

CITY OF BUCHANAN COMMISSION MINUTES

January 9, 2017

Call to Order
Pledge
Invocation

The regularly scheduled meeting of the City Commission was held at City Hall, 302 N. Redbud Trail, Buchanan, Michigan Monday, January 9, 2017 and was called to order by Mayor Hess at 7:00 p.m.

The Pledge was recited by all. Pastor John Barz provided 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 Administrative Secretary Mandi Schanick

Guests/Visitors present: Mr. & Mrs. Gene Wesner, Mickey Wesner, Johnny Wallace, William Haas, Brenda Scoggin, and 15 guests

Roll Call

Cole moved, seconded by Toerne to approve the Consent Calendar as presented.

Roll call vote carried unanimously.

- Agenda
- Minutes: Regular scheduled meeting, December 12, 2016
- Checks 73917 to 73964 in the amount of \$65,422.80
- Checks 73965 to 74073 in the amount of \$261,364.46
- Notice of Meetings, City of Buchanan City Boards Meetings during 2017 in compliance with Open Meetings Act, Public Act 267 of 1976, as amended, [MCL41.72a(2)(3)]
- Acknowledge notification from Michigan Liquor Control Commission on Request ID# 716728, Bode LLC, 116 Main Street
- Acknowledge Support Letter from McCoy's Creek Trail Committee for Buchanan District Library of "Storywalk" Program

Consent Calendar

Agenda
Minutes
Checks
2017 City Boards
Meetings
Michigan Liquor
Control Commission
Support Letter

Marx explained the bidding process for the repainting of the water towers and that the bid came in under what was budgeted. The contract that Marx requested the City Commission to consider is to provide technical and contractor services with the company selected to paint the water towers. Marx explained that this contract amount exceeds the amount of the water painting bid and that this allows Dixon to be in charge of the finalization of the project. ***Vigansky moved, seconded by Cole to approve Proposal/Contract Agreement for Water Storage Tank with Dixon Engineering & Inspection Services for Technical Services in the amount of \$18,100. Roll call vote carried unanimously.***

Unfinished Business

Proposal/Contract Agreement for Water Storage Tank with Dixon Engineering & Inspection Services for Technical Services in the amount of \$18,100

Marx updated the Commissioners on the Promise Program as this project sets Buchanan apart from most other communities. Marx is requesting the approval of the water tank logo to read "A Promise Community" under the City of Buchanan logo. This has been presented to the Promise Board who has agreed to pay 50% of the logos cost. ***Toerne moved, seconded by Cole to Approve the Final Draft of the Water Tank Logo. Roll call vote carried unanimously.***

Approving the Final Draft of the Water Tank Logo

Patzer updated the Commissioners of

the budget amendment explaining the refund due to Kevin Barker for purchasing 324 E. Dewey, and verified the amount of \$4,822.00 to Barker as approved and recommended by the DDA Board. *After deliberation, Toerne moved, seconded by Cole to Approve the Budget Amendment in the amount of \$4,822.00 to reimburse Keven Barker it was agreed for Moore to abstain as she has an interest in the Building. Motion carried by majority. Yea: Toerne, Hess, Cole. Nay: Vigansky. Abstain: Moore.*

New Business

Budget
Amendment in the amount of \$4,822.00

Marx noted that the Buchanan Police Department is requesting permission to submit the grant application to the Region 5 Homeland Security Planning Board seeking assistance in purchasing new 800 Mhz radios for their respective departments. The grant will pay 80% with a City share of 20% for each of the radios that might be approved for Buchanan under the grant. After short discussion *Toerne moved, seconded by Moore to approve the Buchanan Police Department to submit a grant application to the Region 5 Homeland Security Planning Board seeking assistance in purchasing new 800 Mhz radios for their respective departments. The grant to pay 80% with a City share of 20% for each of the radios that might be approved for Buchanan under the grant. Roll call vote carried unanimously.*

Grant Application
submittal to
Region 5
Homeland Security
Planning Board by
the Buchanan
Police Department
for 800 Mhz
Radios

City Resident Johnny Wallace presented a petition he circulated for the medical marijuana with 808 yes' and 3 no's. Wallace is asking for the City to push through and allow him to open a dispensary sooner rather than later. Wallace could not confirm if all the votes on the petition were registered voters in the City of Buchanan. He presented a booklet filled with information on medical marijuana to the Commissioners, City Manager, and Clerk. One nonresident and two residents supported Wallace's request.

Public Comments

City Manager announced the upcoming events and meetings, while making short discussion of the Medical Marijuana.

**City Manager's
Comments**

Commissioners' comments were heard

**Commissioner
Comments**

Cole moved, seconded by Vigansky to adjourn the meeting at 7:52pm. Voice vote carried unanimously.

Adjourn

Mandi Schanick, Recording Secretary

Brenda Hess, Mayor

CITY OF BUCHANAN COMMISSION MINUTES

January 23, 2017

The regularly scheduled meeting of the City Commission was held at Buchanan City Hall, 302 N Redbud Trail, Buchanan, Michigan Monday, January 23, 2017 and was called to order by Mayor Hess at 7:00 p.m. The Pledge was recited by all.

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

Commissioners absent: none

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

Guests/Visitors present: Transportation Management Inc. President Kim O’Haver along with 20 visitors

Andrea vander Laan asked to speak about medical marijuana. The Mayor announced there would be an opportunity at the end of the meeting for discussion on non-agenda items and a Work Session at 7:00 p.m. February 7, 2017.

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

- Agenda
- Minutes: Regular scheduled meeting, January 9, 2017
- Checks 74074 to 74147 in the amount of \$123,839.96
- Banner Placement; Boy Scout Troop 541 Annual Swiss Steak Supper
- Banner Placement; Michiana Cruisers Annual Car Show
- Addendum to Notice of Meetings, City of Buchanan City Design Review Committee Meetings, during 2017 in compliance with Open Meetings Act, Public Act 267 of 1976, as amended, [MCL41.72a(2)(3)
- Resolution 2017.01/146, Negotiate 2017 Summer School Tax Collection Fee

WHEREAS, the City agrees to collect the total summer school taxes as certified by the School District for the levy on July 1, 2017 for property located within the City; and

WHEREAS, the School District agrees to pay City costs of assessment and collection in the negotiated amount; and

WHEREAS, no later than June 1, 2017, the School District shall certify to the Treasurer the school millage to be levied on property for summer school tax collection in 2017; now, therefore,

BE IT RESOLVED, that the Treasurer is authorized and directed to negotiate with the School District on behalf of the City of Buchanan: for the reasonable expenses for collection of the district’s summer property tax levy that the City may bill under MCLA 380.1611. Any such proposed agreement shall be brought before the City Commission for its approval.

Assistant Fire Chief Bobby Blaylock introduced Volunteer Firefighter's Chris Geisler and Joe Scanlon IV. Blaylock gave the Buchanan Fire Department Year End Report while all reviewed his written report.

Transportation Management Inc. President Kim O’Haver explained the Fiscal Year 2018 Resolution of Intent for Buchanan Dial-A-Ride Federal and State Funding Application. She reported on 2016 operations and she and Commission shared discussion. *Cole moved, seconded by Moore to approve the Fiscal Year 2018 Resolution of Intent for Buchanan Dial-A-Ride Federal and State Funding Application. Roll call vote carried unanimously.* She also announced submittal of a Capital grant for \$9,000 for camera’s on all three busses (four per bus).

Call to Order Pledge

Roll Call

Public Comments
Agenda Items

Consent Calendar
Agenda

January 9, 2017
Minutes

Checks

Banner Request’s
Addendum to Notice
of Meetings
Resolution
2017.01/146

Reports
Fire Department

New Business
Dial-A-Ride State &
Federal Funding
Application

Jason Williams explained the Request for Proposal (RFP) for the Glaser lift station. Williams answered questions from Commission and Marx spoke briefly. *Vigansky moved, seconded by Moore to approve the Call for Glaser Lift Station Panel Project installing a new external panel integrating all of the controls and electronics from the panel underground in the dry well. Roll call vote carried unanimously.*

New Business
continued
Call for RFP for
Glaser Lift Station

Marx explained the current 1995 wheel loader (21 years old) that would be replaced by seeking sealed bids through the bid process. Marx answered questions from Commission and confirmed to obtain motor refurbishing costs and report in this week’s briefing. *Moore moved, seconded by Toerne to approve getting refurbishing costs and the call for bids on the purchase of the wheel loader. YEA: Cole, Hess, Moore, Toerne. NAY: Vigansky. Motion carried by majority vote.*

Call for RFB for
Wheel Loader

Resident and Schools Superintendent Andrea vander Laan heard there was discussion about allowing medical marijuana in Buchanan and she was opposed. She explained her position in detail and confirmed she will copy and return her written statistics. Jeannie Harris, Bluff Street opposed the location of the marijuana dispensary and also the Dog Park to be developed in Victory Park. Two other residents’ and one nonresident opposed the location of the proposed medical marijuana facility. Manager Marx clarified that the Commission has only heard a request for a medical marijuana facility and the Commission has not opted into the medical marijuana law. Doyle Vergon, Lake Street presented photos of the dead trees on Lake Street and was concerned about all the hazardous trees in the City tree lawn. He presented a copy to the Mayor. Nonresident Michael Roland, Tulip Tree Lane supported the medical marijuana business and was willing to help with Buchanan economic development in bringing business back to the community.

Public Comments
Non-Agenda Items

City Manager comments were heard and he confirmed his disappointment to cancel Thrill on the Hill due to weather. He did announce there would be \$20,000 in the new budget for tree removal.

Manager’s
Comments

Commissioners’ thanked all for their attendance and other comments were heard.

Commissioners’
Comments

Cole moved, seconded by Toerne to adjourn the meeting at 8:25 p.m. Voice vote carried unanimously.

Adjourn

Gladys Bybee, City Clerk

Brenda J Hess, Mayor

CITY OF BUCHANAN COMMISSION MINUTES

February 13, 2017

The regularly scheduled meeting of the City Commission was held at Buchanan City Hall, 302 N Redbud Trail, Buchanan, Michigan Monday, February 13, 2017 and was called to order by Mayor Hess at 7:00 p.m.

The Mayor led the Pledge of Allegiance. Pastor Dave Mitchel gave the Invocation

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

Commissioners absent: none

Staff present: City Manager Bill Marx, Public Services Employee's Mike Baker and Tracy Reiter, and Clerk Gladys Bybee

Guests/Visitors present: Republic/Reliable Services Sales Manager Bob DeOrsey along with 19 visitors

Norma Ferris, 309 N Oak asked the Commission to please talk about agenda items. The Mayor announced that special time would be given to area Ministers to talk about non-agenda items at this time as they could not attend the Public Forum Meeting on Thursday or Monday. Pastor Taylor, Mt Zion Church is concerned about the closeness of the proposed marijuana dispensary to the three churches on N. Redbud. Pastor Boyer, New Mission Baptist Church is concerned about the location, do not consider. Pastor Mitchell, Faith Victory Fellowship was opposed to the business. Jeannie Harris, 320 Bluff Street, on behalf of Deacon JC Williams (absent), reported the Northside community does not want the dispensary in their neighborhood and are concerned about having drug sales and overdoses in the neighborhood now.

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

- Agenda
- Minutes: Regular scheduled meeting, January 23, 2017 and Work Session Summary, February 7, 2017
- Checks 74148 to 74283 in the amount of \$272,933.13
- Banner Placement; Chamber of Commerce, 11th Annual Chili Walk
- Street Closure Request; Chamber of Commerce, Front Street March 22
- Banner Placement; Buckteens, Annual Event on June 11
- Banner Placement; Buchanan Community School, Preschool and Kindergarten Round-Up
- Addendum to Notice of Meetings, City of Buchanan Marketing and Promotion Sub-Committee Meetings, during 2017 in compliance with Open Meetings Act, Public Act 267 of 1976, as amended, [MCL41.72a(2)(3)]
- Addendum to Notice of Meetings, City of Buchanan Fine Arts Council Meetings, during 2017 in compliance with Open Meetings Act, Public Act 267 of 1976, as amended, [MCL41.72a(2)(3)]
- Appoint Brian Fisher to the Common Committee as recommended by the Common Committee
- Notice for Calling a Special Meeting under Charter Section 6.2

Call to Order
Pledge/Invocation

Roll Call

Public Comments

Agenda Items

Community
Religious Leaders on
Non-Agenda items

Consent Calendar

Agenda

January 23, 2017
Minutes and
February 7, 2017
Summary

Checks

Banner Request's

Street Closure

Addendum's to
Notice of Meetings

Common Committee
Appointment

Call Public Forum
Special Meetings

Hendrixson distributed the Discover Buchanan publication and explained the brochure. He reported on upcoming events and a possible new business in downtown. He explained some of the preliminary information as requested by the Commission. Discussion was shared between Commission, Manager, and Hendrixson. Hendrixson announced that Redbud TNT would be hosting the Monster Trucks along with the Buckteen Reunion on the same weekend and recommended that the Commission change the date of the Citywide Garage Sales.

Reports
Chamber of
Commerce

DeOrsey explained his written report with only 447 households within the City doing recycling and summarized his power point presentation. He introduced City resident Brian Grice, 15 year employee with Reliable and reported on recycling participant's needed, new program for batteries and needle recycling. Ron Carr, 602 Rynearson asked about the profit from recycling. There was brief discussion with the public about profits and expense of recycling. Kathy Kay, 111 Third Street reported she takes her recycling to the landfill without charge.

Reliable Disposal

Marx reported on the 21 year old wheel loader that a company could not be found to refurbish same. Baker explained what the piece of equipment is used for and was preferred, in his opinion, the John Deere after driving all three. ***Toerne moved, seconded by Moore to approve the resolution as presented including an option to sell the present loader outright pending a better amount over the \$23,000. trade-in offer.*** Authorizing Loan from City, Perpetual Care Fund to General Fund/Department of Public Works for Purchasing 2017 John Deere Wheel Loader in the amount of \$165,000 to Westside Tractor Sales (John Deere).

**Unfinished
Business**
Resolution
2017.02/147,
Loan from City,
Perpetual Care
Fund to General
Fund/Department
of Public Works
for Purchasing
2017 John Deere
Wheel Loader

WHEREAS, the City's Cemetery Ordinance allows for the investment of Cemetery Perpetual funds in loans to other City funds, provided that the City pays interest on the monies borrowed from the Perpetual Care Fund at a rate of interest commensurate with market rates for such borrowings; and

WHEREAS, the City has identified a need to finance 2017 John Deere Wheel Loader, totaling \$165,000 in cost, through a multi-year installment financing device; and

WHEREAS, the Cemetery Perpetual Care Fund carries a current fund balance in excess of \$309,000 which the City has not historically had to utilize for any short-term borrowings to meet cash flow needs; and

WHEREAS, prevailing market interest rates for municipal obligations of 10 years' duration, at 2.99 percent, exceed the current rate of return being realized by the City's Perpetual Care Fund, making the extension of such a loan from the Perpetual Care Fund to General Fund, Department of Public Works a worthy investment for Perpetual Care monies;

NOW, THEREFORE, BE IT RESOLVED that the City Commission of the City of Buchanan, meeting in regular session does hereby authorize a loan in the amount of \$165,000 from the Cemetery Perpetual Care fund to the General Fund, Department of Public Works, for purposes of purchasing 2017 John Deere Wheel Loader and any Trade In amount collected will be applied to the balance of the loan and the amortization schedule will be adjusted accordingly.

BE IT FURTHER RESOLVED that the City Commission sets the term for such loans as follows:

Interest Rate: 2.99% Term 10 Years

Payment Schedule: Annual payments on March 1, 2018 and each March 1 thereafter, in the amount of \$19,333.16. – before selling existing loader

After discussion with the Commission, ***roll call vote carried unanimously. Resolution 2017.02/147 declared adopted***

After brief deliberation, the Commission agreed to table the Citywide Garage Sales Resolution to the February 27, 2017 meeting.

New Business
Citywide Garage
Sales

After Marx explained, ***Cole moved, seconded by Toerne to approve the Reliable/Republic Trash Hauler Contract First Extension Addendum and Authorize the City Manager to sign the Addendum to Refuse and Recycling Contract. Roll call vote carried unanimously.***

Refuse and
Recycling Contract
Addendum

Ronald Carr, 602 Rynearson was confused on how the process of choosing a Mayor occurs, asked why Buchanan needs a marijuana facility and stated he is not against another business coming into town. Alan Robandt, 113 E Front Street urged interested people to read PA 281 of 2016 before attending Thursday or Monday meeting. Brian Grice thanked the City and the DPW workers. Vanessa Burns, 808 W. Front Street is a social worker and sees the use of medical marijuana for patient's but does not want it in her neighborhood. Kathy Kay, 111 Third Street opposed the medical marijuana within the City and believes it is not as profitable as announced. Beverly Ackles, Roe Street, supports the medical marijuana and stated that pain killers are more addictive. Myra Burgoyne, 15749 Rivershore Lane works in medical field and opposes medical marijuana. She asked if a petition would be accepted if it were circulated and presented. The Commission agreed with only City residents.

Public Comments
Non-Agenda Items

City Manager announced the upcoming two public forums for the medical marijuana and the structure of said meetings. He reported no bids were received for Glaser Lift Station bid opening so we will reach out to some of the vendors to better coordinate submittal of repairs to bring forward on the 27th regular meeting.

Manager's
Comments

Commissioners' thanked all for their attendance and shared other comments.

Commissioners'
Comments

Toerne moved, seconded by Cole to adjourn the meeting at 8:48 p.m. Voice vote carried unanimously.

Adjourn

Gladys Bybee, City Clerk

Brenda J Hess, Mayor

CITY OF BUCHANAN COMMISSION MINUTES

February 27, 2017

The regularly scheduled meeting of the City Commission was held at Buchanan City Hall, 302 N Redbud Trail, Buchanan, Michigan Monday, February 27, 2017 and was called to order by Mayor Hess at 7:00 p.m.

The Mayor led the Pledge of Allegiance. Father Leo from St. Anthony's gave the Invocation

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

Commissioners absent: none

Staff present: City Manager Bill Marx, WWTP Operator Bill Housand, Building Inspector Guy Lewis, Police Officer's Dick Mann, Sonny Fuller, Brie Schmidt, and Clerk Gladys Bybee

Guests/Visitors present: Easter Egg Hunt Sponsor Alice Kring and PLAY Chairman Craig Miller along with 40 visitors

Call to Order

Pledge/Invocation

Roll Call

Public Comments

Agenda Items

Moore moved, seconded by Cole to ask public speakers to declare if they have any financial interest in medical marijuana. Roll call vote carried by majority. YEA: Cole, Hess, Moore, Toerne. NAY: Vigansky.

Michael Frybeck, Fulton St. no financial gain, take it out of town. JT Williams, Fulton, New Hope Missionary Baptist, detrimental to community. Jeanne Harris, Bluff St. no financial interest. Check into drug overdoses and she listed addresses where marijuana is being grown currently. She read a letter from Citizens for Responsible Government. Mayor Hess announced she received a threatening letter from Citizens for Responsible Government. Cindy Benson, Cecil St. no financial interest. Empathy for Mayor Hess, does not want any mm businesses within the Buchanan City limits. Brandon Gardner, Grand Rapids and his client wants it, so he has financial interest. Has heard a lot of talk of underground sales/growing. The Act has flexibility but main issue is patients. Johnnie Wallace, Redbud Trail has financial interest. Apologizes for problems caused the Commission and he is looking out for patients. Dorothy Harris, Bluff St. stated that Benton Harbor and Niles will have dispensary. Does not want it near schools, churches or north end of Buchanan. Alan Robandt, E Front St., has a financial interest. The City needs revenue and welcomes the jobs. Mary Beth Tobin, Stevensville Baroda Road, could have financial interest as she has medical condition, every City dispensary she been to were nice and clean. Alice Kring, W Bertrand business owner in town has financial interest. Does not want it in the business district. Believes nothing has to be done, make ordinance strict and strong. William Haas, Stateline Road presented a business plan to the Commission and he is here to help Buchanan people get their medicine and remain life is better here. Vanessa Burns, W Front St. wants it taken to Niles. Robert Tucker, Elizabeth St. has no financial interest believes Buchanan does not need a mm dispensary. Pastor Taylor, Mount Zion Church on Redbud Trail no financial interest. Does not want it in anybody's neighborhood. Doyle Vergon, Lake St, may have financial interest and believes it will be a cost to Buchanan. Phyllis Taylor, South Bend Indiana, concerned about safety and does not want it at 1103 N Redbud. Kathy Kay, Third St. no financial interest. Does not want mm in Buchanan. Marie Brown, Bluff St. no financial interest. Asked the Commission if they want it in their front yard. Larry Tobin, Stevensville has a financial interest as co-owner. Hears the concerns and will not put it in their back yard. The Mayor assured all that it would not be put anywhere currently. Commissioner Toerne says he is on the Planning Commission and zoning would need to be changed.

