

**City of Buchanan Commission Minutes
January 11, 2021**

The regularly scheduled meeting of the City Commission was held via electronic meeting on Monday, January 11, 2021, and was called to order at 7:04 p.m. by Mayor Sean Denison. The Mayor led the Pledge of Allegiance.

Recognition

None

Roll Call

Present: Mayor Sean Denison, Commissioners Cameron Downey, Larry Money, Patrick Swem, Mark Weedon
Absent: None
City Staff: City Manager, Heather Grace; City Clerk, Barbara Pitcher; Interim Treasurer/Bookkeeper, Stephanie Powers; Director of Public Works, JT Adkerson; Police Chief, Tim Ganus; Assistant Fire Chief, Robert Blaylock; Water Department Operator, Scott Desenberg; Department of Public Works; Mike Baker; Building Inspector, Guy Lewis
Guests: 21 online guests

Agenda

Weedon moved, seconded by Downey to amend the agenda to include Unfinished Business item G – Consider selling 404 Elizabeth Street to Tyrone Hamilton, and to modify the consent calendar invoice/expenditure amount to \$222,558.43, reflecting the addition of tax disbursement flow-through. Roll call vote carried unanimously.

Weedon moved, seconded by Downey to approve the agenda as amended. Roll call vote carried unanimously.

Public Comments (agenda items)

- **Dan Vigansky** – Urged Commission not to spend \$5000 on the college as there are no plans; \$3800 is one thing but \$9000 is a completely different thing. Regarding Guys & Dolls in Ross Sanders building, we don't know how long she'll be there, even if it's month-to-month, it seems like she's been good at paying. Leave the DPW where it is. Water bill was a bad decision and payment arrangements should be made.

Public Hearings/Special Business

None

Consent Calendar

- Approve Minutes: Regular Meeting, December 28, 2020.
- Approve Invoices/Expenditures January 11, 2021 in the amount of \$45,805.95.

Weedon moved, seconded by Money to accept the consent calendar as presented. Roll call vote carried unanimously.

Scheduled Matters from the Floor

Andrew von Maur (introduced by Rich Murphy) – The City's new Community Development Director Rich Murphy first introduced himself and his plan to get acclimated to the community. He then introduced Andrew von Maur, Professor at the Andrews University School of Architecture & Interior Design, who presented an opportunity for the City of Buchanan. Professor von Maur's proposal is for the City to authorize Manager Grace to sign an MOU (memorandum of understanding) between the City and Andrews University whereby several architecture students at Andrews University would participate in a Planning & Design Study centered around the City of Buchanan and collaborating stakeholders to prepare multiple illustrative redevelopment scenarios to promote viable commerce and an increased tax base, along with several other goals, towards the development of a final illustrative report. The process would be guided by a stakeholder steering committee, chosen by the City Commission. Work would commence on January 13, 2021 and run through the end of the semester. The total cost to be born by the City would be a \$3,750 stipend to be paid to the University at the end of the project to cover the cost of supplies and digital rendering facilitation. An additional \$5,000 expenditure is also recommended, though not required, as a fee to engage a recommended expert sub-consultant in the field of pedestrian-friendly traffic engineering and street design, as a portion of the project intends to address the City's planning needs for our upcoming redesign and reconstruction of Front Street. Manager Grace strongly recommends approving the program and voting to authorize Manager Grace to sign the MOU as the return on investment in this scenario is extremely advantageous for the relatively small amount requested to be spent. The type of work performed is likely to serve as a catalyst for a great many projects, developments, and grant applications throughout the City if approved.

Swem moved, seconded by Downey to authorize City Manager Grace to sign the MOU with Andrews University. Roll call vote carried unanimously.

Reports by: Departments, Committees, Boards

Police Department – Chief Ganus presented the annual report for the department.

Water Department –Desenberg presented the annual report for the department.

Wastewater Department – Grace reviewed submitted annual report for the department.

Treasurer's Department – Powers indicated annual report was unavailable but stated the annual audit was completed with flying colors, and that RFPs from other banks are coming in, so a decision regarding choosing a new financial institution should be made soon.

Clerk's Department – Pitcher presented annual report for the department.

Department of Public Works – Adkerson presented annual report for the department.

Building Department – Lewis presented annual report for the department.

Assessing Department – No report

Fire Department – Blaylock indicated annual report will be postponed due to Chief Adams' work schedule.

Unfinished Business

Kim Moyer – Proposed Sale of Property to City – Mr. Moyer requested that the City Commission consider buying property that he has for sale located at 1207 N. Redbud Trail for use as a proposed site for the DPW or a municipal campus. This issue was postponed from a previous meeting to allow City Administration time to more fully vet the feasibility of the site for comparison to other available options and participate in a Joint Work Session for the City Commission and Planning Commission on January 5th.

Weedon indicated no interest and stated the property is better suited for other investment, either commercial or residential.

Weedon moved, seconded by Money to decline purchase of the property located at 1207 N. Redbud Trail. Roll call vote carried by majority with Swem abstaining due to a conflict of interest.

Jan Jacobs – Proposed Purchase of City-Owned Property – Ms. Jacobs is requesting that the City Commission consider selling 3 to 4 lots on Elizabeth and Bluff Street, in addition to considering possibly selling 405 Elizabeth Street. This issue was postponed from a previous meeting to allow City Administration time to gather more information and participate in a Joint Work Session for the City Commission and Planning Commission on January 5th.

Swem moved, seconded by Downey to authorize posting lots on Elizabeth and Bluff Streets for public offering at a minimum price, with the right to accept or refuse any and all offers and bids must include name of bidder and intended use for the property. Roll call vote carried unanimously.

Request to Purchase City Property – Consider authorizing the City Manager to enter into negotiations with the Paturalski Family regarding purchase of the Buchanan Feed Mill at 109 Railroad Street. This issue was postponed from a previous meeting to allow City Administration time to gather more information and participate in a Joint Work Session for the City Commission and Planning Commission on January 5th.

Due to the unique circumstances of this property Swem indicated a desire for proof of liquidity/financing, a business plan and a credit check. A significant amount of due diligence is needed for this property.

Weedon moved, seconded by Money to authorize posting Buchanan Feed Mill at 109 Railroad Street for public bid. Roll call vote carried unanimously.

Request to Purchase Real Property – Dale Payeur, property owner at 402 Michigan Street, is requesting that the City consider selling him city-owned property near his parcel. This issue was postponed from a

previous meeting to allow City Administration time to gather more information and participate in a Joint Work Session for the City Commission and Planning Commission on January 5th.

Downey indicated he had looked at the property and asked the Commission to postpone the decision until they could all look at the property as well.

Swem moved, seconded by Money to not move forward with the sale of 402 Michigan Street. Roll call vote carried by majority:

Yea – Denison, Money, Swem, Weedon

Nay – Downey

Bill & Mack Green Request RE 500 E. Third St. for DPW Building – Bill and Mack Green are asking the City Commission to consider their proposal for the City to either purchase or lease their newly built spec building located at 500 E. Third St for use as a DPW building. Rough terms have been submitted to start a basis for negotiation. This issue was postponed from a previous meeting to allow City Administration time to gather more information and participate in a Joint Work Session for the City Commission and Planning Commission on January 5th.

City Manager Grace shared the results of a survey of the Commission and Planning Commission regarding the location of City facilities building which indicated most interest was in improving/rebuilding facilities in their current locations.

Several Commissioners expressed an interest in bringing this issue to closure.

Weedon moved, seconded by Downey to authorize City Manager Grace to negotiate a potential lease only with the Greens for the property at 500 E. Third Street. Roll call vote carried unanimously.

Computer Quotes – Previous quotes for computers have been followed up with quotes for mobile workstations, to include laptops and docking stations. Manager Grace is seeking approval to purchase 8 laptops and 8 docking stations with a not-to-exceed price of \$19,102.56 (the quoted price from Edge IT), though other bids have already been sought and are being compiled for presentation during the meeting Monday night.

Weedon was quite displeased with the price quoted by Edge IT, stating that not have they given us sub-par support, but now a sub-par quote not only in terms of pricing, but also rock bottom hardware that is insufficient for our needs. Denison stated and Weedon concurred, that just this evening's technical difficulties were proof that the City needs new equipment.

Weedon moved, seconded by Downey to authorize City Manager Grace to entertain quotes for computers not to exceed \$19,102.56. Roll call vote carried unanimously.

Request to Purchase Property – Postponed from a previous meeting, Tyrone Hamilton's requests that the City consider selling to him 404 Elizabeth St, which is the empty parcel behind the house he currently owns at 405 Artic St.

Swem moved, seconded by Weedon to authorize posting 404 Elizabeth for public offering at a minimum price, with the right to accept or refuse any and all offers and bids must include name of bidder and intended use for the property. Roll call vote carried unanimously.

New Business

Summer School Tax Collection Resolution – Buchanan Community Schools has submitted a request for the City Commission to approve a Resolution authorizing City Administration to begin negotiations regarding a per parcel price for collection of the School's summer tax levy. This is a standard practice that happens annually.

Weedon moved, seconded by Downey to approve the Summer School Task Resolution 2021.1/215 to begin negotiations. Roll call vote carried unanimously.

Tin Shop Lease Request from Buchanan Fine Arts Council – The Buchanan Fine Arts Council has submitted a request for the City Commission to consider extending their lease of the Tin Shop Theatre under the same terms as previous years. The lease expired in April of 2020. The current terms indicate a term of 60 months and do not seem to include an amount of rent or consideration. Manager Grace strongly recommended postponing this matter until such time as the City Attorney has a chance to review the contract and make a recommendation regarding the terms.

Guys and Dolls Lease Extension Request – Virginia Reed of Guys and Dolls has requested a one-year extension on her lease at Ross Sanders, which expired on August 31, 2020. She wants to continue the current terms, which are rent of \$450 per month, tenant to pay for water and electric, and the City to pay for heat and replacement or repair of HVAC units. Manager Grace strongly recommended postponing this matter until such time as the City Attorney has a chance to review the contract and make a recommendation regarding the terms.

Weedon moved, seconded by Swem to postpone the Tin Shop Lease Request from Buchanan Fine Arts Council and the Guys and Dolls Lease Extension Request pending review by City Attorney. Roll call vote carried unanimously.

Midwest Escapes Lease Request – Midwest Escapes seeks to get permission from the City to assign their lease to another escape room company. Manager Grace recommended postponing a decision on this matter until the City Attorney has time to review the lease terms, as well as the compounding facts that there have been multiple missed payments from the underlying tenant, in addition to terms that appear to not grant a right of assignment.

Commission discussed terms of lease and missed payments. Money stated that one area of the Ross Sanders building contains books for the Little Free Library and they need to be moved. Downey suggested DPW offices could be moved to the Ross Sanders building temporarily.

Denison moved, seconded by Weedon to terminate the Midwest Escapes lease immediately. Roll call vote carried unanimously.

Location of DPW Building – Consider the location of the DPW building based on the many options were discussed during the recent Joint City Commission and Planning Commission Joint Work Sessions.

Downey asked about requests for funding from the State. Grace indicated that USDA grants have a 2 year lead time so not feasible in this case. Downey also asked Murphy to look for grants and other funding to aid in reconstruction of the DPW building.

Weedon moved, seconded by Swem to keep the DPW building at the current location. Roll call vote carried unanimously.

'One Buchanan' Request – The group 'One Buchanan' is requesting to become an official city board/committee. 'One Buchanan' promotes a welcoming and inclusive community and intends to host forums on topics such as Mental Health, Black History, LGBTQ issues, etc.

Swem stated his excitement to see this on the agenda but asked about funding. Grace clarified that the City would assist potentially getting the group set up as a 501C3 status and identifying grants. Monroe Lemay concurred that the group has a board in place and support, but they need the nonprofit status in order accept funding.

Weedon and Downey also spoke favorably of the group, although Downey cautioned its members that they must realize they now represent the City of Buchanan and some past behaviors of group members could be considered bullying and contrary to the mission of the group.

Swem moved, seconded by Weedon to recognize One Buchanan as an official board/committee of the City of Buchanan. Roll call vote carried unanimously.

Communications *(informational only, formal board action is not necessary for these items, unless so desired)*

Water Bill Shut Off Issue – The Michigan Legislature passed a new statute extending the moratorium on shutting off water service for non-payment through March 31, 2021, after which time shut offs resume, unless there is a subsequent state law or other ordinance.

Newly Elected Official Training – The Michigan Municipal League is offering a training for any interested elected officials on January 23rd at 8:30 a.m.

Pinnacle Emporium DLARA Letter – The Michigan Department of Licensing and Regulatory Affairs submitted a letter to confirm to the City that Dr. Silver of KISA (Pinnacle Emporium) has submitted an application with the State for a Marihuana Retailer license. No action is required, unless there is a desire to contest the application.

RRC Welcome Letter – The Michigan Economic Development Corporation (MEDC) has sent a letter welcoming the City of Buchanan into the Redevelopment Ready Communities (RRC) Program.

Tree Friends Communication – The Buchanan Tree Friends has submitted communications making recommendations regarding the Trees along Days Avenue. No action is required as this time, and Manager Grace recommends no action until information has been received from the property owners in the area (which will be solicited via a form developed by City Administration).

Treasurer Position – Manager Grace is still waiting to hear back from Larry Nielsen regarding the Treasurer's position posting, but hopes to share an update during the meeting, if one is received.

Grace explained that a CPA firm specializing in municipal finance could supplement the Interim Treasurer as she becomes fully trained and immersed in the role and that there can be substantial cost savings in terms of audit costs and efficiencies.

Swem moved, seconded by Money to authorize City Manager Grace to explore CPA firms through the RFP process to potentially fill the Treasurer opening. Roll call vote carried unanimously.

Public Comment (non-agenda items)

- **Nick Gasorek** – Had tax tribunal on December 7, 2020. The Assessor provided to the State of Michigan a document stating home value at \$272,000 rather than the \$300,000 it was assessed for. Tax bill was still assessed at \$300,000. Assessor stated the Tribunal had not yet made their final decision, which he feels is ridiculous since she
- **Xavier Carroll** – Stated he has been covering these meetings for The Paper. The editors are retiring which means the publication is discontinued. He would like someone to step in to continue their work because it would be a loss for the community if they lose the small-town newspaper. Thanked everyone for creating a welcoming community.

Executive Comments

- **City Manager Grace** – Appreciates the staff and public who are willing to remain engaged for the duration of the meeting. Excited to work with the Andrews University students.
- **Commissioner Downey** – Toured the City over the past week. The Commission should look at the Edgewater building which the Police Department currently occupies a portion of. He suggested that the Police Department expand into the remainder of the building.
- **Commissioner Weedon** – None
- **Commissioner Money** – Thanked Commission, staff and City Manager for all the hard work for everything that goes into the agenda. Thanked department heads for all the good work they do for the City. Stated he only sees good things happening for the City and hopes that citizens also see we're trying to do the best for them. Thanked Murphy for coming on boards, he'll be a great asset.
- **Commissioner Swem** – Appreciated the updates from the department heads and appreciate what they do. Thanked the Buchanan Tree Friends for the detailed report so the Commission can do a good job making a decision. Saddened to see The Paper end and suggested to opportunities that the work can continue.
- **Mayor Denison** – Following up on Swem's comment regarding Buchanan Tree Friends, he is amazed that every time the City has a problem, we also have experts in the community to help solve it. Shared appreciation for Commissioners, it's a pleasure to serve with them. We're getting it done.

Adjourn

Weedon moved, seconded by Money to adjourn. Roll call vote carried unanimously. Mayor Denison adjourned the meeting at 9:52 p.m.

**City of Buchanan Commission Minutes
January 25, 2021**

The regularly scheduled meeting of the City Commission was held via electronic meeting on Monday, January 25, 2021, and was called to order at 7:01 p.m. by Mayor Sean Denison. The Mayor led the Pledge of Allegiance.

Recognition

None

Roll Call

Present: Mayor Sean Denison, Commissioners Cameron Downey, Larry Money, Patrick Swem, Mark Weedon
Absent: None
City Staff: City Manager, Heather Grace; City Clerk, Barbara Pitcher; Interim Treasurer/Bookkeeper, Stephanie Powers; Director of Public Works, JT Adkerson; Fire Chief, Mike Adams; Police Chief, Tim Ganus; DPW Staff, Mike Baker; Community Development Director, Rich Murphy; City Attorney, Richard Racht
Guests: 26 online guests including Corilee Scanlon, Don Ryman, John Phoehner, Alan Robandt Mack Green, Alice Kring, Penny Slocum, Dan Vigansky, Kim Moyer, Dixie Detgen, Kenley Penner, Britni McDole, Julie Capron, Jen Tabor

Agenda

Denison stated the addition of two agenda items under New Business; item II.D. Banner Request, and item II.E. Joint Work Session of the City Commission and Planning Commission.

Downey moved, seconded by Weedon to approve the agenda as amended. Roll call vote carried unanimously.

Public Comments (agenda items)

- **Alice Kring** – Spoke regarding the history of the Fine Arts Council and the Tin Shop Theater, requesting the Commission consider continuation of the Theater lease
- **Dan Vigansky** – Spoke in opposition to renting space for the DPW.

Public Hearings/Special Business

None

Consent Calendar

- Approve Minutes: Regular City Commission Meeting, January 11, 2021; Joint Work Session of the City Commission and Planning Commission, January 5, 2021; Fine Arts Council Meeting, December 7, 2020;
- Approve Invoices/Expenditures January 25, 2021 in the amount of \$1,548,983.95.
 - • \$1,443,989.80 is for the progress payment to Davis Construction for the WWTP Oxidation Ditch

Money moved, seconded by Denison to accept the consent calendar as presented. Roll call vote carried unanimously.

Scheduled Matters from the Floor

Plante Moran – Kenley Penner and Britni McDole from the municipal accounting firm Plante Moran presented the results of the City's most recent annual financial audit.

Reports by: Departments, Committees, Boards

Fire Department – Fire Chief Adams presented the department's annual report.

Unfinished Business

Tin Shop Lease Request from Buchanan Fine Arts Council – The Buchanan Fine Arts Council has submitted a request for the City Commission to consider extending their lease of the Tin Shop Theatre under the same terms as previous years. The lease expired in April of 2020. The current terms indicate a term of 60 months and do not seem to include an amount of rent or consideration. This matter was postponed at the last meeting, until such time as the City Attorney has a chance to review the contract and make a recommendation regarding the terms. Attorney Racht indicated more work is necessary and more information will be available to the Commission by the next meeting.

There was no motion on the item.

Guys and Dolls Lease Extension Request – Virginia Reed of Guys and Dolls has requested a one-year extension on her lease at Ross Sanders, which expired on August 31, 2020. She wants to continue the current terms, which are rent of \$450 per month, tenant to pay for water and electric, and the City to pay for heat and replacement or repair of HVAC units. This matter was postponed at the last meeting, until such time as the City Attorney has a chance to review the contract and make a recommendation regarding the terms. Attorney Racht indicated more work is necessary and more information will be available to the Commission by the next meeting.

There was no motion on the item.

Treasurer Position – Larry Nielsen has shared another update regarding the Treasurer position posting, recommending that the Commission consider paying to re-post the position on the MML website through the end of January, and that if no additional applications are received at that time, that the Commission consider naming Acting Treasurer Stephanie Powers as the City's official City Treasurer.

Grace suggested partnering with a CPA firm to support Powers while she gains the knowledge and experience necessary through formal training as well as job shadowing with other Treasurers; approximately two years. Grace stated she is extremely confident in Power's ethics and ability to fully take on the Treasurer role given the opportunity as discussed. The Commission would like to see a cost benefit analysis and expressed that Larry Nielsen's services should be discontinued at this time.

Swem moved, seconded by Money to postpone until cost benefit analysis for engaging a CPA firm can be reviewed. Roll call vote carried unanimously.

New Business

408 River Street – An opportunity regarding a potential lease or sale of property that could be used to store DPW equipment was presented involving property at 408 River Street, owned by G2

Developments of Michigan, LLC (7 Engines). City Manager Grace met with Rob Spengler of the G2 board over the weekend and would like to explore various options the week of January 25.

There was no motion on the item.

700 E. Third Street – At the request of the Commission, Manager Grace entered into negotiations with Bill Green regarding his building at 700 E. Third Street, to see if the property might be available for use by the City to store DPW equipment until a new DPW building can be constructed. A 2-year lease at \$15,000 per month for the first year, with monthly costs adjusted in the second year as per the consumer price index, with an option to purchase at the end of the lease for a total price of \$1.5 million.

Weedon moved, seconded by Money to not move forward with a lease agreement. Roll call vote carried unanimously.

Edgewater Bank Lease – The City Attorney reviewed this lease and advised Manager Grace there when a tenant gives notice of breach, it is a requirement by the City to mitigate damages by seeking another tenant. Grace indicates she is hesitant to do so as the Commission needs to determine the long-term plan for the property, such as leaving the Police Department in the building and leasing the other portion to a commercial tenant, or selling the property.

Swem moved, seconded by Weedon to postpone a decision on the Edgewater Bank Lease until after the Joint Work Session of the City Commission and Planning Commission on February 4, 2021. Roll call vote carried unanimously.

Banner Placement – Consider the placement of a banner advertising the Boy Scouts Annual Swiss Steak Dinner fundraiser on February 6. This year's event will be take-out only.

Money moved, seconded by Downey to approval banner placement for the Boy Scouts Annual Swiss Steak Dinner fundraiser. Roll call vote carried unanimously.

Joint Work Session – Consider scheduling a joint work session of the City Commission and Planning Commission on Thursday, February 4, 2021 at 6:00 p.m. via electronic meeting.

Denison moved, seconded by Swem to schedule a joint work session of the City Commission and Planning Commission on Thursday, February 4, 2021 at 6:00 p.m. via electronic meeting. Roll call vote carried unanimously.

Communications *(informational only, formal board action is not necessary for these items, unless so desired)*

Virtual Capital Convention Meeting – The Michigan Municipal League (MML) is inviting elected municipal officials to attend the 2021 Capital Convention. Pricing ranges from \$75-\$150 per attendee, depending on how many sessions are attended. Tuesday March 16th – 8:30 a.m. – 4:30 p.m. Wednesday March 17th 9:00 a.m. – 2:00 p.m. Information will be shared regarding legislative updates, the state budget, Covid-19 updates, and much more.

Urban Design Studio Steering Committee- A proposed list of potential Steering Committee Members, as well as potential Stakeholder Group Leaders, has been discussed and prepared administratively upon the recommendation of Professor van Maur. Since not all potential members have been contacted yet, the list will be presented prior to the meeting, after all potential members have privately verified their

interest in potentially being involved in the project.

MEDC on Updated Covid-19 Restrictions – The Michigan Economic Development Corporation (MEDC) shared a communication indicating that Covid-19 Restrictions in Michigan will be modified as of February 1st in the following way:

- Indoor Dining will be allowed, with certain precautions;
- Non-residential gatherings of up to 10 people from two households will be allowed.

Public Comment (non-agenda items)

- **Penny Slocum** – Shared appreciation for the City Manager and the Commission.
- **Dan Vigansky** – Spoke regarding Scheduled Matters from the floor; if an item doesn't arrive by Wednesday before the agenda, it doesn't go on the agenda.
- **Jen Tabor** – Stated it was great to hear Commission's conversation.

