eight years. ***Hess moved, seconded by Moore to approve the Lease/Purchase Financial Proposal for 2016 Ford Police Interceptor Utility Vehicle in three installments of \$11,053.57 from Ford Credit. Roll call vote carried unanimously.***

**Unfinished Business continued**  
Ordinance  
2015.11/397,  
Administration,  
Finance,  
Purchasing

Buchanan Dial-A-Ride Rates

**New Business**  
Lease/Purchase  
2016 Police  
Vehicle

Resident Norma Ferris reminded the Commission that the City has an ordinance on the books that requires addresses on buildings/homes and nothing has been done for residents' to comply. Marx reported that he had met with the Fire Chief and Police Chief and confirmed to revive the discussion. Discussion was shared between Manager and Commission.

**Public Comments**

City Manager comments included terrific leak at the wastewater treatment plant and have not found the origin of the leak but believe the line was put in in the 1970's. He explained the work that has been done so far and that an emergency meeting may need to be called for expensive repairs. Other comments included seasonal workers will end at the end of the week, free Thanksgiving Day dinner and upcoming Holiday Lighting.

**City Managers  
Comments**

Commissioner comments included Happy Thanksgiving; thanks to AEP for their donation of picture taking at the Holiday Lighting; this weekend last production in the Tin Shop Theatre, urged support for the Tin Shop Theatre; today is happy national public health thank you day; congratulations to the men's football team and Women's Volleyball Team; White Saturday in Buchanan; Miss Buchanan is December 5<sup>th</sup> ; welcomed all to come and see Santa and Mrs. Claus at Holiday Lighting; November 12 work session with Trail Town people and they will be back in December with a formal proposal. Toerne reported being in contact with Representative Dave Pagel and he read the response he received back that the Governor signed a bill to increase the gas tax and vehicle registration.

**Commissioners'  
Comments**

*Toerne moved, seconded by Vigansky to adjourn the meeting at 7:54 p.m. Voice vote carried unanimously.*

**Adjourn**

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Gladys Bybee, City Clerk

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Carla M. Cole, Mayor

CITY OF BUCHANAN COMMISSION MINUTES

December 14, 2015

**The regularly scheduled meeting of the City Commission** was held at City Hall, 302 N. Redbud Trail, Buchanan, Michigan Monday, December 14, 2015 and was called to order by Mayor Cole at 7:00 p.m.

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

The Mayor read and presented Gordon Schreiber with a plaque for his retirement. Schreiber thanked the City and noted that Kari Puckett from Berrien County will be working with Buchanan after January 1.

Commissioners present: Carla Cole, Brenda Hess, Patricia Moore, Dale Toerne, Daniel Vigansky

Commissioners absent: none

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

Guests/Visitors present: Civitan President Phyllis Davis and Webelo II Scouts along with 12 visitors

Resident and Buchanan Preservation Society (BPS) President Alan Robant reported the BPS is in support of saving the house at 107 Moccasin (Jody Lee house) to maintain integrity and like to see integrity of Buchanan tax base as it is in the National Register Historic District. He explained other homes in Buchanan that the BPS has assisted with saving (although two had to be demolished) and about the tax sale process. He reported the condition of the structure at 107 and urged the Commission to oppose the demolition until a better assessment could be conducted. Jordan Haines lives adjacent to the property and reported that she inquired about purchasing the property and supports the demolition due to the condition of the house. She explained needed construction repairs in detail and wants to know what happens if the demolition is delayed. Tracy Dipppo, BPS member believes the integrity of neighborhoods is worth saving and asks the Commission to pause the demolition and get an interior inspection for saving the home. Liza Moon stated she buys houses and would purchase the house. Bill Cameron, BPS stated that the City needs to preserve Buchanan history and was in favor of going inside the house for an inspection.

***Vigansky moved, seconded by Toerne to amend the Consent Calendar by moving the two Ordinance Introductions (D and E) to New Business for discussion. Roll call vote carried unanimously. Vigansky moved, seconded by Hess to approve the Consent Calendar as amended. Roll call vote carried unanimously.***

- Agenda
- Minutes: Regular scheduled meeting, November 23, 2015
- Checks 71642 to 71755 in the amount of \$205,137.76
- Appoint Curt Plomb to the Planning Commission to fulfill an unexpired term through 2018 as recommended by the Planning Commission

Webelo II Scout Den Leader Traci Welch announced that they collected food for Redbud Area Ministries as their 8<sup>th</sup> community project this year. Webelo Scout's Colton and Nathan introduced themselves and stated the best part of being a Webelo Scout.

Call to Order  
Pledge

Roll Call

Public Comments

Consent Calendar

Agenda

Minutes

Checks

Appoint Curt Plomb  
to Planning  
Commission

Reports

Webelo II Scouts

Civitan President Phyllis Davis reported she has been with Civitan 30 years. She reported on projects such as Clergy Dinner, Easter Egg Hunt, hand out water for 5k run, spring and fall BINGO for Mill Pond residents', camp Civitan at Camp Rosenthal for handicapped, youth fair, haunted house, Buchanan Holiday lighting, and a donation of \$100. to two veteran families for Christmas. The Mayor presented Ms. Davis with an appreciation certificate.