Moore moved, seconded by Vigansky to amend the Consent Calendar to include A. Accept Michigan Gateway Community Foundation Grant under New Business to the Agenda. 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

February 13, 2017
Minutes and
February 16, 2017
Public Forum
Summary

- Agenda
- Minutes: Regular scheduled meeting, February 13, 2017 and Public Forum Summary, February 16, 2017
- Checks 74284 to 74356 in the amount of \$113,123.64
- Resolution 2017.02/147, Poverty Exemption Guidelines

Checks

WHEREAS, the adoption of guidelines for poverty exemption is within the purview of the City Commission; and
WHEREAS, the homestead of persons who, in the judgment of the Assessor and Board of Review, by reason of poverty, are unable to contribute to the public charges is eligible for exemption from taxation under Public Act 390 of 1994 (MCL 211.7u); and
WHEREAS, pursuant to PA 391, of 1994 Buchanan City, Berrien County adopts the following guidelines for the Assessor and Board of Review to implement and follow when determining if any applicant is eligible to receive a poverty exemption. The guidelines shall include but not be limited to the specific income and asset levels of the applicant and all persons residing in the household, including any property tax credit returns, filed in the current or immediately preceding year. Further, that the total taxes owed in a calendar year shall be at least \$500.00 in order to be considered for an exemption.

Resolution
2017.02/147 Poverty
Exemption
Guidelines

To be eligible, a person shall do all of the following on an annual basis:

1. Be an owner of and occupy as a homestead the property for which an exemption is requested.
2. File a Hardship Exemption Application with the Assessor or Board of Review, accompanied by federal and State income tax returns for all persons residing in the homestead, including any property tax credit returns filed in the immediately preceding year or in the current year.
3. A valid driver's license or other form of picture identification is required
4. A deed, land contract, or other evidence of ownership if the property for which an exemption is requested is required
5. Meet the federal poverty income standards as defined and published annually by the State Tax Commission.
6. The application for an exemption shall be filed after January 1, but before the day prior to the last day of the March Board of Review
7. The allowable net value of the asset test shall not exceed 2 times that of the federal poverty guidelines as published on an annual basis by the State Tax Commission.

Banner Request's

Street Closure

Addendum's to
Notice of Meetings

NOW, THEREFORE BE IT RESOLVED, that the Board of Review shall follow the above stated policy and federal guidelines in granting or denying an exemption.

Board of Review
Appointment's

- Banner Placement; Buchanan School Farm Plow Day April 22
- Banner Placement; Buchanan Art Center Classes
- Re-Appoint Margaret Young to the Board of Review through 2019
- Re-Appoint Jennifer Singleton to the Board of Review through 2019
- Re-Appoint Carla Cole to the Board of Review through 2019

Reports

Easter Egg Hunt

Alice Kring introduced Craig Miller and explained the 2017 Annual Easter Egg Hunt on April 15 and asked permission to display banner and use Public Property. She also asked for help of candy, dog biscuits and help stuffing eggs. **Toerne moved, seconded by Cole to allow the Banner in Gazebo Park and use of the Common for the Easter Egg Hunt. Roll call vote carried unanimously.**

Building Department

Building Department Inspector Guy Lewis explained his 2016 Annual written Building Report while all reviewed.

Unfinished

Business

Marx explained the added functions on the weekend of June 9/10 and proposed moving the garage sale dates to June 16/17. **Moore moved, seconded by Cole to approve the resolution rescheduling the June date of Buchanan Citywide Garage Sales for year 2017 (tabled from February 13 meeting) as presented.**

Resolution
2017.02/147,
Citywide Garage
Sales

WHEREAS, the City of Buchanan City Commission vote unanimously on February 23, 2015 to hold the Annual Citywide Garage Sales on the second weekend of June every year; and

WHEREAS, the City Manager has become aware of two other significant events; Buckteen sponsored large car show on Saturday, June 10 and Red Bud TNT Monster Truck Show sponsored by National Monster Truck Organization; and

WHEREAS, the City Manager has met with the Chamber of Commerce Director and both recommend that the Annual Citywide Garage Sales be moved from the second weekend in June to the third weekend in June due to this new discovery.

Commission of the City of Buchanan cancels the 2017 Annual Citywide Garage Sales

from the second weekend in June, more specifically June 9 and 10; and

BE IT FURTHER RESOLVED that the City Commission of the City of Buchanan will support and promote the 2017 Annual Citywide Garage Sales to the third weekend in June, more specifically June 16 and 17.

After deliberation, **roll call vote carried by majority. YEA: Cole, Hess, Moore, Toerne. NAY: Vigansky.** Resolution 2017.02/148 declared approved.

Unfinished
Business continued
Citywide Garage
Sales

After the Manager explained the Street Closure Saturday June 10; Front Street Redbud to Main and Days from Front to Central for the Buckteen Car Cruise In, **Toerne moved, seconded by Cole to approve the street closure. Roll call vote carried unanimously.**

Street Closure Two

The Manager reported the miscommunication with the State and suggested the two, 2008 Eldorado Dial-A-Ride buses be declared as surplus equipment and disposal by accepting sealed bids until March 9, 2017 at 3:00 p.m. **Vigansky moved, seconded by Moore to declare the buses as surplus equipment and accept sealed bids until March as suggested by the Manager. Roll call vote carried unanimously.**

Surplus Dial-A-Ride
Buses, ask for sealed
bids

Housand explained the two quotes received for the repair at the WWTP. **Vigansky moved, seconded by Toerne to approve the quote for repair of the Gas Flair Unit for the Wastewater Dept. in the amount of \$4,800 from D.A. Dodd as suggested. Roll call vote carried unanimously.**

Gas Flair Unit at
WWTP

Cole asked if anything was received from the City Attorney regarding when the licensing Board would reach a determination when they will be complete with the medical marijuana application and process. **Toerne moved, seconded by Cole to postpone any decision on medical marijuana until March 27, 2017 when they would have more information about the law.**

Resolution
2017.02/149,
Postpone Decision
on medical
marijuana

WHEREAS, on February 7, 2017 the City of Buchanan held a public workshop in which the City Commission, Planning Commission and the Public were invited to attend in an effort to educate and inform the City and its Citizens on Michigan's Medical Marijuana laws,

WHEREAS, on that date, the City Attorney spent an hour reviewing the details and intricacies of:

1. Medical Marijuana Facilities Licensing Act – PA 281 of 216;
 - a. Grower's License
 - i. Class A License (up to 500 plants);
 - ii. Class B License (up to 1000 plants);
 - iii. Class C License (up to 1500 plants);
 - b. Processor's License (edibles, topical treatments, beverages);
 - c. Provisioning Center (aka Dispensaries);
 - d. Secure Transporter's License;
 - e. Safety Compliance Facility License.
2. Medical Marijuana Tracking Act – PA 282-2016;
3. Medical Marijuana Act Amendment – PA 283 of 206.

WHEREAS, during this public workshop those attending had an opportunity to ask questions of the City Attorney and also a representative from State Representative David Page's office as it related to Michigan's Medical Marijuana laws.

WHEREAS, during this public workshop, it was announced that there would be two public hearings to be scheduled on February 16th and February 20th.

WHEREAS, the Medical Marijuana Facilities Licensing Act requires a City such as Buchanan to affirmatively "opt in" by developing an Ordinance and Zoning Ordinance before facility licensed through the Act would be allowed to operate within the City limits,

WHEREAS, if the City chose not to act, those licensed through the Act would not be allowed to operate within the City limits,

WHEREAS, the City of Buchanan has a legitimate purpose in addressing the appropriateness of "opting in" to the Medical Marijuana Facilities Licensing Act,

WHEREAS, public hearings were held on February 16th and February 20th for the purpose of giving residents and non-residents of the City of Buchanan an opportunity to speak both in favor of and against "opting in" to Michigan's Medical Marijuana Facilities Licensing Act.

WHEREAS, the Mayor and City Commission has been advised regarding numerous concerns and issues regarding development of an Ordinance and Zoning Ordinance "opting in" to the Medical Marijuana Facilities Licensing Act,

WHEREAS, the Mayor and City Commission has been advised regarding the numerous benefits regarding development of an Ordinance and Zoning Ordinance "opting in" to the Medical Marijuana Facilities Licensing Act,

WHEREAS, it has become evident to the City Commissioners that the Citizens of Buchanan have strong opinions both for and against the City's "opting in" to the Medical Marijuana Facilities Licensing Act, NOW, THEREFORE BE IT RESOLVED, that the Mayor and the Buchanan City Commissioners approves to postpone any decision on whether the City should "Opt in" to the Medical Marijuana Facilities Licensing Act until the March 27, 2017 Commission meeting in an effort to better research the facts and concerns of its Citizens.

After deliberation, **roll call vote carried by majority. YEA: Cole, Hess, Moore, Toerne. NAY: Vigansky. Resolution 2017.02/149 declared approved.**

Marx reported he received the Grant Agreement today to put in fitness equipment along the Trail. **Cole moved, seconded by Toerne to accept the Grant Agreement from Gateway Foundation in amount of \$5,000. for fitness equipment along the McCoy Creek Trail. Roll call vote carried unanimously.**

Brief Commissioner comments were heard.

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

Gladys Bybee, City Clerk

Brenda J Hess, Mayor

Unfinished
Business continued
Resolution
2017.02/149,
Postpone Decision
on medical
marijuana

Gateway Grant
Agreement

Commissioners'
Comments

Adjourn

CITY OF BUCHANAN COMMISSION MINUTES

March 13, 2017

The regularly scheduled meeting of the City Commission was held at Buchanan City Hall, 302 N Redbud Trail, Buchanan, Michigan Monday, March 13, 2017 and was called to order by Mayor Hess at 7:00 p.m.

The Mayor led the Pledge of Allegiance. Pastor Lyndon Azuna gave the Invocation.

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

Commissioners absent: none

Staff present: City Manager Bill Marx, Fire Chief Mike Adams, Firefighter's Joe Scanlon IV, Chris Geisler, and John Poehner, Water Operator Craig Miller and Clerk Gladys Bybee

Guests/Visitors present: Southeast Berrien County Landfill (SEBCL) Director Sonny Fuller along with 15 visitors

Vigansky moved, seconded by Toerne to amend the Agenda to include C. Southeast Berrien County Landfill to VI. Reports by. 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, February 27, 2017; Annual Planning Summary, February 18, 2017; and Public Forum Summary, February 20, 2017
- Checks 74357 to 74447 in the amount of \$248,508.97
- Proclamation in Observance of May 7 to May 13, 2017 as Drinking Water Week

Fire Chief Mike Adams explained the Standard Operating Guidelines amendment for the Fire Department in detail. Geisler distributed some specifications for three possible Medical First Responder vehicles and explained that one will be needed in the future at the Fire Department to replace the 1994 van. Vigansky asked about a Fire District between Townships of Bertrand and Buchanan and the City of Buchanan. Adams replied that he, in the past, has met with the other Fire Chief's and they are open to the idea in the future. Marx explained the higher expenses with personnel for a District FD.

Miller explained National Drinking Water Week, the first week of May and Schools in the District are willing to do an activity. Manager Marx says a weeklong educational process for the community that would enhance our Wellhead Protection Program. The Mayor read the Proclamation for Drinking Water Week and presented it to Miller.

Fuller reported on the smell from the Landfill and explained they are working diligently to eliminate some of the odor. He explained in detail the methane causing the smell; possibly caused by 16 capped gas wells being installed in January. He anticipates relief in the smell within a couple months. Discussion was shared with Fuller and Commission. It was noted Scholarships are also available through the Landfill.

Marx explained that no sealed bids were received by the bid opening date (03/09/17) for the two surplus 2008 Eldorado Dial-A-Ride buses. However, he received four sealed bids as of today. After deliberation, *Toerne moved, seconded by Moore to extend the bid through Thursday March 16 at 10:00 a.m. with the City Manager to award the bid to the highest bidder as suggested. Roll call vote carried unanimously.*

Call to Order

Pledge/Invocation

Roll Call

Consent Calendar
Agenda as amended
February 27, 2017
Minutes, February
18, 2017 Annual
Planning Summary,
and Public Forum
Summary, February
20, 2017

Checks

Proclamation,
Drinking Water
Week

Reports

Buchanan Fire
Department

National Drinking
Water Week

Southeast Berrien
County Landfill

Unfinished
Business

Disposition of Dial-
A-Ride Buses

The Manager reported
the

miscommunication with the State and suggested the two, 2008 Eldorado Dial-A-Ride buses be declared as surplus equipment and disposal by accepting sealed bids until March 9, 2017 at 3:00 p.m. ***Vigansky moved, seconded by Moore to declare the buses as surplus equipment and accept sealed bids until March as suggested by the Manager. Roll call vote carried unanimously.***

New Business
Disposition of Two
Dial-A-Ride Buses

Toerne moved, seconded by Cole to approve the Amendment to Buchanan City Fire Department Standard Operating Guidelines 3.12 as presented and recommended earlier by Fire Chief Mike Adams. Roll call vote carried unanimously.

Buchanan Fire
Department SOG

After explanation from Marx, ***Cole moved, seconded by Moore to give no comment on the application or advise of any local non-compliance issues for Lehman's Orchard, L.L.C. RID #868302 Reference/Transaction: Add space and new Sunday sales permit (PM) located at 204 N. Redbud Trail. Roll call vote carried unanimously.***

Liquor Control,
Lehman's Orchard

Andrea van der Laan, Ottawa Court offered a larger venue (School) for the next meeting. Listen to the constituents of City before voting on the medical marijuana. Kathy Kay, Third Street agrees with Doctor van der Laan and opposes medical marijuana. Vanessa Burns, Front Street said Vigansky is very rude. Jeannie Harris, Bluff Street asked the Commission for a study to check into why there have been three heroin deaths and drug raids within five streets in past two years. Pamela Sten, W Fourth Street asked about the seminar the Commissioners were going to. Toerne, Patzer and the Mayor attended one and the Mayor would be attending another one coming up. Toerne reported that they explained the law more in depth.

Public Comments
Not an agenda item

City Manager reported the Ross Sanders house is being remodeled by City workers and hopes to see draft of lease for "Escape Room" with the Haunted House this week; Garden Club's request to move forward with an idea to beautify the gray metal electric control panel; and tree issues due to heavy winds.

City Manager
Comments

Commissioner's thanked the Firefighters, commended BARB on their Five Year Plan and gave brief comments.

Commissioners'
Comments

Cole moved, seconded by Moore to adjourn the meeting at 8:39 p.m. Voice vote carried unanimously.

Adjourn

Gladys M. Bybee, City Clerk

Brenda J Hess, Mayor

CITY OF BUCHANAN COMMISSION MINUTES

March 27, 2017

The regularly scheduled meeting of the City Commission was held at Buchanan City Hall, 302 N Redbud Trail, Buchanan, Michigan Monday, March 27, 2017 and was called to order by Mayor Hess at 7:00 p.m.

The Mayor led the Pledge of Allegiance. 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, Assistant Police Chief Tim Ganus, Officer's Devonte Hureskin, John Leonard, and Dick Mann, Reserve Officer Sonny Fuller and Clerk Gladys Bybee

Guests/Visitors present: Deputy Assessor Kari Puckett and Assessor Tony Meeyard along with 40+ visitors

Beverly Wilcox, Bertrand Township hopes and prays that marihuana does not come to Buchanan. Please vote no. Andrea van der Laan, Buchanan Community Schools Superintendent opposed medical marihuana and confirmed that students are confused about the use of medical marihuana and asked Commission to vote no. Eric Hagman, Front Street stated that Buchanan does not need medical marihuana and encouraged the Commission to vote no.

Toerne moved, seconded by Moore to amend the Agenda to remove C. Buchanan Youth Softball and Baseball Association (BYSBA) under VI. Reports by... Roll call vote carried unanimously. Vigansky moved, seconded by Moore to approve the Consent Calendar as amended. Roll call vote carried unanimously.

- Agenda as amended
- Minutes: Regular scheduled meeting, March 13, 2017 and Budget Work Session Summary, March 20, 2017
- Checks 74448 to 74503 in the amount of \$49,847.54
- Acknowledge Highest Bidder of two surplus 2008 Eldorado Dial-A-Ride Buses
- Banner Placement form; Car Cruise In
- Banner Placement form; Fernwood Summer Camps
- Accept Resignation from Bill Norton from the Planning Commission
- Appoint Vanessa Burns to the Planning Commission to fulfill a vacant term ending 2018 as recommended by the Planning Commission
- Street Closure; Memorial Day Parade May 29, 2017
- Award the Bid to lowest bidder, Pride Portable Toilets for 2017 Portable Toilet Facilities for the City of Buchanan

Puckett reported on the Assessor Department and explained her written report while all reviewed.

Assistant Chief Ganus reported on the police department regarding Elderly fraudulent telephone calls and announced upcoming classes that would be posted on the Police Facebook. He announced two new Volunteer Reserve Officers graduated and coming on the force (25 now) and introduced Devonte Hureskin as a new part-time Police Officer. Officer Hureskin gave a brief biography of himself and greetings were shared.

Call to Order

Pledge/Invocation

Roll Call

Public Comments
On agenda items only

Consent Calendar
Agenda as amended
March 13, 2017
Minutes and Budget
Work session
Summary, March 20,
2017

Checks

Bid Award Dial-A-Ride Buses
Banner Placement's Resignation & Appointment to Planning Commission
Street Closure
Portable Toilet Bid Award

Reports
Assessor

Police

Ganus noted that if anyone is interested in Neighborhood Watch Programs, they can call either Bob Hess or himself at the Police Department.