Executive Comments

- **City Manager Grace** – Shared and update on the walking tour with Andrews students – featured on ABC57. It is especially nice to see their top story focused on economic development in Buchanan. Thanked Murphy and students.
- **Commissioner Swem** – We have a lot of work ahead of us. Complete the survey if you haven't. Noted great attendance from the community and thanked them for their support.
- **Commissioner Downey** – None.
- **Commissioner Weedon** – Stated he appreciates everyone's input. The Commission needs time to make decisions. Dialogue and feedback makes us better.
- **Commissioner Money** – Stated it is great that the community is taking the opportunity to voice their opinions. The City can be proud of the Commissioners they elected.
- **Mayor Denison** – Responded to Dan Vigansky's comment regarding last minute additions to the agenda. Requests should be submitted in writing to the Clerk and the approval of such request remain within the discretion of the Mayor. As much as he doesn't like getting last minute information, all the information is an indication that of how busy things are downtown. There is a lot going on and a lot of interest in Buchanan and every time ABC57 or any other media shows up in town, all it does is spike interest. Bring it on! Let's do more. It's exciting. Buchanan is moving in the right direction. Thanked everyone for attending.

Adjourn

Downey moved, seconded by Money to adjourn. Roll call vote carried unanimously. Mayor Denison adjourned the meeting at 8:37 p.m.

Barbara A. Pitcher, City Clerk

Mayor Sean Denison

**City of Buchanan Commission Minutes
February 8, 2021**

The regularly scheduled meeting of the City Commission was held via electronic meeting on Monday, February 8, 2021, and was called to order at 7:01 p.m. by Mayor Sean Denison. The Mayor led the Pledge of Allegiance.

Recognition

None

Roll Call

Present: Mayor Sean Denison, Commissioners Cameron Downey, Larry Money, Patrick Swem, Mark Weedon
Absent: None
City Staff: City Manager, Heather Grace; City Clerk, Barbara Pitcher; Acting Treasurer/Bookkeeper, Stephanie Powers; Director of Public Works, JT Adkerson; DPW Staff, Mike Baker; Community Development Director, Rich Murphy; Wastewater Treatment Superintendent, Bill Housand; Water Department Operator in Charge, Scott Desenberg
Guests: Jan Jacobs, Anne Tuite, Joe Paolucci, Dan Vigansky, Tom Jolly, Alan Robandt, Penny Slocum, Don Ryman, Suzanne Deneau, Paul Harvey, Fran Terry, Debra Haight, Brian Dougherty, Jerry Flenor, Kim Moyer, Brandon Kovnat, Thad Payne, Peter Lysy, and one other unidentified

Agenda

Money moved, seconded by Weedon to approve the agenda as presented. Roll call vote carried unanimously.

Public Comments (agenda items)

None

Public Hearings/Special Business

None

Consent Calendar

- Approve Minutes: Regular City Commission Meeting, January 25, 2021;
- Approve Invoices/Expenditures February 8, 2021 in the amount of \$125,707.97 (\$67,648.19 of which consists of tax disbursements to other entities, such as Berrien County, etc.)

Downey questioned the amount of the elections tabulator expenditure which was \$700 more than approved. Pitcher indicated the additional amount was for shipping costs, negotiated down from \$1,800 and that \$700 for shipping is fairly standard.

Downey moved, seconded by Swem to accept the consent calendar as presented. Roll call vote carried unanimously.

Scheduled Matters from the Floor

None

Reports by: Departments, Committees, Boards

Wastewater Treatment Plant – Sewer Use Surcharge Schedules – The schedules set forth below are requested to be approved as part of the continuing process of building the Industrial Pretreatment Program, the City needs to adopt fee structures for the pollutant limits designated as “surcharge limits” in the Sewer Use Ordinance. The idea behind this is that each sanitary user should pay their fair share of the operation and maintenance costs associated with the sanitary system. Surcharges will typically be applied to commercial or industrial users who create high-strength waste that adversely affects the wastewater treatment plan. At this point, only the Landfill is anticipated to be affected. The Landfill Board is aware of this proposal and has lodged no formal complaints. Additionally, the Joint Water Sewer Board has also reviewed this schedule and voted to recommend approval by the City Commission. The proposed rates are as follows:

Ammonia: \$3.08 per pound, when concentrations exceed 15 mg/l

Phosphorous: \$5.87 per pound, when concentrations exceed 15 mg/l

Biochemical Oxygen Demand: \$0.88 per pound, when concentrations exceed 250 mg/l

Total Suspended Solids: \$0.80 per pound, when concentrations exceed 250 mg/l

Housand presented and clarified certain point to Commissioners. Swem stated the Landfill Board feels the contract is equitable.

Downey moved, seconded by Weedon to adopt the Sewer Use Surcharge Schedule. Roll call vote carried unanimously.

Department of Public Works – Snow Machine Buy Back – Consider authorizing DPW Director JT Adkerson to negotiate a buy back by the original seller of the 2012 Pole Cat snow machine, with 85 hours, purchased in 2014 at a cost \$14,500. Following initial discussions, the suggested asking price is \$7,000. Could be sold via Ebay, or other methods, as desired.

Swem moved, seconded by Downey to allow JT Adkerson two weeks to sell the snow machine at a minimum price of \$7,000. Roll call vote carried unanimously.

Unfinished Business

Tin Shop Lease Request from Buchanan Fine Arts Council – The Buchanan Fine Arts Council has submitted a request for the City Commission to consider extending their lease of the Tin Shop Theatre under the same terms as previous years. The lease expired in April of 2020. A confidential attorney-client privileged document relating to this lease was shared by the City Attorney with the Commission for review.

Money moved, seconded by Downey to extend the lease for the Tin Shop Theatre. Roll call vote carried unanimously.

Guys and Dolls Lease Extension Request – Virginia Reed of Guys and Dolls has requested a one-year extension on her lease at Ross Sanders, which expired on August 31, 2020. She wants to continue the current terms, which are rent of \$450 per month, tenant to pay for water and electric, and the City to pay for heat and replacement or repair of HVAC units. This matter was postponed at the last meeting, until such time as the City Attorney had a chance to review the contract and make a recommendation regarding the terms. A confidential attorney-client privileged document relating to this lease was shared by the City Attorney with the Commission for review.

Money spoke in favor of a yearly lease given Reed's longevity in the community. Swem spoke in favor of a month-to-month lease given the Commission has stated future use for the Ross Sanders building is undecided but will not include commercial space. Also out of respect for Reed's longevity in the community, Swem suggested giving her sufficient notice and time to move if other plans develop. Downey suggested that nothing is going to happen with the Ross Sanders building for at least a year, so a one-year lease would be appropriate.

Downey moved, seconded by Money to extend a one-year lease to Virginia Reed of Gus and Dolls. Roll call vote carried by majority with Swem voting NAY.

Edgewater Bank – Edgewater Bank has requested to be released from their lease agreement with the City. A confidential attorney-client privileged document relating to this lease has been shared by the City Attorney with the Commission for review.

Swem inquired and Grace responded that information on any deed restrictions had not yet been determined.

Downey moved, seconded by Swem to postpone the decision regarding the Edgewater Bank lease until information regarding any deed restrictions can be obtained. Roll call vote carried unanimously.

McCoy Creek Trail Grant Presentation – At the Joint meeting this past Thursday, Suzannah Deneau from Wightman presented options related to the latest phase expansion for the McCoy Creek Trail. Since the Friends of the Trail group is hoping to stick with the original grant deadline of February 24th, this request is somewhat time sensitive, so the Commission is requested to make a decision regarding the following:

- **Approve the Submission of the Grant** – Wightman, working in collaboration with the Southwest Michigan Planning Commission and the Buchanan Friends of the McCoy Creek Trail Committee, has developed a proposal for a Transportation Alternatives Program (TAP) Grant. The grant is issued by MDOT, and if approved, would allow the City to complete an additional phase of McCoy Creek Trail construction. Specifically, the project would include improving the pedestrian facilities on Walton Road over the St. Joseph River Bridge (aka 'River Street Bridge'), along with constructing trail segments on either end of the bridge.
- **Approve the Total Contribution Amounts** – As currently budgeted, the proposed trail project would consist of the following:
 - TAP Contribution (grant funding) - \$ 130,777.00
 - Local Contribution (amount paid by City of Buchanan) [20% match required] –
 - \$ 32,694.25
 - TOTAL- \$163,471.25
- **Choose an Alternative Project Option** – Five project alternative options are available to choose from, each of which has a common start and end point, which is the intersection of River Street

& Schirmer Parkway (west side of bridge) and the intersection of Walton Rd & E. Riverside Rd. (east side of bridge). The options to choose from are as follows:

- Alternative 1- Additional width to existing bridge. Estimated total cost \$1,543,000. Since only ~ 11.5% of the cost would be covered by the TAP grant, this option is not recommended.
 - Alternative 2- Adding 1-foot to each side of existing bridge sidewalk. Estimated total cost \$250,000. ~ 30% can be covered by the TAP Grant and the required local match.
 - Alternative 3- Adding 1-foot to one side of existing bridge sidewalk. Estimated total cost \$181,000. ~ 88% can be covered by the TAP Grant and the required local match.
 - Alternative 4- Adding 2-feet to one side of existing bridge sidewalk. Estimated total cost \$200,000. ~ 70% can be covered by the TAP Grant and the required local match.
 - Alternative 5- No bridge work, sidewalk/trail construction on either side of bridge.
 - Estimated total cost \$112,000. 100% of the proposed project could be covered by the TAP Grant and the required local match and approximately 320 feet of additional trail can be included in the project.
- Possibility of Joint Recreation Board with Buchanan Township – Deneau will present the option of potentially having a Joint Recreation Board with Buchanan Township so that each entity can collaborate on the creation of an eventual Joint 5-Year Recreation Plan. Such joint plans are generally favored by the State, as an effort to encourage inter-local cooperation. As such, the creation of a joint plan can often help the possibility of a recreation grant getting approval at the State level.

Deneau presented. Jerry Flenor also spoke on behalf of the Trail Committee. Considerable discussion on the topic, but no motion.

New Business

Board of Review Vacancy – As stated at the joint meeting this past Thursday, the RRC 2.0 program has begun, so new RRC 2.0 compliant board applications will be available soon to allow other board appointments at the next City Commission meeting. However, in the meantime, the Board of Review vacancy should be filled ASAP due to timing of the BOR meeting required in March. That being the case, the Commission is asked to consider the application of Jeffrey Griffin to serve on the BOR. He has been vetted by the City Assessor, who recommends his appointment. A simple majority vote of the Commission is sufficient to make the appointment, as per the City Charter.

Money moved, seconded by Downey to approve Jeffrey Griffin's appointment to the Board of Review. Roll call vote carried unanimously.

Municipal Building Authority – As approved at a prior Commission meeting, Roger Swets and Andy Campbell have worked to prepare the proper paperwork to allow the City to create a Municipal Building Authority, which will the City to go out for bonds to pay for any future municipal construction projects. The documents presented in the Commission packets explain the next steps needed in the process. To proceed, what is needed at this point is Commission approval of the included Resolution and Adoption of Articles of Incorporation.

Swem moved, seconded by Downey to approve the Resolution and Adopt the accompanying Articles of Incorporation stating in Article VII, Section 1 (b) "Each Commissioner may be removed at any time with or without cause by a majority vote of the members of the City Commission...". Roll call vote carried unanimously.

Communications (*informational only, formal board action is not necessary for these items, unless so desired*)

Proposed Roster for Steering Committee & Community Stakeholder Groups / Team Leaders – A proposed roster for the Urban Design Studio Steering Committee, as well as a list of proposed Community Development Stakeholder Groups and Team Leaders was presented to the Commission for review and later shared during public comments.

Public Comment (non-agenda items)

- **Alan Robandt** – Stated he would like to see who was on the list of Steering Committee and Community Stakeholder Team Leaders. (Grace shared the rosters. Discussion regarding the “old guard” and lack of diversity, the need to continually expand the stakeholders to ensure all voices are heard.)
- **Penny Slocum** – Thinks everyone is doing a wonderful job and trying to get everyone involved. Things won’t change overnight.
- **Dan Vigansky** – Stated the Commission needs to listen and not just get a pat on the back.

Executive Comments

- **City Manager Grace** – Thanked Deneau and Mack Green for their willingness to answer questions regarding the Trail expansion project. Stated Jerry Flenor is an above-and-beyond volunteer. Don Ryman has also been helpful in the process.
- **Commissioner Swem** – Thanked Deneau and the Trail Committee stating he appreciates the education on the project. Thanked attendees. Looking forward to the Steering Committee impact.
- **Commissioner Weedon** – Thanked business owners who continue to make the town beautiful. If you go to other small communities, you don’t see the vibrancy that you see in Buchanan right now. Traffic never stops. That brings its own issues, but also opportunity.
- **Commissioner Money** – Appreciates the public comments. This city has come a long way and the “Old Boy Club” is disbanding.
- **Commissioner Downey** – (Tongue in cheek) Supports a suspended bridge across the river and perhaps one at the end of the trail. Asked if AEP on Red Bud would be leaving that space, not that the new facility off of Walton Road nears completion. (Money responded that the new facility has different purpose and the facility on Red Bud would not be vacated). Inquired if Grace if the City properties previously discussed had been listed for public bid. (Grace responded they had not and consult with the City Attorney was necessary first.)
- **Mayor Denison** – Emphasized that the City is really looking for input from everybody.

Adjourn

Downey moved, seconded by Money to adjourn. Roll call vote carried unanimously. Mayor Denison adjourned the meeting at 8:16 p.m.

**City of Buchanan Commission Minutes
February 22, 2021**

The regularly scheduled meeting of the City Commission was held via electronic meeting on Monday, February 22, 2021, and was called to order at 7:01 p.m. by Mayor Sean Denison. The Mayor led the Pledge of Allegiance.

Recognition

None

Roll Call

Present: Mayor Sean Denison, Commissioners Cameron Downey, Larry Money, Patrick Swem, Mark Weedon

Absent: None

City Staff: City Manager, Heather Grace; City Clerk, Barbara Pitcher; Acting Treasurer/Bookkeeper, Stephanie Powers; Director of Public Works, JT Adkerson; Fire Chief, Mike Adams; Community Development Director, Rich Murphy; Clerk-Cashier, Renee Cornwell; Cemetery Sexton, Klay Weaver; Administrative Assistant, Mandi Schanick

Guests: Approximately 30 guests including Don Ryman, Peter Lysy, Chris Gowen, Corilee Scanlon, Karol Behrle, Alan Robandt, Aimee Kronowicz, Mack Green, Dale Toerne, Monroe Lemay, Karin Falkenstein, Dan Vigansky, Kim Moyer, Jan Jacobs, Joe Paolucci, Janet Wartman, Thad Payne

Agenda

Downey moved, seconded by Money to approve the agenda as presented. Roll call vote carried unanimously.

Public Comments (agenda items)

- **Chris Gowen** – Spoke regarding Relay for Life, tentatively scheduled for July 10, 2021. She challenged Commissioners and Staff to participate as teams.
- **Janet Wartman** – Regional lead for Relay for Life, stated she is looking forward to the event in Buchanan.
- **Dan Vigansky** – Questioned why the Fire Department was asking for money and why they didn't do fundraisers. Suggested that with a new refuse and recycling contract trash bills might be integrated with water/sewer bills.
- **Karol Behrle** – As a representative for Honor Credit Union, she thanked the Commission for the opportunity to bid on the banking RFP.

Public Hearings/Special Business

None

Consent Calendar

- Approve Minutes: Joint Meeting of the City Commission and Planning Commission, February 4, 2021; Regular City Commission Meeting, February 8, 2021
- Approve Invoices/Expenditures: for February 22, 2021 in the amount of \$929,040.24 * of which, major expenses include:
 - • \$385,405.57 to Davis Construction as a progress payment for the continued construction of the WWTP Oxidation Ditch
 - • \$323,590.00 to Capital One Public Funding for the wastewater treatment plant construction bond payment
 - • \$119,500.00 to Bank of New York Mellon for the semi-annual State Revolving Fund payment
- Approve Resolution #2021.2/217, as requested by the County, to name City Manager Heather Grace as the designated “primary emergency management liaison for the City of Buchanan,” including the delegated responsibility to “assign other municipal officials to emergency positions necessary to carry out the functions required by the county emergency management coordinator and the county emergency operations plan.”
- Approve Resolution # 2021.2/218 as requested by Berrien County Transit Coordinator Evan Smith, to authorize a FY 2022 MDOT Funding Application that would serve as a placeholder to allow for future submissions for State and Federal transit grants by Berrien County on the City of Buchanan Transit’s behalf, should that be necessary beyond FY 2021.
- Approve Name Change Request by the Buchanan Area Fine Arts Council to officially change the name of the group to the Buchanan “Performing Arts Council.” It has been noted that the requested name change is thought by the group to be more reflective of their activities.
- Approve Resolution # 2021.2/219 as requested by the Buchanan Area Fine Arts Council / Performing Arts Council, and as was previously approved to be drawn up and entered into during the last City Commission meeting on 02/08/2021.

Weedon moved, seconded by Downey to accept the consent calendar as presented. Roll call vote carried unanimously.

Scheduled Matters from the Floor

None

Reports by: Departments, Committees, Boards

City Hall Administration – City Hall Administrative staff employees presented a report to the City Commission with the pros and cons of the City’s current municipal finance software, compared to a proposal from BS&A. They also be shared the pros and cons of the City’s current administrative processes, including web hosting and meeting preparation, compared to a proposal from Municode. The entire City Hall Administrative staff, along with Manager Grace, strongly recommended that the City Commission consider voting to authorize the City to contract with both BS&A and Municode to purchase the services presented, as enormous improvements in internal efficiencies are anticipated. Such authorizations are permitted without competitive bidding pursuant to City ordinance # Sec. 2-98 (1) and (2), as City Hall Administrative staff requested that the City Commission vote to approve the purchases via unanimous resolution for the reason that the product or material contracted for is not competitive in nature and no advantage to the City would result from requiring competitive bidding because the products offered by both BS&A and Municode are unique in that they both offer comprehensive integrated packages and also include professional services that other providers simply do not offer. Previous software solutions that do not offer full integration and accompanying professional services

have been quick to leave the City with poor service and no recourse for the staff when the product is not fully effective for all that we need it to do. However, approval of the packages offered by BS&A and Municode would give City Hall Administrative staff the tools needed to fully enter the 21st century in the most effective and transparent way possible.

- BS&A – Total Conversion Cost \$78,250, payable in three separate payments that can be spread out over two separate fiscal years, with Total Annual Service Fees of \$7,710
- Municode – Offers a “Circle of Governance” integrated package of solutions, of which we recommend considering purchasing the following:
 - Municode Meetings – Annual Subscription at \$3,600 per year (or \$3,400 per year if bundled with Municode Website), along with recommended add-ons of:
 - Board Management at \$1,000 per year
 - Email notifications (on demand + weekly digest) of \$600 per year
 - Import of historical PDF agendas/minutes (up to 10 years worth) a \$1,500 one-time fee
 - Municode Website –
 - -Initial Design, Development, and Implementation- one time cost of \$4,600 (or \$8,100 for premium custom design)
 - -Annual Hosting, Maintenance, and Customer Support- yearly cost of \$1,800
- The final changeovers for both BS&A and Municode, if approved, would come with a total startup cost of \$82,850 and annual costs of \$16,910 annually—compared to our current annual costs of \$13,602 per year—However, the improved efficiencies cannot be overstated.

Weedon moved, seconded by Swem to adopt Resolution #2021.2/220 to authorize purchase of BS&A municipal accounting software and services pursuant to City Ordinance Sec. 2-98(1). Roll call vote carried unanimously.

Weedon moved, seconded by Money to adopt Resolution #2021.2/221 to authorize purchase of Municode Circle of Governance software and services pursuant to City Ordinance Sec. 2-98(1). Roll call vote carried unanimously.

Fire Department – Fire Chief Mike Adams presented a report to the Commission, including budgetary requests related to the following:

- SCBA packs – 10% match needed for grant, which is awarded, will provide 12 SCBA packs at the cost of just over one pack -- \$8,400 [12 packs X \$6,992.75 each divided by 10%]
- New Fire Station update
- Ladder 4640
- ISO rating of a 4 – possible 3 by end of next year
- Fire merge
- Firefighter pay
- 0.5 millage for large equipment purchase
- Fire Inspections

Chief Adams clarified that, providing the City of Buchanan is awarded, approval for the grant acceptance is not needed until some point this summer, as the grant is not awarded until the fall. Considerable discussion took place regarding fundraising.

Unfinished Business

Treasurer Position – On 02/11/2021 Manager Grace learned from our auditors, Plante Moran, that a contract for supplemental Treasurer services / accounting consultant services at the rate of \$120 per hour was already entered into by previous City Manager Bill Marx on 09/17/2020. This agreement states that it is to remain in effect at least through June 30, 2021, after which time it may be extended. The City could choose to terminate this agreement early; however, Manager Grace strongly recommends that we continue under this agreement, at least through June 30, 2021 (the end of our current fiscal year), as Plante Moran is already very familiar with all of the City's accounts and internal processes, and therefore best situated to help us move forward through the many transitions we continue to face—including having a new Treasurer. Manager Grace's recommendation to the City Commission was to vote to appoint Acting Treasurer Stephanie Powers as the City's official Treasurer. Manager Grace is extremely impressed with Ms. Powers' skills and work ethic, as well as her commitment to transparency. This appointment could be followed with a review during the next Commission meeting of what pay raise would be appropriate, given Ms. Powers' need for continued training. However, with said training, Manager Grace is confident that Ms. Powers will be an excellent Treasurer for the City, and the supplemental services that could be provided by Plante Moran in the meantime would allow for that training to take place without causing any loss of services to the City. In addition, it must be pointed out what an admirable job Ms. Powers has done of basically performing the duties of two full-time positions for the past several months, and a Commission vote to finalize the Treasurer appointment would enable Manager Grace to post the "Bookkeeper" position and get the City Hall administration staff back up to full-staffing levels.

Downey stated the City had wasted time and opportunity by not extending the job posting another month to which Grace reminded the Commissioner that the Commission had previously decided not to extend the job posting and reiterating the recruiter not only posted the job through the Michigan Municipal League, but through other organizations, in other states, and made personal asks. At this time, no one with the experience we seek is able or willing to make the move. Downey also stated that the Commission's last treasurer appointment was essentially vetoed by the previous City Manager. Denison likened City Manager Grace to a coach who is selecting her team and we must trust and expect that she's going to select a team that can perform.

Denison moved, seconded by Money to appoint Stephanie Powers as Treasurer. Roll call vote carried by majority with Downey voting Nay.

Edgewater Bank Lease – The City Commission previously voted to postpone this matter until the City Attorney could conduct further research to determine whether any restrictive covenants exist. The City Attorney has determined that, based on his research, no restrictive covenants appear to exist regarding this property. However, he also indicates that title work would be the only way to know for certain, and that such title work would typically range between \$400 and \$500. He further indicated that another option could be to have the City retain a realtor to consider selling or leasing the space, and then asking the realtor to request a preliminary commitment as part of their analysis to determine and discuss with the City as to setting the listing price. Consequently, the City Attorney would like to know how the Commission would like to proceed.