**Reports**  
**continued**  
Civitan

Marx explained the need for a date and time for the second open Work Session to discuss the direction of needed capital improvements over the next 10 years at Wastewater Treatment Plant and recommended the first or second week in January for such meeting. All agreed to tentatively set it for the January 4<sup>th</sup> or the 6<sup>th</sup> at 6 p.m.

**Unfinished**  
**Business**  
Schedule Work  
Session for WWTP

After brief deliberation, *Moore moved, seconded by Vigansky to cancel the December 28 City Commission Meeting with a volunteer Commissioner coming in to sign necessary checks. Roll call vote carried unanimously.* Commissioner Toerne said he would be glad to come in.

**New Business**  
Cancel December  
28 meeting

The Mayor announced she does not want the City to be in the real estate business and the Ross Sanders House is enough of a property project. Vigansky stated he has been inside the property 17 years ago and it was in bad shape then. Marx stated that the property is on the Berrien County demolition list and the Commission could give him direction to write a letter to Berrien County to remove the property from the demolition list. He further stated that he, the building inspector and assessor inspected the structure although an official structural inspection had not occurred. Marx noted the National Register of Historic Places from 2011 commentary on the property was in poor condition from visual observation. Discussion was shared between Commission and Marx. Moore talked about a house in her neighborhood that was the same way, someone bought the house and reconstructed it to a now inhabited beautiful home; she opposed the motion to demolish. Marx suggested that if the commission is confident in an inspection by him, the Building Inspector, Assessor and resident Registered Architect Bill Cameron (also BPS member) they could do a thorough inspection tomorrow and he would make the final decision. *Vigansky moved, seconded by Toerne to authorize Bill Marx, City Manager to follow through with the inspection and finalize a decision regarding writing a letter to ask Berrien County to remove 107 Moccasin from the demolition list or not. Roll call vote carried unanimously.*

Lease/Purchase  
2016 Police  
Vehicle

After explanation from the clerk and manager, *Vigansky moved, seconded by Hess to Introduce Ordinance 2016.01/\_\_\_, an Ordinance to amend the City of Buchanan, Michigan Code of Ordinances Chapter 106, Vegetation Article II. Trees, Division 1. Generally, Section 106-27. Obstruction; Pruning of Trees as applicable to City Charter. Roll call vote carried unanimously.*

Introduce  
Ordinance,  
Pruning of Trees

After explanation from the clerk and manager, *Vigansky moved, seconded by Moore to Introduce Ordinance 2016.01/\_\_\_, an Ordinance to amend the City of Buchanan, Michigan Code of Ordinances Chapter 38, Environment Article II. Nuisances, Division 1. Generally, Section 38-26. Enforcement; Abatement of Nuisances and Division 2. Litter, Section 38-54 Enforcement; Notice to Abate; Method of Service and Article III Junk Vehicles, Section. 38-79. Notice to Abate. Roll call vote carried unanimously.*

Introduce  
Ordinance,  
Environment  
Enforcement

Resident Doyle Vergon would like a program on sidewalk repair and presented a letter that would go out to the residents to assist with repairing sidewalk from 2002. Marx replied the Commission set aside \$10,000 for the 2015-2016 budget to repair/replace sidewalks. Vergon also stated the brush and leaf program was horrible and would like to see a schedule, the boat launch at Riverfront Park is in dire need to repair, he supports the Buchanan Preservation Society and he does not like the mobile home parked on private property downtown by the Farmers' Market.

**Public Comments**

City Manager comments included cost sharing sidewalk program with homeowners with City workers doing the work, the trailer downtown is conforming with our ordinance and the property owner is in compliance, will put sidewalk program on facebook, received notice by DEQ that we received SAW grant for 1,600,000, extra advertisement for Thrill on the Hill, pleased with progress of fitness center construction, Lehman's Orchard moving forward, met with Bosch building owners, Lowery's Market expansion going well, 2020 online for replacing stoplight at Redbud/River intersection and replacement of stoplight at Redbud/Front intersection in 2016.

**City Managers  
Comments**

Commissioner comments included attendance to MML training and won free training in February 2016, Merry Christmas and Happy New Year, very good holiday lighting, in great competition with Indiana for business development, welcome Beacon Medical uptown, when will Trail Town give us a final report in December, some street lights are out, thanks to the staff for holiday lighting, welcome Front Street Antiques downtown, and looking forward to Thrill on the Hill.

**Commissioners'  
Comments**

*Vigansky moved, seconded by Toerne to adjourn the meeting at 8:44 p.m. Voice vote carried unanimously.*

**Adjourn**

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Gladys Bybee, City Clerk

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Carla M. Cole, Mayor