Reports continued
Police

Marx explained the previous process for painting the two water towers; one on Moccasin and one on Front Street. He reported the logo on the towers including the “Life is Better Here” and “Promise Community”. ***Vigansky moved, seconded by Toerne to approve the Notice to Proceed, Contract Documents (#22-11-03-01/02-17) with Dixon Engineering for Buchanan Water Tower Painting Project. Roll call vote carried unanimously.***

Unfinished Business
Notice to Proceed,
Water Tower’s
Painting & Repair

Marx summarized the previous opportunities for residents’, public and Commissioners education/information to discuss developing a Buchanan City Ordinance and Zoning Ordinance on Michigan’s Medical Marihuana Facilities Act. Cole suggested that the Commission delay and keep in contact with the State. Moore stated the law is very specific and her concern is for the public dealing with cash only and about the medication tax revenue that will come back from the State (similar to loosing Revenue Sharing). Hess reported her friend uses medical marihuana for her son and she has strived for learning about medical marihuana. ***Vigansky moved, seconded by Toerne to approve the resolution as presented:*** TO DEVELOP A BUCHANAN CITY ORDINANCE and ZONING ORDINANCE ON MICHIGAN’S MEDICAL MARIHUANA FACILITIES ACT
WHEREAS, on February 7, 2017 the City of Buchanan held a public workshop in which the City Commission, Planning Commission and the Public were invited to attend in an effort to educate and inform the City and its Citizens on Michigan’s Medical Marihuana laws,
WHEREAS, on that date, the City Attorney spent an hour reviewing the details and intricacies of: Medical Marihuana Facilities Licensing Act – PA 281 of 216;
Grower’s License
Class A License (up to 500 plants);
Class B License (up to 1000 plants);
Class C License (up to 1500 plants);
Processor’s License (edibles, topical treatments, beverages);
Provisioning Center (aka Dispensaries);
Secure Transporter’s License;
Safety Compliance Facility License.
Medical Marihuana Tracking Act – PA 282-2016;
Medical Marihuana Act Amendment – PA 283 of 206;
WHEREAS, during this public workshop those attending had an opportunity to ask questions of the City Attorney and also a representative from State Representative David Pagel’s office as it related to Michigan’s Medical Marihuana laws;
WHEREAS, during this public workshop, it was announced that there would be two public hearings to be scheduled on February 16th and February 20th;
WHEREAS, the Medical Marihuana Facilities Licensing Act requires a City such as Buchanan to affirmatively “opt in” by developing an ordinance and zoning ordinance before facility licensed through the Act would be allowed to operate within the City limits;
WHEREAS, if the City chose not to act, those licensed through the Act would not be allowed to operate within the City limits;
WHEREAS, the City of Buchanan has a legitimate purpose in addressing the appropriateness of “opting in” to the Medical Marihuana Facilities Licensing Act;
WHEREAS, public forums were held on February 16th and February 20th for the purpose of giving residents and non-residents of the City of Buchanan an opportunity to speak both in favor of and against “opting in” to Michigan’s Medical Marihuana Facilities Licensing Act;
WHEREAS, the Mayor and City Commission have been advised regarding numerous concerns and issues regarding development of an Ordinance(s) and Zoning Ordinance(s) “opting in” to the Medical Marihuana Facilities Licensing Act,
WHEREAS, the Mayor and City Commission have been advised regarding the numerous benefits regarding development of an ordinance(s) and zoning ordinance(s) “opting in” to the Medical Marihuana Facilities Licensing Act;
WHEREAS, it has become evident to the City Commissioners that the Citizens of Buchanan have strong opinions both for and against the City’s “opting in” to the Medical Marihuana Facilities Licensing Act;

Resolution
2017.04/150, To
Develop a
Buchanan City
Ordinance and
Zoning Ordinance
on Michigan’s
Medical
Marihuana
Facilities Act

WHEREAS, being duly informed and advised, the City Commission has decided it shall "opt-in" and adopt ordinance(s) and zoning ordinance(s) that will authorize a yet to be determined location(s), facility type(s) and number of facilities within the City of Buchanan as provided by the Medical Marihuana Facilities Licensing Act;

NOW, THEREFORE BE IT RESOLVED, that the Mayor and the Buchanan City Commissioners approve to move forward in the development of a Buchanan City Ordinance and Zoning Ordinance allowing for a yet to be determined number, type of licensed facility and location(s) within the City under the Michigan Medical Marihuana Facilities Licensing Act.

Roll call vote carried by majority. YEA: Cole, Hess, Toerne, Vigansky. NAY: Moore. Resolution 2017.03/150 declared adopted.

Marx explained the Sunday sales of liquor at the gas station on the corner of Redbud and Front that is without violation and has responsible business practices. He recommended that they give positive comments. *Vigansky moved, seconded by Toerne to submit favorable opinion on the application RID#899214, New SDM License Issued under MCL 436.1533(7) with Sunday Sales Permit (AM) and Gas Pumps issued under MCL 436.154(6) 5' (inside) for 267 E. Front Street for Niles RPM IV Inc. Roll call vote carried unanimously.*

City Manager reported the successful Chili Walk fundraiser for Band Boosters raising \$800 and thanks to Hureskin being a Buchanan Officer.

Commissioner's welcomed new Officer Hureskin and new businesses in town, urged involvement with the developing of the medical marihuana ordinance, WNIT featuring Buchanan as "Our Town", outstanding Volunteer Firefighters Award Banquet and gave brief comments.

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

Gladys M. Bybee, City Clerk

Brenda J Hess, Mayor

Unfinished
Business continued
Resolution
2017.04/150,
Medical Marihuana
Facilities Act

New Business
Liquor Permit for
267 E Front Street

City Manager
Comments

Commissioners'
Comments

Adjourn

CITY OF BUCHANAN COMMISSION MINUTES

April 10, 2017

The regularly scheduled meeting of the City Commission was held at Buchanan City Hall, 302 N Redbud Trail, Buchanan, Michigan Monday, April 10, 2017 and was called to order by Mayor Hess at 7:00 p.m.

The Mayor led the Pledge of Allegiance. Pastor Edwin Bricklow 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: Garden Club Arbor Day Chairperson Sheila Daly along with 16 visitors

Toerne moved, seconded by Moore to amend the Agenda to remove B. Buchanan Youth Softball and Baseball Association (BYSBA) under VI. Reports by... Roll call vote carried unanimously.

- Agenda as amended
- Minutes: Regular scheduled meeting, March 27, 2017
- Checks 74504 to 74577 in the amount of \$425,597.82
- Acknowledge Receipt of the 2017-2018 FY Budget as presented by the City Manager in accordance with Charter Section 9.2
- Call Public Hearing on April 24, 2017 at 7:00 p.m. to hear public comments regarding the proposed 2017-18 budget, the property tax millage rate and the water and sewer rates proposed to be levied to support the proposed budget
- Resolution 2017.04/151, To Approve the Summer School Tax Collection Fee in the sum of \$2,565.07 per School District – Totaling \$7,695.21
WHEREAS, the City agrees to collect the total summer school taxes as certified by the School District for the levy on July 1, 2017 for property located within the City; and
WHEREAS, the School District agrees to pay City costs of assessment and collection in the total amount of \$1.30 per parcel, for all three School District's, totaling \$2,565.07; and
WHEREAS, no later than June 1, 2017, the School District shall certify to the Treasurer the school millage to be levied on property for summer school tax collection in 2017; now, therefore,
BE IT RESOLVED, that the Treasurer is authorized and directed to charge Buchanan Community School, Berrien RESA and Lake Michigan College \$2,565.07 each (\$1.30 per parcel, per school, totaling \$7,6095.21), on behalf of the City of Buchanan for the reasonable expenses for collection of the district's summer property tax levy that the City may bill under MCLA 380.1611.
- Proclamation Arbor Day 2017

Buchanan Garden Club Arbor Day Chairperson Sheila Daly introduced Garden Club President Liz Miller who thanked Daly for her dedicated service and reported on the 50 member organization. Miller reported on the many projects/events they sponsor. The Mayor presented the ladies with the Arbor Day Proclamation.

Bethany Cowan explained the third year Superhero Run for Belly Buttons of Avery's Angels, Non-Profit support organization for Gastroschisis.

Marx explained and recommended the receipt of one sealed bid from Affordable Asphalt for 1997 Case Wheel Loader. ***Toerne moved, seconded by Cole to approve the bid submitted by Affordable Asphalt to purchase the wheel loader for the amount of \$20,000 cash and \$10,000 labor trade of asphalt work as recommended. Roll call vote carried unanimously.***

Call to Order

Pledge/Invocation

Roll Call

Consent Calendar
Agenda as amended

March 27, 2017
Minutes

Checks

Receipt of 2017-18
Annual Budget

Call Public Hearing
for Budget

Resolution for
Summer School Tax
Collection

Proclamation for
Arbor Day 2017

Reports

Buchanan Garden
Club

Superhero Run for
Belly Buttons

Unfinished

Business

Wheel Loader Bid

Marx summarized the Annual Planning Session process to develop goals for the City of Buchanan. After deliberation, ***Toerne moved, seconded by Cole to approve the 2017-18 City Commission Priorities as presented. Roll call vote carried unanimously.***

2017-18 City
Commission
Priorities

Marx reported on the progress of preparing for Summer Thrill on the Hill. He requested that an extra day during the week be granted for the City and confirmed that the funds would be donated to the City Parks. After discussion and questions were shared with Commission and Marx, ***Toerne moved, seconded by Cole to approve the additional Thursday (August 3rd) for Trill on the Hill. Roll call vote carried unanimously.***

New Business

Additional day for
Summer Thrill on
the Hill

After Marx reported that the county would not be renewing the contract for Assessing Services that expires in June. He would like to publish the position and has received three letters of interest. The County is willing to assist with the hiring process. After shared discussion, ***Vigansky moved, seconded by Toerne to approve the search for City Assessing Services hiring process. Roll call vote carried unanimously.***

Search for City
Assessing Services

After Marx explained the Chip and Seal Street Repair proposals from Berrien County, ***Vigansky moved, seconded by Moore to approve the list of repairs as presented. Roll call vote carried unanimously.***

Chip and Seal Street
Repair

1. Cemetery (west) Road: .23 Miles (12 feet wide) Cost-\$2,700
2. N. Detroit: 300 block: .17 Miles (26 feet wide) Cost-\$4,300
3. N. Cayuga: 100 and 300 block: .26 Miles (22 feet wide) Cost-\$5,000
4. Lake St.: 100 and 300 block: .25 Miles (27.5 feet wide) Cost-\$6,500
5. Waste water access Road: end to end: .27 Miles (15 feet wide) Cost-\$3,900

Thomas Wilson, Charles Court stated he is finding many people are not collecting dog excrement in the Common area and suggests that a bag facility be made available; concern about the vandalism at the Common and maybe policed more; Front Street Pedestrian yield signs need to be moved closer to the intersection; and smoking on the public sidewalk in front of bars downtown should stop. Dan Robison, River Street requested that the alley be vacated adjacent to their property. Marx replied the legal issue has been resolved with the properties so this can begin. Dick Proud stated that he worked with Sheila Daly for 11 years and praised Daly.

Public Comments

Non Agenda Items

City Manager announced upcoming events and services.

**City Manager
Comments**

Commissioner's thanked Ms. Daly, announced upcoming events, and gave brief comments.

**Commissioners'
Comments**

Cole moved, seconded by Vigansky to adjourn the meeting at 8:00 p.m. Voice vote carried unanimously.

Adjourn

Gladys M. Bybee, City Clerk

Brenda J Hess, Mayor

Unfinished Business continued

CITY OF BUCHANAN COMMISSION MINUTES

April 24, 2017

The Mayor called the Public Hearing to order at 7:00 p.m. and invited public comments on the proposed 2017-18 budget, the property tax millage rate and the water and sewer rates proposed to be levied to support the proposed budget. Hearing no comments, verbal or written, the Mayor adjourned the Hearing at 7:00 p.m.

Public Hearing

The regularly scheduled meeting of the City Commission was held at Buchanan City Hall, 302 N Redbud Trail, Buchanan, Michigan Monday, April 24, 2017 and was called to order by Mayor Hess directly following the public hearing at 7:01 p.m. The Mayor led the Pledge of Allegiance. Minister Nate Babcock gave the Invocation.

Call to Order

Pledge/Invocation

Mayor Brenda Hess introduced Fire Chief Mike Adams and Assistant Fire Chief Bobby Blaylock and presented each of them with a 25 year service plaque for Firefighter appreciation. City Manager Marx commended Adams, Blaylock and all the Firefighter's.

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

Commissioners absent: none

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

Guests/Visitors present: Six Volunteer Firefighter's, Buchanan District Library Director Barbara Wallace, and Lion's Club Member Jerry Flenar along with 13 visitors

Roll Call

Cole moved, seconded by Toerne to approve the Agenda as submitted. Roll call vote carried unanimously.

- Agenda
- Minutes: Regular scheduled meeting, April 10, 2017 and Joint Work session summary, April 17, 2017
- Checks 74578 to 74638 in the amount of \$68,928.91
- Appoint Amanda Manasco to the Buchanan Farmers' Market Board for a three year term ending 2020 as recommended by the Farmers' Market Board
- Banner placement; City of Buchanan Water Week
- Banner placement; Buchanan Art Center
- Acknowledge Proclamation for White Cane Week
- Street Closure for S. Oak Street between Roe and E Smith from S Oak to just past the train entrance on E Smith for Superhero Run for Belly Buttons 5K Walk/Run

Consent Calendar

Agenda

April 10, 2017
Minutes and Joint
WS Summary

Checks

Board Appointment

Banner Placements
White Cane Week
Proclamation

Street Closure

Reports

Buchanan Lion's
Club

Flenar reported on selling white canes downtown Buchanan May 19 and 20 and the Mayor presented Flenar with a Proclamation declaring May 14 to May 20 as White Cane Week.

Director Wallace summarized her attendance to the numerous board meetings of boards that oversee the locations where the stories would be displayed noting all boards approved the story walk project. She explained the story walk project and confirmed the posts would be temporarily installed and the Library would maintain them. She also confirmed that they will be having a board meeting on Wednesday to present the agreement. Discussion was shared. ***Toerne moved, seconded by Vigansky to approve the Buchanan Storywalk Agreement with Buchanan***

Unfinished Business

Buchanan District
Library Storywalk
Agreement

District Library to install posts and boards on City property around the Common area although maintenance is still a concern. Roll call vote carried unanimously.

Marx explained the bid waiver to purchase the new Kubota 4 x 4 front deck mower and explained the two quotes received. ***Moore moved, seconded by Cole to waive the bid and approve the purchase of the Kubota deck mower in the amount of \$13,350 from HFS Tractor with trade in. Roll call vote carried unanimously.***

New Business
Bid Waiver, Kubota
deck mower

After brief explanation from Marx, ***Toerne moved, seconded by Cole to approve the resolution as presented.*** Providing for the Honorary Naming of Public Streets

WHEREAS, the City Commission of the City of Buchanan desires to recognize individuals and organizations that are of particular importance to the City of Buchanan or have made significant contributions to improving the quality of life in the City by naming sections of public streets in their honor; and
WHEREAS, the City Commission of the City of Buchanan may name sections of streets not exceeding one block in length in honor and recognition of individuals or organizations that are of particular importance to the City of Buchanan or have made significant contributions to improving the quality of life in the City;
WHEREAS, recognition with an honorary name of street title shall be reserved for those individuals and organizations that have performed an exemplary act or achievement of lasting interest to their community, which reflects positively on the City of Buchanan as a whole;
WHEREAS, the honorary naming of streets under this section is separate and distinct from the process for naming and renaming streets provided by City Code or State Code and shall not replace, supersede, or otherwise affect existing names of streets;
WHEREAS, signs for honorary names of street shall be clearly distinguishable from official street name signs by color, use of the word "honorary" in the legend, or by other design aspects and only be allowed for three consecutive days;
WHEREAS, the Department of Public Works will undertake installation of honorary street title signage as designated by the Buchanan City Manager;
NOW, THEREFORE BE IT RESOLVED, that the Buchanan City Commissioners hereby approves the Honorary Naming of Public Streets Resolution.

Resolution
2017.04/152,
Honorary Naming
of Public Streets

Roll call vote carried unanimously. Resolution 2017.04/152 declared adopted.

City Managers comments included items from weekly briefing and discussion of bench destruction along the trail was shared with Commission. He noted working on medical marihuana ordinance for work session on May 8 at 6:00 and huge success with Spring Cleanup.

**City Manager
Comments**

Commissioner’s commended Adams and Blaylock, announced upcoming events, and gave brief comments. The Mayor recognized Dave Perez for his Chamber of Commerce Award who was in attendance. It was noted the Laundromat would be closing the end of this month.

**Commissioners’
Comments**

Vigansky moved, seconded Cole by to adjourn the meeting at 7:43 p.m. Voice vote carried unanimously.

Adjourn

Gladys M. Bybee, City Clerk

Brenda J Hess, Mayor

CITY OF BUCHANAN COMMISSION MINUTES

May 8, 2017

The regularly scheduled meeting of the City Commission was held at Buchanan City Hall, 302 N Redbud Trail, Buchanan, Michigan Monday, May 8, 2017 and was called to order by Mayor Hess at 7:03 p.m.

The Mayor led the Pledge of Allegiance. Pastor Len Bailey gave the Invocation.

Mayor Hess announced that Miss Blossomtime, Andrea Bair and Mr. Blossomtime 1st Runner Up, Dylan Catalano was not in attendance as she was to re-present them with an honorary key to the City.

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

Commissioners absent: none

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

Guests/Visitors present: Transportation Management President Kim O’Haver along with 13 visitors

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

- Agenda
- Minutes: Regular scheduled meeting, April 24, 2017
- Checks 74639 to 74741 in the amount of \$116,948.70
- Reappoint JT Adkerson and Carla Cole to the Southeast Berrien County Landfill Board for another term
- Reappoint City Manager Bill Marx to the Southwest Michigan Community Ambulance Board with Treasurer Juli O’Bryant as the alternate for another term
- Proclamation for Municipal Clerks Week, May 7 - May 13, 2017

Bybee reported on the City Mapping Storage Project, May Election, new election equipment anticipated, City board vacancies, Water Week placemats, website upgrade, and receipt of a petition turned in by Cindy Benson requesting that the City Commission and Planning Commission (one also filed with Zoning Administrator Debra Patzer) consider to exclude all facets of the business described as “medical marijuana” within any buildings or on any currently empty property within the parameters of Liberty Heights as defined in the petition. Discussion was shared and the Mayor presented Bybee with the Proclamation for Municipal Clerks Week.

Juli O’Bryant was in attendance and announced the pre-process of the budget and explained the overall 3% increase for the general fund and the goal towards the new oxidation ditch projecting a 4% increase in the water bills. *Cole moved, seconded by Toerne to approve the resolution as presented.* The City of Buchanan to adopt a budget for fiscal year 2017-2018

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, 2017 through June 30, 2018; and **WHEREAS**, a public hearing was held on April 24, 2017 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 2017-2018 fiscal year for the purposes set forth below:

Call to Order

Pledge/Invocation

Roll Call

Consent Calendar

Agenda

April 24, 2017
Minutes

Checks

Landfill & SMCAS
Reappointments

Municipal Clerks
Week Proclamation

Reports

City Clerk/Election
Dept.

Unfinished
Business

Budget for fiscal
year 2017-2018

\$429,678.	\$ 48,047. City Manager Elections Assessor City Clerk Treasurer	128,378. 23,037. 41,330. 63,143. 125,943.
Public Safety \$1,212,254.	Police Department/Code Enforcement Crossing Guards Fire Department Building Inspection	\$ 989,040. 33,127. 144,882. 45,205.
DPW & Cemetery \$483,314.	DPW/Streets Cemetery	\$ 298,010. 185,304.
Parks & Recreation \$14,564.	Parks & Recreation	\$ 14,564.
Other \$111,950.	Building & Grounds Rental Property Arts & Historical Buildings Misc. Costs/Transfers	\$ 77,211. 6,180. 13,059. 15,500.
Total General Fund		2,251,760.
	Major Streets Local Streets Street Repair & Maintenance Water & Sewer Enterprise Brownfield-TIF	\$ 358,330. 274,670. 332,928. 2,045,933. 14,132.
Total Other Funds		\$ 3,025,993.

Unfinished
Business continued
Budget for fiscal
year 2017-2018

Total Budget Including General Fund \$5,277,753.

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, 2017, as follows:

	Water	Sewer	Ready to Serve (RTS)	Future Plant Reserve
City	\$4.10/1000 gal.	\$7.38/1000 gal.	\$21.16 monthly	\$2.00 monthly
Township	4.77/1000 gal.	8.65/1000 gal	24.74 monthly	\$2.34 monthly

BE IT FURTHER RESOLVED that the total budget for the City of Buchanan for the fiscal year 2017-2018 in the amount of \$5,277,753. 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 2017.05/153 declared adopted.

Third Party Administrator for Dial-A-Ride Kim O’Haver reported on the history of the 2009 transportation policy and explained the overall substance abuse testing policy (template) from the Department of Transportation (DOT). She explained the supplemental zero tolerance policy that is regulated for her company who is a third party contracted business that administers Buchanan Dial-A-Ride through Berrien County.

Vigansky moved, seconded by Toerne to approve the City of Buchanan Controlled Substances and Alcohol Misuse Testing Policy for Buchanan Dial-A-Ride according to U.S. Department of Transportation Federal Transit Administration (FTA) Regulations as presented. Roll call vote carried unanimously.

Cole moved, seconded by Toerne to approve the Supplemental Employment Policy on Alcohol and Drug Use in Public Transit Activities as presented. Roll call vote carried unanimously.