Commission took no action on the issue.

Banking RFP's – City Administration submitted Requests for Proposals to all of the City's local financial institutions, seeking proposals as to whether the City should consider re-locating their financial banking

accounts, which are currently housed with TCF Bank / Huntington. Three submissions were received, one from Honor Credit Union, one from TCF Bank, and one from United Federal Credit Union. After submission, TCF informed City Administration that they would be closing their local branch. The remaining choice between Honor and United is a very close call, with a breakdown of pros and cons prepared by City Hall Administrative staff shared with Commissioners in their packets.

Money moved, seconded by Downey to select Honor Credit Union for the City's future banking needs. Roll call vote carried unanimously with Swem abstaining due to conflict of interest as an employee of one of the bidders (Honor Credit Union).

New Business

Removal of "No Parking" Signage at Victory Park – During a recent meeting of the Northside Reunion Community Stakeholder Group, the consensus of the group was to request that the City Commission consider authorizing the removal of the "No Parking" signs along the street immediately adjacent to Victory Park. It was noted that the signs were necessary in the past, when the park was much busier, but that now they cause more problems than they solve, as people park on the grass or the basketball court itself to avoid parking in front of the signage. Both Police Chief Tim Ganus and Director of Public Services J.T. Adkerson are in favor of the removal.

Swem moved, seconded by Money to remove "No Parking" signs at Victory Park. Roll call vote carried unanimously.

Republic (Reliable) Waste Services Contract – The City Commission was asked to decide whether they would like to continue services with Republic (Reliable) Waste Services, as per their most recent service contract renewal request. The current contract runs through May 31, 2021, and a 5-year renewal is proposed with the rates staying as they are for the first year, followed by 3% annual rate increases for the following four years.

Weedon moved, seconded by Money to post an RFP for waste service contracts. Roll call vote carried unanimously.

Redbud Roots 2021 Marihuana Permit Renewal – Redbud Roots has submitted renewal applications and fees for the following permits:

1. Medical Marihuana, Lab II, 208 Post Rd., Grower Class C, \$5,000.00
2. Medical Marihuana, Lab II, 215 Post Rd., Grower Class C, \$5,000.00
3. Medical Marihuana, Lab II, 448 Post Rd., Grower Class C, \$5,000.00
4. Medical Marihuana, Lab II, 448 Post Rd., Grower Class C stacked, \$1,500.00
5. Medical Marihuana, Lab IV, 215 Post Rd., Processor, \$5,000.00
6. Adult Use, Lab II, 835 Terre Coupe St., Grower Class C, \$5,000.00
7. Adult Use, Lab II, 835 Terre Coupe St., Grower Class C stacked, \$1,500.00
8. Adult Use, Lab IV, 215 Post Rd., Processor, \$5,000.00

Swem moved, seconded by Downey to approve Redbud Roots 2021 permit renewals for Medical Marihuana, Lab II, 208 Post Rd., Grower Class C; Medical Marihuana, Lab II, 215 Post Rd., Grower Class C; Medical Marihuana, Lab II, 448 Post Rd., Grower Class C; Medical Marihuana, Lab II, 448 Post Rd., Grower Class C stacked; Medical Marihuana, Lab IV, 215 Post Rd., Processor; Adult Use, Lab II, 835 Terre Coupe St., Grower Class C; Adult Use, Lab II, 835 Terre Coupe St., Grower Class C stacked; Adult Use, Lab IV, 215 Post Rd., Processor. Roll call vote carried unanimously with Weedon abstaining due to a conflict of interest as an employee of the applicant, Redbud Roots.

Communications (informational only, formal board action is not necessary for these items, unless so desired)

Spring/Summer Events and Covid-19 Restrictions - Questions – Several different requests are starting to come in for events, reservations, etc. for activities planned to take place involving group gatherings for this Spring/Summer. City Manager Grace was planning on beginning approvals of such events, with caveats that organizers agree to abide by whatever mandated Covid-19 restrictions might be in place at the time. However, given the fluid nature of this issue, and its clear public health implications, Manager Grace wanted to update the Commission about her suggested thoughts on how to proceed—especially for City-sponsored events, like Thrill on the Hill.

- *Michiana Cruisers* – Gary Shindeldecker wants to get permission to host the Michiana Cruisers at Centennial Park on July 22, 2021.
- *Relay for Life* – Chris Gowen of Relay for Life wants to get permission to host the Relay for Life this July 10th at noon at the Commons.
- *Thrill on the Hill* – Chris Szajko of Grand Master LLC wants to know if we want to book the band this year for Thrill on the Hill or any other date.
- *Annual Community Wide Yard Sale* – This is a City Event that is normally held on the 3rd week of June and was canceled last year.
- *Annual Spring Clean Up* – This is a City Event that was postponed to the fall last year.

Commission expressed desire and hope that we would soon be in a situation where such events could take place, stating that the community needs to be able to come together.

Volunteers and Interns – Manager Grace has been working to create relationships with area colleges, and recently was able to forge a partnership with Southwestern Michigan College whereby the City could host a number of interns who could potentially provide a wide range of services for the community. Manager Grace has also been in conversation with several individuals willing to volunteer their time to serve the City. Services proposed to be provided by interns and/or volunteers run the gamut from record archiving to accounting to graphic design.

Public Comment (non-agenda items)

- **Don Ryman** – Spoke favorably about his attendance at a community development steering team meeting with the Andrews University Urban Design Studio.
- **Alice Kring** – Thanked the Commission for approving the name change for the Buchanan Performing Arts Council as it is more representative of what they do. She will ensure the City receives updated bylaws for the Council. Gave City Manager Grace kudos for plans to establish an intern program. Spoke regarding her experience on the board of the Bertrand Township Fire Department emphasizing that large purchases come from taxes, not fundraisers.
- **Dan Vigansky** – Asked if the City sold the snow machine, the sale price, and if there is any additional equipment remaining from the Winter Thrill on the Hill. Also suggested Comcast update Channel 17.

Executive Comments

- **City Manager Grace** – Thanked the Commission for entrusting her to invest in the system upgrades – she is sure staff will make great strides. Stated the snow machine had been sold for slightly more than \$7,000 to Swiss Valley.
- **Commissioner Swem** – Thanked everyone for their time. Stated he was looking forward to planning session and would be hitting budget hard. He wants more clarity.
- **Commissioner Weedon** – None.
- **Commissioner Money** – Thanked everyone for getting on the call – great community involvement. Thanked Chris Gowen for her introduction regarding Relay for Life and challenged the Commission to form a team.
- **Commissioner Downey** – Stated that his negative vote for treasurer was based on principle. Congratulated Powers and thinks she will be a great treasurer.
- **Mayor Denison** – Stated that the Fire Department fundraiser discussion went a little askew. He then read a prepared statement about change and the future of Buchanan.

Adjourn

Downey moved, seconded by Money to adjourn. Roll call vote carried unanimously. Mayor Denison adjourned the meeting at 9:05 p.m.

Barbara A. Pitcher, City Clerk

Mayor Sean Denison

**City of Buchanan Commission Minutes
March 8, 2021**

The regularly scheduled meeting of the City Commission was held via electronic meeting on Monday, March 8, 2021, and was called to order at 7:01 p.m. by Mayor Sean Denison. The Mayor led the Pledge of Allegiance.

Recognition

None

Roll Call

Present: Mayor Sean Denison, Commissioners Cameron Downey, Larry Money, Patrick Swem, Mark Weedon

Absent: None

City Staff: City Manager, Heather Grace; City Clerk, Barbara Pitcher; Treasurer, Stephanie Powers; Director of Public Works, JT Adkerson; DPW Staff, Mike Baker; Community Development Director, Rich Murphy; Police Chief, Tim Ganus; Water Operator, Scott Desenberg

Guests: 18 guests including Don Ryman, Mack Green, Donna Monell, Jake Smith, Diane Binder, Rebecka Hoyt, Debra Haight, Kim Moyer, Alan Robandt, Rob Spengler, Ric Paniagua, Mark Skene, Matt Dehring, and Alice Kring

Agenda

Weedon moved, seconded by Swem to approve the agenda as presented. Roll call vote carried unanimously.

Public Comments (agenda items)

- **Alan Robandt** – Spoke in favor of Zen Leaf’s 420 event and encouraged it as a city-wide event that should be promoted by the City.
- **Dan Vigansky** – Questioned where the DPW building would be. Spoke against proposed pay structure for Treasurer and proposed parental leave. Commented regarding hybrid meetings.

Public Hearings/Special Business

None

Consent Calendar

- Approve Minutes: Regular City Commission Meeting, February 22, 2021
- Approve Invoices/Expenditures: for March 8, 2021 in the amount of \$104,033.17.

Downey moved, seconded by Weedon to accept the consent calendar as presented. Roll call vote carried unanimously.

Scheduled Matters from the Floor

United Way – *Dolly Parton’s Imagination Library* – Diane Binder of United way presented. March is Reading Month and the United Way of Southwest Michigan is encouraging our community to rally around early childhood literacy by sponsoring children to participate in Dolly Parton’s Imagination

Library. Dolly Parton's Imagination Library brings books to children's homes; from birth until they turn five years old, children enrolled in the program will receive a new, age-appropriate book mailed to their home each month. By the time they enter kindergarten, children will have their own library of books and be more prepared to enter school and become readers. Additional information about the program and sponsorship opportunities are available at <https://www.uwsm.org/dpil>.

Zen Leaf: Proposed 420 Celebration – Jake Smith of marijuana retailer Zen Leaf addressed the City Commission with a request to have the City consider approving a proposed “420 Celebration” event to take place on April 20, 2021. The proposal includes a request to set up a booth outside in front of the Zen Leaf shop to allow Zen and Redbud Roots to hand out non-THC “swag” (free gifts). Efforts to maintain social distancing are proposed, and a donation bucket for the humane society is also proposed. Other details of the proposed event include a photo booth, and the use of a local DJ playing local acoustic artists outside (or a stereo if the DJ option is not feasible.)

Considerable discussion regarding pedestrian and traffic flow as well as involving other marijuana retailers and businesses. The City will remain informed as planning continues.

Swem moved, seconded by Downey to approve Zen Leaf’s request to hold a “420 Celebration on April 20, 2021. Roll call vote carried by majority with Weedon abstaining due to a conflict of interest relating to his employment in the cannabis industry.

Reports by: Departments, Committees, Boards

Oakridge Cemetery: Veterans Circle Policy – The Commission is asked to consider the adoption of new rules and regulations regarding Veterans Circle at Oakridge Cemetery. These proposed new rules were formulated by and recommended by City Cemetery staff and members of the American Legion Post 51 Administrative Board, with the goal of uniformity. Details are in Commissioner packets and include the following: one Sheppard hood per grave starting one week prior to Memorial Day and ending one week after Labor Day, placement of a white cross and flag approved by the Legion and placed by the Legion are allowed but no other placement of any other artifacts allowed, and all burials in the Veterans Circle reserved for honorable serving members of the military, or those honorably discharged, and no others.

Weedon moved, seconded by Money to adopt new rules and regulations for Veterans Circle at Oakridge Cemetery. Roll call vote carried unanimously.

Finance Department – Treasurer Stephanie Powers updated the Commission on the status of the City’s transfer of financial accounts from Chemical Bank/TCF/Huntington to Honor Credit Union, which is going well. The new accounts were open as of March 8, 2021. Training is scheduled for the week of March 8, 2021. Treasurer Powers also requested the scheduling of a Budget Priority Setting Work Session for the City Commission and City Administration to discuss needed amendments to the current fiscal budget due to variances caused by the previous administration’s decision to code Covid-19 Relief revenues and anticipatorily eligible expenditures to a 101.101.919 Covid line item, which has created significant variances in the current budget that need addressing, in addition to allowing for priority-setting conversations that will help shape next fiscal’s budget proposal. A suggested date and time for the Work Session is Saturday, March 13th at 10am. City Administration hopes to offer a “hybrid” meeting style formal for the Work Session, and also hopes to offer such an option for future Commission meetings, in light of the State’s decision to loosen some of the imposed Covid-19 restrictions [which now allow non-residential indoor gatherings of up to 25 people if masking and social distancing is enforced]. Work is underway to optimize the Commission Chambers for hybrid meeting capabilities.

All Commissioners indicated availability for the Saturday, March 13 meeting at 10:00 a.m.

Master Meter Replacement at Chemical Feed Building – Scott Desenberg, the Operator in Charge for the City's Water Department, presented a request to replace the Master Meter at the Chemical Feed Building. Operator Desenberg explained the quotes he received in relation to the project: (1) \$6,354.37 by Forberg; (2) \$8,214.81 by Gasvoda & Associates; and (3) \$6,290 by Peerless Midwest/SUEZ Advanced Solutions. Desenberg recommended Peerless Midwest as they have a good working relationship with the City and have done quality work in the past.

Money moved, seconded by Downey to accept the bid from Peerless Midwest/SUEZ Advanced Solutions in the amount of \$6,290. Roll call vote carried unanimously.

Unfinished Business

Guys & Dolls Lease – City Attorney Rick Racht has prepared a proposed lease for the Guys & Dolls salon housed within the Ross Sanders building. However, at the request of the City Manager who indicated some discrepancies in the verbiage, this item is postponed until it can be further reviewed.

Treasurer Position – Stephanie Powers was formally appointed as the City Treasurer for the City of Buchanan during the last City Commission meeting, held 02/22/21, with the decision of the issue of pay slated to be discussed on this meeting's agenda. The most recent Treasurer pay was for Traci McGrath was \$64,000 as of 08/2020 and the most recent Treasurer pay for Juli O'Bryant was \$72,388.45 as of 05/2020. Proposed Treasurer pay approved for the posting of the position was \$65,000 - \$75,000 DOQ and requested Treasurer's experience of 2 years or 5 years preferred. Manager Grace proposes drafting an at-will employment agreement for Ms. Powers with a proposed starting salary of \$57,417 (retroactive to date of appointment), along with pay step increases tied to experience, which would have Ms. Powers receiving the \$75,000 salary contemplated in the position posting once she has reached 5 years of Treasurer experience on 02/22/2026, which would be in line with the previously approved job posting. Incremental steps would be on February 22nd each year as follows: \$57,417 for 2021 [calculated as $\frac{3}{4}$ of the way between Ms. Powers' current pay and the pay amount awarded to previous Treasurer Traci McGrath]; \$61,208 for 2022 [incremental calculation]; \$65,000 for 2023 [as contemplated in the previously approved job description for someone with two years' experience]; \$67,250 for 2024 [incremental calculation]; \$71,250 for 2025 [incremental calculation]; and \$75,000 for 2026 [as contemplated in the previously approved job description for someone with five years' experience]. The Commission indicated they would like more time to review this proposal and discuss in conjunction with budget and priority setting at the March 13th work session.

New Business

March 2021: Restaurant Month – Consider Resolution 2021.3/222, a resolution to declare March 2021 as restaurant month in the City of Buchanan, as recommended and previously approved by the Berrien County Commissioners on 02/25/2021.

Money moved, seconded by Weedon to adopt Resolution 2021.3/222 declaring March 2021 as Restaurant Month in the City of Buchanan. Roll call vote carried unanimously.

G2 Development 2021 Marihuana Permit Renewals – G2 Development (7Engines) has submitted renewal applications and fees for the following permits, which have been reviewed by Community Development Director Rich Murphy and found to be in proper order (details were sent to Commission on 03/01/21):

1. Medical Marihuana, PR 2, 408 River St., Processor, \$5,000.00, 01/27/2021
2. Medical Marihuana, PC5, 1101 E. Front St., Provisioning Center Facility, \$5000.00, 01/27/2021
3. Medical Marihuana, GCC4, 408 River St., Grower Class C, \$5,000.00, 01/27/2021
4. Adult Use, AUMPR2, 408 River St., Processor Establishment, \$5,000.00, 03/23/2021
5. Adult Use, AUMGC, 408 River St., Grower Class C, \$5,000.00, 03/23/2021
6. Adult Use, AUMRE, 1101 E. Front St., Retailer Establishment, \$5,000.00, 03/23/2021

Denison moved, seconded by Downey to approve the 2021 marihuana permits for G2 Developments as follows:

- ***Medical Marihuana, PR 2, 408 River St., Processor***
- ***Medical Marihuana, PC5, 1101 E. Front St., Provisioning Center Facility***
- ***Medical Marihuana, GCC4, 408 River St., Grower Class C***
- ***Adult Use, AUMPR2, 408 River St., Processor Establishment***
- ***Adult Use, AUMGC, 408 River St., Grower Class C***
- ***Adult Use, AUMRE, 1101 E. Front St., Retailer Establishment***

Roll call vote carried by majority with Weedon abstaining due to a conflict of interest relating to his employment in the cannabis industry.

Finalization of DPW Building Plans – Director of Public Services JT Adkerson has developed a proposed plan, included in the Commissioner Packets, attempting to encapsulate the Commission’s recent conversations regarding what is envisioned for the new DPW building. RFPs have already gone out for soil samples and surveys, and proposals will be on the agenda for the next meeting, but before RFPs go out for the design/build of the building, the administration was hoping for a final vote of the Commission to either approve Director Adkerson’s proposal, or make modifications as seen fit [including a final decision on whether the building walls should be all steel, or contain some amount of concrete—and if so, how high the Commission wants the concrete to go up].

Weedon moved, seconded by Swem to approve the proposed plan for the DPW building. Roll call vote carried unanimously.

Proposal to Amend Personnel Policies Manual – Manager Grace seeks approval to update the City’s Personnel Policies Manual, as the current policies are somewhat disjointed and out of date. Manager Grace also seeks approval to add a new section to the Personnel Policies Manual which would allow for 6 weeks of paid maternity/paternity leave following the birth or adoption of a child, to run concurrently with FMLA eligibility. This recommendation is based upon consultation with Ted Chase of Nulty, who assists the City with the administration of its employee benefits. This proposal is also based upon the consensus of opinions from other City Managers throughout Michigan that was recently solicited by the Village Manager of Decatur. Since a non-Union city employee will soon be having a child, Manager Grace is hoping that the Commission would be willing to vote on the proposed maternity/paternity leave issue now, and then allow for a vote on the rest of the proposed updates at a later date, once an entirely new draft of the manual has been completed and reviewed by the City Attorney to ensure that it is up to date with current employment law requirements.

Denison moved to approve updates to the City’s Personnel Policies Manual including establishing 6 weeks paid parental leave. The motion died for lack of support.

Communications (informational only, formal board action is not necessary for these items, unless so desired)

2020 Tree City USA – The City has received word that the City of Buchanan will be recognized as a 2020 Tree City USA. Formal recognition will take place prior at a future Commission meeting prior to Arbor Day, the last Friday in April.

Easter Egg Drive Thru – Alice Kring has emailed Manager Grace on behalf of the Buchanan Leo’s requesting permission to hold a drive thru Easter Egg Hunt in the parking lot at the Buchanan Common on April 3, 2021. She indicated that students will hand out a bag of goodies to each vehicle that drives in and that they would enter from Roe Street behind the City Center into the City parking lot and exit the north driveway of the parking lot, similar to how the BAMA group did their food hand out in August of 2020. Manager Grace has reviewed this proposal with Chief Ganus, and he has indicated his support and approval of the proposed event parameters.

Weedon moved, seconded by Downey to approve the Easter Egg Drive Thru on April 3, 2021. Roll call vote carried unanimously.

Updated COVID-19 Restrictions – The State has recently announced new COVID-19 restrictions that are less strict and allow for food service at 50% capacity; indoor recreation up to 25 people or 50% of max occupancy, whichever is less, with masking and social distancing; and outdoor recreation of up to 50% of max occupancy and less than 1,000 with masking and social distancing. Consequently, Manager Grace proposes to re-open to the public the option to rent City spaces such as the Redbud City Center, with requirements that users agree to abide by then-existing state mandated COVID-19 restrictions.

Marihuana Revenue Update – On 03/04/21, the State transferred to the City \$84,003.96 in marihuana revenues tied to three dispensary operations located within the City. This marks the first time that the City has receipted any money related to marihuana taxes, which has been promised from the State for some time. This figure is anticipated to increase over time, and the City budget will need to be amended to reflect the change, as the timing and amount of the payment was not anticipated. The Commission will also be asked to have a policy discussion regarding the planned use for the funds. It is recommended that such a conversation take place during a Work Session, possibly during the proposed March 13th Work Session date that has been suggested, or some other similar venue.

Public Comment (non-agenda items)

- **Dan Vigansky** – Stated the agenda needs to go out earlier.

Executive Comments

- **City Manager Grace** – Thanked Commission for being open to the budgetary and priority setting session and believes restructuring the budget will make the City swifter. Discussed the transition from FundBalance to BS&A and stated it makes the most sense for FundBalance to remain on the existing server and purchase a new server for BS&A. A new server is also necessary as the current server is beyond capacity and unable to meet our current needs.
- **Commissioner Money** – Thanked everyone for participating. The Commission received a lot of good feedback, including from department heads.
- **Commissioner Swem** – Excited about the Zen Leaf proposal and would like to see buy-in from others. Suggested to City Manager that prior to revisiting the Guys and Dolls lease agreement that photographs be provided to document Ms. Reed’s concerns with the property.
- **Commissioner Downey** – Asked about Thrill on the Hill event planning, followed by discussion among Commission and staff regarding assembling a committee.

- **Commissioner Weedon** – Thanked everyone on the call. Thanked department heads for being transparent. Looking forward to the 420 opportunity and more to come.
- **Mayor Denison** – Discussed the Steering Committee meeting with Andrews students the prior week. They will soon have an open house to share their work with the public. Congratulated Rebecka Hoyt for taking the reigns of the local paper. Look for the first edition of the Buchanan Chronicle on March 20.

Adjourn

Weedon moved, seconded by Swem to adjourn. Roll call vote carried unanimously. Mayor Denison adjourned the meeting at 8:40 p.m.

Barbara A. Pitcher, City Clerk

Mayor Sean Denison

City of Buchanan Commission Work Session Minutes March 13, 2021

The work session of the City Commission was held via hybrid meeting on Saturday, March 13, 2021, and was called to order at 10:09 a.m. by Mayor Sean Denison.

Roll Call

Present: Mayor Sean Denison, Commissioners Cameron Downey, Larry Money, Patrick Swem, Mark Weedon
Absent: None
City Staff: City Manager, Heather Grace; City Clerk, Barbara Pitcher; Treasurer, Stephanie Powers; Community Development Director, Rich Murphy; WWTP Supervisor, Bill Housand; Fire Chief, Mike Adams and several firefighters
Guests: 3 online guests, representatives from Buchanan Area Chamber of Commerce

Agenda

The commission adopted the agenda as amended to include the Buchanan Fire Department and Economic Growth Strategy under Scheduled Matters from the Floor.

Public Comments (agenda items)

- **Dan Vigansky** – Spoke in favor of budgeting for the Fire Department and B.A.R.B.

Scheduled Matters from the Floor

Buchanan Area Chamber of Commerce – Proposed a dual position, sharing their Executive Director with the City of Buchanan to focus on economic development. The position would focus on providing leadership for economic growth through advocacy, relationship and visibility. The position would be 20 hours per week each entity, 40 hours in total, and reside at the City. The commission expresses concerns about redundancy and would like to see a job description.

Buchanan Fire Department – Chief Mike Adams spoke regarding the fire inspections program, which is stalled, and stated decisions must be made. He spoke of the need for a new fire station, how millage funds are used, and firefighter pay.

Economic Growth Strategy – Community Development Director, Rich Murphy, presented an outline of the strategy he has been working on since starting in January.

New Business

Budget Priority Setting – The Commissioners each outlined their top three priorities, and the City Manager summarized the key themes.

- **Commissioner Weedon** – More places to eat, more family-friendly eateries, and family-oriented activities.
- **Commissioner Swem** – Focus on vibrancy of the community/families, collaborating with the schools because people are drawn to a strong school system, infrastructure.
- **Commissioner Downey** – Lower taxes, better access to the west side of town by sidewalk and/or trail extension, a year-round synthetic ice rink versus a splash pad.

- **Commissioner Money** – Economic growth for small businesses, community cohesiveness, more activities for families and young people.
- **Mayor Denison** – Economic development, parks, lower tax burden, infrastructure
- **City Manager Grace** – Build on success and momentum, economic development, infrastructure (recommends deprioritizing for this fiscal year in anticipation of future funding opportunities from the Federal sector) building community development, recreation/sense of place is a part of economic development.

Open Discussion

- *Denison stated the success of the cannabis industry and economic growth are reciprocal.*
- *General discussion regarding replacement of lead sewer lines and the ramifications of non-compliance.*
- *Denison and Money suggested we consider what we want to offer people to be part of our team and stated the employee policies need to be revisited.*
- *General discussion regarding Thrill on the Hill. Denison feels just throwing it together is not going to work and putting together a board will take time, and that the safety of the city's essential workers must be considered. Weedon stated we cannot go another year without something and suggests alternatives be considered. Money would like to see something on a smaller scale that does not put our essential workers in jeopardy. Swem stated common sense dictates to take small bites.*

Public Comment (non-agenda items)

- **Dan Vigansky** – Stated there was no need to create a new citizen volunteer form; just take whoever volunteers.

Adjourn

Being no further discussion, Mayor Denison adjourned the meeting at 12:29 p.m.

Barbara A. Pitcher, City Clerk

Mayor Sean Denison

City of Buchanan Commission Minutes
March 22, 2021

The regularly scheduled meeting of the City Commission was held via electronic meeting on Monday, March 22, 2021, and was called to order at 7:00 p.m. by Mayor Sean Denison. The Mayor led the Pledge of Allegiance.

Recognition

City of Buchanan Fire Department- The Buchanan City Commission would like to formally recognize the extraordinary efforts of the City of Buchanan Fire Department, as it fought valiantly to contain the recent West Winds Apartments Fire. Multiple other agencies and non-profits also provided assistance, both during and after the blaze, and the dedication and compassion of everyone involved is commended as a shining example of the many ways the people of Buchanan and the surrounding areas come together to support one another in times of need.

Roll Call

Present: Mayor Sean Denison, Commissioners Cameron Downey, Larry Money, Patrick Swem, Mark Weedon
Absent: None
City Staff: City Manager, Heather Grace; City Clerk, Barbara Pitcher; Treasurer, Stephanie Powers; DPW Staff, Mike Baker; Community Development Director, Rich Murphy; Police Chief, Tim Ganus; Fire Chief, Mike Adams
Guests: 18 guests, including Don Ryman, Jake Smith, Alan Robandt, John Peohner, Corilee Scanlon, Kim Moyer, Ric Paniagua, Debra Haight, Rebecka Hoyt, Joe Paolucci, Lesley Odom, Jan Jacobs, Tom Jolly, Dan Viansky

Agenda

The Mayor proceeded with the agenda as presented without motion.

Public Comments (agenda items)

- **Alan Robandt** – Spoke in favor of postponing Thrill on the Hill as it is too much of a distraction with everything else going on. Expressed concern regarding the Buchanan Area Chamber of Commerce proposal for a shared job with the City, stating that a Mainstreet Manager is supposed to be a full-time role.
- **Dan Vigansky** – Questioned if the franchise agreement with AEP would give them permission to clear cut trees. Stated 6 weeks paid maternity leave is too much. Spoke to the Chamber having proposed something similar before which did not move forward. Commended the Commissioners on Buchanan Restaurant Month. Stated his opinion that electronic meetings should continue.

Consent Calendar

- Approve Minutes: Regular City Commission Meeting, March 8, 2021; Work Session, March 13, 2021.
- Approve Invoices/Expenditures: for March 8, 2021 in the amount of \$345,621.31.

Weedon moved, seconded by Money to accept the consent calendar as presented. Roll call vote carried unanimously.

Scheduled Matters from the Floor

None

Reports by: Departments, Committees, Boards

Community Development Department: Community Development Director Rich Murphy provided a Department Report, including an update related to a request involving a potential re-zoning of 101 Terre Coupe/421 W. Front St, which included a summary of the processes involved in such requests.

Unfinished Business

Proposal to Amend Personnel Policies Manual – Initially proposed at the March 8, 2021 Commission meeting, Mayor Denison’s motion to approve was unsupported. The issue is being revisited at the request of Commissioner Money. Manager Grace seeks approval to update the City’s Personnel Policies Manual, as the current policies are somewhat disjointed and out of date. Manager Grace also seeks approval to add a new section to the Personnel Policies Manual which would allow for 6 weeks of paid maternity/paternity leave following the birth or adoption of a child, to run concurrently with FMLA eligibility. This recommendation is based upon consultation with Ted Chase of Nulty, who assists the City with the administration of its employee benefits. This proposal is also based upon the consensus of opinions from other City Managers throughout Michigan that was recently solicited by the Village Manager of Decatur. Since a non-Union city employee will soon be having a child, Manager Grace is hoping that the Commission would be willing to vote on the proposed maternity/paternity leave issue now, and then allow for a vote on the rest of the proposed updates at a later date, once an entirely new draft of the manual has been completed and reviewed by the City Attorney to ensure that it is up to date with current employment law requirements.

Money moved, seconded by Denison to approval the proposal to amend personnel policies manual, inclusive of addition of 6 weeks paid parental leave. Roll call vote failed: Yea – Denison, Money; Nay – Downey, Swem, Weedon.

New Business

Indiana Michigan Power: Electric Franchise – Consider adoption of Ordinance No. 2021.03/421, an ordinance granting a revocable franchise to Indiana Michigan Power Company, its successors and assigns, for the right to acquire, construct, maintain, and operate in the streets, thoroughfares, alleys, bridges, and public places of the City of Buchanan, Berrien County, State of Michigan, and its successors, lines and appurtenant equipment for the transmission and distribution of electric energy to the City of Buchanan, and the inhabitants thereof, and for the transmission and distribution of the same within, through, or across said City of Buchanan, Berrien County, State of Michigan. Manager Grace has reviewed the proposed ordinance and recommends its adoption.

Downey moved, seconded by Money to adopt Ordinance No. 2021.03/421 to grant a revocable electric franchise to Indiana Michigan Power Company. Roll call vote carried unanimously.

Spring Clean-Up – Due to the pandemic, last year’s event was postponed until the Fall. Consider approval of the annual Spring Clean-up event, tentatively scheduled for April 23rd and 24th in conjunction with Reliable Disposal.

Downey moved, seconded by Money to approve the Spring Clean-up event on April 23rd and 24th. Roll call vote carried unanimously.

Thrill on the Hill – The Commission discussed the possibility of having a modified Thrill in the Common event this year, with a plan to create a committee to plan for a large-scale Thrill on the Hill Festival for 2022, but took no action on the item.

Cannavista 2021 Marihuana Permit Renewals – Canavista has submitted renewal applications and fees for the following permits:

1. Medical Marihuana, 120 E. Front St., Provisioning Center, PC3, \$5000, 04.13.2020
2. Adult Use, 120 E. Front St., Retailer Establishment, ALUMRE3, \$5000, 03.23.2020

The Community Development Director has reviewed each application and the accompanying documentation including any updates to the applicant's original application and all documentation is in proper order. The required background checks have been performed by Buchanan Police Department and there are no issues with renewal. All permit fees have been collected. The Buchanan City Department Heads have reviewed the applications and find them to be in proper order and have signed off with their approval. Therefore, approval of the above permit renewals is recommended.

Swem moved, seconded by Downey to approve Cannavista 2021 Marihuana Permit Renewals for Medical Marihuana, 120 E. Front St., Provisioning Center, PC3; and Adult Use, 120 E. Front St., Retailer Establishment, ALUMRE3. Roll call vote carried unanimously with Weedon abstaining due to a conflict of interest resulting from his employment in the cannabis industry.

Communications (*informational only, formal board action is not necessary for these items, unless so desired*)

Chamber Board Update- A sub-committee of the Buchanan Area Chamber of Commerce (BACC) recently met with Manager Grace and Community Development Director Murphy to further discuss the proposal presented at last weekend's Budget Priority Setting Work Session. The meeting went well and ended with a plan for Manager Grace to develop a proposed job description for a potential new position with the City that would serve as a "Mainstreet Manager/Chamber Executive Director." Details will be presented for further Commission review at a future City Commission meeting, after the proposed job description is developed by Grace and subsequently reviewed by the BACC Board.

American Rescue Plan (ARP) Funding- The recently approved federal stimulus package, entitled the "American Rescue Plan" (or "ARP"), includes payments that will pass through the Michigan Department of Treasury to then be distributed directly to municipalities, with the City of Buchanan anticipated to receive approximately \$1,747,199 in total over the next 18 months or so, with around \$793,443 anticipated to arrive within the next few months, and around \$953,756 to arrive approximately one year later. Restrictions on the use of the funds indicate that they cannot be used to pay down pension liabilities or reduce taxes. However, they are otherwise fairly open to use on other projects, such as water/wastewater infrastructure and economic development geared at recovering the local economy following COVID-19. Municipalities have until 2024 to spend the funds, so we can strategize the best use of the funding and integrate its receipt and planned use into our next fiscal budget, which is currently under development. Policy discussions on the best use of the funds should be considered.

American Legion: Memorial Day Parade – Marvin Pruett, Chairman of the American Legion Ralph Rumbaugh Post 51 in Buchanan sent a letter to the City requesting permission to hold the Memorial Day Parade on May 31, 2021. Manager Grace and Police Chief Ganus are supportive of the proposed parade, provided Covid-19 restrictions in place at the time are followed, which should be doable.

Berrien County Commission Press Release RE Virtual Meetings (3/17/21) – As the impending expiration of the virtual meeting option for public meetings approaches (March 31, 2021), the Berrien County Board of Commissioners announced that at their meeting next week they will address that. The Board recognizes that the current Michigan Department of Health and Human Services orders limit the number of attendees in a meeting to 25, while maintaining social distancing of 6'. The current amendment to the Open Meetings Act (OMA) that allows for virtual meetings will expire March 31, 2021. Given the number of people allowed in a meeting, the twelve members of the Board of Commissioners recognize that they cannot limit the public and yet the order restricts the number of attendees to 25. They also recognize that many boards, councils, and organizations are facing the same challenge. Consequently, at next week's Board of Commissioners' meeting, they are planning to pass a resolution enacting a state of emergency for the purpose of allowing continued virtual meetings to be compliant with the OMA after March 25, 2021. In declaring a local state of emergency to maintain continuity of government by the County, it will include the ability for all public bodies within Berrien County to meet virtually, consistent with the OMA provisions, without further action on their part. The resolution will authorize the state of emergency through June 30, 2021. At any time that legislators take action at the state level to create allowances for public bodies to meet and / or if the number of allowed people in a room expands to an adequate level, the Berrien County Board of Commissioners will rescind the state of emergency. This situation will continue to be monitored

Edgewater Bank Correspondence – Edgewater Bank CEO Richard E. Dyer has submitted correspondence addressed to the City Commission providing an update regarding the bank's intent to vacate its current location, which is presently owned by the City of Buchanan. An exact date of when the space will be fully vacated is still yet to be determined, but a date of April 30, 2021 has been provided as an expected date for the possible cessation of Edgewater Bank operations, after which operations would be moved to the United Federal Credit Union location.

West Wind Apartment Fire – Redbud Area Ministries (RAM) has been working directly with the Red Cross and Michigan Gateway Foundation to assess and serve the needs of those impacted by the March 15, West Wind Apartment fire. The situation remains fluid and, as of March 17, Jan Nowak, Executive Director at RAM indicates they have all the immediate clothing needs met. Currently, food donations are encouraged as well as bottles of white vinegar which can be used in the washing machine to remove smoke smell (2 cups per load) once the victims are allowed to salvage their belongings. Particularly helpful are gift cards, such as prepaid visa, Harding's, Walmart, etc. Cards will be dispersed as needed. Financial donations be made through either Michigan Gateway Foundation or Redbud Area Ministries. Please notate it for Fire Assistance for Gateway and Angel Fund if given to RAM. Small housewares, bedding linens, blankets etc., are currently needed, but please do not take larger items like furniture to RAM but call to let them know what you have. RAM will create a list that will be shared with fire victims.

Redbud Area Ministries

Facebook: Redbud Area Ministries

Email: redbudareaministries@yahoo.com

Phone: 269-695-5083 Website: www.redbudareaministries.weebly.com

In addition to the aforementioned agencies, the City of Buchanan would like to extend its gratitude to the first responders, agencies and organizations who immediately sprung into action :

- Buchanan City Fire Department
- Buchanan City Police Department
- Buchanan Township Fire Department

- Bertrand Township Fire Department
- Galien Fire Department
- Niles City Fire Department
- Niles Township Fire Department
- Berrien Springs Oronoko Township Fire Dept.
- Berrien County Sheriff's Department
- Three Oaks Fire Department
- SMCAS Ambulance
- The Buchanan Church of the Nazarene
- HART of Berrien County
- The Salvation Army of Niles
- The Red Cross
- Southwestern Community Action Agency
- Buchanan Area Ministerial Alliance (BAMA)
- Redbud Area Ministries (RAM)
- The Buchanan Community

Public Comment (non-agenda items)

- **Dan Vigansky** – Stated he applied to serve on several committee that are in need of members and requested the Commission immediately appoint him to the Planning Commission, B.A.R.B., and the Brownfield Redevelopment Authority.

Executive Comments

- **City Manager Grace** – Thanked everyone who provided assistance with the West Wind fire. The community generosity cannot be understated.
- **Commissioner Downey** – None.
- **Commissioner Money** – The Buchanan Fire Department did a great job with the West Wind fire and community response was overwhelming.
- **Commissioner Swem** – Expressed gratitude to all departments involved with the West Wind fire, especially the Buchanan Fire Department. Acknowledged Michigan Gateway for their support. Questioned if the fire inspection program proposed by Chief Adams could have prevented the fire. Stated movement was needed on board appointment process. Expressed his excitement that the Memorial Day Parade is moving forward.
- **Commissioner Weedon** – Described how the community immediately responded and met needs following the West Wind fire. It was a proud moment in a sad situation. Suggested the Commission has seen how Dan Vigansky can grab onto a piece of meat and not let go and that they should give him a piece of meat that can benefit the City.
- **Mayor Denison** – Kudos to the Buchanan Area Chamber of Commerce and the City of Buchanan for promoting Restaurant Week.

Adjourn

Money moved, seconded by Swem to adjourn. Roll call vote carried unanimously. Mayor Denison adjourned the meeting at 8:09 p.m.

City of Buchanan Commission Minutes
April 12, 2021

The regularly scheduled meeting of the City Commission was held via electronic meeting on Monday, April 12, 2021, and was called to order at 7:00 p.m. by Mayor Sean Denison. The Mayor led the Pledge of Allegiance.

Recognition

None

Roll Call

Present: Mayor Sean Denison, Commissioners Cameron Downey, Larry Money, Patrick Swem, Mark Weedon

Absent: None

City Staff: City Manager, Heather Grace; City Clerk, Barbara Pitcher; Treasurer, Stephanie Powers; DPW Staff, Mike Baker; Community Development Director, Rich Murphy; Police Chief, Tim Ganus; Director of Public Works, JT Adkerson; Water Operator In Charge, Scott Desenberg

Guests: 23 guests including Don Ryman, Alan Robandt, Tom Jolly, Suzannah Deneau, Mary Aalfs, Monroe Lemay, Dan Vigansky, Jen Tabor, Ankur Rungta, Kelly Carlin, Karin Faleknstein, Kim Moyer, Joe Paolucci, Jack Schnell, Mary Lister, Michael Rowland, Peter Lysy, Rebecka Hoyt, Anne Tuite, Ric Panniagua

Agenda

Addition to the agenda – New Business, Item G. Resolution for Support for USDA Grant for Construction of DPW Building

Downey moved, seconded by Weedon to accept the agenda as amended. Roll call vote carried unanimously.

Public Comments (agenda items)

- **Don Ryman** – Inquired about the deadline for comment on the Master Plan (Murphy reviewed the process).
- **Alan Robandt** – Discussed the Master Plan Draft and read a statement regarding the video store building owned by Redbud Roots.
- **Dan Vigansky** – Spoke regarding the social district and concerned about liability and open containers. Would like an explanation of the Upton submission. Questioned the meaning of a conditional letter of resignation.

Consent Calendar

- Approve Minutes: Regular City Commission Meeting, March 22, 2021.
- Approve Invoices/Expenditures: for April 12, 2021 in the amount of \$248,529.14
- Authorize Manager Grace to Approve BCBS Renewal: Authorize Manager Grace to sign the approval for the renewal of the City's Health Insurance Coverage by Blue Cross Blue Shield through Nulty Insurance (3.4% increase in premium over previous year).

Downey moved, seconded by Money to accept the consent calendar as presented. Roll call vote carried unanimously.

Scheduled Matters from the Floor

Update on the Proposed McCoy Creek Trail Expansion – Suzannah Deneau of Wightman on behalf of Jerry Flenar of the Friends of the McCoy Creek Trail gave a brief update regarding the trail.

Proposed Letter of Resignation – JT Adkerson, the City's current Director of Public Services, has submitted a conditional letter of resignation that he is requesting be considered by the City Commission.

Money moved, seconded by Downey to postpone the item pending legal counsel. Roll call vote carried unanimously.

Reports by: Departments, Committees, Boards

Water Department Trailer Proposal – During preparations for this current year's fiscal budget, the Water Department had asked for and had approved the inclusion of an enclosed trailer to house their protective dig box, as well as all the fittings and repair bands necessary for repairing water main breaks, installing service taps, and repairing curb stops. The trailer will aid greatly in response time and efficiency, as it will house all our needs in one mobile station. As it stands, none of our vehicles or trailers have this capacity. Three quotes were received from trailer dealers in the area for a 7' by 18' enclosed trailer with a ramp door as follows:

- Trailers Midwest Inc. Elkhart, IN \$6080.00
- Mid City Trailers Elkhart, IN \$7000.00
- Cargo Plus Sales Middlebury, IN \$6310.00

Desenberg recommended acceptance of the quote from Trailers Midwest for \$6,080.00, and order very soon, as trailers are selling quickly and we are nearing the end of the fiscal year.

Swem moved, seconded by Money to accept the quote from Trailers Midwest for \$6,080.00. Roll call vote carried unanimously.

Community Development Director – Rich Murphy briefed the Commission on the potential economic benefits of creating a "Social District" pursuant to MCL 436.1551, which allows cities to designate a specific area within the city limits as a "Social District" whereby businesses within are able to then be granted a "Social District Permit" to sell alcohol on their licenses premises in a special way so that they may then consume that alcohol within the boundaries of where the Social District was drawn on the map approved by the City. The law was created during the pandemic and its intent is to spur economic activity and provide flexibility for businesses, especially during times when Covid-19 safety protocols put limits on indoor capacity for bars and restaurants. Specifics regarding exactly where the boundaries would be proposed have not yet been developed but can be presented at the next City Commission meeting, if so desired.

Also, the Andrews University Urban Design Studio will make a community presentation on April 28th 5pm at The Common. All are invited and are encouraged to attend and participate. Comments before and after can be emailed to rmurphy@cityofbuchanan.com.

Unfinished Business

Edgewater Bank – Correspondence was submitted by Edgewater Bank CEO Richard E. Dyer, which was reviewed at the last City Commission meeting. Questions were raised about the title work for the property. Upon further review of the updated title work, the City Attorney has opined that there appears to be no new restrictions since the City purchased the property in 2013. The full title work performed is included in the Commissioner packets. A sample resolution of sale has been prepared by the City Attorney, should the City decide to go forward with the prospect of a sale. However, it is worth noting that the City Police Department's current location is one that both the PD and Chief Ganus are happy with, and both Chief Ganus and Manager Grace agree that recently discussed proposals to move the PD back to Ross Sanders, or to merge the PD with the current City Hall, would prove costly and present some substantial difficulties (for example, the Current City Hall building and parking lot are simply not large enough to accommodate the staff and vehicles for each facility, and the Ross Sanders building would require substantial renovations to make the building secure enough for it to be safely used as a police department.

The Commission took no action on this item.

New Business

High Profile 2021 Marihuana Permit Renewals - High Profile has submitted renewal applications and fees for the following permits:

1. Medical Marihuana, 804 E. Front St., Provisioning Center, \$5000, PC1, 04.12.2020
2. Adult Use, 804 E. Front St., Retailer Establishment, ALUMRE1, \$5000, 04.12.2020

Murphy reviewed each application and the accompanying documentation including any updates to the applicant's original application and all documentation is in proper order. The required background checks have been performed by Buchanan Police Department with the exception of one background check from a large municipality that has not yet been returned. All permit fees have been collected. The Buchanan City Department Heads have reviewed the applications and find them to be in proper order and have signed off with their approval. Therefore, approval of the above permit renewals is recommended.

Denison moved, seconded by Money to postpone the item until all documentation is complete. Roll call vote carried unanimously.

Portable Toilet Bid Proposal – Bid opening for placement of portable toilets at designated parks for 2021 season took place on March 5, 2021. Pride Portable Toilet Co. was the sole bidder. Consider acceptance of the Pride Portable Toilet Co. bid for \$3,796.00.

Downey moved, seconded by Money to accept the Pride Portable Toilet Co. bid for \$3,796.00. Roll call vote carried unanimously.

City Attorney Services Bid Proposals – Review and consider proposals for City Attorney Services. Bid opening for the City Attorney Services request for proposals took place on March 5, 2021. Three proposals were received:

1. Bittner Jennings; Atty. Richard Racht \$48,000 / year for contracted scope of work \$195 / hour for non-contracted work \$42,000 for ordinance prosecution services (not part of RFP)
2. Kotz, Sangster, Wysocki, PC; Atty. Mowitt Drew \$215 / hour general services \$185 / hour court services

3. Foster Swift Collins & Smith PC; Atty. Michael Homier \$250 / hour for general and/or specialty work \$200 / hour prosecution Expenses invoiced separately

Proposals and bid sheet with additional remarks provided to Commission for review.

Swem moved, seconded by Downey to transfer City Attorney services to Kotz, Sangster, Wysocki, PC. Roll call vote carried unanimously.