New Business
Dial-A-Ride
substance abuse
testing policy

Dial-A-Ride
Supplemental
Employment Policy

Marx explained the money has been budgeted in 2017-2018 but the purchase may be necessary prior to that budget to purchase a new Toro Zero Turn grass mower for the Cemetery up to \$8,500. He confirmed a budget amendment would be brought forward if the purchase were before July 1. ***Moore moved, seconded by Cole to approve the purchase of the Toro Zero Turn grass mower for the cemetery in an amount not to exceed \$9,000 if needed. Roll call vote carried by majority. YEA: Cole, Hess, Moore, Toerne. NAY: Vigansky.***

New Business
continued
Toro Zero Turn grass mower for the Cemetery

Marx reported the drug testing has been done in the past with our procedure and policy through Michigan Municipal League (MML) and supported by the City Insurance. After discussion, ***Toerne moved, seconded by Cole to approve the Agreement with First Advantage Enterprise Screening Corporation for Substance Abuse Testing Services for drug testing City of Buchanan employees as presented. Roll call vote carried unanimously.***

Substance Abuse Testing Services Agreement

After the clerk explained, ***Vigansky moved, seconded by Toerne to approve the resolution as presented.*** Authorize the Buchanan City Clerk to submit a grant application to the Secretary of State to purchase new election equipment.

WHEREAS, the City Commission of the City of Buchanan wishes to apply to the Secretary of State for a grant to purchase a new voting system, which includes precinct tabulators, accessible voting devices for use by individuals with disabilities, and related Election Management System (EMS) software.

WHEREAS, partial funding for the new voting system will be provided by the State, and will include a combination of Federal Help America Vote Act and State-appropriated funds. Local funding obligations are detailed in the attached Election Source quote.

WHEREAS, the City of Buchanan plans to begin implementation of the new voting system in 2017.

WHEREAS, the deadline for submitting the required State Grant Application is upon receipt of the Grant Agreement.

NOW, THEREFORE, BE IT RESOLVED that the Buchanan City Clerk is authorized to submit this Grant Application on behalf of the City of Buchanan, Berrien County on this day of May 8th, 2017.

Roll call vote carried unanimously. Resolution 2017.05/154 declared adopted.

Resolution
2017.05/154,
Authorizing the
Clerk to submit a
grant for new
election equipment

City Managers comments included items from weekly briefing and discussion of Our Town Series from WNIT and W Front Street waterline break needing emergency repair.

City Manager
Comments

Commissioner's announced upcoming events; need the seriousness of pedestrians in the crosswalks that desperately need to be painted and educated, and gave brief comments. Commissioner Moore reported she would be out of town for the next meeting.

Commissioners'
Comments

Cole moved, seconded Vigansky by to adjourn the meeting at 8:14 p.m. Voice vote carried unanimously.

Adjourn

Gladys M. Bybee, City Clerk

Brenda J Hess, Mayor



City Commission Minutes
May 22, 2017
7:00 p.m.

I. Call to Order

Mayor Hess called the Meeting to order at 7:00 p.m.

II. Roll Call

Members present: Brenda Hess, Dan Vigansky, Dale Toerne

Members absent: Patricia Moore, Carla Cole

Staff present: City Manager Bill Marx, Zoning Administrator Debra Patzer, WWTP Operator Bill Housand, Recording Secretary Mandi Schanick

Others present: Miss Buchanan Andrea Bair, 1st runner up to Mr. Blossomtime Dylan Catalano, Norma Ferris, Alan Robandt, Sherrie Daniel, and 8 guests

III. Public Comment – Agenda Items only: none

IV. Approval of Consent Calendar: *Hess moved, seconded by Toerne to amend the Agenda adding Acknowledgement of Miss Buchanan and First Runner up to Mr. Blossomtime. Roll call vote carried unanimously.*

Vigansky moved, seconded by Toerne to move Approve Checks 74742 to 74815 in the amount of \$200,711.05 to New Business item D. Roll call vote carried unanimously.

Vigansky moved, seconded by Toerne to approve the Consent Calendar as Amended. Roll call vote carried unanimously.

V. Presentation of Keys to the City Mayor Hess introduced 1st runner up to Mr. Blossomtime, Dylan Catalano and Miss Buchanan Andrea Bair while presenting their keys to the City. Miss Buchanan and 1st runner up to Mr. Blossomtime Dylan Catalano expressed their honor to be able to represent their hometown.

VI. Reports by: Department, Committees, Boards: none

VII. Unfinished Business: none

VIII. New Business

A. Consider Resolution 2017.05/___ Calling a Public Hearing to vacate the undeveloped alley that is adjacent to Lots 9, 10, and 11 of English and Holmes addition as recorded in Liber 1342 page 1038 of Berrien County Records: Debra Patzer explained that the City had received a petition from resident at 601 River Street who asked that the City vacate undeveloped alley that runs in the rear of his property along the property line. Patzer requested that the Commissioners approve of the public hearing to be held in 4 weeks. The property owners would be notified. Once the alley is vacated the County will be notified and the alley will be split, half will go to the property owner on the

North and the other half to the property owner on the South. Vigansky clarified that the alley is City Property now, and has been tied up with the Desenberg Law Suit for approximately 5 years. *Toerne moved, seconded by Vigansky to approve Resolution 2017.05/___, Calling a Public Hearing to vacate the undeveloped alley that is adjacent to Lots 9, 10, & 11 of English and Holmes addition as recorded in Liber 1342 page 1038 of Berrien County Records. Roll call vote carried unanimously. Resolution 2017.05/155 declared adopted.*

B. Consider opinion or advice of any local non-compliance issues on the application for a new SDM license issued under 436.1533(7); New Gas Pumps to be issued under MCL 436.1541(6) 5' (inside) for Hilltop Marathon L.L.C., 711 E Front Street: City Manager explained Marathon uptown across from Hilltop has applied for the application to be able to sell beer and wine. Marx has no hesitation in giving a positive comment for the liquor application. Marx explained that they are not asking for gas pumps, only this is how the state words the application for Gas Stations. *Toerne moved seconded by Vigansky to approve opinion or advice of any local non-compliance issues on the application for a new SDM license issued under 436.1533(7); New Gas Pumps to be issued under MCL 436.1541(6) 5' (inside) for Hilltop Marathon L.L.C, 711 E Front Street. Roll call vote carried unanimously.*

C. Acknowledge Emergency Expenditure for Mill Pond Lift Station slide rails that pulls pumps up and down repairs: Bill Housand explained this was slated to be done next year in the July 1 budget. Steel work installed 1983 or 1984. All steel has rusted apart pretty badly. On Friday pulling pump and the one of the rails let go, every station runs with two pumps, Mill Pond Lift Station is now limited to one. Housand asked for authorization of emergency expenditure to get the lift station back in business. *Vigansky moved, seconded by Toerne to Approve Emergency Expenditure for Mill Pond Lift Station slide rails that pumps up and down repairs. Roll call vote carried unanimously.*

D. Approve Checks 74742 to 74815 in the amount of \$200,711.05: Vigansky questioned MML \$4100.00 and what we're getting for that fee. Marx explained that Michigan Municipal League is our voice in Lansing and is an organization that most Cities and Villages reach out to for support. They supply trainings to us and are politically active, being voice through our legislature. 95% of Cities and Villages in the State participate in this organization. Vigansky questioned the check of \$20,000.00. Marx explained that this is a nest egg for the Mill Alley. Money is set aside for the work to be done on this project.

IX. Public Comments:

Sherrie Daniel, chairman of the DDA requested that street closure requests to be approved through the DDA before the Commission approve. As a business owner it is aggravating when customers cannot get to the Businesses on the streets that are closed. Loosing DDA Director, Debra has done an excellent job. Daniel recommended that the commissioners keep the DDA Director different from the Chamber. Daniel offered her opinion on what she wants from a DDA Director.

Norma Ferris questioned if the Escape Room at the Ross Sanders building will have changing tables. Mayor Hess described the Escape Room activities and stressed that this is an adult only activity.

Alan Robandt, speaking on behalf of the Preservation Society, is opposed to the lease approved at the last meeting for the Ross Sanders House and that they were not aware of the lease. There was discussion of the money and details of the lease.

X. City Managers Comments: Marx pointed out the excellent job at Fireman Memorial, Fire Department receiving oxygen masks for pets, Fire Department being out painting all fire hydrants, Code Enforcement out for requesting property owners to mow lawns, and discussion of Feed Mill.

XI. Commissioners' Comments: Vigansky questioned about the Feed Mill mortgage. Marx responded that the owners are currently in good standings with their mortgage at this time, further discussion followed of grain and farmers involved with the closing of the mill. Vigansky commented on all the entry ways of the City were overgrown. Toerne made additional comments of the Feed Mill with taxes and Mortgage, acknowledged Debra Patzers' outstanding job for the DDA Director, Thanked personal friends for coming to the Commission Meeting. Mayor Hess spoke on the activities and ideas for the youth of the City, and explained the City Tree Memorial Program.

Toerne moved, seconded by Vigansky at 7:44 pm to go into closed session to review minutes from Closed Session 5-16-17. Voice vote carried unanimously.

XII. Closed Session: to review minutes from Closed Session 5-16-17
There being no further business, the meeting was adjourned at 7:45pm.

Respectfully Submitted,

Mandi Schanick, Recording Secretary

Brenda Hess, Mayor

CITY OF BUCHANAN COMMISSION MINUTES

June 12, 2017

The regularly scheduled meeting of the City Commission was held at the Tin Shop Theatre, 108 S. Roe Street, Buchanan, Michigan Monday, June 12, 2017 and was called to order by Mayor Hess at 7:00 p.m.

The Mayor led the Pledge of Allegiance. Pastor Edwin Brinklow gave the Invocation.

Mayor Hess thanked the Fine Arts Council for invite and Alice Kring for scheduling the short performance. Kring introduced performers and they performed a few songs from the musical play “We the People”.

The meeting resumed at 7:40 after meeting set-up.

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

Commissioners absent: Dale Toerne

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

Guests/Visitors present: Fine Arts Council Secretary Alice Kring, Cast of “We the People” performers along with 9 visitors

Alan Robandt, Front Street asked that the Commission not vote on the DDA Budget as the DDA Director resigned and the Chairwoman is retiring.

*Moore moved, seconded by Cole to amend the Consent Calendar by adding F. Excuse Carla Cole and Patricia Moore from the May 22, 2017 Meeting under the Consent Calendar, E. Emergency Repair to the HVAC (Heating and Cooling) System at City Hall under New Business and move *E. Introduce Ordinance per Charter Section 7.3 for an Ordinance to amend the City of Buchanan, Michigan Code of Ordinances Chapter 106, Vegetation Article II. Trees, Division 1. Generally, Section 106-26. Definitions by Adding Vegetation; Amending Division 2. Municipal Arborist, Section 106-41, Duties; and Division 3. Permits, Section 106-56, Planting and Maintenance from the Consent Calendar to F. under New Business. Roll call vote carried unanimously. Moore moved, seconded by Cole to approve the Consent Calendar as amended. Roll call vote carried unanimously*

- Agenda
- Minutes: Regular scheduled meeting, May 22, 2017
- Checks 74816 to 74926 in the amount of \$225,721.72
- 2016-17 End of Year Budget Amendment

Due to the absence of President Samantha Blevins, Alice Kring reported on the Tin Shop Theatre; Buchanan Area Fine Arts Council (BAFAC), thanked all for allowing the earlier presentation and she announced future performances at the Tin Shop Theatre. Kring answered questions from Commissioners. Commissioner Moore, who is the representative on the Fine Arts Board, stated the Theatre has a significant Impact for Buchanan Community involvement.

Call to Order

Pledge/Invocation

Tin Shop Theatre
Performance

Roll Call

Public Comments

Consent Calendar

Agenda as amended

May 22, 2017
Minutes

Checks

Year End Budget
Amendment

Reports

Tin Shop Theatre,
Fine Arts Council

Patzer announced the Community Development Block Grant (CDBG) Program the City was involved in the 1980's and she explained we were unable to accomplish utilizing the program. She stated that Sate has mandated the funds be turned back in. Discussion and explanation was shared with Commission, Patzer and City Manager. ***Cole moved, seconded by Moore to return the unused Community Development Block Grant (CDBG) Revolving Loan Funds in the amount of \$78,897.42 to the State of Michigan Economic Development Council (MEDC). Roll call vote carried unanimously.***

New Business
CDBG Funds Return

Patzer reported that the DDA voted on the budget at their previous meeting and noted the importance of approving this budget and they may amend it in the future. Discussion was shared with Commission, Patzer and City Manager. ***Moore moved, seconded by Cole to approve the FY 2017-2018 DDA budget as approved by the DDA at their Monday, May 11, 2017 meeting. Roll call vote carried by majority. YEA: Cole, Hess, Moore. NAY: Vigansky.***

DDA 2017-18
Budget

Marx explained the quote to purchase and use of the UV lamps and reported employees are confident the new lamps are the way to go. ***Vigansky moved, seconded by Moore to approve purchase of UV lamps at the Wastewater Treatment Plant from American Air & Water Inc. in the amount of \$4,273.88. Roll call vote carried unanimously.***

WWTP UV Lamps

Marx explained the 11 properties that are in tax foreclosure. After questions and discussion, ***Vigansky moved, seconded by Cole to approve the Demolition of Foreclosed Properties located at 128 Elizabeth, 503 Arctic, and 316 Fulton as recommended by City Manager and Building Inspector. Roll call vote carried unanimously.***

Demolition of
Foreclosed
Properties

Marx explained the air conditioning unit breakdown at City Hall and the repairs that are needed. ***Vigansky moved, seconded by Cole to approve the emergency repair to the HVAC System at City Hall purchase not to exceed \$11,000 as recommended. Roll call vote carried unanimously.***

Emergency repair to
the HVAC System at
City Hall

Marx asked Patzer to distribute a draft of the ordinance amendment and he explained that requests have been received from residents to plant in the tree lawn, thus the reason for the amendment. After discussion, ***Moore moved, seconded by Cole to Introduce Ordinance per Charter Section 7.3 for an Ordinance to amend the City of Buchanan, Michigan Code of Ordinances Chapter 106, Vegetation Article II. Trees, Division 1. Generally, Section 106-26. Definitions by Adding Vegetation; Amending Division 2. Municipal Arborist, Section 106-41, Duties; and Division 3. Permits, Section 106-56, Planting and Maintenance. Roll call vote carried unanimously.***

Introduce Ordinance
Amendment Chapter
106, Vegetation

Norma Ferris, Oak Street asked if the City Center restrooms could be open for groups walking the Trail, Marx replied he believes they are open and closed daily by the PD. Alice Kring confirmed that Buchanan Area Ministerial Association (BAMA) National Day of Prayer will be using the Common.

Public Comments

City Managers comments included items from weekly briefing, upcoming events, fire hydrant damaged by hit and run vehicle, continued smoke testing, Firefighter's painting fire hydrants, and discussion of ongoing Pears Mill, Common and Ross Sanders House projects.

**City Manager
Comments**

Commissioner's announced upcoming events, thanked performer's, wished good luck to DDA, asked about status of medical marihuana ordinance, take caution of pedestrians due to summer events downtown, and gave brief comments. The Mayor explained her Youth Advisory Council for good fun things for youth to do and introduced Brandon Cook, one of its members.

**Commissioners'
Comments**

Cole moved, seconded Vigansky by to adjourn the meeting at 8:52 p.m. Voice vote carried unanimously.

Adjourn

Gladys M. Bybee, City Clerk

Brenda J Hess, Mayor

CITY OF BUCHANAN COMMISSION MINUTES

June 26, 2017

The Mayor called the Public Hearing to order at 7:00 p.m. and invited public comments on the proposed resolution to vacate the undeveloped alley that is adjacent to Lots 9, 10, and 11 of English and Holmes addition as recorded in Liber 1342 page 1038 of Berrien County Register of Deeds. Chris Avery, Redbud Trail asked why this alley had not been vacated in the past. Marx replied it was tied up in litigation for some time. Hearing no other verbal comments or receipt of any written correspondence, the Mayor adjourned the Hearing at 7:02 p.m.

Public Hearing

The regularly scheduled meeting of the City Commission was held at City Hall, 302 N Redbud Trail, Buchanan, Michigan Monday, June 26, 2017 and was called to order by Mayor Hess at 7:02 p.m.

Call to Order

The Mayor led the Pledge of Allegiance.

Pledge/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

Roll Call

Guests/Visitors present: 13 visitors

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

Consent Calendar

Agenda

- Agenda
- Minutes: Regular scheduled meeting, June 12, 2017
- Checks 74927 to 75005 in the amount of \$71,448.60
- Reappoint Roger Long to the Construction Board of Appeals to another three year term ending 2020
- Reappoint Alice Kring, Samantha Blevins, Karin Falkenstein and Megan Goodrich to the Buchanan Area Fine Arts Council to another four year term ending 2021
- Reappoint Dan Vigansky to the Joint Water Sewer Board to another three year term ending 2020
- Reappoint Patricia Moore to the Zoning Board of Appeals to another three year term ending 2020
- Appoint the DDA Chairperson and the Mayor to the Brownfield Redevelopment Board to a three year term ending 2020
- Reappoint Richard Gault and Kevin Barker to the Planning Commission to another three year term ending 2020
- Appoint Dave Perez and Ashley Hanson to the Buchanan Area Recreation Board to a three year term ending 2020
- Excuse Commissioner Dale Toerne's absence from the City Commission Meeting held on June 12, 2017

June 12, 2017

Minutes

Checks

Reappointments

Appointments

Excuse

Commissioner

Reports

Buchanan Area Senior Center

Buchanan Area Senior Center Executive Director Monroe Lemay could not be in attendance due to an emergency.

Patzer explained the proposed ordinance and questions were answered. ***Cole moved, seconded by Moore to approve the ordinance as presented.*** An Ordinance to amend the City of Buchanan, Michigan Code of Ordinances Chapter 106, Vegetation Article II. Trees, Division 1. Generally, Section 106-26. Definitions by Adding Vegetation Amending Division 2. Municipal Arborist, Section 106-41, Duties; and Division 3. Permits, Section 106-56, Planting and Maintenance. THE CITY OF BUCHANAN ORDAINS:

ARTICLE II. – TREES AND VEGETATION

DIVISION 1. GENERALLY

Sec. 106-26 Definitions. (add)

Vegetation means recognized ornamental perennials not exceeding 16 inches in height.

DIVISION 2. – MUNICIPAL ARBORIST

Sec.106-41. – Duties

The municipal arborist shall have the authority to promulgate the rules and regulations of the arboricultural specifications and standards of practice governing the planting, maintenance, removal, fertilization, pruning and bracing of trees on the streets or other public sites in the city, and shall direct, regulation and control the planting, maintenance, and removal of all trees and vegetation growing now or hereafter in any public area of the city. He shall cause the provisions of this article to be enforced. In his absence these duties shall be the responsibility of a qualified alternate designated by the city.

DIVISION 3. - PERMITS

Sec.106-56 – Planting and Maintenance

(a) No person shall plan, spray, fertilize, preserve, prune, remove, cut above ground, or otherwise disturb any tree on any street or city-owned property or plant any form of vegetation on city owned property or in the public right-of-way without first filing an application and procuring a permit from the municipal arborist or otherwise specified municipal authority. The person receiving the permit shall abide by the arboricultural specifications and standards of practice adopted by the municipal arborist.

Roll call vote carried by majority. YEA: Cole, Hess, Moore, Toerne. NAY: Vigansky. Ordinance 2017.06/403 declared adopted.

Patzer reported that adjacent property owner Daniel Roberson requested that the alley be vacated and explained.