CEDAM Community Development Fellowship 2021-22 Program – The Community Economic Development Association of Michigan (CEDAM) is a nonprofit membership association of community development corporations (CDCs), individuals, and other organizations interested in promoting and expanding community-based economic development across Michigan. CEDAM provides advocacy, resources, and training to organizations working to create vibrant communities. In partnership with MEDC, CEDAM seeks communities engaged in the RRC process to host a community development fellow for a fifteen-month placement, beginning October 2021. Fellows will support and advance community economic development goals. Fellow projects will improve organizational capacity, increase local collaboration, remove barriers to development, and help communities reach their RRC goals (which allows them greater access to grants). The cost of hosting the Fellow, if selected to participate, is \$3,000 in FY 2021 and a final \$3,000 payment in FY 2022. The rest of the \$60,000+ cost of the Fellow is paid for in full by the MEDC. Manager Grace supervised a CEDAM Fellow while she was City Manager in her previous community, and she found the program extremely beneficial and exponentially worth the small cost, especially since in her experience the resulting grants more than recoup the \$3,000 per year cost of the program, which is a great deal for essentially getting a full-time employee for 15 months. Manager Grace seeks approval to apply.

Swem moved, seconded by Downey to approve application to the CEDAM Community Development Fellowship 2021-22 Program. Roll call vote carried unanimously.

Complete Streets – Adoption of a “Complete Streets Plan” by the City is highly recommended by the advisors from MDOT assisting Manager Grace in the City’s multiple applications for grants for the McCoy Creek Trail, as we hope to use the technique of financial layering to stack multiple grants on top of each other to maximize the local match contributions we make towards the project. The Complete Streets Plan proposed essentially indicates that the City will commit to making efforts to plan for and provide for the needs of non-motorized pedestrian such as walkers, runners, and bikers, as well as the needs of the elderly and disabled, when looking at street improvements within the City. A proposed Resolution #2021.4/223 has been prepared for the Commission’s consideration, as approval helps us get more trail grants.

Downey moved, seconded by Weedon to adopt Resolution #2021.4/223 develop a Complete Streets Plan. Roll call vote carried unanimously.

CLOSED SESSION: Potential Purchase of Real Property – A motion is requested to have the City Commission enter “Closed Session” to discuss the potential purchase or lease of real property, pursuant to MCL 15.268(8)(d).” [A 2/3 roll call vote is required].

Downey moved, seconded by Swem to enter a closed session to discuss the purchase or lease of real property, pursuant to MCL 15.268(8)(d). Roll call vote carried unanimously. (8:03 p.m.)

Swem moved, seconded by Money to reconvene to open session of the regular City Commission meeting at 8:39 p.m. Roll call vote carried unanimously.

Resolution for Support for USDA Grant for Construction of DPW Building – In looking for various funding options for the demolition, engineering and construction of the DPW building Manager Grace spoke with a representative from Congressman Fred Upton’s office regarding a community-focused USDA community facilities grant. He strongly recommended that we go with this request for \$1 million towards a new DPW building as our best chance for success.

**CITY OF BUCHANAN, BERRIEN COUNTY MICHIGAN
MICHIGAN’S 6TH FEDERAL DISTRICT RESOLUTION SUPPORTING AN
APPLICATION FOR A COMMUNITY-FOCUSED USDA COMMUNITY FACILITIES
GRANT FOR CONSTRUCTION OF A NEW PUBLIC WORKS FACILITY
RESOLUTION NO: 2021.4/224**

WHEREAS the U.S. House Appropriations Committee will implement a new Community Project Funding (CPF) initiative to allow Members of Congress to directly address the most significant needs of the communities they represent; and

WHEREAS the City of Buchanan qualifies to apply for a USDA Community Facilities Grant because Buchanan is a rural community of less than 5,000 residents; and

WHEREAS municipal governments provide essential services to their constituents, especially in the area of public works; and

WHEREAS the City of Buchanan’s public works building is currently in need of being replaced, with structural engineers recommending demolition of the current structure and a need for construction of a new facility as soon as possible; and

WHEREAS there exists public consensus around the urgent need to construct a new public works facility in the City of Buchanan because it is such an essential community facility; and

WHEREAS the construction of a new public works facility in the City of Buchanan is necessary for the City to safely maintain operations and continue to provide essential public services to its residents; and

WHEREAS currently the funding for the construction of a new public works facility would be difficult for the City of Buchanan to raise in full without assistance; and

WHEREAS the City of Buchanan is requesting grant funding in the amount of one million dollars to assist in this regard; and

WHEREAS the City of Buchanan has the means to borrow money to pay for any construction costs above the requested grant funding amount of one million dollars.

NOW, THEREFORE BE IT RESOLVED that the City of Buchanan hereby resolves to formally support an application for a community-focused USDA Community Facilities Grant, as a means of assisting the residents of the City of Buchanan by providing funds needed to construct an essential community facility to serve our rural community.

Swem moved, seconded by Money to approve Resolution #2021.4/224 in support for a USDA Grant for Construction of DPW Building. Roll call vote carried unanimously.

Communications *(informational only, formal board action is not necessary for these items, unless so desired)*

Master Plan Update – The Buchanan Planning Commission has a draft of the updated Master Plan and is seeking comments, which can be sent to the Clerk via email, or dropped off at City Hall. The draft is available on the City’s website by clicking the following link:
<https://www.cityofbuchanan.com/file/722/Master+Plan%2C+Draft+Update.pdf>

Marketing Opportunity – The Buchanan Chamber of Commerce, in partnership with Leader Publications, is producing a full-color glossy Visitors Guide to celebrate the Red Bud City, promote area businesses and connect them with new customers, and raise funds for important Chamber initiatives. Members receive a complimentary business listing. Additionally, members are encouraged to purchase advertising sponsorships (at special rates!) to support this important project that will celebrate the events, attractions and offerings that make Buchanan unique. This comprehensive guide will be used throughout the year to promote your business. More than 5,000 copies will be distributed throughout Michiana. An electronic version will also be made available for the Chamber and participating businesses to use.

Board Application Process – The City has been working to develop a robust Board, Committee & Council application and appointment process in compliance with the Redevelopment Ready Communities (RRC) certification standards. Best practices are to provide a clearly defined board application process, as well as complete and accurate information regarding each board’s purpose, structure, terms, and the desired skills/experience necessary as well as any special qualifications to serve on that board. This enables all parties to make their best effort in assuring a mutual good fit. Defined board training is also included as a best practice. Given that the sense of urgency to fill open board seats, we are implementing a phased approach which should align the City of Buchanan very well with RRC best practices as we work towards certification:

- Phase I – Expand upon and replace the Citizen Volunteer Form with a simplified version of the Board Application which provides links to current board pages on the City’s website. Add the Board Application and Appointment Process document content to the City’s website. (Currently live at <https://www.cityofbuchanan.com/city-government/boards-councils>.)
- Phase II – Collaborate with boards to fully document and update board information. Once all board information is gathered, expand the Board Application to include pertinent information and/or links directly on the application.
- Phase III –As part of the Municode website design, we have opted for a Board Management module which houses such content and helps us to track board terms, vacancies and appointments. Rather than redesigning web pages on the current website platform, we will build new board pages on the new platform as part of the Municode website design.

- Phase IV – Ensure at least one officer of each board is trained on the Meeting Management/Board Management modules of the Municode website. Design, develop and deliver basic board training modules for all board members.

Senior Prom at McCoy's Creek Recreational Area/Centennial Park – Serynn Nolan a senior at Buchanan High School inquired about renting the Centennial Park Pavilion for their Senior Prom and asked if they would be allowed to have outdoor gas fire pits across from the pavilion and creek, with tarps under them.

Safety Concern – Deb Brown, Manager of the Rail Safety Section of the Michigan Department of Transportation's Office of Rail indicated they have been contacted by Amtrak locomotive engineers expressing concerns about the condition of a grain elevator facility on the south side of Buchanan, just west of Red Bud Trail. They are concerned that parts of the structure seem unstable and are leaning toward and in close proximity to the track traversed by higher-speed passenger trains. Although certain parties have expressed interest in preserving the facility, written business plans have been requested and after several weeks have still not been received.

Food Carts / Food Trucks Communications – Manager Grace has received inquiries from multiple parties asking about whether food carts and/or food trucks can be used within the City. Manager Grace is not aware of any particular rule or ordinance that would prohibit such an activity, so she intends to work on developing a proposal for an administrative policy to allow for such use in a regulated manner, which will be presented to the Commission for review. Members of the public with opinions on the matter are strongly encouraged to email their opinions to the City Clerk at bpitcher@cityofbuchanan.com so that such views may be considered during the development of the policy proposal.

Buchanan Summer Concert Series – Manager Grace has been contacted by multiple individuals interested in donating both time, talent, and money towards a more robust summer concert series in Buchanan to be held on various Fridays, Saturdays, and Sundays, depending upon the availability of the artists we can attract, with plans to aim for getting larger acts who might consider playing The Common on their way through to Chicago. Grace has begun providing assistance to these individuals in the hopes of creating a more formal group that can work strategically to combine resources from various individuals and organizations, including generous endowment fund donations that can help provide for maintenance and upkeep at The Common. Grace's plan is to provide administrative assistance, in collaboration with The Common Committee and the Performing Arts Committee, to create a yearly calendar of events for The Common that encourages concerts, plays, productions, farmer's markets, and festivals, aimed at increasing visitors to our area to help with tourism and economic development. Administrative policies will be created to manage these events, and assistance will also be provided by the City's Community Development Department.

Public Comment (non-agenda items)

- **Jack Schnell** – Explained High Profile's plans for 420 celebration at their facility and asked the Commission for permission to have a DJ in their parking lot. (Commission then discussed and provided feedback; Mayor called for a motion to approve with none offered.)
- **Michael Rowland** – Explained two funds that the Michigan Gateway Foundation has established to provide funding for the concert series at the Common; an endowed fund earmarked for repairs and maintenance and a non-endowed fund that provides operating income. Discussed plans for 4-5 shows at the Common this year.

- **Dan Vigansky** – Has not heard anything in a while about the DPW building and hopes the City receives the grant previously discussed. Would still like the City to apply to assess the flood plane.
- **Nick Gasorek** – Spoke regarding his taxes, the board of review, and read a response he received from the tax tribunal stating there was an error in calculation and that he was owed refund with interest. Refund was paid but interest continues to accrue.
- **Monroe Lemay** – Spoke in response to Jack Schnell's request and the Commissions response – If you do something for one company, you should let the others do it as well.
- **Rebecka Hoyt** – Asked about acceptable items for the Annual Clean-Up on April 23 and 24. (Chief Ganus indicated the Police Department has a comprehensive list of what is and is not allowed.)
- **Kelly Carlin** – Asked Manager Grace and Michael Rowland how they are considering the Buchanan Area Performing Arts Council performances as the plan the concert series. (They assured they would coordinate.)

Executive Comments

- **City Manager Grace** – Lengthy agendas speak to everyone's hard work to return Buchanan back to its vibrancy. Encouraged everyone to attend the presentation on April 28.
- **Commissioner Swern** – Encouraged everyone to go to the presentation on April 28. Stated Jerry Felnar was out of town but had texted him during the meeting to report that he's already raised \$80,000 in private funding toward the trail expansion project. Excited to see the board applications available.
- **Commissioner Weedon** – None.
- **Commissioner Money** – Thanked everyone for their community involvement. Reminded that board applications are available and encouraged people to sign up.
- **Commissioner Downey** – Since the last meeting, we lost a business owner and inventor. Sending condolences to the family of Willard Gustafsen.
- **Mayor Denison** – April 28th will be worth people's time.

Adjourn

Money moved, seconded by Weedon to adjourn. Roll call vote carried unanimously. Mayor Denison adjourned the meeting at 9:20 p.m.

Barbara A. Pitcher, City Clerk

Mayor Sean Denison

City of Buchanan Commission Minutes
April 26, 2021

The regularly scheduled meeting of the City Commission was held via electronic meeting on Monday, April 26, 2021, and was called to order at 7:00 p.m. by Mayor Sean Denison. The Mayor led the Pledge of Allegiance.

Recognition

None

Roll Call

Present: Mayor Sean Denison, Commissioners Cameron Downey, Larry Money, Patrick Swem, Mark Weedon
Absent: None
City Staff: City Manager, Heather Grace; City Clerk, Barbara Pitcher; Treasurer, Stephanie Powers; Community Development Director, Rich Murphy; Police Chief, Tim Ganus; Director of Public Works, JT Adkerson; Water Operator in Charge, Scott Desenberg; DPW Staff, Mike Baker; Wastewater Treatment Plant Superintendent, Bill Housand; City Attorney, Mitt Drew
Guests: Frank Demkoski, Dale Toerne, Jerry Flenar, Don Ryman, Dan Vigansky, Monroe Lemay, Kim Moyer, Debra Haight, Rebecka Hoyt, Rick Boone, Lydia A, Susannah Deneau, Alan Robandt, Corilee Scanlon, Mary Lister and several others unidentified.

Agenda

Downey moved, seconded by Weedon to accept the agenda as amended. Roll call vote carried unanimously.

Public Comments (agenda items)

None

Consent Calendar

- Approve Minutes: Regular City Commission Meeting, April 12, 2021.
- Approve Invoices/Expenditures: for April 26, 2021 in the amount of **\$549,922.82**
 - \$ 502,579.00 of which is the March payment to Davis Construction for the WWTP Construction
 - • \$ 6,080.00 for the water department's new trailer

Downey moved, seconded by Swem to accept the consent calendar as presented. Roll call vote carried unanimously.

Scheduled Matters from the Floor

Introduction of New City Attorney – The new City Attorney, Mitt Drew, of the firm Kotz Sangster, introduced himself to the City Commission and indicated he has been working with City Manager Grace on several issues. Based upon the outcome of a meeting scheduled earlier in the day, it is suggested that

a subsequent special meeting should be scheduled later this week to discuss several matters subject to attorney-client privilege that would necessitate a Closed Session.

Reports by: Departments, Committees, Boards

Friends of McCoy's Creek Trail – Jerry Flenar presented a trail expansion fundraising update stating that \$91,000 in private funds have already been raised, he is confident they will reach or exceed their fundraising goal and will be seeking a commitment from the City at a future meeting.

Buchanan Common Committee: Board Appointment Recommendation – The Buchanan Common Committee, at their April 19, 2020 meeting, recommends approval of the board application from Michael Rowland, CEO of the Michigan Gateway Foundation.

Money moved, seconded by Swem to approve the appointment of Michal Rowland to the Common Committee. Roll call vote carried unanimously.

Unfinished Business

Edgewater Bank – Sorin Mihalache, Director of Property Management at United Federal Credit Union indicated that we should consider the Edgewater Bank property fully vacated by United Federal and thereby available for sale or lease to a third party on July 1, 2021. A proposal has been offered to leave the furniture for the City, if the City is interested in it, along with an offer to consider negotiating a settlement. Past discussions have included the possibility of allowing the City PD to expand into that part of the building, especially if the City decides to use some of the revenue from the annual marihuana permits to hire a new police officer dedicated to foot patrol and parking enforcement downtown. Past discussions have also included the possibility of having the City's utility billing receptionist work out of that section of the building so that residents could have the convenience of paying water bills and taxes through the bank's existing drive-thru structure. Manager Grace seeks the Commission's guidance on this issue.

Weedon moved, seconded by Downey to table the issue until the first Commission Regular Meeting following a Special Session with the City Attorney on April 29. Roll call vote carried unanimously.

New Business

City Investment Policy – The City of Buchanan "Investment Policy" is submitted to Commission approval. It emphasizes preservation of capital and minimization of risk. Such a policy is utilized by the Treasurer, who is delegated authority to oversee the City's investments.

Swem moved, seconded by Money to ratify the City of Buchanan Investment Policy. Roll call vote carried unanimously.

Communications *(informational only, formal board action is not necessary for these items, unless so desired)*

Draft Budget Proposal – On Monday, April 26th, City Manager Grace presented the Commissioners with a working draft of a proposed budget for fiscal year 2021/2022 (which runs July 1, 2021 – June 30, 2022). This working draft will serve as the starting point to allow Commissioners to make comments for the City Managers consideration prior to the creation of a more formalized draft, which will be submitted in the coming weeks for review by the Commission as an action item on the agenda in May. No action by the Commission is required in relation to budget at this time, as final review and approval is not required at this juncture.

Taxables – The City Assessor has prepared and presented the final taxable values for the City of Buchanan, which are summarized as follows: \$ 115,058,120 total for real and personal taxes within the City, of which \$ 106,385,120 is Real Property and \$ 8,673,00 is Personal Property. These figures represent the total assessed *value* and not the amount that is collected in taxes (which is calculated based on the millage rate divided by 1000 multiplied by the value of the parcel in question). Further breakdowns are as follows:

- Commercial: Real- \$ 17, 860,600 Personal- \$ 3,043,600
- Industrial: Real- \$ 13,342,400 Personal- \$ 630,100
- Residential: Real- \$ 75,182,120 Personal- \$ 0
- Utility: Real- \$ 0 Personal- \$ 4,999,300

Public Comment (non-agenda items)

- **Dale Toerne** – Heard that JT Adkerson may be retiring soon and would like to thank and recognize him for his hard work. Stated he was disappointed in the Commissioners who voted against paid maternity leave – it paints women as second-class citizens.
- **Alan Robandt** – Spoke regarding the board and commission policy stating that Dan Vigansky and Joe Paolucci are being prevented from being on boards. Complained that several businesses in town were not approached for trail donations and are treated as outsiders – even Don Ryman is treated like an outsider. Expressed the City doesn't need another police officer downtown but does need to use the marihuana revenue to invest in downtown.
- **Dan Vigansky** – Countered Toerne's comment congratulating the Commissioners who voted against paid leave for saving the City money and made a threatening remark regarding JT Adkerson.

Mayor Denison admonished speakers saying, while this is a public forum where people are allowed to say what they want, he encourages people to use some level of decorum. Vigansky, unrecognized to speak, rebutted and was ordered "muted" by the Mayor.

- **Rebecka Hoyt** – Promoted the Urban Design Studio open house at the Common on Wednesday, April 5:00 p.m. stating The Chronicle will be present. They will also have a booth at the Buchanan Farmers' Market which starts its season this Saturday, May 1.
- **Monroe Lemay** – Promoted the second Mental Health Forum on Sunday from 2:00-4:00 p.m., hosted by One Buchanan and the City of Buchanan, which will focus on COVID-19 and the effects in the home.

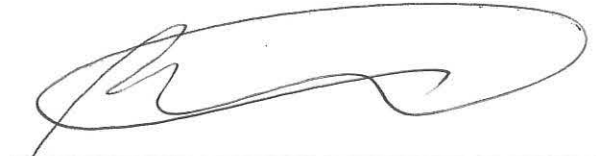
Executive Comments

- **City Manager Grace** – Encouraged everyone to attend the Urban Design Studio open house, reminded that masking and social distancing are required. Vendors, developers and the press are expected to be in attendance. Thanked Rich Murphy for his work on the project.
- **Commissioner Downey** – None.
- **Commissioner Money** – Welcomed Attorney Drew stating expecting that he will be valuable to what the City is trying to accomplish. Stated Jerry Flenar has done an outstanding job.
- **Commissioner Swem** – Stated he is looking forward to seeing everyone on Wednesday. He is requesting an update questions asked at recent work session regarding millages. Asked if there was a deadline for Board Applications in the event the boards to not respond in a timely manner. (Grace responded that we would follow up and send applications directly to the Commission if boards were unresponsive.

- **Commissioner Weedon** – Excited by what Flenar accomplished. Robandt’s voice was heard. Looking forward to Wednesday.
- **Mayor Denison** – Hopes to see everyone at the Common on Wednesday at 5:00 p.m., rain or shine. Noted that Saturday, May 1 is the first day of the Buchanan Farmers’ Market for the season and it is always nice to see and visit with people there. Made the statement that Don Ryman is not an outsider and whether you feel like an outsider or not has a lot to do with how you interact with the community.

Adjourn

Downey moved, seconded by Money to adjourn. Roll call vote carried unanimously. Mayor Denison adjourned the meeting at 7:36 p.m.



Barbara A. Pitcher, City Clerk



Mayor Sean Denison

MINUTES

I. Call to Order

Mayor Denison called the meeting to order at 7:04 p.m. and led the Pledge of Allegiance.

II. Roll Call

PRESENT: Mayor Sean Denison, Mayor Pro Tem Mark Weedon, Commissioner Cameron Downey, Commissioner Larry Money, Commissioner Patrick Swem

ABSENT: None

STAFF: City Manager, Heather Grace; City Clerk, Barbara Pitcher; Police Chief, Tim Ganus; Treasurer, Stephanie Powers; Community Development Director, Rich Murphy; DPW Staff, Mike Baker

GUESTS: Shane Turay, Kim Moyer, Debra Haight, Mack Green, Suzannah Deneau, Ankur Rungta, Don Ryman, Ralph McDonald, Mary Lister, Jan Jacobs, Penny Slocum

III. Agenda

Addition to the Agenda of item VII. F.: Resolution 2021.05/227 - A resolution to approve the Berrien County Public Transportation Title VI Update of February 4, 2021.

Motion made by Commissioner Money, Seconded by Mayor Pro Tem Weedon to approve the agenda as amended. Motion carried. Voting Yea: Mayor Denison, Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem

IV. Public Comment - Agenda Items Only *(3-minute limit)*

Statement by Mayor Denison – *“I'd like to remind the public that the purpose of these meetings is to conduct City business. Oftentimes we'll have to make difficult decisions and difficult decisions can sometimes require difficult conversations, and that's okay. Important topics often require difficult conversation. However, threats against individuals, personal attacks, slang terms and language that is offensive is not productive, appreciated, or acceptable and will not be tolerated. The Commission, the City staff and myself appreciate your participation in these meetings and would also appreciate your efforts to keeping these meetings professional and polite.”*

Don Ryman – Spoke regarding the proposed Master Plan update and encouraged everyone to review and make comment.

V. Consent Agenda *(can be approved all in one motion, for general housekeeping items)*

A. Approve Minutes of April 26, 2021 Regular Meeting; April 29, 2021 Special Meeting.

B. Approve expenditures for May 5, 2021 in the amount of is \$94,139.63. Expenditures of note include:

- \$15,911.00 to ETNA for the annual SENSUS hosting fees
- \$12,991.15 to Ford Motor Credit for the PD's 2020 Ford Interceptor
- \$4, 499.00 for the annual membership renewal for the Michigan Municipal League

C. Authorize City Manager, Heather Grace and Treasurer, Stephanie Powers to make changes and appropriate transfers to the United Federal Credit Union HSA Accounts.

- D. Adopt RES 2021.05/226 to Designate City Manager Grace as the signatory for the MDOT Project Authorization for the City of Buchanan FY 2021 Section 5311 Operating Formula Grants for Rural Areas Program (Dial-A-Ride funding).
- E. Consider the approval of banner placements for:
- Buchanan High School Athletics - Estimated May 19-24
 - American Legion Military Appreciation - May 24-July 9
- F. Consider Resolution 2021.05/227 – A resolution to approve the Berrien County Public Transportation Title VI Update of February 4, 2021.

Motion made by Mayor Pro Tem Weedon, Seconded by Commissioner Money to approve Consent Agenda. Motion carried. Voting Yea: Mayor Denison, Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem

VI. Scheduled Matters from the Floor *(if any)*

- A. Tamiko Brown with the Avery Brown Classic was scheduled to address the Commission but not in attendance. She has submitted a street closure form for Arctic and Victory Streets on Saturday, July 3 from 8:00 a.m. to 11:00 p.m. Approvals have been received from appropriate City staff.

Mayor Denison indicated he had some questions for Ms. Brown regarding the event that he would like answered prior to approval. No action was taken.

VII. Reports by: Departments, Committees, Boards

- A. Suzannah Deneau recapped the trail expansion/fundraising efforts and asked the Commission to consider a resolution of support for the TAP grant application.

Motion made by Commissioner Swem, Seconded by Mayor Pro Tem Weedon to adopt Resolution 2021.05/225 – Support for TAP Grant Application, which supports the submission of an application for the FY 2023 Michigan Department of Transportation, Transportation Alternative Program e Schirmer Parkway Non-motorized Trail Project. Motion carried. Voting Yea: Mayor Denison, Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem

- B. Repairs on the current hotbox originally were \$3,000. The Machine was inspected and in need of \$9,450 in repairs. The machine has been in service for the City for at least 18 years. Quotes for a replacement are as follows:

- Spaulding MFG 2021 2-Ton, air jacked non dump trailer: \$27,275.00
- M&M Distribution 2021 Big A 4-Ton Hotbox reclaimer trailer, hydraulic dump: \$28,200.00
- Falcon 2021 4-Ton recycler and hotbox, hydraulic dump: \$27,512.77

Mike Baker described the purpose of a hot box, the pros and cons of each of the quoted machinery and spoke in favor of a lease-to-own option for the Falcon. He stated it's highly efficient, provides better solutions, and everything is bolt-on for ease of repair or enhancement.

Motion made by Commissioner Swem, Seconded by Commissioner Money to approve a lease-to-own for the Falcon 2021 4-Ton recycler and hotbox, hydraulic dump: \$27,512.77. Motion carried. Voting Yea: Mayor Denison, Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem

VIII. Unfinished Business

- A. High Profile has submitted renewal applications and fees for the following permits:
1. Medical Marijuana, 804 E. Front St., Provisioning Center, \$5000, PC1, 04.12.2020

2. Adult Use, 804 E. Front St., Retailer Establishment, ALUMRE1, \$5000, 04.12.2020

Murphy reviewed each application and the accompanying documentation including any updates to the applicant's original application and all documentation is in proper order. The required background checks have now all been performed by Buchanan Police Department. All permit fees have been collected. The Buchanan City Department Heads have reviewed the applications and find them to be in proper order and have signed off with their approval. Therefore, approval of the above permit renewals is recommended.

Motion made by Commissioner Swem, Seconded by Mayor Denison to approve High Profile renewals for Medical Marijuana, 804 E. Front St., Provisioning Center and Adult Use, 804 E. Front St., Retailer Establishment, ALUMRE1. Motion carried.

***Voting Yea: Mayor Denison, Commissioner Downey, Commissioner Money, Commissioner Swem
Abstaining: Mayor Pro Tem Weedon due to his employment in the cannabis industry***

IX. New Business

- A. City Manager Grace would like to schedule a budget work session with the Commission. Suggested dates and times are: the morning or evening of Thursday, May 20th, or the afternoon or evening of Friday, May 21.

The Commission will hold a budget work session on Wednesday, May 19, 2021 at 7:30 a.m. in the City Hall Chamber.

X. Communications *(informational only, formal board action is not necessary for these items, unless so desired)*

- A. Master Plan Update & Timeline – Communicate Development Director, Rich Murphy, outline the timeline for adoption of the Master Plan indicating all the suggested changes that were discussed by the Plan Commission at their April 13 meeting have been finalized and a draft submitted to the Commission. Additionally, the Master Plan was updated to include a reference to the Complete Streets policy that was recently adopted by the City Commission in Resolution NO. 2021.04/223, A Resolution to Develop Complete Streets as Part of the City of Buchanan's Master Plan, passed unanimously by the Buchanan City Commission on April 12, 2021.

The Plan Commission will now consider at their May 11th meeting the approval of the Master Plan to be sent on to the City Commission for their approval which will begin the public adoption process. To start the adoption process, the Plan Commission should pass a motion to send the draft plan to the City Commission for distribution, review and comment.

Please see the update timeline for the adoption of the Master Plan:

1. May 11 – PC meeting – Submit draft plan to city council for distribution and review by motion
2. May 24 – City Commission meeting – approve by motion distribution of the plan and post on website (planning commission secretary distributes plan on May 25 – giving 63 days for review (July 27)).
3. Aug 10 – Planning Commission votes to hold a comment period and hearing at next meeting (Sept 14)
4. Sept 14 – Hold public hearing (notice published week of Aug 23), PC adopts plan by resolution
5. Sept 27 – City Council adopts plan by resolution

XI. Public Comment - Non-Agenda Items Only *(3-minute limit)*

Shane Turay - Suggested daylighting McCoy Creek as it flows through town as the City looks to making improvements to infrastructure and aesthetics. He sent information to Mayor Denison for the

Commission's review and will make himself available for questions. He has been a City/Township resident for 20 years and works in South Bend at a civil engineering company.

Penny Slocum - Reminded everyone that Memorial Day is coming, and the City should ensure the irrigation system is working so the flowers can be hung to make everything beautiful. Also wants to be sure potholes are repaired on Terre Coupe prior to the parade.

XII. Executive Comments

A. **City Manager Comments** – Unfortunately, the grant application to fund the demolition and construction of the DPW building was not selected, although the application was strong. Feedback is being sought in order to make further strengthen future submissions. She will be attending a meeting regarding a Drinking Water Revolving Fund and should have information for the next Commission meeting. There was a delay in the CEDAM Fellowship grant decisions but a decision is expected later this week.

B. Commissioner Comments

- **Downey** – None
- **Swem** – Thanked Ashley Hanson and the Scarecrow Committee. He attended their meeting, and they shared some exciting new ideas.
- **Money** - Over the past three weeks he has been present when the Fire Department responded to calls. Each were serious incidents that would have been much worse without the quick response of the department. Urges City Manager and Commission to be thinking about funding for the Fire Department.
- **Weedon** - Thanked everyone who keeps coming to these meetings. He believes it is one of the reasons so much is being accomplished.

C. **Mayor Comments** – Thanked everyone for showing up at the Common for the Urban Design presentation. Despite the weather, it was a great turnout and approximately 500 people also watched online.

XIII. Adjourn

Motion made by Commissioner Downey, Seconded by Mayor Pro Tem Weedon to adjourn the meeting at 7:46 p.m. Motion carried. Voting Yea: Mayor Denison, Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem

Barbara A. Pitcher, City Clerk

Mayor Sean Denison

MINUTES

I. Call to Order

Mayor Denison called the meeting to order at 7:35.

II. Roll Call

PRESENT: Mayor Sean Denison, Mayor Pro Tem Mark Weedon, Commissioner Cameron Downey, Commissioner Larry Money, Commissioner Patrick Swem

ABSENT: None

STAFF: City Manager, Heather Grace; City Clerk, Barbara Pitcher; Treasurer, Stephanie Powers

GUESTS: City Attorneys Mitt Drew and Matt Derby

III. Public Comment - Agenda Items Only (3-minute limit)

None

IV. New Business

- A. A motion is requested to have the City Commission enter “Closed Session” to discuss three separate matters subject to attorney-client privilege, pursuant to MCL 15.268(8)(h), which would require a 2/3 rollcall vote.

Motion made by Commissioner Swem, Seconded by Commissioner Money to have the City Commission enter “Closed Session” to discuss three separate matters subject to ge, pursuant to MCL 15.268(8)(h). Roll call vote carried unanimously.

Voting Yea: Mayor Denison, Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem

- B. A motion is requested to resume the open meeting.

Motion made by Commissioner Downey, Seconded by Commissioner Swem to resume the open meeting. Voice vote carried unanimously.

Voting Yea: Mayor Denison, Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem

- C. A motion is requested to approve Closed Session Minutes of April 29, 2021 as reviewed in the Closed Session of this meeting.

Motion made by Commissioner Swem, Seconded by Commissioner Money to approve Closed Session Minutes of April 29, 2021 as reviewed in the Closed Session of this meeting. Roll call vote carried unanimously.

Voting Yea: Mayor Denison, Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem

- D. Review and discuss the proposed budget for FY 2021-2022.

No action necessary on this item at this time.

- E. Review Michigan Department of Treasury 2021 Millage Reduction Fractions Worksheet (L-4034) and 2021 Tax Rate Request (L-4029).

Manager Grace and Clerk Pitcher presented to the Commission for informational purposes and will sign and process accordingly.

V. Public Comment - Non-Agenda Items Only *(3-minute limit)*

None

VI. Adjourn

Commissioner Swem departed the meeting at 9:35.

Mayor Pro Tem Weedon departed the meeting at 9:36

Being no further business, Motion made by Commissioner Downey, Seconded by Commissioner Money to adjourn the meeting at 9:50 a.m. Roll call vote carried unanimously.

Voting Yea: Mayor Denison, Commissioner Downey, Commissioner Money

Voting Abstaining: Mayor Pro Tem Weedon, Commissioner Swem

Barbara A. Pitcher, City Clerk

Mayor Sean Denison

MINUTES

I. Call to Order

Mayor Denison called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

II. Recognition

None

IV. Roll Call

PRESENT: Mayor Sean Denison, Mayor Pro Tem Mark Weedon, Commissioner Cameron Downey, Commissioner Larry Money, Commissioner Patrick Swem

ABSENT: None

STAFF: City Manager, Heather Grace; Treasurer, Stephanie Powers; City Clerk, Barbara Pitcher; Bookkeeper, Marcia Johnson; Cemetery Sexton, Klay Weaver; Police Chief, Tim Ganus; Wastewater Operator, Bill Housand; Interim Director of Public Works, Mike Baker; Community Development Director, Rich Murphy

PUBLIC: 19 members of the public, including Don Ryman, Jerry Flenar, Kim Moyer, Alexander Leonowicz, Wayne Writer, Scott Dienes, Penny Slocum, Joseph Williams, Tamiko Brown, Sarah Spoonholtz, Kevin Barker, Ashley Hanson

V. Approve Agenda

Amend agenda to:

- Remove item VII. C. - Resolution 2021.05/228
- Add VIII. C. - DDA Dissolution Update from Scott Dienes
- Remove X. A. - Edgewater Lease
- Remove/Postpone X. B. - Financial Support for Trail Expansion
- Remove XI. F. - Waste Bids

***Motion made by Commissioner Swem, Seconded by Commissioner Money to approve agenda as amended.
Roll call vote carried unanimously.***

Voting Yea: Mayor Denison, Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem.

VI. Public Comment - Agenda Items Only (3-minute limit)

- Don Ryman - Spoke in favor of the Social District.
- Michael Rowland - Spoke in favor of the Social District.
- Beth Murphy - The Clerk read a letter submitted to the Commission speaking in favor of the auger purchase.

VII. Consent Agenda (can be approved all in one motion, for general housekeeping items)

- A. Approve Minutes - Approve Minutes of May 10, 2021 Regular Meeting
- B. Approve Expenditures - Approve expenditures for May 24, 2021 in the amount of **\$807,241.43**. Payment of note is the May progress payment of \$673,493.82 to Davis Construction.

Motion made by Commissioner Downey, Seconded by Commissioner Money to approve the consent agenda as amended. Roll call vote carried unanimously.

Voting Yea: Mayor Denison, Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem

- C. Item removed from agenda.

VIII. Scheduled Matters from the Floor *(if any)*

- A. Avery Brown Classic/Street Closure Request - Due to a miscommunication, Tamiko Brown was unable to attend the May 10 Commission meeting and was rescheduled to address the Commission this evening. She has submitted a street closure form for Arctic and Victory Streets on Saturday, July 3 from 8:00 a.m. to 11:00 p.m. Approvals have been received from appropriate City staff.

Tamiko Brown spoke regarding the activities that will take place during the event and responded to Commissioner questions.

Motion made by Commissioner Downey, Seconded by Mayor Pro Tem Weedon to approve street closure for Arctic and Victory Streets on Saturday, July 3 from 8:00 a.m. to 11:00 from. Roll call vote carried unanimously.

Voting Yea: Mayor Denison, Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem

- B. Home Source Group/Street Closure Request - Joseph Williams of the Home Source Group is requesting a street closure on Oak Street at Harger Park during the Memorial Day Parade as they will have a children's obstacle course and giving away hot dogs at the park.

Motion made by Commissioner Swem, Seconded by Commissioner Downey to approve the street closure on Oak Street at Harger Park during course. Roll call vote carried unanimously.

Voting Yea: Mayor Denison, Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem

- C. DDA Dissolution Update – Scott Dienes from Barnes & Thornburg provided and update on the subject.

IX. Reports by: Departments, Committees, Boards

- A. Community Development Director Report

Community Development Director, Richard Murphy gave a recap of the Andrews University Urban Design Project and shared the website, nicestplacetowalk.com, which houses project details, serves a developer's toolkit, and provides a feedback mechanism to the City. He discussed his priorities at a high level going forward:

- Low hanging fruit, such as establishing a social district and the developer's toolkit
- Mill Alley, splash pad, Front Street, Trail expansion
- Brownfield, DNR, incentivizing business expansion

B. Treasurer Report

Treasurer, Stephanie Powers noted three new employees at City Hall: Bookkeeper, Marcia Johnson; Intern, Kristina Bellaire, who is primarily assisting the Clerk-Cashier as well as other staff as needed until August; and Part-Time Season Administrative Assistant, Alex Tobler, who is primarily supporting the City Manager, City Clerk and other staff as necessary through December.

Powers also shared that she has completed her first year of the Treasurer Institute.

C. City Clerk Report - Recommendations to improve board processes and policies.

City Clerk, Barbara Pitcher presented several board process and policy recommendations to the Commission for their future consideration. Areas of focus include: Regain Compliance, Establish Consistency, Ensure Effectiveness, Realign, Ongoing Development & Refinement. Meeting will be scheduled with board officers in early June to discuss the recommendations and future training.

X. **Unfinished Business**

A. Item removed from agenda.

B. Item removed from agenda.

C. Social District - Community Development Director, Rich Murphy will present a proposed Social District Application & Management and Maintenance Plan and asks the Commission to consider adopting Resolution 2021.05/229 to Establish a Social District.

Note - Due to removal of item VII. C. which referenced Resolution 228, the Social District Resolution is renumbered from 229 as listed on the agenda to 228 in order to maintain proper sequence.

Motion made by Commissioner Swem, Seconded by Mayor Denison to adopt Resolution 2021.05/228 to Establish a Social District. Roll call vote carried unanimously.

Voting Yea: Mayor Denison, Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem

D. Master Plan - During the May 11, 2021 Planning Commission, Barker moved, seconded by McDonald to forward the Draft Master Plan to the City Commission and request approval by motion distribution of the plan, review and comment in order to start the public adoption process.

- Updated timeline for the adoption of the Master Plan:
- May 24 - City Commission meeting - approve by motion distribution of the plan and post on website (Planning Commission secretary distributes plan on May 25, giving 63 days for review [July 27]).
- Aug 10 - Planning Commission votes to hold a comment period and hearing at next meeting (Sept 14).
- Sept 14 - Hold public hearing (notice published week of Aug 23), Planning Commission adopts plan by resolution.
- Sept 27 - City Commission adopts plan by resolution.

Motion made by Commissioner Money, Seconded by Commissioner Downey to approve distribution of the plan and posting on website. Roll call vote carried unanimously.

Voting Yea: Mayor Denison, Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem

XI. **New Business**

- A. Board Appointments - The Design Review Committee, a subcommittee of the Planning Commission, met on May 5, 2021 to discuss board appointments and reappointments and made a recommendation to the Planning Commission in that regard. In turn, the Planning Commission, following their May 11, 2021 meeting recommends to the City Commission approval of the following board appointments and reappointments to the Design Review Committee:

Retroactive reappointment of Chris Brayak to a 3-year term commencing July 1, 2020

Reappointment of Kevin Barker to a 3-year term commencing July 1, 2021

Appointment of Dan Carlson to a 3-year term commencing immediately through June 30, 2025

Mayor Denison shared it was recently confirmed the Design Review Committee is actually a subcommittee of the now dissolved DDA, not a subcommittee of the Planning Commission. Future discussion in that regard is necessary.

Motion made by Mayor Pro Tem Weedon, Seconded by Commissioner Money to approve the following board appointments and reappointments to the Design Review Committee:

- ***Retroactive reappointment of Chris Brayak to a 3-year term commencing July 1, 2020***
- ***Reappointment of Kevin Barker to a 3-year term commencing July 1, 2021***
- ***Appointment of Dan Carlson to a 3-year term commencing immediately through June 30, 2025***

Roll call vote carried unanimously.

Voting Yea: Mayor Denison, Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem

- B. Independent Contractor Agreement - Approve expanded independent contractor agreement with Ashley Hanson.

City Manager Grace stated the request is to cover the expanded responsibilities of Hanson to schedule vendors, food trucks, etc. for activities and events at the Common.

Motion made by Commissioner Swem, Seconded by Commissioner Money to approve expanded independent contractor agreement with Ashley Hanson. Roll call vote carried unanimously.

Voting Yea: Mayor Denison, Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem

- C. Victory Park Bids - The Buchanan Area Recreation Board is submitting several bids to the Commission for resurfacing of the basketball courts at Victory Park

Wendorf Asphalt Driveways - \$6,750.00 resurfacing

Southwest Asphalt - \$10,750 resurfacing and lines

Looking forward, they have also secured bids for resurfacing the basketball courts at Ravish Park.

Affordable Asphalt Paving & Bulldozing - \$17,800.00

Affordable Asphalt - \$9,250.00 resurfacing and lines

Ashley Hanson, given the level of service and quality they have provided the City in the past, recommended acceptance of the bid from Affordable Asphalt for \$9,250 for resurfacing and lines at Victory Park.

Motion made by Commissioner Downey, Seconded by Mayor Pro Tem Weedonto accept the bid from Affordable Asphalt for \$9,250 for resurfacing and lines at Victory Park. Roll call vote carried by majority.

Voting Yea: Mayor Denison, Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Swem

Voting Abstaining: Commissioner Money

- D. Position Posting - The City Manager seeks the Commission's permission to post the Director of Public Services position [which will not be a union position moving forward] at a pay range of \$60,000 – \$70,000 per year, DOQ.

Motion made by Commissioner Downey, Seconded by Commissioner Swem to approve posting the Director of Public Services position [which will not be a union position moving forward] at a pay range of \$60,000 – \$70,000.

Voting Yea: Mayor Denison, Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem

- E. Tree Auger Bids - Consider purchase of an auger to support DPW activities and tree planting for the Buchanan Tree Friends. Bids include:

Michigan Caterpillar - CATERPILLAR Model: WT-BHL Work Tool with AUGER, A68, BHL, 45-50MMand TREE BIT, AUGER 36" attachments - \$6,246.40

Mike Baker explained the purpose of the auger, primarily for tree planting in partnership with Buchanan Tree Friends, and how the Caterpillar model would work with the backhoe. He also shared his concern that prices have risen over last year, and if a purchase is to be made, it should be done sooner than later. He stated that he sought additional quotes, but those companies have not yet submitted anything. Baker will follow up. **The Commission postponed this topic until additional quotes could be received.**

- F. Item removed from agenda.

- G. Schedule Special Meeting - Consider scheduling a special meeting on June 1, 2, or 3 for the purpose of reviewing delinquent water bills to be transferred to taxes and review final draft of the FY2021-2022 Budget.

The Commission agreed to a special meeting and indicated preference for the week of June 7, but no specific date/time was determined. City Manager will coordinate with the Commission and schedule.

- H. Traffic Control Order #253 - Consider additional "NO U-TURN" signs on Front Street between Red Bud Trail and Oak Street.

Motion made by Commissioner Money, Seconded by Commissioner Swem to approve Traffic Control Order #253 to place additional "NO U-TURN" signs on Front Street between Red Bud Trail and Oak Street. Roll call vote carried unanimously.

Voting Yea: Mayor Denison, Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem

- I. Marihuana Permit Renewals - The City has compiled the submissions we have received from Red Bud Roots, 455 Post Rd. regarding their annual permit renewals for One Adult Use Processing Permit, One Medical Processing Permit.

Rich Murphy has reviewed each application and the accompanying documentation including any updates to the applicant's original application and all documentation is in proper order. The required background checks have been performed by Buchanan Police Department. All permit fees have been collected. All Buchanan City Department Heads have signed off with their approval, The Commission's consideration and approval of the above permit renewals is recommended.

Motion made by Commissioner Downey, Seconded by Commissioner Swem to approve the Red Bud Roots, 455 Post Rd. annual permit renewal, for One Adult Use Processing Permit, One Medical Processing Permit. Roll call vote carried by majority.

Voting Yea: Mayor Denison, Commissioner Downey, Commissioner Money, Commissioner Swem

Voting Abstaining: Mayor Pro Tem Weedon (due conflict of interest resulting from employment in the cannabis industry)

- J. Authorize Temporary Pay Increase for Interim Director of Public Services

Motion made by Commissioner Money, Seconded by Commissioner Swem to authorize temporary pay Increase for Interim Director of Public Services. Roll call vote carried unanimously.

Voting Yea: Mayor Denison, Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem

XII. Communications *(informational only, formal board action is not necessary for these items, unless so desired)*

- A. Federal Energy Regulatory Commission Notices - The City of Buchanan is in receipt of two communications from the Federal Energy Regulatory Commission regarding a issuance to French Hydro LLC and Order Issuing Subsequent License for the French Hydroelectric project, and the 2020 Emergency Action Plan (EAP) Status Rerpots and EAP updates (Annual Reprints_ - Mottville (FERC no. P-401)), Buchanan (FERC No. P-2551), Twin Branch (FERC No. P2579), Elkhart (FERC no. P-2651), & Constantine (FERC No. P-10661) Hydroelectric Projects.
- B. AEP Planned Electrical Distribution Improvements - AEP/I&M is planning electrical distribution improvements within proximity of 818 Terre Coupe. In the coming weeks, you may see their representatives in the area inspecting conditions and determining options fo rthe best route. When possible, facilities will be installed in the road right of way. If conditions require easement or tree trimming on your property, you will be contacted directly. Please rest assured that they will NOT perform any tree work in your property until they contact you first. If you are not present a door card will be left and/or mailed. If tree trimming is considered, they will mark the strees wiht a temporary paint to create a visual for their discussions with you.
- C. Training: Master Citizen Planner (MCP) Advanced Academy - The 2021 Advanced Academy is focused on renewing Michigan communities. This virtual conference will cover several emerging topics including planning for electric vehicles, solar ordinances, missing middle housing, and the revised Farm Market GAAMP. The 2021 Advanced Academy will offer a mix of live and prerecorded sessions. There will be three, one-hour interactive sessions on June 8, 9, and 10 (that's just one hour a day!) and four prerecorded sessions to view at your leisure, including the popular court case/legislative update. The 2021 conference will include a fun Jeopardy/trivia game on Tuesday evening with bragging rights on the line! Come and join together virtually with local

leaders from across the state to share ideas to renew the future of Michigan communities. Please register by June 7, 2021. Master Citizen Planners (MCPs) seeking their annual six hours of continuing education are encouraged to attend along with Planning commissioners, local government officials, and all others with interest in planning and zoning. Cost is \$25 for MCPs/\$35 for all others. June 8, 9, 10. Information and registration at <https://events.anr.msu.edu/event.cfm?eventID=2CFA61E72E294E9F2528AD1F821DDE595960E9A1170CD5CE6F6DFEAD9A845191>

- D. CEDAM Application Status - Madeleine March-Meenagh, Interim Program Manager, Community Development Fellowship of the Community Economic Development Association of Michigan (CEDAM) responded regarding the City's application for a CEDAM fellow. "Unfortunately, your community was not chosen to host a fellow for the 2021-2022 program year. We received many quality applications and it was very hard to pick just one community from each region." She encouraged us to reach out to a Community Assistance Team Specialist to discuss other options for increasing capacity and implementing community economic development projects in our community.