Toerne moved, seconded by Cole to approve the resolution as presented. Vacation of undeveloped alley that is adjacent to Lots 9, 10, and 11 of English and Holmes addition as recorded in Liber 1342 page 1038 of Berrien County Register of Deeds

WHEREAS, the City Commission of the City of Buchanan unanimously voted at a regularly scheduled public meeting on May 22, 2017 to call a Public Hearing on the 26th day of June, 2017, at City Hall, 302 N. Redbud Trail, in said City at 7:00 p.m. to hear and consider objections thereto by persons opposed to or interested in the vacation of the alley, and

WHEREAS, THE Commission has received comments at a public hearing held on June 26, 2017; and

WHEREAS, the alley described above is shown on certain maps and plats as a public alley in the Plat of English and Holmes Addition; and

THEREFORE, BE IT RESOLVED, that the undeveloped alley that is adjacent to Lots 9,10, and 11 of English and Holmes Addition as recorded in Liber 1342, page 1038 of Berrien County records is vacated pursuant to the provisions of the Land Division Act of 1967 and the Charter of the City of Buchanan, Section 8.2.

Roll call vote carried unanimously. Resolution 2017.06/156 declared adopted.

Marx explained the security situation at the Waste Water Treatment Plant. ***Vigansky moved, seconded by Cole to approve Quotation # 050517-7 from Vermillion Systems Inc. for a Security Camera System at Waste Water Treatment Plant for the sum of \$9,605.00. Roll call vote carried unanimously.***

Patzer explained the proposed draft 3 ordinance was printed before Assistant City Attorney had responded, although she did hear from him this evening and received suggested changes. She confirmed she would include the Attorney language which would be draft 4 and address other Commissioner’s concerns this evening. Questions and discussion were shared with Commission members, Patzer and Marx. ***Moore moved, seconded by Cole to introduce the Medical Marihuana Ordinance as discussed. Roll call vote carried unanimously.***

Marx explained the budgeted dump trailer capable of transporting equipment around town and forwarded favorable recommendation from staff. ***Cole moved, seconded by***

Unfinished
Business
Ordinance
2017.06/403,
Amending Code of
Ordinances, Chapter
106

Resolution
2017.06/156,
Vacation of
undeveloped alley

New Business
Security Camera
System at WWT P

Introduce the
Medical Marihuana
Ordinance

Pratt DT83214T
Dump Trailer

Toerne to approve purchasing the Pratt DT83214T Dump Trailer from Pratt Industries for the sum of \$8,040.00. Roll call vote carried unanimously.

New Business**continued**

Pratt DT83214T
Dump Trailer

Kent Caulder, Schirmer Parkway explained his concern of speeding due to lack of signage and enforcement on Schirmer Parkway; intersection of Woodside/Schirmer/entryway to McCoy Creek Trail. He invited anyone to sit at his house to confirm his findings. Norma Ferris, Oak Street was concerned about the dire condition of all City signs on all City streets. Ben Davison, Boyle Road asked about permission to sell firewood on City Property. The City Manager interjected that he left a message on Davison's phone and would speak with him after the meeting.

Public Comments

City Managers comments included items from weekly briefing, upcoming events, continued smoke testing and learning that certain customers have storm water connections to City sewer that shouldn't be. He presented a promotional brochure for the City that was developed for the Berrien County Youth Fair City of Buchanan booth. Eleven craft booths reserved for Thrill on the Hill with a construction meeting held today.

**City Manager
Comments**

Commissioner's announced upcoming events, proud that United FCU sponsoring youth savings plans, City Welcome signs need painting, SEBCL gave over \$12,000 in scholarships to Buchanan High School students; congratulations to students, new Third/Front stop light crosswalk hand does not change, vehicles don't stop downtown for crosswalks; needs enforcement, list of signs given to the Mayor, great attendance at Thursday night concerts, and several volunteers, "Make a Difference in Buchanan" cleaned up Riverfront Park and found some personal dumping on the property. Mayor Hess explained several of her colleagues with Buchanan Schools developed the "Little Bus Bookmobile" and they are traveling around the area providing books and snacks.

**Commissioners'
Comments**

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

Adjourn

Gladys M. Bybee, City Clerk

Brenda J Hess, Mayor

CITY OF BUCHANAN COMMISSION MINUTES

July 10, 2017

The Mayor called the Public Hearing to order at 7:00 p.m. and invited public comments on the proposed ordinance to amend the City of Buchanan, Michigan Code of Ordinances Chapter 18, Businesses by adding Article III, Medical Marihuana Facilities and to authorize and regulate the establishment of Medical Marihuana Facilities pursuant to the medical marihuana facilities licensing act being public act 281 of 2016. Downtown business owner and resident, Alan Robandt asked that the Commissioners allow dispensaries in the “downtown” area. Cindy Benson, Lake Street filed written questions/concerns about the ordinance with the City Clerk this evening and the Clerk distributed Ms. Bensons written concerns/questions while all reviewed. Commissioner Toerne asked Cindy Benson to come to the Planning Commission meeting the next evening. Dan Vigansky, Detroit St. said he was being slandered by Ms. Benson’s written comments of coercion between himself and a downtown property owner. Hearing no other verbal comments or receipt of any written correspondence, the Mayor adjourned the Hearing at 7:06 p.m.

Public Hearing

The regularly scheduled meeting of the City Commission was held at City Hall, 302 N Redbud Trail, Buchanan, Michigan Monday, July 10, 2017 and was called to order directly following the public hearing by Mayor Hess at 7:06 p.m. The Mayor led the Pledge of Allegiance. Pastor Lyndon Azcuna gave the Invocation.

Call to Order

Pledge/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: Monroe Lemay, Executive Director Buchanan Senior Center and Randy Hendrixson, Executive Director Chamber of Commerce along with 11 visitors

Roll Call

Moore moved, seconded by Toerne to amend the Consent Calendar by correcting the appointment of Brenda Hess to the Board of Review to fulfill vacated term through “2019” instead of 2021 and include item B. Acknowledge Scribner’s Error on Ordinance 2017.06/403 under VII. Unfinished Business. Roll call vote carried unanimously. Cole moved, seconded by Toerne to approve the Consent Calendar as amended. Roll call vote carried unanimously.

Consent Calendar
Agenda as amended

June 26, 2017
Minutes

Checks

Board of Review
Resignation

Board of Review
Appointment

Street Closure

- Agenda
- Minutes: Regular scheduled meeting, June 26, 2017
- Checks 75006 to 75104 in the amount of \$308,345.32
- Accept Resignation from Carla Cole from the Board of Review
- Appoint Brenda Hess to the Board of Review to fulfill vacated term through ~~2021~~ 2019
- Street Closure for Front Street and Johnson Court for Thrill on the Hill

Executive Director Lemay apologized for not being in attendance at last meeting and distributed the Buchanan Area Senior Center Annual report and other documents. She thanked her staff, board and volunteers and explained the operations of the Senior Center. She announced an open position on the Board with an election this year and

Reports
Buchanan Area
Senior Center

explained the brochures while all reviewed. She asked for discussion to install signage to slow traffic down on Ryneerson and install a sidewalk/walkway between the Senior Center and Metea Court. Discussion was shared with Director, Manager and Commission.

Reports continued
Buchanan Area
Senior Center

Executive Director Hendrixson distributed brochures and explained while all reviewed. He announced events and what goes on behind the scenes with the Chamber and its members. Discussion was shared with Director and Commission. He introduced Jen Tabor, Soldier Guitar Straps, manufacturer of dog collars has been here since March and will be opening a new business downtown. Discussion was shared with Ms. Tabor and Commission.

Chamber of
Commerce

Patzer explained the changes that were made to the Medical Marihuana Ordinance and read the changes recommended by Attorney Rick Racht. Moore confirmed the total number of pages of 22 and questioned the refundable/non-refundable fees. Patzer noted that the Planning Commission would be introducing a draft Zoning Ordinance amendment at tomorrow evening's meeting. After shared discussion with Commission, Manager and Patzer, ***Cole moved, seconded by Moore to postpone until the Attorney could clarify the refundable/non-refundable issue. Roll call vote carried by majority. YEA: Cole, Hess, Moore. NAY: Toerne, Vigansky.***

**Unfinished
Business**
Postpone Medical
Marihuana
Ordinance Draft 5

After explanation of the typographical error in Resolution 2017.06/403 passed at the last meeting; "Plan" should be "Plant" in Sec. 106-56-(a), ***Cole moved, seconded by Toerne to acknowledge the Scribner's Error on Ordinance 2017.06/403 as explained. Roll call vote carried by majority. YEA: Hess, Moore, Toerne, Cole. NAY: Vigansky.***

Acknowledge
Scribner's Error in
Ordinance
2017.06/403

The City Manager explained the higher quote through the State Bid process for a new vehicle for the Wastewater Treatment Plant. ***Toerne moved, seconded by Cole to purchase the 2017 Ford F 250 Super Cab 4X4 in an amount not to exceed \$27,500.00 through the State Purchasing Program as recommended. Roll call vote carried by majority. YEA: Moore, Toerne, Cole, Hess. NAY: Vigansky.***

New Business
Purchase 2017 Ford
vehicle for
Wastewater
Treatment Plant

City Managers comments included thanks to Lemay and Hendrixson, two Buchanan City booths at the Berrien County Youth Fair, and upcoming events.

**City Manager
Comments**

Commissioner's announced upcoming events; concern about the speeders around the Senior Center and asked that we borrow the speed detector trailer from Berrien County; status of Ross Sanders House and City Hall Air Conditioner System with the City Manager replying; contacted by the Mayor of Mattson, Illinois and would like to visit her and have her visit Buchanan, Manager approved; traffic lights and paving status with Manager explaining; reminder for volunteers in Buchanan; and we cannot cover all corners of social media, please help each other.

**Commissioners'
Comments**

Cole moved, seconded by Toerne to adjourn the meeting at 9:07 p.m. Voice vote carried unanimously.

Adjourn

CITY OF BUCHANAN COMMISSION MINUTES

July 24, 2017

The regularly scheduled meeting of the City Commission was held at City Hall, 302 N Redbud Trail, Buchanan, Michigan Monday, July 24, 2017 and was called to order by Mayor Hess at 7:00 p.m.

The Mayor led the Pledge of Allegiance. Pastor Nate Babcock gave the Invocation.

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

Commissioners absent: none

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

Guests/Visitors present: Brian Scribner, Executive Director Southwestern Michigan Community Ambulance Services (SMCAS) along with 6 visitors

Cole moved, seconded by Vigansky to approve the amended consent calendar as requested to include check 75198 in the amount of \$4,500. and include a report from Fire Chief Mike Adams for the Fire Department. Roll call vote carried unanimously.

- Agenda as amended
- Minutes: Regular scheduled meeting, July 10, 2017
Special Meeting, July 17, 2017
- Checks 75105 to 75198 in the amount of \$424,714.82 as amended

Chief Adams announced Evan Cauffman was the new Firefighter Officer elected to Lieutenant along with Joe Scanlon III, Bob Blaylock Assistant Fire Chief and Captain Tim Wesner whom was in attendance. He reported on the update/mandate for 800 MHz radios and pagers through County grant with 3 to 5 % match. He announced the Fire Dept. picnic and invited the Commission.

Marx explained the repair improvements that were necessary to the City Hall Air Conditioning. ***Toerne moved, seconded by Cole to approve the Emergency Expenditure to repair City Hall Air Conditioning in the amount of \$9,673.13. Roll call vote carried unanimously.***

Scribner and Marx explained the SMCAS funding structure for a special assessment that expired in December 2016. Commissioner's discussion was shared about Medicare/Medicaid write offs, changing the system and promoting the membership program. ***Toerne moved, seconded by Cole to approve the resolution as presented.*** Resolution No. 1, Intent to establish special assessment district; tentative designation of special assessment district; Notice of Public Hearing. Special Assessment District for emergency Medical Services through Southwestern Michigan Community Ambulance Service, District No. 1

WHEREAS, pursuant to Act 368 of 1978, as amended by Act 179 of 1990 (MCL 333.20948), a combination of local governmental units may operate an ambulance authority and defray, in whole or part, the cost of ambulance service by special assessment, with such special assessments conforming as nearly as possible to the procedure set forth in section 1 of Act 33 of 1951; and

WHEREAS, pursuant to Act 368 of 1978, as well as the Urban Cooperation Act, Act 7 of 1967, the City and other local governmental units have formed the Southwestern Michigan Community Ambulance Service ("SMCAS"), which provides ambulance services to the member municipalities and certain other municipalities pursuant to contracts ("Services"); and WHEREAS, the costs of maintaining and operating SMCAS are shared by the local governmental units who are members of SMCAS, including the City, pursuant to the Articles of Incorporation of SMCAS; and WHEREAS, the City wishes to defray its share of the cost of operating SMCAS by establishing a special assessment district pursuant to Act 368 of 1978, as amended by Act 179 of 1990; and

Call to Order

Pledge/Invocation

Roll Call

Consent Calendar

Agenda as amended

July 10, 2017
Minutes

July 17, 2017
Special Minutes

Checks

Reports

Buchanan Fire
Department

Unfinished

Business

City Hall Air
Conditioning Repair

New Business

SMCAS Special
Assessment, Call
Public Hearing
Resolution
2017.07/157

Commission Meeting Minutes

July 24, 2017

WHEREAS, the City finds that initiating proceedings to establish such a special assessment district is in the best interest of the public health, safety, and welfare.

NOW, THEREFORE, THE CITY RESOLVES AS FOLLOWS:

The City Council determines to defray its share of the cost of maintaining and operating SMCAS, in whole or part, by special assessment.

The City Council tentatively designates the special assessment district ("District") against which the cost will be assessed as all residential units, commercial parcels, industrial parcels, and agricultural parcels within the City, unless such lands and premises are exempt by law from paying special assessments. "Residential unit" includes each unit in multiple family dwellings, apartments, condominiums and townhouses, and includes each pad in a mobile home or manufactured housing community.

The estimated cost shall be \$20.00 per year for each assessed parcel or unit in the District.

The City tentatively proposes that the District remain in effect for a period of five (5) years.

If at any time during the term of the District an actual incremental cost increase exceeds the estimate therefor by 10% or more, notice shall be given and a hearing will be afforded to the record owners of property to be assessed.

The City Council shall hold a public hearing on August 28, 2017, at 7:00 p.m. at City Hall to hear and consider objections to the creation of the District and the estimated cost for each parcel in the District.

The City Council directs the City Clerk to give notice of the time, date and purpose of the hearing, by first class mail, to each record owner of, or party-in-interest in, real property within the City whose name appears upon the last City tax assessment records, at least two (2) weeks before the date of the hearing in the form substantially similar to Exhibit A, attached to this Resolution. In addition, notice shall also be published in the same form at least twice before the hearing in a newspaper circulating in the City. The first publication shall be at least two (2) weeks before the date of the hearing, and the second publication shall be at least four (4) days before the date of the hearing.

Following the public hearing, the City Council may revise, correct, amend or change the plans, estimate of cost, or boundaries of the special assessment district.

Any and all resolutions in conflict with this Resolution are hereby repealed, but only to the extent necessary to give this Resolution full force and effect.

Roll call vote carried unanimously. Resolution 2017.07/157 declared adopted.

Norma Ferris stated her concern of the wind blowing the "Vote Here" sign down at City Hall on Election Day.

City Managers comments included explanation of Thrill on the Hill activities with a map rendering of the event's location; National Night Out, repairing sink hole behind James Jesse's office in the City parking lot; and working with School as we are the benefactor of their old pavement, grading and crushed asphalt going in our alleys. All shared discussions.

Commissioner's announced upcoming events; receipt of nice comments about the Alley repair; meeting with City of Mattson Illinois on August 21; Senior Center August 2 "Get to know your Commissioner" taking questions and bring back to staff; interesting conversation with Meals on Wheels; Thanks to Fire and Ambulance; Children's Play at the Tin Shop Theatre, Common Concert delayed to August 3rd; Friends of Oakridge Cemetery had interesting meeting at the Masonic Lodge and seen archives; 10-12 people from the Preservation Society interested in Tree Board; Make a Difference in Buchanan having work days cleaning Riverfront Park off of Redbud Trail; and WNIT broadcast "Our Town Buchanan", exceeded expectation to raise \$2,500 (\$6,245).

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

Public Comments

City Manager Comments

Commissioners' Comments

Adjourn

Gladys M. Bybee, City Clerk

Brenda J Hess, Mayor

New Business continued

CITY OF BUCHANAN COMMISSION MINUTES

August 14, 2017

The regularly scheduled meeting of the City Commission was held at City Hall, 302 N Redbud Trail, Buchanan, Michigan Monday, August 14, 2017 and was called to order by Mayor Pro Tem Carla Cole at 7:00 p.m.

The Mayor led the Pledge of Allegiance. Pastor Dave Mitchell gave the Invocation.

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

Commissioners absent: Brenda Hess

Staff present: City Manager Bill Marx, Wastewater Treatment Plant Jason Williams and Bill Housand, Assistant Police Chief Tim Ganus, and Clerk Gladys Bybee

Guests/Visitors present: Pastor Dave Mitchell, TMI President Kim O’Haver, and Salvation Army Representatives Joseph and Kendra Hixenbaugh along with 5 visitors

Moore moved, seconded by Toerne to approve the Consent Calendar as presented.

Roll call vote carried unanimously.

- Agenda
- Minutes: Regular scheduled meeting, July 24, 2017
- Checks 75199 to 75350 in the amount of \$1,681,672.13
- Banner Placement Form for American Legion Riders of SW Michigan
- Appoint Lee Lyon to the Fine Arts Council as a member at large through 2019
- Resolution 2017.08/157, Supporting the Reinstatement of State Historic Tax Credits Senate Bill 469 (see attached)

Pastor Mitchell invited all and summarized the beginning of Patriots Day that turned into the 9-11 Remembrance Ceremony announced that the City Commission meeting was on the same day and requested that the Commission meeting be changed. All reviewed their calendar. ***Moore moved, seconded by Toerne to cancel the Monday September 11, 2017 Regular Scheduled meeting because of the Buchanan Area Ministerial Association 9-11 Remembrance Ceremony. Roll call vote carried unanimously.***

Niles Salvation Army Representative Kendra Hixenbaugh introduced herself and her husband Lieutenant Joseph as Buchanan is within their service area.

Housand reported that the secondary clarifier bridge at the Wastewater Treatment Plant has twisted and is settling, thus it is losing reliability on the sludge collector. He explained the importance and urgency to repair at a high cost. Discussion was shared with Commissioner’s, Manager, Housand, and Williams. ***Moore moved, seconded by Vigansky to schedule a special meeting for August 22 at 6:00 p.m. Roll call vote carried unanimously.***

O’Haver explained both the Buchanan Dial-A-Ride Plan of Compliance with Title VI of the Civil Rights Act of 1964 and the Limited English Proficiency Policy/Plan. After brief discussion, ***Moore moved, seconded by Toerne to approve both Policy/Plan as presented. Roll call vote carried unanimously.***

Call to Order

Pledge/Invocation

Roll Call

Consent Calendar

Agenda
July 24, 2017
Minutes

Checks

Fine Arts Council
Appointment

Resolution
2017.08/157

Reports

9-11 Remembrance
Ceremony, Cancel
Commission
Meeting

Niles Salvation
Army

Wastewater
Treatment Plant
Special Meeting
Scheduled

New Business

Buchanan Dial-A-
Ride Plan of
Compliance

After Marx explained the Annual Data Processing Contract renewal for Information Systems with Berrien County, **Toerne moved, seconded by Moore to approve the data processing contract with Berrien County. Roll call vote carried by majority. YEA: Cole, Moore, Toerne. NAY: Vigansky**

Toerne moved, seconded by Moore to appoint Mayor Hess as the voting member and Manager Marx as the Designee for the Michigan Municipal League Annual Meeting at the Conference. Roll call vote carried unanimously.

After report from the City Manager that the P.L.A.Y. Sub-Committee disbanded, **Toerne moved, seconded by Moore to rescind Resolution 2014.10/113. Roll call vote carried unanimously.**

Assistant Police Chief Ganus explained the Police Department fleet of vehicles and requested the new lease for a new vehicle. **Toerne moved, seconded by Moore to approve the Lease through Ford Motor Credit to purchase 2018 Ford Police Interceptor Utility Vehicle for the Police Department in the total amount of \$31,940. Roll call vote carried by majority. YEA: Cole, Moore, Toerne. NAY: Vigansky**

Norma Ferris, Oak Street asked about Channel 17 because of the buzzing and Ashley Hanson explained the Buchanan Rocks project.