- E. Retirement of J.T. Adkerson

XIII. Public Comment - Non-Agenda Items Only (3-minute limit)

- Jerry Flenor - On behalf of the Trail Committee, thanked JT Adkerson and his staff. He also read a letter from Wayne Writer praising Adkerson.
- Rebecka Hoyt - Former writer from The Paper, Jan Wiezerak, joined The Chronicle. Their team captured video of the Memorial Day preparations at Oakridge Cemetery. Next issue will be out June 6. Summer Concert Series soon begins.
- Penny Slocum - Spoke regarding the flower planters downtown. She and Alice Kring worked to get several planted. The watering schedule needs to be increased during this hot weather. Thanked volunteers who worked on the Cemetery.

XIV. Executive Comments

- A. City Manager Comments -

Mike Baker is playing an integral role in the transition at DPW. The crew is doing excellent work at the Cemetery. Thanked Murphy for his significant work on the Social District proposal. Recognized Ashley Hanson for her work to get bids for Victory Park.

- B. Commissioner Comments -

- Patrick Swem - Thanked everyone involved in Veterans' Circle, Ashley Hanson for all her volunteer work, and stated he's happy to see the Board Process moving forward.
- Larry Money - On behalf of the American Legion and fellow veterans, he thanked Baker, Weaver and crew for their work at the Cemetery. It looks the best it has in years. Thanked the Chronicle for their coverage. Stated Mayor Denison has helped immensely with the veterans' banners which will be going up on Thursday.
- Cameron Downey - Welcomed the new employees at City Hall.
- Mark Weedon - Wanted to mirror everything the other Commissioners already said. The Nicest Place in America is going to start looking like the nicest place. Praised all of our wonderful volunteers.

- C. Mayor Comments - Asked for volunteers to help lay sod at Veterans' Circle at noon on Tuesday. Thanked JT Adkerson for his service. Thanked Murphy for his work on Social District. Welcomed new employees.

XV. Adjourn

Motion made by Commissioner Downey, Seconded by Commissioner Money to adjourn the meeting at 9:28. Roll call vote carried unanimously.

Voting Yea: Mayor Denison, Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem

Barbara A. Pitcher, City Clerk

Mayor Sean Denison

MINUTES

I. Call to Order

Following a delay due to technical difficulties, Mayor Denison called the meeting to order at 8:08 a.m.

II. Roll Call

PRESENT: Mayor Sean Denison, Mayor Pro Tem Mark Weedon, Commissioner Cameron Downey, Commissioner Larry Money, Commissioner Patrick Swem

ABSENT: Mayor Pro Tem Mark Weedon (for a portion of the meeting due to technical difficulties)

STAFF: City Manager, Heather Grace; Community Development Director, Rich Murphy; Interim Director of Public Services, Mike Baker; Treasurer, Stephanie Powers; City Clerk, Barbara Pitcher

GUESTS: Several guests joined via Zoom.

III. Public Comment - Agenda Items Only (3-minute limit)

Fran Terry - Spoke regarding the benefits of the joint Chamber-City position stating the Chamber is looking forward to the collaboration.

Terrance Burt (via written comments read by City Clerk) - Spoke regarding the positive experience he had with Building Inspector, Guy Lewis.

IV. Unfinished Business

None

V. New Business

A. New Credit Card Proposals

The City is opening new credit cards through Honor Credit Union, as part of the previously approved transition to a new financial institution. We recently learned that Honor wants minutes approving the names of the individuals listed on the new credit cards. (Detailed list is attached).

Motion made by Commissioner Money, Seconded by Commissioner Downey to approve establishing credit cards for for the individuals with limits indicated on the June 9, 2021 document from Heather K. Grace. Roll call vote carried by majority.

Voting Yea: Mayor Denison, Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money

Voting Abstaining: Commissioner Swem (due to a conflict of interest as a result of his employment with the institution providing the credit cards).

B. Waste & Recycling Bids

Manager Grace stated Republic Services and Michiana Recycling and Disposal Services both submitted bids for five-year contracts for waste and recycle services for the City of Buchanan. Detailed pricing from each bid was provided to the Commission, and each bid the same level of service as we currently have in place, with only relatively minor differences, including the type of recycle bin/bag used (with details on the differences also provided). With our current services through Republic only guaranteed through the end of June, and decision from the Commission on

this issue is needed today to ensure no disruption in services. The Commission discussed and asked clarifying questions of the bidders.

Motion made by Commissioner Downey, Seconded by Mayor Denison to award the Waste and Recycling bid to Michiana Recycling and Disposal Company. Roll call vote carried by majority.

Voting Yea: Mayor Denison, Commissioner Downey, Commissioner Money

Voting Abstaining: Mayor Pro Tem Weedon

- C. Interim Director of Public Services Mike Baker - Recommendations RE Proposed New DPW Building
Mr. Baker addressed the Commission regarding his thoughts on the proposal for a new DPW building. No action was necessary on this item.

- D. Project Consultant Proposals for New DPW Building

Manager Grace highly recommends obtaining a project consultant to assist her with the design for a new DPW building, as well as the bidding out of the project, the vetting of vendors, and oversight of the project. With so many other important projects currently on her plate, Grace is having significant trouble getting this project off the ground and worries that without guidance from someone in the industry, that the City could end up facing an unsuccessful project. Consequently, professional guidance is highly recommended. Proposals are attached.

Motion made by Commissioner Swem, Seconded by Commissioner Downey to engage the Barton Group for services related to site selection process, pre-construction and construction coordination for the DPW building. Roll call vote carried unanimously.

Voting Yea: Mayor Denison, Commissioner Downey, Commissioner Money, Commissioner Swem

Absent from the vote: Mayor Pro Tem Weedon (due to technical difficulties)

- E. Buchanan Concerts on the Common - Budget Request

Manager Grace has been serving on a newly formed impromptu committee to help develop a more robust concert series for Buchanan on Fridays, Saturdays, and Sundays, in addition to our traditional Buchanan Thursdays Local Concert Series. The committee has secured significant funding from various donors, as well as foundational support from the Michigan Gateway Foundation, with Gateway head Michael Rowland serving as the Chair of the committee. The Committee has a proposed concert calendar they would like to seek approval of, in addition to submitting a request for financial assistance towards the concert series. Manager Grace has proposed budgeting \$15,000 to support the Concert series this year, to get it off the ground and running and also to make up for other events that have been lost over the past year + due to Covid. The Concerts proposed have been developed with the aim of providing quality entertainment for Buchanan residents while also attracting visitors from outside Buchanan to help increase tourism in the area and promote shopping and dining downtown, especially in conjunction with the recently approved Social District. The proposed calendar and other details are attached.

No budget decision is required in this meeting, but approval of the calendar would be helpful to keep things moving.

Motion made by Commissioner Money, Seconded by Commissioner Downey to approve the slate of Buchanan Concerts at the Common. Roll call vote carried unanimously.

Voting Yea: Mayor Denison, Commissioner Downey, Commissioner Money, Commissioner Swem

Absent from the vote: Mayor Pro Tem Weedon (due to technical difficulties)

F. Community Development Director Rich Murphy

Murphy outlined future Economic Development Plans and corresponding budget requests:

• Economic Development Incentives	\$90,000	MF
• Downtown Blade Sign Program	\$2,000	MF
• Redevelopment Technical Assistance Fund	\$7,500	MF
• Buchanan Video Series	\$7,500	SF
• Marketing and Promo of ED Incentives	\$2,500	SF
• See the River Initiative	\$25,000	SF
• Splash Pad Due Diligence:	\$10,000	GF
• Andrew University Recommendations on N. Red Bud Trail	\$45,000	SF
• City Blight Task Force Redevelopment Fund	\$90,000	SF
• Immediate Mill Alley improvements	\$5,000	SF
• Nicest Place Signage on Rt. 12:	\$5,000	GF
• Buchanan Online Zoning Map Project	\$2,500	SF
• Buchanan Call for Public Art	\$2,500	SF
• Social District Implementation	\$4,500	SF

Funding Key

MF = Marihuana Revenue

SF = Stimulus Revenue

GF = General Revenue

No action was necessary on this item at this meeting.

G. General Budget Discussion

Manager Grace will share a PowerPoint presentation during the meeting and lead additional general budget discussions to help build consensus on high-level budgeting issues so that the Finance Department can input numbers into an updated spreadsheet that will go out with the packets for the June 14, 2021 meeting. Once those numbers are reviewed during the June 14th meeting, they will be noticed in the newspaper and official final adoption of the budget will occur during the June 28th City Commission meeting.

Motion made by Commissioner Swem, Seconded by Commissioner Money to allow Manager Grace place the policy issues from the general budget discussion on the June 14, 2021 City Commission Agenda. Roll call vote carried unanimously.

Voting Yea: Mayor Denison, Commissioner Downey, Commissioner Money, Commissioner Swem

Absent from the vote: Mayor Pro Tem Weedon (due to technical difficulties)

VI. **Public Comment - Non-Agenda Items Only** (3-minute limit)

Jack Brown - On behalf of Republic Services, urged the Commission to review and reconsider the decision made earlier to award the Waste & Recycling contract to Michiana Recycling and Disposal Company.

Fran Terry - Informed the Commission that the audio was extremely difficult to hear throughout much of the meeting. (Mayor Denison and Manager Grace apologized for the technical difficulties and assured that both technology upgrades and the return to in-person meetings are both on the way.)

VII. Adjourn

Motion made by Commissioner Swem, Seconded by Commissioner Money to adjourn the special meeting at 10:31 a.m. Roll call vote carried unanimously.

Voting Yea: Mayor Denison, Commissioner Downey, Commissioner Money, Commissioner Swem

Absent from Vote: Mayor Pro Tem Weedon (due to technical difficulties)

Barbara A. Pitcher, City Clerk

Mayor Sean Denison

MINUTES

I. Call to Order

Mayor Denison called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

II. Roll Call

PRESENT: Mayor Sean Denison, Mayor Pro Tem Mark Weedon, Commissioner Cameron Downey, Commissioner Larry Money, Commissioner Patrick Swem

ABSENT: None

STAFF: City Manager, Heather Grace; Police Chief, Tim Ganus; Community Development Director, Richard Murphy; Treasurer, Stephanie Powers; City Clerk, Barbara Pitcher; Interim Director of Public Works, Mike Baker; Wastewater Treatment Plant Supervisor; William Housand; Administrative Assistant, Alex Tobler

GUESTS: Don Ryman, Dale Toerne, Alan Robandt, Kim Moyer, Earl Scanlon, Brian Grice, Dan Vigansky, Michael Walpole, Rebecka Hoyt, Rick Panniagua, Joe Paolucci and others.

III. Approve Agenda

Motion made by Mayor Pro Tem Weedon, Seconded by Commissioner Money to amend the agenda by removing item II.C. - Ross Sanders. Roll call vote carried unanimously. Voting Yea: Mayor Denison, Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem

Motion made by Commissioner Swem, Seconded by Commissioner Downey to approve the agenda as amended. Roll call vote carried unanimously. Voting Yea: Mayor Denison, Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem

IV. Public Comment - Agenda Items Only (3-minute limit)

Don Ryman - Spoke regarding the Greater Niles Chamber of Commerce invoice

Alan Robandt - Suggested the striping project would be an opportunity to put utilities underground, plant trees, and get sidewalks re-done.

Dan Vigansky - Noted there is a 4-inch drop in one of the corners of the newly asphalted basketball court at Victory Park, spoke against any changes to the chicken ordinance, and asked why the City would extend a marijuana permit would be extended to a business that is still not up and running.

V. Consent Agenda (can be approved all in one motion, for general housekeeping items)

A. Approve Minutes

May 19, 2021 City Commission Special Meeting

May 24, 2021 City Commission Meeting

June 10, 2021 City Commission Special Meeting

B. Approve Expenditures

Approve Expenditures for June 14, 2021 in the amount of \$96,580.42. Items of note include:

50% down payment for the Victory Park basketball court resurfacing in the amount of \$4,625.00

BS&A in the amount of \$20,905 for the Data Conversion

C. Approve Banner Placement Form - Michiana Cruisers

Banner to promote car show at Centennial Park on July 11, 2021. Banner to hang on E. Front Street, July 5-12, 2021.

D. Delinquent Utility Billing

Authorize delinquent utility billings to be certified to the Summer 2021 Tax Roll.

Motion made by Commissioner Swem, Seconded by Commissioner Downey to approve the consent agenda. Roll call vote carried unanimously. Voting Yea: Mayor Denison, Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem

VI. **Scheduled Matters from the Floor** (if any)

A. Water Bill Dispute

Dave Wishart submitted a letter disputing unpaid water bills applied to his taxes. City Manager Grace explained the circumstances. The Commission discussed. Downey offered Berrien County has an eviction diversion program Wishart should look into. Other Commissioners expressed this is the cost of doing business and ultimately the responsibility of the property owner. No action taken.

B. Request to Amend Domestic Chicken Ordinance

Letter from John & Nicole Longmore requested amending the Domestic Chicken Ordinance to include domesticated ducks.

Motion made by Commissioner Swem, Seconded by Commissioner Money to make no amendment to the Domestic Chicken Ordinance. Roll call vote carried by majority.

Voting Yea: Mayor Denison, Mayor Pro Tem Weedon, Commissioner Money, Commissioner Swem

Voting Abstaining: Commissioner Downey

VII. **Reports by: Departments, Committees, Boards**

A. Septage Receiving & Treatment Briefing

Housand presented a change order for the Wastewater Treatment Plant to enable residential septage receiving. He states that costs could be recouped likely within a year and definitely less than two years.

Motion made by Commissioner Money, Seconded by Commissioner Downey to approve change order to enable septage receiving. Roll call vote carried unanimously.

Voting Yea: Mayor Denison, Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem

B. Zoning Board of Appeals

The Zoning Board of Appeals (ZBA) will hold a Public Hearing on Thursday, June 24, 2021 to address and appeal from the property owner at 419 W. Front Street. In preparation for that meeting, the Commission should review and consider board membership with the following in mind:

- The ZBA is a 4-member board serving 3-year terms, meeting only as necessary.

- According to the most recent board roster, all terms have expired and includes two City Commissioners; Denison and Money (Money was not a Commissioner when originally appointed to the ZBA), with Downey as alternate. Only one Commissioner should serve on the board, as per statute.
- As a result, new ZBA appointments/reappointments are needed. If current members are reappointed, with the exception of one commission, one vacancy will need to be filled. Two board applications have been received indicating interest in serving on the ZBA:
 - Julia Abbot
 - Dan Vigansky (He has also expressed interest in the Brownfield Redevelopment Authority and the Buchanan Area Recreation Board)

Larry Money resigned his position on the Zoning Board of Appeals.

Motion made by Mayor Pro Tem Weedon, Seconded by Commissioner Swem to appoint Dan Vigansky to a 3-year term on the Zoning Board of Appeals and reappoint all other ZBA members for 3-year terms commencing retroactively upon the expiration of their previous term.

Voting Yea: Mayor Denison, Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem

C. Buchanan Area Recreation Board - Board Appointments

At the June 9, 2021 meeting of the Buchanan Area Recreation Board (BARB), the members voted to recommend to the City Commission that Jennifer Popielski and Dan Vigansky be appointed to the Buchanan Area Recreation Board, which currently has two vacancies (though if BARB changes its Bylaws as was discussed during their meeting, three total vacancies are expected).

Motion made by Commissioner Downey, Seconded by Mayor Denison to appoint Jennifer Popielski and Dan Vigansky to the Buchanan Area Recreation Board Roll call vote carried unanimously.

Voting Yea: Mayor Denison, Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem

D. Planning Commission Board Recommendations

At the June 8, 2021 meeting of Buchanan Planning Commission, the members voted to recommend to the City Commission that it increase the membership of the Design Review Committee, a subcommittee of the Planning Commission, be increased from three (3) to five (5), and that Michael Rowland and Joseph Paolucci be appointed to those additional two (2) seats.

Motion made by Mayor Pro Tem Weedon, Seconded by Commissioner Swem the membership of the Design Review Committee, a subcommittee of the Planning Commission, be increased from three (3) to five (5) and that Michael Rowland and Joseph Paolucci be appointed to those additional two (2) seats. Roll call vote carried unanimously.

Voting Yea: Mayor Denison, Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem

E. Activity Briefing

Accept the May 28, 2021 Staff Activity Reports. No action necessary by the Commission.

VIII. Unfinished Business

A. Auger & Bit Bids

Postponed from a previous meeting in order seek additional bids, Interim Director of Public Services, Mike Baker presents the two bids received:

- Digga: 4DDS Drive - Backhoe Mount Hose Kit \$3,420.00; Auger-Tree Planting 36IN(450MM)-2.5IN Hex-Earth \$2,220.00; \$5,640.00 TOTAL
- MichiganCAT: Auger, A68, BHL, 45-50MM, Tree Bit Auger; \$6,246.40 TOTAL

Following considerable discussion, motion made by Commissioner Money, Seconded by Mayor Pro Tem Weedon to approve the purchase of the Auger from MichiganCAT in the amount of \$6,246.40.

Voting Yea: Mayor Denison, Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem

B. DDA Opinion Letter

Scott Dienes of Barnes & Thornburg LLP has provided a final opinion on the City of Buchanan Downtown Development Authority. No action by the Commission

C. Financial Support for the McCoy's Creek Trail Expansion

Consider a pledge of \$5,000 annually for two years to support the McCoy's Creek Trail Expansion project.

Motion made by Commissioner Swem, Seconded by Commissioner Money to commit \$5,000 annually for two years to support the McCoy's Creek Trail Expansion project. Roll call vote carried unanimously.

Voting Yea: Mayor Denison, Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem

IX. **New Business**

A. Berrien County City/Village Road Agreement - Painting

Motion made by Commissioner Money, Seconded by Mayor Pro Tem Weedon to approve the Berrien County City/Village Road Agreement for painting. Roll call vote carried unanimously.

Voting Yea: Mayor Denison, Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem

B. Red Bud Trail Restriping

The project would restripe Red Bud Trail from Richards Street to 3rd Street and includes one 8-foot parking lane, two 7-foot bike lanes, and two 11-foot driving lanes for a total width of 44 feet curb face to curb face from 3rd Street to Fulton Street; one 8-foot parking lane, two 5-foot bike lanes and two 11-foot driving lanes for a total width of 40 feet curb face to curb face from Fulton Street to Artic Street; two 5-foot bike lanes and two 11-foot driving lanes for a total width of 32 feet curb face to curb face from Artic Street to Richards Street. Also included in this estimate are pavement markings, traffic control and miscellaneous signage. Utility work (sewer, water, electric) is not included with the scope of this estimate.

TOTAL ESTIMATED PROJECT COST \$ 46,000.00

Motion made by Commissioner Downey, Seconded by Commissioner Swem to approve the restriping of Redbud Trail. Roll call vote carried unanimously.

Voting Yea: Mayor Denison, Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem

C. Item removed from agenda

D. Intergovernmental Agreement for Transit Service

The City Attorney has reviewed and approved a draft contract between the City of Buchanan and the City of Niles whereby the City of Niles would take over operation of our transit system from the County in exchange for payment of the transit millage amount. MDOT and the County both want to see this partnership occur, and our local transit committee is also in favor of the transaction, as it will have at least the same service levels as we currently have, and possibly even better service, for the same price we are paying now.

Motion made by Commissioner Money, Seconded by Mayor Denison to approve the Intergovernmental Agreement for Transit Service. Roll call vote carried unanimously.

Voting Yea: Mayor Denison, Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem

E. Marihuana Permit Renewals

The City has compiled the submissions we have received from Walpole Limited Craft Market, 303 Carrol St.; and Michicanna Pharm, 302 Post Rd., regarding their annual permit renewals.

1. Walpole Limited Craft Market, 303 Carrol St., One Microbusiness Permit
2. Michicanna Pharm LLC, 302 Post Rd., One Medical Grower Class B Permit, One Medical Process Permit

The Community Development Director has reviewed each application and the accompanying documentation including any updates to the applicant's original application and all documentation is in proper order. The required background checks are currently being performed by Buchanan Police Department. All permit fees have been collected. All Buchanan City Department Heads have signed off with their approval and all background checks came back satisfactorily per Buchanan Police Department. Approval of the above permit renewals are recommended.

Motion made by Mayor Denison, Seconded by Commissioner Downey to approve permit renewals for

1. ***Walpole Limited Craft Market, 303 Carrol St., One Microbusiness Permit***
2. ***Michicanna Pharm LLC, 302 Post Rd., One Medical Grower Class B Permit, One Medical Process Permit***

Roll call vote carried unanimously.

Voting Yea: Mayor Denison, Commissioner Downey, Commissioner Money, Commissioner Swem
Voting Abstaining: Mayor Pro Tem Weedon due to a conflict of interest arising from his employment in the cannabis industry.

F. Police Union Proposed Contract

Substantially similar to previous contract, with the following changes: 3% annual wage increases, addition of Veteran's Day as a holiday, boot allowance (up to \$200 reimbursement) annually instead of bi-annually. End language to allow field training officers to receive an additional \$2.00 per hour for time spent providing trainings (which saves on overall training expenses due to decreased travel, etc.)

Motion made by Commissioner Money, Seconded by Commissioner Downey to approve the Police Union Contract. Roll call vote carried unanimously.

Voting Yea: Mayor Denison, Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem

G. Greater Niles Chamber of Commerce - 2021-2022 Membership Invoice

Jeff Rea, President & CEO of the Greater Niles Chamber of Commerce is unable to attend the meeting due to a prior commitment, but prepared a letter to the Commission outlining some of the work the GNOC has done to benefit the community. No action by the Commission.

H. Schedule Public Hearing for Budget

Schedule a public hearing for 7:00 p.m. on Monday, June 28, 2021 immediately preceding the regular City Commission meeting.

Motion made by Mayor Pro Tem Weedon, Seconded by Commissioner Swem to schedule a public hearing for 7:00 p.m. on Monday, June 28, 2021 immediately preceding the regular City Commission meeting. Roll call vote carried unanimously.

Voting Yea: Mayor Denison, Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem

X. **Communications** *(informational only, formal board action is not necessary for these items, unless so desired)*

A. Return to In-Person Meetings

In response to ongoing restrictions placed into effect by state agencies due to COVID-19, the Berrien County Board of Commissioners' enacted a State of Emergency on March 25, 2021 for the purpose of allowing continued virtual meetings and to be compliant with the Open Meetings Act. In declaring the State of Emergency, all public bodies in Berrien County could maintain continuity of government. The State of Emergency is set to expire June 30, 2021.