City Managers comments included outcome of Thrill on the Hill with an official report at next meeting; upcoming City booth at the Berrien County Youth Fair; Moccasin Water Tower painting and street chip/seal to begin; City Staff recognition from Jerry Flenar; and Berrien County Public Hearing for disbanding the County Road Commission. All shared discussion. Discussion was also shared regarding the Landfill Board appointing themselves to Director work for an hourly rate of pay. Landfill Representative Cole reported the Landfill wants to move forward as a new cell is being built and they are working on an RFP for a new Landfill Director.

Commissioner's announced thanks to all for Thrill on the Hill; enthusiasm and passion growing in Buchanan; Dog Park Sub-Committee made \$400 at TOTH; thanks for Buchanan Rocks; urged attendance to the fair; pothole on Front Street; Mayor, Toerne, Manager going to the City of Mattson Illinois; involvement with Senior Meals on Wheels; will be meeting with Senior Center every two months and bring back comments; Toerne also against board members being landfill employees; status of Pre-Planned Maintenance up and running on computer August 15 by Adkerson; and thank you to Salvation Army.

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

New Business
continued
Annual Data
Processing Contract
with Berrien County

Michigan Municipal
League Annual
Meeting Voting
Delegate

Rescind
Resolution
2014.10/113

Police Vehicle Lease
with Ford Motor
Credit

Public Comments

**City Manager
Comments**

**Commissioners'
Comments**

Adjourn

Gladys M. Bybee, City Clerk

Brenda J Hess, Mayor

CITY OF BUCHANAN COMMISSION MINUTES

August 28, 2017

The Mayor called the Public Hearing to order at 7:00 p.m. and invited public comments on the designation of special assessment district. Special Assessment District for emergency Medical Services through Southwestern Michigan Community Ambulance Service (SMCAS), District No. 1

Public Hearing

Brete Hendrie, 305 N. Detroit Street was concerned about his high taxes. Brian Scribner explained the renewal of the \$20.00 per parcel, not an increase. Ron Sutcliffe, 309 W Fourth Street asked what improvements as referred in the notice were forthcoming. Cindy Benson, 212 Cecil Street asked about SMCAS memberships and Scribner explained. Ned Gardner asked about statistics on response time and Scribner explained. Louann Gardner, 605 Rynearson asked about requirements for house numbers. Manager Marx announced the City has code for house numbering. The Clerk reported receipt of a telephone message from Diane Mack, 309 Lake Street totally against it and the high tax rate. Hearing no other verbal comments, the Mayor adjourned the Hearing at 7:17 p.m.

The regularly scheduled meeting of the City Commission was held at City Hall, 302 N Redbud Trail, Buchanan, Michigan Monday, August 28, 2017 and was called to order at 7:17 p.m. by Mayor Hess directly following the public hearing.

Call to Order

The Mayor led the Pledge of Allegiance. Pastor Len Bailey gave the Invocation.

Pledge/Invocation

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

Roll Call

Commissioners absent: none

Staff present: City Manager Bill Marx and Clerk Gladys Bybee

Guests/Visitors present: SMCAS Director Brian Scribner and Buchanan Fire Captain Tim Wesner along with 18 visitors

Cole moved, seconded by Toerne to amend the Consent Calendar to include item B. Reschedule September 11, 2017 meeting under Unfinished Business and A. Consider Job description for Public Service Employee Level 1 and Public Service Employee Level 2 under VII. New Business. Roll call vote carried unanimously. Moore moved, seconded by Toerne to approve the Consent Calendar as amended. Roll call vote carried unanimously.

Consent Calendar
Agenda as amended

August 14 & 22,
2017 Minutes

- Agenda as amended
- Minutes: Regular scheduled meeting, August 14, 2017 and Special meeting, August 22, 2017
- Checks 75351 to 75438 in the amount of \$1,319,378.31
- Excuse Mayor Brenda Hess from August 14, 2017 City Commission Meeting as she gave previous notice
- Banner Placement request: Buchanan Area Senior Center, Annual Christmas Bazaar

Checks

Excuse Hess

Banner Placement

Marx reported on 2017 Summer Thrill on the Hill; sold 2,046 wristbands with \$11,244. profit. Marx presented \$744 to Fire Captain Tim Wesner for the Fire Department and \$10,500. Buchanan Area Recreation Board (BARB) Chairwoman Patricia Moore for BARB.

Reports

Summer Thrill on
the Hill

Toerne moved, seconded by Cole to approve the resolution as presented. Special Assessment District for Emergency Medical Services Through Southwestern Michigan Community Ambulance Service, District no. 1; Resolution No. 2 Determination to Make Public Improvements; Approval of Plans and Estimate of Costs; Final Determination of Special Assessment District; Preparation of Special Assessment Roll

WHEREAS, pursuant to Act 368 of 1978, as amended by Act 179 of 1990 (MCL 333.20948), a combination of local governmental units may operate an ambulance authority and defray, in whole or part, the cost of ambulance service by special assessment, with such special assessments conforming as nearly as possible to the procedure set forth in section 1 of Act 33 of 1951; and

WHEREAS, Act 33 of 1951 provides that all proceedings related to special assessments shall conform as nearly as practicable to Act 188 of 1954; and

WHEREAS, pursuant to Act 368 of 1978, as well as the Urban Cooperation Act, Act 7 of 1967, the City and other local governmental units have formed the Southwestern Michigan Community Ambulance Service ("SMCAS"), which provides ambulance services to the member municipalities and certain other municipalities pursuant to contracts ("Services"); and

WHEREAS, the costs of maintaining and operating SMCAS are shared by the local governmental units who are members of SMCAS, including the City, pursuant to the Articles of Incorporation of SMCAS; and

WHEREAS, the City wishes to defray its share of the cost of maintaining and operating SMCAS ("SMCAS Costs") by establishing a special assessment district pursuant to Act 368 of 1978, as amended by Act 179 of 1990; and

WHEREAS, the City Council has received an estimate of the SMCAS Costs; and

WHEREAS, the City Council has resolved its intention to proceed with establishing a special assessment district and set August 28, 2017, for a public hearing; and

WHEREAS, after notice was duly given by publication and by first class mail, the City Council held a public hearing on August 28, 2017, at the City Hall in the City at which the City Council heard and considered objections to the proposed Services, the designated special assessment district, and all other matters related to the Services.

NOW, THEREFORE, BE IT HEREBY RESOLVED AS FOLLOWS:

1. The City Council hereby determines that it is necessary and in the best interests of the City to defray its share of the cost of maintaining and operating SMCAS, in whole or part, by special assessment.
2. The special assessment district known as "Special Assessment District for Emergency Medical Services Through Southwestern Michigan Community Ambulance Service, District No. 1" (the "District") is hereby determined to consist of all residential units, commercial parcels, industrial parcels, and agricultural parcels within the City, unless such lands and premises are exempt by law from paying special assessments. "Residential unit" includes each unit in multiple family dwellings, apartments, condominiums and townhouses, and includes each pad in a mobile home or manufactured housing community.
3. The District shall remain in effect for a period of five (5) years.
4. All or a portion of the SMCAS Costs shall be paid by special assessments assessed within the District against the property located in the District and benefited by the proposed Improvements.
5. The City Assessor is hereby directed to make a special assessment roll for the District upon which shall be described all the parcels of land to be assessed, the names of the respective record owners of each parcel, if known, and the total amount to be assessed against each parcel of land.
6. Said special assessment roll or column in the tax roll shall be reported to the City Council and shall be filed in the office of the City Clerk.
7. All actions heretofore taken by City officials, employees and agents with respect to the special assessment are hereby ratified and confirmed.
8. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution shall be and the same are hereby rescinded.

Roll call vote carried unanimously. Resolution 2017.08/158 declared adopted.

After the Mayor recalled the September 11 meeting was cancelled and all reviewed their calendars to reschedule, no date for rescheduling could be determined. **Cole moved, seconded by Toerne to vacate the September 11 meeting and to pay any necessary bills for the City. Roll call vote carried unanimously.**

After explanation of the job descriptions for Public Services Employee Level 1 and Public Services Level 2, **Moore moved, seconded by Cole to approve the job descriptions as presented. Roll call vote carried unanimously.**

Unfinished Business
Resolution
2017.08/158,
Resolution 2,
SMCAS Special
Assessment

Reschedule Regular
September 11
meeting, approve
bills

New Business
Job Descriptions,
Public Services
Employee Level 1 &
2

Marx explained he was approached by the Buchanan Schools Volleyball Coaches to display banners of the Senior Volleyball players on the light poles in the downtown. They will supply the banners and the City would have to install them. Commission discussed concerns about the financial fairness and shared cost no matter what the financial aspect of the family. ***Moore moved, seconded by Cole to approve the Buchanan Volleyball banner project pending an outcome of a DDA decision. Roll call vote carried unanimously.***

New Business
continued
Buchanan Volleyball
Banner Project

Cindy Benson, 212 Cecil Street stated she did not receive a bubble letter that was sent out and concern of Commission changing the agenda after public comments so public could not comment on the added items. She added that the Planning Commissioners are intelligent members and they are working on the Marihuana mess. Margo Green, 215 Liberty asked if the Commission approved five medical marihuana facilities. The City Manager and Commissioner's responded and commented about medical marihuana. Jeannie Harris, 320 Bluff Street, commented that resident's don't want the facilities in their back yards and was not opposed to medical marihuana. Louann Gardner, 605 Rynearson who resides in the bubble, does not want it in a residential area. Bob Hoven, 401 E. Front Street believes that marihuana is a bad thing. Norma Ferris, Oak Street asked when she could get an agenda. Grace Bachelor, 318 Sylvan asked why Commissioners make decisions for the resident's. Margo Green asked if it would bring money to the City. The City Manager replied it would create jobs and give the City money. Louann Gardner asked what the next step would be for marihuana; with a response of approving a Zoning Ordinance.

Public Comments

City Managers comments included maintenance of equipment before leaves fall, crack filling in the streets, delivery of rubber sealant for crack filling in the streets, and Lehman's Orchard is now open for business.

City Manager
Comments

Commissioner's announced thanks to City Manager and Mayor for traveling to Matteson, Illinois and looks forward to them visiting Buchanan; Meals on Wheels pleased with Dial-A-Ride services; thanks to Reserve Police Officers and Firefighters for participating at the youth fair; curious to the status of painting the Buchanan Welcome Signs; thanks to all volunteers; watch for children as school will be starting; pleased that applications for SMCAS are available; appreciative of the ambulance service; belief that fair booths were successful; Dog Park will be selling Klondike bars over holiday; Friends of Oakridge Cemetery working on oral history project; looking forward to Scarecrow season; Mayor's new groups: Citizens concerned about children at the Common, BAMA Youth Committee will be meeting at the church across from Swem pairing kids with adults, Tree Board to canopy Buchanan, bookmobiles traveling the Buchanan community, and a group to improve the North River Park.

Commissioners'
Comments

Hess moved, seconded by Cole to adjourn the meeting at 8:47 p.m. Voice vote carried unanimously.

Adjourn

CITY OF BUCHANAN COMMISSION MINUTES

September 25, 2017

The Mayor called the Public Hearing to order at 7:00 p.m. and invited public comments on the Special Assessment Roll and to Hear and Consider Any Objections Thereto. Hearing no verbal or written comments, *Cole moved, seconded by Moore to adjourn the Public Hearing at 7:00 p.m. Voice vote carried unanimously.*

Public Hearing

The regularly scheduled meeting of the City Commission was held at City Hall, 302 N Redbud Trail, Buchanan, Michigan Monday, September 25, 2017 and was called to order at 7:01 p.m. by Mayor Hess directly following the public hearing.

Call to Order

The Mayor led the Pledge of Allegiance. Pastor Dan Barz announced the great partnership with the Mayor, youth and ministerial for youth activity and then gave the Invocation.

Pledge/Invocation

Fran Terry explained the fundraiser at Thrill on the Hill the American Legion had and presented the City with \$241.00 for the Police and Fire Departments to split.

Roll Call

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 (arrived 7:30 p.m.) and Clerk Gladys Bybee

Guests/Visitors present: SMCAS Director Brian Scribner along with 16 visitors

Public Comment

Norma Ferris, Oak Street, asked several questions about items on the Consent Calendar. The Mayor replied to Ms. Ferris' comments.

Consent Calendar

Moore moved, seconded by Toerne to approve the Consent Calendar as presented.

Roll call vote carried unanimously.

Agenda

- Agenda
- Minutes: Regular scheduled meeting, August 28, 2017 and Special meeting, August 31, 2017
- Sept. 11, 2017 Checks 75439 to 75530 in the amount of \$1,091,420.18 (check 75439 was reissued to replace a lost check 75247)
- Checks 75531 to 75614 in the amount of \$160,968.72
- Introduce Ordinance No. 2017/10.____, AN ORDINANCE AMENDING THE CITY OF BUCHANAN ZONING ORDINANCE; ARTICLE III-DEFINITIONS AND USE OF TERMS; ARTICLE X – C-2 COMMERCIAL DISTRICT; ARTICLE XII I-1 LIGHT INDUSTRIAL DISTRICT; ARTICLE XIII I-2 HEAVY INDUSTRIAL DISTRICT; ARTICLE XVIII SPECIAL PROVISIONS: ARTICLE XXIII NONCONFORMING USES, BUILDINGS AND LOTS; ARTICLE XVII GENERAL PROVISIONS
- Banner Placement request: McCoy Creek Tail 5K
- Multiple Street Closures October 7, 2017: McCoy Creek Trail 5K
- Appoint Jennifer Tabor to the Downtown Development Authority to fulfill term through 2021 as a business owner in the District
- Street Closure September 29, 2017: BHS Homecoming Parade
- Banner Placement request: Fernwood Botanical Garden Annual Holiday Market

August 28 & 31,
2017 Minutes

Checks Sept. 11
Checks Sept. 25

Introduce Ordinance
amending Zoning
Ordinance

Banner Placement

Street Closures

DDA Appointment
Street Closure
Banner Placement

- Policy 2017-09-0001, Time-Stamp Punch Policy and Time Sheet Recording & Verification Policy
- Street Closure November 25, 2017: White Saturday/Holiday Lighting Parade

Friends of McCoy Creek Trail Wayne Writer introduced Jerry Flenar and Jan Ferris. Writer announced the upcoming 5K in October along with Trek or Treat along the Trail. He distributed a flyer. With almost 2,000 participants in trek or treat last year they ran out of candy and parking was horrendous, thus they are changing the start to be on Skyline Drive that would allow parking in the Clark Lab and Bosch parking lots. Flenar reported on his concern for safety and the new start location. They requested reserve officers for directing traffic and barricades. Discussion was shared.

Brittney McBain, Have Fun at Buchanan Parks was absent and will be rescheduled.

After Marx explained, **Vigansky moved, seconded by Toerne to approve the resolution as presented.** Resolution No. 4 Confirmation of Special Assessment Roll for Special Assessment District for Emergency Medical Services through Southwestern Michigan Community Ambulance Service, District No.1

WHEREAS, pursuant to Act 368 of 1978, as amended by Act 179 of 1990 (MCL 333.20948), a combination of local governmental units may operate an ambulance authority and defray, in whole or part, the cost of ambulance service by special assessment, with such special assessments conforming as nearly as possible to the procedure set forth in section 1 of Act 33 of 1951; and

WHEREAS, Act 33 of 1951 provides that all proceedings related to special assessments shall conform as nearly as practicable to Act 188 of 1954; and

WHEREAS, pursuant to Act 368 of 1978, as well as the Urban Cooperation Act, Act 7 of 1967, the City and other local governmental units have formed the Southwestern Michigan Community Ambulance Service ("SMCAS"), which provides ambulance services to the member municipalities and certain other municipalities pursuant to contracts ("Services"); and WHEREAS, the costs of maintaining and operating SMCAS are shared by the local governmental units who are members of SMCAS, including the City, pursuant to the Articles of Incorporation of SMCAS; and

WHEREAS, the City wishes to defray its share of the cost of maintaining and operating SMCAS ("SMCAS Costs") by establishing a special assessment district pursuant to Act 368 of 1978, as amended by Act 179 of 1990; and WHEREAS, following a properly noticed public hearing on August 28, 2017, the City Council adopted a resolution on August 28, 2017, to determine the "Special Assessment District for Emergency Medical Services Through Southwestern Michigan Community Ambulance Service, District No. 1" (the "District") and directed the City Assessor to prepare a Special Assessment Roll for the District; and

WHEREAS, the City Assessor has made and certified a special assessment roll for the parcels located in the District and has reported the special assessment roll to the City Council; and

WHEREAS, after giving proper notice, the City Council held a public hearing on September 25, 2017, to consider the proposed special assessment roll for the District and objections thereto; and

WHEREAS, after hearing all persons interested therein, giving due consideration to all written objections to said special assessment roll filed with the City Clerk and after reviewing said special assessment roll, the City Council deems said special assessment roll to be fair, just and equitable, and that each of the assessments contained therein is proportionate to the benefits to be derived by the parcel of land assessed.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

The special assessment roll prepared by the City Assessor, and reported to the City Council, and in the form attached as Exhibit A, is hereby confirmed and shall be known and designated for the District as Special Assessment Roll No. 1 (the "Roll").

The City Clerk shall endorse on the Roll the date of this meeting as the date of confirmation of said Roll.

Each annual assessment pursuant to the Roll shall be levied on December 1 and shall be due and payable in February of the following year, in the same manner as general property taxes. The first assessment shall be levied on December 1, 2017.

If an annual assessment is not paid when due, then the assessment shall be considered to be delinquent and there shall be collected a penalty at the rate of one percent (1%) for each month or fraction of a month, that the assessment remains unpaid before being reported to the City Council for reassessment upon the City tax roll.

All special assessments contained in the Roll shall, from the date of confirmation of the Roll, constitute a lien upon the respective parcels of land assessed. Such lien shall be of the same character and effect as the lien created for City taxes and shall include accrued penalties.

The special assessments made in the Roll are hereby ordered and directed to be collected and the City Clerk shall deliver the Roll to the City Treasurer with her warrant attached thereto, which said warrant shall command the City Treasurer to collect the special assessments in the Roll in accordance with the direction of the City Council in respect thereto and which warrant shall further require the City Treasurer to include as a delinquent tax any unpaid special

Consent Calendar
continued
Policy 2017-09-0001

Street Closure

Reports
McCoy's Creek Trail

Have Fun at Buchanan Parks

Unfinished
Business
Resolution
2017.09/161,
Resolution No. 4
Confirmation of
Special Assessment
Roll for Special
Assessment District
for Emergency
Medical Services
through
Southwestern
Michigan
Community
Ambulance Service,
District No.1

assessment which is delinquent on the last day of February, and the delinquent taxes returned to the County Treasurer the next day pursuant to Section 55 of the General Property Tax Act, MCL 211.55. The form of said warrant is attached as Exhibit B.

Upon receiving the Roll and warrant, the City Treasurer shall proceed to collect the several amounts assessed therein as the same shall become due.

The City Clerk shall, as soon as possible but in no event more than seven (7) days after confirmation of the Roll, send notice of special assessment, in the form attached as Exhibit C, to the person responsible for payment of the ad valorem property taxes on, the record owner of, or party in interest in, each parcel of land assessed, at the address shown for such persons upon the last City tax assessment roll for ad valorem tax purposes which was reviewed by the City Council of Review, subject to any subsequent changes in the names and addresses of the owners or parties listed thereon.

All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution shall be and the same are hereby rescinded.

Roll call vote carried unanimously. Resolution 2017.09/161 declared adopted.

After explanation from the City Manager, ***Cole moved, seconded by Moore to approve the resolution as submitted. Certified Signature Resolution for Michigan Department of Transportation Master Agreement***

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

Whereas, the City of Buchanan does hereby approve Master Agreement Number 2017-0141,

Now, Therefore, be it resolved that the City Treasurer/Transportation Coordinator and the City Manager be authorized and directed to execute said Agreement for and on behalf of the City of Buchanan.

PROJECT AUTHORIZATION RESOLUTION

Whereas, this Resolution shall also approve execution of Project Authorizations for any programs designated by the City of Buchanan and/or Project Authorizations for any amount determined by the City of Buchanan with the Michigan Department of Transportation which are issued under Master Agreement Number 2017-0141,

Now, Therefore, be it resolved that the City Treasurer/Transportation Coordinator and the City Manager are authorized to enter into and execute on behalf of the City of Buchanan all such Project Authorizations with the Michigan Department of Transportation for passenger transportation-related services for the Agreement period.

Roll call vote carried unanimously. Resolution 2017.09/162 declared adopted.

After City Manager recommendation, ***Toerne moved, seconded by Moore to approve the variance from the two week maximum display time to three and one-half weeks for Banner Placement Form for the Chamber of Commerce White***

Saturday/Holiday Lighting. Roll call vote carried by majority. YEA: Cole, Hess, Moore, Toerne. NAY: Vigansky.

After Manager explanation of the Agreement, ***Moore moved, seconded by Toerne to approve the Crossing Guard Agreement contingent on including the hourly rate of pay with Buchanan Community Schools. Roll call vote carried unanimously.***

The City Manager announced that he was awaiting comment from the City Attorney on the agreement with Michigan Marketing Network and explained what the media director services from Evan Powell would be. Moore recommended an agreement with Mr. Powell for City media marketing. The item was postponed until the next meeting.

David Mann, Silverbrook Avenue, Niles introduced himself and will be running for Michigan 78th District Representative and explained his platform. Luann Gardner, 605 Rynearson, Buchanan suggested the youth could be directed to assist with social media. Margo Green, 215 Liberty Street was concerned about the condition of the sidewalks along with gutter maintenance throughout City streets (Marx reported that \$10,000 has been expended this year with sidewalk material and explained). Cathy Barnett, corner of Dewey/Oak reported her alley is washing out and she would provide pictures after the meeting. Ned Gardner, Buchanan reported that 30 foot of sidewalk is being replaced near his home and residences are not aware of any help from the City. Norma Ferris stated her concern about sidewalks and reported she went on a tour of the Landfill and is interested in information about why only Bertrand Township receives funds from the landfill and what the benefit is for the City taking in landfill leachate.

Unfinished Business continued

Resolution
2017.09/161,
SMCAS SAD

New Business

Resolution
2017.09/162,
Certified Signature
for MDOT

Variance for
Chamber of
Commerce Banner
White
Saturday/Holiday
Lighting

School Crossing
Guard Agreement

Media Marketing
Director Agreement

Public Comments

City Managers comments included confirmation that Schirmer Parkway speed limit sign of 35 miles an hour was approved by City Commission by Traffic Control Order and the Police Department has been enforcing the traffic; borrowed County speed radar trailer on Schirmer Parkway currently; would be bringing forward costs to purchase electronic monitoring speed limit signs; culprit caught for illegal dumping by the feed mill on South Redbud; abused dog found and recovering with adopted family; pleased with the effort made on Ross Sanders building explaining the work in detail; and utilized jail crew in town.

**City Manager
Comments**

Commissioner's comments included thanks for donation to Police and Fire; urged donations for Halloween; believes we should be aggressive with sidewalk repair; appreciates Scarecrow Charity Group; plans for Channel 17 and YouTube; urged residents to contact State Representatives about returning State funding to City.

**Commissioners'
Comments**

Cole moved, seconded by Vigansky to adjourn the meeting at 8:35 p.m. Voice vote carried unanimously.

Adjourn

Gladys M. Bybee, City Clerk

Brenda J Hess, Mayor

CITY OF BUCHANAN COMMISSION MINUTES

October 9, 2017

The Mayor called the Public Hearing to order at 7:00 p.m. and invited public comments on an ordinance amending the City of Buchanan Zoning Ordinance; Article III-definitions and use of terms; Article X – C-2 Commercial District; Article XII I-1light Industrial District; Article XIII I-2 Heavy Industrial District; Article XVIII Special Provisions: Article XXIII Nonconforming uses, buildings and lots; Article XVII general provisions.

Patricia Moore, 201 Terre Coupe commented on 18.10 letter C., that it is very vague and needs more detail; what the surrounding area is and should be taken under consideration.

Cindy Benson, Cecil Street responded to Moore that letter C. is to consider neighborhoods and protects neighborhoods. She supports the ordinance as sent over.

Bill Marx stated that he owns a building in the C-3 district.

After Commission discussion about other information, Commissioner Dale Toerne said he would not be in attendance to the 23rd meeting as he would be on vacation. ***Moore moved, seconded by Cole to continue the Public Hearing to Monday October 23, 2017 at 7:00 p.m. due to receipt of new information. Roll call vote carried unanimously.***

Public Hearing

The regularly scheduled meeting of the City Commission was held at City Hall, 302 N Redbud Trail, Buchanan, Michigan Monday, October 9, 2017 and was called to order at 7:04 p.m. by Mayor Hess directly following the public hearing.

The Mayor led the Pledge of Allegiance. Pastor Joseph from the Salvation Army gave the Invocation.

Rick Paniagua and Mark Passerini from Om of Medicine in Ann Arbor explained they plan on applying for a cannabis license in several areas including Buchanan (they currently have a marihuana business in Ann Arbor for 8 years). He distributed a brochure for their Downtown Business Presentation for the Hometown Video building, corner of Front Street/ Days Avenue. Passerini explained the current business in Ann Arbor that is right downtown Ann Arbor on Main Street. He explained the benefits they provide and stated they have worked with Michigan University to establish a four year Medical Cannabis Program. Questions were shared with Commissioners and Passerini responded. Each agreed they would like to continue the conversation with the City.

Call to Order

Pledge/Invocation

Downtown
Business
Presentation

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: Buchanan Area Recreation Board (BARB) member Brittney McBain along with 19+ visitors

Roll Call

The Mayor announced the Rules of Meeting Procedures; and urged citizens to take one of the City Manager cards and contact him with issues prior to bringing them before the Commission at a meeting. Norma Ferris, Oak Street, asked if items could be explained clearly and wanted a copy of the Media Director Contract.

Public Comment

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

Consent Calendar

- Agenda

- Minutes: Regular scheduled meeting, September 25, 2017
- Checks 75615 to 75707 in the amount of \$335,942.48
- Budget Amendment, Local Streets, Routine Street maintenance in the amount of \$30,000 for road chip and seal repairs from Berrien County Road Commission

Minutes
Checks
Budget Amendment

Reports

Brittney McBain distributed information and announced Make a Difference Day. She explained they would be doing three, three hour projects; sealcoating RAM driveway, cleaning out Ravish and Kathryn Park, and they will also be selling t-shirts to help fund the projects.

Unfinished

Business continued

Media Director
Services, \$10,000

Manager Marx requested to seek Media Director Services from Michigan Marketing Network/Evan Powell in an amount of \$7,200 and approve a budget amendment for media enhancements to cover this cost and create a \$2,800 communication budget line to support this media outreach project for the next six months. Manager Marx explained the need/desire to reach out to the Community with Channel 17 and utilize YouTube for the benefit to have better communication with the public. After shared discussion, ***Moore moved, seconded by Toerne to approve the request and recommendation. Roll call vote carried unanimously.***

Zoning Administrator Deb Patzer explained the changes to draft 5 as presented. She explained the changes in detail that is now “draft 5 with proposed changes” that was made available to Commissioners. The Mayor noted that LARA is the Licensing and Regulation Agency with the State of Michigan. Vigansky announced the published number of deaths caused by other means with zero for marihuana, he supports the legislation. Hess announced a business will have to follow the procedure and City will have to implement the ordinances as approved. Toerne said he has done a lot of research and is ready to vote. The clerk recommended that they wait on a final vote for two weeks (October 23) that would allow all a chance to review the proposed changes and an opportunity to comment at the continued public hearing. ***Vigansky moved, seconded by Cole to introduce draft 5 with proposed changes, thanked the Plan Commission for their recommendation; refer it back to them as changed and to consider it for adoption on Monday October 23rd. Roll call vote carried unanimously.***

MM Zoning
Ordinance
Amendment draft
5 with proposed
changes
introduction

Commissioner Vigansky asked that the Winter Thrill on the Hill event be stopped because it is expensive and the weather is unstable. He believes it is not a program the government should be involved in and should be cleaning streets and storm drains. Moore explained that the idea was brought back from a state conference where another City was doing the same thing, it was initiated as a ten year program to raise funds for the City Parks and the costs are already paid for, so this will be the second year for profit. Toerne believes it is in the black so it is a beneficial program for the Parks. Cole supported the “family event”. Vigansky rebutted that labor costs for City employees amounted to \$21,000 dollars and that does not count the use of City equipment. He also asked that Commissioner Moore step down from being the Chairperson on the BARB as Commissioners should not be a chair on any board. He made a motion to stop the event. No second was heard.

New Business

Winter Thrill on
the Hill

Consent Calendar continued

Agenda

The City Manager
distributed copies
of invoices and

explained the \$14,000 vehicle repair for two snow plow dump trucks to Best One Tire Service. His other comments included confirmation that Thrill on the Hill worker costs is significant, but the outcome of the event is considered positive. He introduced Evan Powell who has worked on several projects for the City and Powell explained his media program that he wants to produce a seamless marketing and promotion of the City.

**City Manager
Comments**

Commissioner's comments included thanks to the Planning Commission members in attendance; welcome back to City Manager; recycling day at the Landfill for the residents of Berrien County; Ordinance for MM will be an ongoing project; pleased for public participation in the government; because of Thrill on the Hill a couple bought property and is now involved in Buchanan; presented a MM brochure acquired at a previous meeting; Friends of Oak Ridge Cemetery are working with Powell on a history; Tin Shop Theatre having square dance Saturday night; attended the 5k Trail run and thanked all that assisted; the Trail has enhanced work stations; and clarification that the Promise is not paid for with tax dollars.

**Commissioners'
Comments**

Cole moved, seconded by Vigansky to adjourn the meeting at 8:33p.m. Voice vote carried unanimously.

Adjourn

Gladys M. Bybee, City Clerk

Brenda J Hess, Mayor

CITY OF BUCHANAN COMMISSION MINUTES

October 23, 2017

The Mayor reconvened the Public Hearing at 7:00 p.m. and invited public comments on an ordinance amending the City of Buchanan Zoning Ordinance; Article III-definitions and use of terms; Article X – C-2 Commercial District; Article XI C-3 Central Business District; Article XII I-1light Industrial District; Article XIII I-2 Heavy Industrial District; Article XVIII Special Provisions: Article XXIII Nonconforming uses, buildings and lots; Article XVII general provisions

Public Hearing

Downtown Business Owner Sandy Huyvaert, 105 Days Avenue presented a petition opposing allowing medical marihuana in the C-3 Central Business District and the City Manager presented copies to the City Commission.

Downtown Business Owner and resident Penny Slocum-Correa, Main Street opposed the medical marihuana in the Historic District and believes it does not fit downtown nor with the Buchanan Promise.

William Haas, Stateline Road in Niles has a proposed marihuana business in the industrial district and believes Buchanan is a great town and assured everyone not one business has been approved yet either by the City or the State. He supports the ordinance.

Cindy Benson, Cecil St. resident has a copy of the proposed changes and states the Planning Commission did not approve the medical marihuana in the downtown and she opposes the strikethrough to Article 18.10 B. and inclusion of allowing it in C-3 Central Business District. She does not want it anywhere that children are.

Corbin Detgen, Hillview Ave. resident attempted to help someone moving into the City and believes housing is a priority in Buchanan because of the Buchanan Promise. He is opposed to a downtown dispensary and requests the Commission to think about the moral value in the community.

Downtown Business Owner Dean Ulrich, 203 E Front St. stated he has been downtown for seven years and believes children will not get a hold of marihuana and states the building in question is falling down and is in dire need of repair. He supports the ordinance.

Thomas Wilson, Charles Court resident has been told different things at several meetings and he believed they were against it; he opposes medical marihuana being downtown.

Jason Lietz, Clark Street resident and Plan Commission member recalls meetings with the Planning Commission and urged Commission to listen to citizens, businesses and colleagues; states it is still illegal on the federal level. He asked that Commission think about suitability of location and listen to the Plan Commission recommendations. With no written comments, the public hearing ended at 7:20 p.m.

The regularly scheduled meeting of the City Commission was held at City Hall, 302 N Redbud Trail, Buchanan, Michigan Monday, October 23, 2017 and was called to order at 7:21 p.m. by Mayor Hess directly following the public hearing.

Call to Order

The Mayor led the Pledge of Allegiance. Pastor Edwin Brinklow gave the Invocation.

Pledge/Invocation

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

Commissioners absent: Dale Toerne

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

Roll Call

Guests/Visitors present: Meals on Wheels Director Linda Strohl along with 40+ visitors

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

- Agenda
- Minutes: Regular scheduled meeting, October 9, 2017
- Checks 75708 to 75783 in the amount of \$105,520.31
- Delinquent Township Billings totaling \$1,374.76 and Certify to Winter 2017 Tax Roll
- Letter of Agreement between the City of Buchanan and Buchanan Community School reference the rate of pay for Crossing Guards
- Appoint Vanessa Crescio to the Downtown Development Authority to fulfill an expired term through 2018
- Appoint Sandra Huyvaert to the Downtown Development Authority to fulfill an expired term through 2021

Consent Calendar

Agenda

Minutes

Checks

Delinquent
Township Utility
Bills

Letter of Agreement
with School

DDA Appointments

Meals on Wheels of Southwest Michigan Director Linda Strohl announced that in 2017 meal delivery is up 17 percent. She explained homebound meals provided and announced statistics on homebound clients. She urged any and all to come out and volunteer and left her contact information.

Reports

Meals on Wheels

Chris Kutemeier from Buchanan Youth Softball Baseball Association could not stay for the report so the City Manager confirmed he would be invited to the next meeting.

The Mayor announced that because of receipt of petition, the attorney advised that the Ordinance 2017.10/ ____, Amending the City of Buchanan Zoning Ordinance; Article III-definitions and use of terms; Article X – C-2 Commercial District; Article XI C-3 Central Business District; Article XII I-1light Industrial District; Article XIII I-2 Heavy Industrial District; Article XVIII Special Provisions: Article XXIII Nonconforming uses, buildings and lots; Article XVII General Provisions be continued to next meeting.

Unfinished

Business continued

Ordinance to
amend City Zoning
for Medical
Marihuana

Marx explained the policy for displaying athletic banners downtown with Commissioner Cole supporting. ***Moore moved, seconded by Cole to approve Policy G2017.10.28, Displaying Sports Banners on City Light poles. Roll call vote carried by majority. YEA: Cole, Hess, Moore, Toerne. NAY: Vigansky***

Policy G2017.10.28,
Displaying Sports
Banners

Commissioner Patricia Moore, representing the Dog Park Committee stated that there was concerns of the location on Victory Street and suggested that the Buchanan's Field of Dreams Dog Park be placed in the abandoned Renhack field in McCoy Creek Recreation Area. She confirmed it passed unanimously by the Buchanan Area Recreation Board. Vigansky asked if the Dog Park Committee would return the funds that the city used to buy the property that was taken off the tax roll, neighbors did not want it to begin with, and he opposed the original expenditure to purchase the property. ***Cole moved, seconded by Moore to go with the dog park at Renhack Field. Voice vote carried by majority. YEA: Cole, Hess, Moore, Toerne. NAY: Vigansky.***

New Business

Field of Dreams Dog
Park at Renhack
field in Mccoy
Creek Recreation
Area

Penny Slocum commented the reason the buildings downtown are falling apart is because the owners are not accountable for repair and believes the City should make them take care of them.

Public Comments

Norma Ferris, Oak Street is concerned about the Wastewater Treatment Plant and when are we going to have a new one. The Manager replied second part of 2023 the oxidation ditch will be completed. He explained the process in detail with the concept being displayed in the front office.

Larry Money, American Legion Post 51 announced the Veterans Day Program on November 9 and 11 and explained. Locations were announced.

Josh from Blue Diamond Ventures in Lakeshore believes Buchanan is selected for medical marihuana facilities because the commission/community's willingness to subject themselves to the controversy and bring technology for something positive.

The City Manager thanked Ms. Strohl and Pastor McPherson for Make a Difference Day. He explained that 11 letters were sent to property owners downtown and a couple have been working with the City to improve their properties; one through the DDA Building improvement Program. Marx explained the leaf pick-up program to begin and brush is an issue as the ordinance is outdated. Commissioner Vigansky asked about the contract for the Media Director and the Manager announced public services announcements would begin this week.

Commissioner's comments included thanks to Meals on Wheels and Make a Difference Day; caution for children during Halloween events; Tin Shop Theatre play starts this weekend; Buchanan is missing our Berrien County Record although Mary Lister is starting a new paper and announced the open house for "the paper". Commissioner Vigansky was displeased with outsiders complaining about the City, tax dollars spent on Dog Park, no prices for medical marihuana permits and his support for medical marihuana. The Mayor announced over 100 volunteers for Make a Difference Day; Channel 17 getting a make-over in which she will be hosting; she formed a committee and needs volunteers; and personally thanked those in attendance.

Cole moved, seconded by Moore to adjourn the meeting at 8:16 p.m. Voice vote carried unanimously.

Public Comments continued

City Manager Comments

Commissioners' Comments

Adjourn

Gladys M. Bybee, City Clerk

Brenda J Hess, Mayor

CITY OF BUCHANAN COMMISSION MINUTES

November 13, 2017

The regularly scheduled meeting of the City Commission was held at City Hall, 302 N Redbud Trail, Buchanan, Michigan Monday, November 13, 2017 and was called to order at 7:02 p.m. by Mayor Hess.

The Mayor led the Pledge of Allegiance. Pastor Len Bailey 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: 25+ visitors

Call to Order

Pledge/Invocation

Roll Call

Public Comments

Cindy Benson, Cecil Street thought they were going to make changes and asked that the Commission remove C3 Business District from the Ordinance.

Norma Ferris, Oak Street asked for explanation of several things on the agenda.

Randall Peart, W Chicago asked for explanation of unusual expenses for picnic table and copy machines. The mayor explained the exchange of the picnic table for a new one.

William Hass, Stateline Road said he was a proposed cannabis grower in the City and was at the American Legion on Veteran's Day and is pro cannabis for Veteran's. He cares about the community and doesn't want any "pot shops".

Penny Slocum-Correa, Business owner and resident on Main Street confirmed that the petition is only to keep medical marihuana facility out of the Historical District and asked what was enticing the Commission to consider putting it in town.

The gavel was sounded and the mayor explained the rules of the floor.

Dean Marks, Business owner on E Front Street supports having medical marihuana in the historic district and hopes the Commission supports it.

Commissioner Toerne explained that he was in support of the medical marihuana.

Derrick Sousley, Cayuga says it is evident medical marihuana is here and has spoken with State Representative Proos' office and the probability of recreational marihuana may be forthcoming. He recommends use of tax credits to entice new downtown business owners as there are case studies that proves tax credits work. He wants it to go to a vote of the people as he opposes medical marihuana.

Commissioner Dan Vigansky states it is happening.

Jennifer Parsons, Cecil Street, is a medical marihuana user and explains she was very sick and a doctor at Lakeland Health referred her. She uses oils that are inaccessible to her unless she travels very far.

Jerad Withers, Hill Street is pro medical marihuana and believes there should be no restriction where it is located.

John Wallace commented that his doctor pushed opioids on him until Dec 12; he got off that with marihuana. He supported the downtown location and the need of the medicine.

Tom Polo, Lake Street supports it downtown as kids can even walk into bars downtown; being across from the Library shouldn't matter.

Brenda Scoggin, Lake Street thanked the Commission for hearing the medical marihuana ordinance and quoted statistics on children needing the medical marihuana.

Tom Write Jr., Lake Street, is a Marihuana Consultant that travels the United States and

says children with medical marihuana cards are allowed in facilities and property values have gone up in Washington, Oregon, and Colorado according to google facts. Mickey Frost, Chippewa Street and Representative for Gene Wesner Automotive, stated they are collecting Toys for Tots currently and will accept monetary donations to purchase gifts and gift cards for older children. She thanked all that supported their annual event.

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

- Agenda
- Minutes: Regular scheduled meeting, October 23, 2017
- Checks 75784 to 75915 in the amount of \$218,196.30
- Excuse Commissioner Dale Toerne from Monday October 23, 2017 Meeting
- Banner Placement request: Wesner Automotive, Annual Toy Drive
- Traffic Control Order #249; Yield sign at the intersection for East bound W Roe Street to yield at South Cayuga
- Exchange of damaged picnic table to Darla Willauer as she purchased a new one for the City in the amount of \$1,046.00

The Mayor reported that Buchanan Youth Softball Baseball Association (BYSBA) Chairman Chris Kutemeier could not be in attendance. Toerne and Vigansky stated they had questions and wanted the opportunity to get answers. The City Manager stated BYBSA would be at the next Buchanan Area Recreation Board (BARB) meeting. Moore (Chairwoman of the BARB) confirmed that she would ask BYBSA at the BARB meeting. Marx replied that they are a separate entity and the City grants them use of public property. Recourse was discussed.

U.S. Congress Candidate of Southwest Michigan Rick Eichholz introduced himself and presented his biography and platform.

Ordinance 2017.11/405, Amending the City of Buchanan Zoning Ordinance; Article III-definitions and use of terms; Article X – C-2 Commercial District; Article XI C-3 Central Business District; Article XII I-1light Industrial District; Article XIII I-2 Heavy Industrial District; Article XVIII Special Provisions: Article XXIII Nonconforming uses, buildings and lots; Article XVII general Provisions.

Patzer explained the process of getting to this point of the proposed ordinance and explained the four changes from what the Planning Commission presented and she would go through the four changes one at a time. ***Moore moved, seconded by Cole to approve the Ordinance that was presented by the Planning Commission.*** There was discussion and question that the motion was not on the ordinance that was listed on the agenda, nor did anyone have copies of it. ***Motion and second withdrawn. Vigansky moved, seconded by Cole to discuss the ordinance as presented, but hear changes separately.***

Patzer explained the first change on page 3 of 7, Article XI. C-3 Central Business District and deliberation included removal as the Plan Commission did not recommend. ***Vigansky moved, seconded by Hess to leave Article XI. C-3 Central Business District in the ordinance. Motion carried by majority. YEA: Cole, Hess, Toerne, Vigansky. NAY: Moore.***

Public Comments Continued

Consent Calendar

Agenda
Minutes
Checks
Excuse
Commissioner
Banner Placement
Traffic Control
Order 249
Restitution
Exchange damaged picnic table

Reports

BYSBA

US Congress
Candidate

Unfinished

Business continued

Ordinance
2017.11/405, to
Amend City
Zoning for
Medical
Marihuana

Patzer explained
the second change

on page 4 of 7, Article XVIII. Special Provisions Including Home Occupation. Section 18.10 – 1.B. and deliberation included language removal as the Plan Commission did not recommend. ***Vigansky moved, seconded by Cole to include language “No medical marihuana grower, processor, provisioning center, safety compliance facility or secure transporter shall be located within Five Hundred (500) feet of real property comprising a church” in the ordinance. Motion failed by majority. YEA: Vigansky. NAY: Cole, Hess, Moore, Toerne.*** Commissioner Moore confirmed that the original language proposed by the Plan Commission would be inserted. The Mayor affirmed and Attorney Racht advised the former language be discussed further.

Patzer explained the third change on page 4 of 7, Article XVIII. Special Provisions Including Home Occupation. Section 18.10 – 1.C. to change the word “uses” to “districts”. ***Moore moved, seconded by Cole to keep the word “uses” as recommended by the Plan Commission. Motion failed by majority. YEA: Moore. NAY: Cole, Hess, Toerne, Vigansky.***

Patzer explained the fourth change on page 4 of 7, Article XVIII. Special Provision Including Home Occupation, Section 18.10 deleting 1. E. and F. language, due to Michigan Licensing and Regulatory Agency (LARA) opinions and inserting Plan Commission language E. ***Cole moved, seconded by Toerne to approve the deletion of E. and F. and keep the new letter E. All special use approvals for medical marihuana facilities are contingent upon the approval of the medical marihuana facility(s) application(s) by the City of Buchanan and the State of Michigan. Roll call vote carried by majority. YEA: Cole, Hess, Moore, Toerne. NAY: Vigansky.***

The Clerk reminded the Commission to discuss inclusion of Plan Commission language 1.B. for Article XVIII Special Provisions Including Home Occupations Section 18.10 before voting on the main motion. After debate, ***Cole moved, seconded by Toerne to approve the language as presented by the Plan Commission. 1. B. No medical marihuana grower, processor, provisioning center, safety compliance facility or secure transporter shall be located within Five Hundred (500) feet of real property comprising a church or a public park with activities designed specifically for youth. Roll call vote carried by majority. YEA: Cole, Hess, Moore, Toerne. NAY: Vigansky.*** After clarification that the vote was on accepting the ordinance with the changes as reviewed and voted on, ***roll call vote carried by majority. YEA: Cole, Hess, Toerne Vigansky. NAY: Moore. Ordinance 2017.11/405 declared adopted and made part of this record.***

Marx explained the parcel in question and recommended that the City accept the parcel adjacent to City and Ottawa School as presented. ***Toerne moved, seconded by Moore to accept the Deed to Parcel Number 11-58-0026-0001-00-0 from the County of Berrien as presented. Roll call vote carried unanimously.***

After explanation from Marx and Commission discussion, ***Cole moved, seconded by Toerne to approve the City of Buchanan, Medical Marihuana Facility Permit Application form as submitted. Roll call vote carried unanimously.***

Marx explained the Bid Waiver and purchase of two new copy machines for City Hall from Parrett Company through receipt of quotes and the need for a Budget Amendment ***Moore moved, seconded by Toerne to approve the bid waiver and the purchase of the two copy machines and the budget amendment in the amount of \$7,679 from the General Fund. Roll call vote carried unanimously.***

Unfinished Business continued

Ordinance
2017.11/405, to
Amend City
Zoning for
Medical
Marihuana

New Business

Accept Deed to
Parcel adjacent to
City property

Medical Marihuana
Facility Permit
Application

Bid waiver and the
purchase of the
two copy machines

Marx explained the
use and need for

the sectional plow in detail. After shared discussion, ***Moore moved, seconded by Toerne to purchase the HD14 Arctic Sectional Plow and approve the budget amendment in the amount of \$7,300 from Major Streets and Local Streets Funds. Roll call vote carried unanimously.***

New Business
continued
Plow Purchase and
Budget Amendment

Commissioner Vigansky volunteered to be the Commission Representative on the DDA Board. ***Hess moved, seconded by Toerne to appoint Vigansky as the Commission Member to be the representative on the DDA Board. Roll call vote carried unanimously.***

DDA Commissioner
Representative

The City Manager thanked Bob Barnes for his thoughtfulness towards the City and the American Legion for their Veteran's Day Ceremony. The Clerk announced the Free Community Thanksgiving Dinner.

City Manager
Comments

Commissioner's comments included thanks to Bob Barnes for his donation to Government workers, Thanksgiving wishes, encouragement to support the Memorial Tree Program, thanks to Mr. & Mrs. Hartline, request on status of the video man and contract, when the Dog Park Committee will pay back the City for purchasing land that will no longer be used, thanks to Beth Chubb for all of her work with the Common and Farmers' Market, and Redbud Area Ministries (RAM) in need of supplies and coats. The Mayor presented a Certificate of Appreciation received for Make A Difference Day and thanked all for their patience and input through the Medical Marihuana process.

Commissioners'
Comments

Cole moved, seconded by Toerne to adjourn the meeting at 9:06 p.m. Voice vote carried unanimously.

Adjourn

Gladys M. Bybee, City Clerk

Brenda J Hess, Mayor

CITY OF BUCHANAN COMMISSION MINUTES

November 27, 2017

The regularly scheduled meeting of the City Commission was held at City Hall, 302 N Redbud Trail, Buchanan, Michigan Monday, November 27, 2017 and was called to order at 7:00 p.m. by Mayor Hess.

The Mayor led the Pledge of Allegiance. Minister Nate Babcock gave the Invocation.

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

Commissioners absent: none

Staff present: Zoning Administrator Debra Patzer, Treasurer Juli O'Bryant, Public Services Director JT Adkerson, Assistant Police Chief Tim Ganus, and Clerk Gladys Bybee

Guests/Visitors present: Plante Moran Auditor Kenley Penner along with 30 visitors

Norma Ferris, Oak Street asked that the Commission talk about items on the agenda

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

- Agenda
- Minutes: Regular scheduled meeting, November 13, 2017
- Checks 75916 to 75975 in the amount of \$85,937.59
- Introduce Ordinance 2017.12/____, AN ORDINANCE TO AMEND THE CITY OF BUCHANAN, MICHIGAN CODE OF ORDINANCES CHAPTER 34, ELECTIONS ARTICLE II. EVEN YEAR ELECTIONS, SECTION 34-29. FILING OF NOMINATING PETITIONS

O'Bryant reported on Winter tax due date, City of Buchanan Michigan and Thrill on the Hill Facebooks, accepting credit and debit cards along with having your utility bill emailed, and availability of e-newsletter. Commissioner Vigansky asked about money spent to purchase a snow pusher. O'Bryant confirmed February 2016; DDA paid \$3,000 and the remainder was paid from major and local streets. Adkerson said that front end loader was sold and the snow pusher went with it as it was replaced.

The Mayor acknowledged Plante-Moran Auditor Kenley Penner who presented the 2016-2017 Financial Audit. Penner thanked the Commissioners and praised the financial department of the city. The Financial Statements were delivered with packet on Friday and he distributed the Audit presentation to the City Council for year ended June 30, 2017. He explained the booklet in detail and answered questions from Commission and noted the City spent less than what was budgeted. Penner did caution the Commission about the water and sewer fund as expenses were higher than revenue. He confirmed the pension fund is now a fully funded plan that will improve bond rating. Greetings were shared.

Patzer reported on the Memorandum regarding Protest Petition: Medical Marihuana Protest Petition – C-3 District as received at November 13, 2017 meeting but not reviewed for the record. She stated there were not enough valid signatures on the Protest Petition, thus the City Commission could pass the Zoning Amendment for Medical Marihuana by a simple majority. She explained in detail.

Call to Order

Pledge/Invocation

Roll Call

Public Comments

Citizens are allowed up to three (3) minutes to discuss any agenda item

Consent Calendar

Agenda
Minutes
Checks
Introduce Ordinance Amendment, Filing
Nominating
Petitions

Reports

Treasurer
Department

2016-2017 Financial
Audit.

Unfinished

Business continued

Medical Marihuana
Protest Petition

Commissioner Vigansky asked to discuss Boards' and Committees' Meetings and Memberships; would like to have updated rosters, receive current minutes, start videotaping the landfill meetings again, information about unofficial committees/boards and is strongly opposed to a Commissioner presiding over a committee/board. The Mayor stated it is discussion and investigation about trees on a Tree Board and is not an official board currently. Commissioner Moore stated all boards are only recommending boards and have 5 year plans that are approved by the City Commission. The Mayor confirmed that she will work with the Clerk on getting up-to-date minutes and rosters.

Don Ryman, W. Front Street was concerned about rumors of demolition of Meyers-Rough house on Main Street and to give the Buchanan Preservation Society (BPS) time to try and find a way to assist in preserving the 150 year old building. He gave details of how the BPS tried to purchase the house. Ryman asked for the Commission to issue a six month moratorium on the demolition of the house. Randall Peart, W Chicago Street opposed knocking it down to put up a parking lot as it appeared to have a good roof and only looks cosmetically challenged.

David Bennack, Kalamazoo announced he would be running for Congress in the 6th District and presented his platform.

Jennifer Florey, W Dewey Street supports saving the Meyer-Rouch house and opposes demolition.

Lisa Wineberg, W. Fourth, asks what the costs would be to rebuild the house compared to what the owner will be bringing to the community.

Michael Roland, Tulip Tree Lane supports the moratorium. He has looked at the house and believes that all should work together and come to a solution for rebuilding the house.

Jeremy Frame, owner of 212 Main Street and adjacent business owner had pictures available. He explained there was no plumbing, electrical, foundation crumbling, etc. He wishes to expand and grow his business and asks why hasn't something been done before now.

Daniel Florey, W Dewey Street supports saving the house.

Kelly Leasch, Able Road, supports the new owner and demolition of the house for safety reasons. She supports Jeremy Frame as he is of good character, helps the community and she opposes the slanderous comments on facebook about Mr. Frame.

Steven Lentsch, Cayuga is interested in starting adult softball league and wishes to use Fisher and Russell fields at McCoy Creek Recreation Area. Commissioner Moore invited Lentsch to the meeting and the Mayor asked for contact information.

Tim Ganus invited the Commissioners to participate in the upcoming Shop with a Cop event and explained that 13 youth would be taken to Walmart to pick out presents. All money is donated, not City money. Donations accepted for the program for next year.

Randall Peart, W Chicago stated he suggested to BARB years ago developing disc golf facilities out by where the pump houses are by DPW. Commissioner Moore reported that she believes it is in the 5 year plan, and BARB would support the project when there is a group that champions it to carry it forward.

With the absence of the City Manager, Patzer responded to Commissioner Vigansky's zoning questions that the Code Enforcement Officer has logs of letters sent to homeowners for building violations within the City. Assistant Police Chief Ganus confirmed there are logs that could be available through the Police Department.

New Business

Boards' and Committees' Meetings and Memberships Medical Marihuana Facility Permit Application

Public Comments

Citizens are allowed up to three (3) minutes to discuss any non-agenda item

City Manager Comments

Commissioner's comments included thanks to the Chamber of Commerce for the Holiday Lighting and Christmas Parade, Motocross International races at Redbud TNT in 2018, glad attendance has increased at City Commission meetings, Tin Shop Theatre performances, holiday wishes, and upcoming Buchanan Area Ministerial holiday event. The Mayor read a letter from Friends of McCoy's Creek Trail Committee with a list of their accomplishments this year and personally thanked them. She also thanked the public for speaking at the podium.

**Commissioners'
Comments**

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

Adjourn

Gladys M. Bybee, City Clerk

Brenda J Hess, Mayor

CITY OF BUCHANAN COMMISSION MINUTES
December 11, 2017

The Mayor called the Public Hearing to order at 7:00 p.m. and invited public comments on an ordinance amending the City of Buchanan, Michigan Code of Ordinances Chapter 34, Elections Article II. Even Year Elections, Section 34-29. Filing of Nominating Petitions. Resident Randall Peart, asked what the change was and the Clerk was asked to respond. Hearing neither further comments nor receipt of written comments, the public hearing ended at 7:02 p.m.

Public Hearing

Call to Order

The regularly scheduled meeting of the City Commission was held at City Hall, 302 N Redbud Trail, Buchanan, Michigan Monday, December 11, 2017 and was called to order at 7:02 p.m. by Mayor Hess.

Pledge/Invocation

The Mayor led the Pledge of Allegiance. Pastor Dave Mitchell gave the Invocation.

Roll Call

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

Commissioners absent: none

Staff present: City Manager Bill Marx, Water Operator Scott Desenberg, Fire Chief Mike Adams, Fire Lieutenant Evan Cauffman along with two other Firefighter's and Clerk Gladys Bybee

Guests/Visitors present: BYSBA President Chris Kutemieir along with 16 visitors

Public Comments

Citizens are allowed up to three (3) minutes to discuss any agenda item

The Mayor explained the change in process as the podium is in front of the Commission and public that wished to address the Commission would need to come to the podium.

Consent Calendar

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

Agenda
Minutes
Checks

- Agenda
- Minutes: Regular scheduled meeting, November 27, 2017
- Checks 75976 to 76065 in the amount of \$387,939.55

Buchanan Youth Softball Baseball Association (BYSBA) Chris Kutemeier reported on the Youth softball and baseball 2017 season. He announced upcoming projects to finish the fencing on the t-ball field and would like to move the sheds. Questions were shared with the Commission. Kutemeier responded that he gave a financial line by line detail to the BARB Board and Commissioner Moore (BARB Chairwoman) stated there were issues with communications in the past and confirmed only a verbal agreement between the City and BYSBA. Debate followed.

Reports

Buchanan Youth Softball Baseball Association (BYSBA)

Toerne moved, seconded by Cole to approve Ordinance 2017.12/406, An Ordinance to Amend the City of Buchanan, Michigan Code of Ordinances Chapter 34, Elections Article II. Even Year Elections, Section 34-29. Filing of Nominating Petitions. Roll call vote carried unanimously.

Unfinished Business

Ordinance 2017.12/406, Filing of Nominating Petitions

THE CITY OF BUCHANAN ORDAINS:

Sec. 34-29. – Filing of Nominating Petitions.

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

Introduced and Filed on the 27th day of November, 2017 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 DECEMBER 11, 2017, AND IT WAS PUBLISHED IN THE BERRIEN COUNTY RECORD ON NOVEMBER 23, 2017 and DECEMBER 21, 2017 and effective IMMEDIATELY.

Fire Chief Adams
and Lieutenant

Cauffman explained the purpose of the nozzles as the current ones are 25 plus years old. City Manager confirmed this was part of the five year purchase plan. ***Cole moved, seconded by Moore to approve the bid waiver to purchase the nozzle replacements in the amount of \$13,627 for the Fire Department. Roll call vote carried unanimously.***

Fire Department
Nozzle Replacement

Desenberg reviewed past accomplishments since January 2016 and explained his report in detail while all reviewed. Questions and deliberation were heard. ***Vigansky moved, seconded by Toerne to approve the City of Buchanan Capital Improvement Plan 2018, Five Year and 20 Year as presented and recommended. Roll call vote carried unanimously.***

Capital
Improvement Plan
2018

Angie Harkrider and Stephen Lentsch asked permission to use Russell and Fisher Fields at McCoy Creek Recreation Area for Adult Softball League and explained their process for the league as unanimously recommended by the Buchanan Area Recreation Board (BARB). Discussion was shared. ***Vigansky moved, seconded by Toerne to grant permission to Harkrider and Lentsch to use Russell and Fisher Fields for adult softball. Roll call vote carried unanimously.***

Permission granted
for Adult Softball at
Russell & Fisher
Fields

Toerne moved, seconded by Cole to approve the Department of Environmental Quality (DEQ) Fiscal Year 2018 Wellhead Protection Program Grant Agreement in the amount of \$3,675.00 and authorize the Mayor to sign and the Zoning Administrator to administer; total project \$7,350. Roll call vote carried unanimously.

DEQ 2018 Wellhead
Protection Program
Grant

Cole moved, seconded by Toerne to cancel December 26, 2017 Rescheduled Regular City Commission meeting. Roll call vote carried by majority. YEA: Cole, Hess, Moore, Toerne. NAY: Vigansky

Cancel Second
December
Commission
Meeting

Brenda Hess, Ottawa Court read a Facebook post on behalf of an anonymous person regarding her sick daughter's need for medical marihuana. Norma Ferris, North Oak likes the podium.

Public Comments
Citizens are allowed
up to three (3)
minutes to discuss
any non-agenda item

City Manager comments included information about the Request for Qualification (RFQ) for WWTP and would like a work session to review and discuss further; meeting was scheduled for Monday December 18 at 6:00 p.m. Debate was heard with regards to the Dog Park being developed at McCoy Creek Recreation Area. Marx also urged all property owners to shovel/clear their sidewalks.

**City Manager
Comments**

Commissioner's comments included thanks to the plow crews, upcoming Planning Commission meeting for five special use for medical marihuana, cannabis seminar at the Senior Center, happy holidays, overpopulation of sea gulls at the landfill, thanks to Fire Department, accusations at the last meeting about snow push box where process was done properly back in April, and urged citizens to come forward with opinions and concerns.

**Commissioners'
Comments**

Cole moved to adjourn the meeting at 8:35 p.m.

Adjourn

Gladys M. Bybee, City Clerk

Brenda J Hess, Mayor

New Business