B. Foreclosed Property Auction

The Berrien County 2021 tax foreclosed auction will be held Tuesday, August 24, 2021 - online only. It will be conducted by Title Check, via their website at www.tax-sale.info.

C. Server Update

City Manager Grace offered up various options for new servers recommended by Custom Computer Company.

Motion made by Commissioner Swem, Seconded by Mayor Pro Tem Weedon to purchase a Microsoft server for \$14,999. Roll call vote carried unanimously.

Voting Yea: Mayor Denison, Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem

XI. **Public Comment - Non-Agenda Items Only** *(3-minute limit)*

Brian Grice - Works for Republic and questioned the City's decision to change waste contracts and asked why it was not made in a public meeting.

Rebecka Hoyt - Noted the 7th edition of the Buchanan Chronicle is published. Asked that people please reach out with story ideas and information on Buchanan sport team returns and parades.

Dan Viagansky - Questioned the value of the Buchanan Chamber of Commerce and stated it should not be merged with the City.

Don Ryman - Niles is trying to do away with a separate Buchanan. Now we've made a deal with Dial-a-Ride.

Fran Terry - Takes offense that one finds value in the Chamber. The Chamber has been working with the City on the Social District - doing it quietly - but working for the betterment of Buchanan.

XII. Executive Comments

- A. City Manager Comments - June 23 is the local Chamber Awards ceremony at the Common with local dignitaries to be present. As of late, there has been some overuse of the Common work is underway to better organize the scheduling process. More information will be coming regarding a potential live broadcast at the Common of Hannah Roberts' Olympic debut.
- B. Commissioner Comments
- Commissioner Swem - Spoke in support of the Buchanan Chamber, stated he was pleased with movements on boards, and would still like to see seasonalized budgets.
 - Commissioner Downey - No comment.
 - Mayor Pro Tem Weedon - No comment.
 - Commissioner Money - Agreed with Swem regarding budgetary items.
- C. Mayor Comments - Clarified that he meant no offense to the Buchanan Chamber in his prior comments. Reminded everyone that Concerts at the Common has a great lineup of shows. Stated Redbud Hardware looks great and commended the Dippos on their hard work. Remarked that the Farmer's Market was busy on Saturday. Commended the Police Department and the Chamber on a successful Bike Rodeo. Clarified that the Waste Bid decision was made in a public meeting.

XIII. Adjourn

Motion made by Commissioner Swem, Seconded by Mayor Pro Tem Weedon to adjourn the meeting at 9:29 p.m. Roll call vote carried unanimously.

Voting Yea: Mayor Denison, Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem

Barbara A. Pitcher, City Clerk

Mayor Sean Denison

MINUTES**I. PUBLIC HEARING - PROPOSED FY 2021-2022 BUDGET FOR THE CITY OF BUCHANAN****Call to Order****II. Roll Call****III. Public Comment - Regarding Proposed Budget Only (3-minute limit)****IV. Adjourn Public Hearing****V. REGULAR MEETING****Call to Order****VI. Roll Call****VII. Approve Agenda****VIII. Public Comment - Agenda Items Only (3-minute limit)**

Dan Vigansky - Suggested the Commission respect a Wednesday deadline for additions to the agenda. Spoke in regard to expenditures and budget questioning why an auger purchase was necessary when the Buchanan Tree Friends planted multiple trees in the Dog Park, spoke against another holiday for the Police Department, the decision to re-sod Veterans Circle, and the subsequent lawnmower purchase.

IX. Scheduled Matters from the Floor (if any)**X. Consent Agenda (can be approved all in one motion, for general housekeeping items)****A. Approve Minutes of June 14, 2021 Regular Meeting****B. Approve Expenditures for June 28, 2021 in the amount of \$188,289.46**

Payments of note:

The remaining balance for Victory Park basketball court resurfacing in the amount of \$4,625.00

Progress payment to Davis Construction in the amount of \$978,192.18

Custom Computer Company for \$29,325.50 which includes a retainer fee of approximately \$3,800 with the remainder consisting of capital expenses (new computer equipment for City Hall) and licensing fees they paid on our behalf

Dial-a-Ride monthly fuel charges for March and April in the amount of \$29,986.35

Quarterly Worker's Comp payment of \$9,648.00

C. Staff Activity Briefing for June 23, 2021**D. Banner Placement - Michiana Cruisers Car Show**

Banner placement request submitted by Gary Shindeldecker on behalf of the Michiana Cruisers Car Club. As all proceeds are donated to the nonprofit group R/Vets, he is asking the fee be waived, which has been customary. Waive fee and approve banner placement on East Front Street from July 5-12, 2021 to promote the Michiana Cruisers Car Show being held at Centennial Park, July 11, 2021.

E. Friends of McCoy's Creek Trail Committee - Regular Meeting Permanent Schedule Change

Ratify a permanent change to the published regular meeting schedule for the Friends of McCoy's Creek Trail Committee from the second Thursday of each month at 9:00 a.m. to the third Thursday of even months at 7:00 p.m., beginning August 19, 2021.

F. Approve Updated Banner Placement Request Form & Policy

Currently, the City has two different banner placement forms; one for the large, horizontal style banners that hang across Redbud or Front, usually promoting an event, and one for the small, vertical banners that hang from the lamp posts, such as the athletic or veterans banners. Given a lack of adherence to process and increasing demand and diversity in the use of the small vertical banners, the two banner request forms have been consolidated into one with clearer instructions and policy for both City Staff and the public, and no pricing change.

XI. Reports by: Departments, Committees, Boards

A. Third Street Emergency Repairs

The recent rain events caused a storm sewer collapse on Third Street near Redbud Trail, which requires emergency repair. We are requesting authorization of a "not to exceed" amount of \$108,000 total [cheapest estimate thus far is for ~ \$90,000 from Selge to repair the storm sewer and ~ \$18,000 for Affordable Asphalt to repair the street after the repair]. Baker and Grace working to get additional quotes, but since it is an emergency repair, action is necessary by this Wednesday at the latest, with hopes of having the repair done within two weeks.

Considerable discussion regarding the feasibility of holding off on repairs, using a "band-aid" approach, or doing all work planned for that section in 2023 in order to avoid or minimize re-work.

Motion made by Commissioner Downey, Seconded by Mayor Pro Tem Weedon to authorize City Manager Grace to proceed with appropriate repairs not to exceed \$108,000. Roll call vote carried unanimously.

Voting Yea: Mayor Denison, Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem

B. River Front Drive Emergency Repairs

The recent rain events also caused extreme erosion on River Front Drive (the road to the boat launch), which requires emergency repair. We are requesting authorization of a "not to exceed" amount of \$42,600 [cheapest estimate thus far from Affordable Asphalt]. Similar to the Third Street repair, as we are considering it an emergency repair, Mike and I will continue working to get additional quotes, but plan to take action by this Wednesday at the latest, with hopes of having the repair done within two weeks.

No action by Commission given the City Manager has authorization for emergency repairs of this magnitude.

XII. Unfinished Business

A. Adopt Resolution 2021.06/229

Consider a resolution to adopt a budget for the City of Buchanan for FY 2021-2022.

Adopt Resolution 2021.06/230

Consider a resolution to adopt the proposed budget amendments for FY 2020/2021, as presented in detail in the corresponding Excel Spreadsheets.

Motion made by Mayor Pro Tem Weedon, Seconded by Mayor Denison to adopt a budget for the City of Buchanan for FY 2021-2022. Roll call vote carried by majority.

***Voting Yea: Mayor Denison, Mayor Pro Tem Weedon, Commissioner Money, Commissioner Swem
Voting Nay: Commissioner Downey***

Motion made by Mayor Pro Tem Weedon, Seconded by Mayor Denison To adopt the proposed budget amendments for FY 2020/2021, as presented in detail in the corresponding Excel Spreadsheets. Roll call vote carried unanimously.

B. Adopt Resolution 2021.06/231

Consider a resolution to adopt 80%/20% employer/employee health care cost option as set forth in the 2011 Public Act 152, the Publicly Funded Health Insurance Contribution Act.

Motion made by Mayor Pro Tem Weedon, Seconded by Commissioner Money to adopt 80%/20% employer/employee health care cost option as set forth in the 2011 Public Act 152, the Publicly Funded Health Insurance Contribution Act. Roll call vote carried unanimously.

C. Dial-A-Ride Update

As per MDOT, minor updates are required to the previously approved Dial-A-Ride agreement between the City of Buchanan and the City of Niles before it can be submitted to Niles for review. The updates make clear that MDOT is a secured party on the buses. Niles has also requested some additional minor changes, none of which substantively change the agreement, and instead only make the schedules and fare setting mechanisms more clear, as well as clarify that Niles is not assuming any legal liability for any prior acts of the services that occurred before they take over.

Motion made by Commissioner Swem, Seconded by Commissioner Downey to approve the changes to the Dial-A-Ride contract. Roll call vote carried unanimously.

XIII. New Business

A. MML Liability and Property Pool Insurance Policy Renewal

Consider renewal of the city's MML Liability and Property Pool Insurance Policy. The renewal premium for 2021-22 is \$98,569. The City will be receiving a dividend again this year in the amount of \$6,446. reducing the "net premium" to \$92,123. The dividend checks are sent out after the premium is received by MML.

Motion made by Mayor Pro Tem Weedon, Seconded by Commissioner Money to approve renewal of the city's MML Liability and Property Pool Insurance Policy. Roll call vote carried unanimously.

- B. Letter of Agreement - National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Program

Motion made by Mayor Pro Tem Weedon, Seconded by Commissioner Money to approve the Letter of Agreement - National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Program. Roll call vote carried unanimously.

- C. Proposed AFSCME Union Agreement

Motion made by Commissioner Downey, Seconded by Commissioner Swem to approve the AFSCME Union Agreement as proposed. Roll call vote carried unanimously.

- D. Authorize New/Expanded Programs

As discussed during prior budget discussions in previous special meetings, and as presented in the 2021/2022 FY Budget, Manager Grace requests express permission to implement and/or expand the following programs, in order to implement the budget as presented (which may either be voted on all at once or individually):

Implement Rental Inspection Program

Add new positions in key areas

Restructure some departments and pay structures

Community Development budget requests for:

All economic development incentives \$90,000 MF

Downtown Blade Sign Program \$2,000 MF

Redevelopment Technical Assistance Fund \$7,500 MF

Buchanan Video Series \$7,500 SF

Marketing and Promo of ED Incentives \$2,500 SF

See the River Initiative \$25,000 SF

Splash Pad Due Diligence \$10,000 GF

Andrew University recommendations on N. Red Bud Trail \$45,000 SF

City Blight Task Force Redevelopment Fund \$90,000 SF

Immediate Mill Alley improvements \$5,000 SF

Funding Key MF = Marihuana Revenue SF = Stimulus Revenue GF = General Revenue

Motion made by Commissioner Downey, Seconded by Commissioner Swem to authorize new/expanded programs as listed. Roll call vote carried unanimously.

E. Authorize City Manager to Create New Employment Contracts for Select Personnel

As discussed during prior budget discussions in previous special meetings, and as presented in the 2021/2022 FY Budget, Manager Grace requests express permission to create new employment contracts for select personnel, in order to implement the budget as presented (which may either be voted on all at once or individually):

Transition the City Clerk position to a Non-Comp-time position by paying out current comp time and transitioning to a salaried contract position with a yearly salary of \$51,000.

Transition the City Treasurer position to a Non-Comp-time position by paying out current comp time and transitioning to a salaried contract position with a yearly salary of \$51,000.

Transition the City Building Inspector to an expanded role with a contract for increased part-time hours.

Transition the City Police Chief to the new role of Public Safety Director, which will be a contract position and include a 5% increase in salary, as the new role will include additional duties, to include coordination of efforts and training programs between the Police Department and Fire Department, as well as serving as the main point of contact for all Public Safety related issues, especially when emergency management needs arise.

NOTE—If the City Commission votes to authorize the creation of these contracts, each individual contract will be presented for full review prior to final approval during the next City Commission meeting.

Motion made by Commissioner Swem, Seconded by Commissioner Downey to authorize City Manager to create new employment contracts for select personnel. Roll call vote carried unanimously.

XIV. **Communications** *(informational only, formal board action is not necessary for these items, unless so desired)*

XV. **Public Comment - Non-Agenda Items Only** *(3-minute limit)*

Dan Vigansky - Thanked Grace and Murphy for what they are trying to do. Expressed a desire to be on the Landfill Board. Suggested the Treasurer, as second in command, take on the responsibility to serve on various boards instead of the City Manager.

XVI. **Executive Comments**

A. City Manager Comments -

Thanked the Cemetery and DPW staff for their work on storm cleanup and offered condolences to property owners who had damage. Announced some event changes; movie to be rescheduled to July 19 and Carol King Tribute to be scheduled for later in July. PD will be working to assist Redbud with staging and event.

B. Commissioner Comments -

Swem - Offered condolences to Dale Toerne on the passing of his wife Sheila. Wished everyone a safe and happy 4th of July.

Money - Offered condolences to Dale Toerne. Congratulated the Buchanan Women's Softball team for progressing to the State finals, as well as the Men's Baseball team. Buchanan is a great sporting community. Thanked the Commissioners and City Manager for bringing things forward and creating greater transparency. Stated he's heard lots of complaints about the big flag. The

Buchanan American Legion and the Masonic Lodge are getting a new one which should be up by the 4th of July.

Weedon - Offered condolences o Dale Toerne.

Downey - Read a letter from Josie Scoggins regarding water service fees and suggest a different fee structure for lower-income families.

C. Mayor Comments -

As Commissioners, we inherit things we don't necessarily agree with. Bond program required raising fees on a regular schedule. The baseball and softball teams had a great season and the future looks bright. Mentioned a banner that is blocking views and is a safety hazard. Offered condolences to Dale Toerne. Sheila gave an unbelievable amount of volunteer time. Ended by saying the amount of transparency and clarity is refreshing.

XVII. Adjourn

Barbara A. Pitcher, City Clerk

Mayor Sean Denison

REGULAR MEETING OF THE BUCHANAN CITY COMMISSION
MONDAY, JULY 12, 2021 – 7:00 PM
BUCHANAN CITY HALL CHAMBER - 302 N. REDBUD TRAIL, BUCHANAN MI

MINUTES

I. Call to Order

Mayor Denison called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

II. Roll Call

PRESENT: Mayor Sean Denison, Mayor Pro Tem Mark Weedon, Commissioner Cameron Downey, Commissioner Larry Money, Commissioner Patrick Swem

ABSENT: None

STAFF: City Manager, Heather Grace; City Clerk, Barbara Pitcher; Treasurer, Stephanie Powers; Chief of Police, Tim Ganus; Interim Director of Public Works, Mike Baker

GUESTS: Approximately 16 individuals including Don Ryman, Dan Vigansky, Penny Slocum, Fran Terry, Ralph McDonald, Norma Ferris, Rebecka Hoyt, Dale Toerne, Joe Paolucci, Alan Robandt

III. Approve Agenda

Amendments to the agenda to remove New Business Item XI. A. Special Use Permit presented by Attorney Sam Kilburg representing Zen Leaf; add New Business item XI. C. Set Date for Special Meetings Regarding DPW Building; and add New Business Item XI. D. Requests regarding Hannan Roberts Olympic Debut Special Broadcast Event at The Common.

Motion made by Commissioner Downey, Seconded by Commissioner Money to accept the agenda as amended. Roll call vote carried unanimously.

Voting Yea: Mayor Denison, Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem

IV. Public Comment - Agenda Items Only *(3-minute limit)*

Alan Robandt - Spoke regarding the Social District and asked why it was truncated. In regards to Joe Paolucci's request to release attorney letter, Robandt accused the prior City Manager and Mayor of corruption, lies and creating false documents to cover the lies and stated if there is nothing hide, there is no reason the letter should not be made public.

Norma Ferris - The Dial-A-Ride Board has not heard from the City regarding the contract with the City of Niles.

V. Consent Agenda *(can be approved all in one motion, for general housekeeping items)*

A. Approve Minutes of the June 28, 2021 Regular Meeting

B. Approve expenditures for July 12, 2021 in the amount of is \$67,469.88.

Items of note:

- 4-Ton Hot Box out of the Capital Projects; \$27,512.77
- The Barton Group retainer fee; \$3,000
- Affordable Asphalt Paving for asphalt patching; \$3,000

C. Banner Placement Request Form

Approve Banner Placement Request Form for Larry Money on behalf of the American Legion for their Annual Benefit Ride. Banner to be placed from August 16-23, 2021.

Motion made by Commissioner Swem, Seconded by Mayor Pro Tem Weedon to approve consent agenda as presented. Roll call vote carried unanimously.

Voting Yea: Mayor Denison, Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem

VI. **Scheduled Matters from the Floor** *(if any)*

A. Joe Paolucci - Public Release of City Attorney Randy Hyrns' 2019 Letter Regarding DDA Law

Paolucci discussed his involvement with the DDA and his account of disagreements between the City and the DDA; opinion letters of City attorney, DDA attorney, and a third-party attorney which he states were all lies with the exception of the DDA attorney opinion letter. Has requested the Randy Hyrns attorney opinion letter which was presented to the City Commission in closed session on September 23, 2019 should be released to the public.

Downey stated the opinion letter was revised, there were two letters released to the ad hoc committee and they were lies, and that the letters need to be released.

Swem stated he sees no reason not to release the letter. Money was in agreement.

Denison stated that, regardless of the content, the letter should not be released. He read from Michigan Municipal League publication regarding the law pertaining to closed sessions. We are not above the law. We need to think about not only this commission but future commissions and should not set this precedent.

Paolucci interrupted stating it was a policy issue, not a legal issue, so there should not have been a closed session.

Denison continued, the information is irrelevant. The issue is whether we are going to release closed session materials.

Weedon agreed that this would be setting a precedent that would provide an opportunity to strong-arm the commission in the future. He asked fellow commissioners and public to consider a situation where a family member who was employed by the City had an employment matter that, as permitted by law, was discussed in closed session - how would they feel if that information was released to the public?

Denison reiterated this has nothing to do with the content of the letter and everything to do with the law.

Motion made by Commissioner Downey, Seconded by Commissioner Swem to release City Attorney Randy Hyrns' 2019 letter regarding DDA law. Roll Call vote failed.

Voting Yea: Commissioner Downey, Commissioner Swem

Voting Nay: Mayor Denison, Mayor Pro Tem Weedon, Commissioner Money

VII. **Reports by: Departments, Committees, Boards**

A. Treasurer's Report

City Treasurer, Stephanie Powers reviewed some of the items of note on current expenditures.

VIII. Unfinished Business

A. AFSCME Union Contract Correction

The City Manager explained the error that dates were included on the submitted table, how it occurred, and how it could be misinterpreted. The submitted budget was correct, but the Commission may approve the update the table to omit the dates so the table would be more clear.

Motion made by Commissioner Swem, Seconded by Commissioner Downey to accept the correction to the AFSCME contract as presented by City Manager Grace. Roll call vote carried unanimously.

Voting Yea: Mayor Denison, Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem

IX. New Business

A. Special Use Permit presented by Attorney Sam Kilberg representing Zen Leaf

Item removed from agenda.

B. Social District Application

The State of Michigan recently approved the Buchanan Social District. The next step is that our city licensees must submit an application to opt into the Social District. The Social District law requires the City Commission approve a motion to recommend approval of the licensee's application to the Michigan Liquor Control Commission. The State has confirmed that the Licensee, Maize N Brew Ltd. DBA B&W Village Inn of Buchanan, Michigan has submitted his application to opt into the Buchanan Social District.

Consider recommendation by the Buchanan City Commission of Social District application from Licensee, Maize N Brew Ltd. DBA B&W Village Inn of Buchanan, Michigan for approval by the Michigan Liquor Control Commission.

Motion made by Commissioner Swem, Seconded by Commissioner Downey to submit a recommendation by the Buchanan City Commission of Social District application from Licensee, Maize N Brew Ltd. DBA B&W Village Inn of Buchanan, Michigan for approval by the Michigan Liquor Control Commission. Roll call vote carried unanimously.

Voting Yea: Mayor Denison, Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem

C. Set Date for Special Meetings Regarding DPW Building

City Manager Grace indicated seven (7) bids were received for feasibility, design, and engineering of a new DPW building. Consider setting a date for a special meeting to conduct an initial review of submissions and a second meeting to conduct formal interviews.

The Commission will hold a special meeting on Wednesday, July 20 at 6:00 p.m. in the Chamber of City Hall to conduct initial review of submissions. No date was set to conduct formal interviews.

D. Request Regarding Hannah Roberts' Olympic Debut Special Broadcast at The Common

Consider request to hold the event at the Common on July 31, 2021, from 9:00 p.m. to approximately 12:15 a.m., including a special waiver of the City's noise ordinance (Sec. 38-29) which generally prohibits amplified sound later than 11:00 p.m., pay broadcast fees of \$935, and approve a future banner request to hang the related banner, if able to be produced in time.

Motion made by Commissioner Money, Seconded by Mayor Pro Tem Weedon approve the event at the Common on July 31, 2021, from 9:00 p.m. to approximately 12:15 a.m., including a special waiver of the City's noise ordinance (Sec. 38-29) which generally prohibits amplified sound later than 11:00 p.m., pay broadcast fees of \$935, and approve a future banner request to hang the related banner, if able to be produced in time. Roll call vote carried unanimously. Voting Yea: Mayor Denison, Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem

X. Communications *(informational only, formal board action is not necessary for these items, unless so desired)*

A. Michigan Municipal League Annual Convention & Annual Meeting

The MML Annual Convention will be held in Grand Rapids, September 22-24, 2021. The League's Annual Meeting is scheduled during the convention. Pursuant to the provisions of the League Bylaws, the City is requested to designate by action of the Commission one official who will be in attendance at the Convention as the City's official representative to cast the vote of the City at the Annual Meeting, and, if possible, to designate one other official to serve as alternate. Details included in the packet and at <http://mml.org/delegate/>

Commissioner Weedon commented that MML meetings have been informative and valuable networking opportunities for him in the past and volunteered to be the City's delegate. Commissioner Money will be the alternate.

XI. Public Comment - Non-Agenda Items Only *(3-minute limit)*

Dan Vigansky - Would like City Hall to make a public statement about the dissolution of the DDA. We need to learn from our history so we can move forward.

Dan Benak - Spoke regarding the Social District application process and his concerns.

Penny Slocum - Asked the City to consider irrigation for planters at the Common or access to the hose so people don't need to pull buckets of water out of the creek. She also noted the vegetation between the creek and the wrought iron fence along Days Avenue needs to be cleaned up. (Mike Baker indicated the jail crew currently working in the City is moving in that direction.)

Rebecka Hoyt - The Buchanan Chronicle is adding a public page and comic strip to its site. They will be at the Farmer's Market.

Fran Terry - Spoke regarding the Social District, clarified some discrepancies, stated there were some errors in the contract and map. Stated the City cannot reimburse for licenses.

XII. Executive Comments

A. City Manager Comments

Speaking to the discussion and concerns about the Social District, the City is getting similar confusion from the State and hopes to have clarification soon. Many events are coming up at the Common and other locations throughout the City. Spoke to Norma Ferris' concern regarding Dial-A-Ride; the City met with the local board in February to review the contract and that is what has been moving forward. Thanked everyone for their passion and encouragement.

B. Commissioner Comments

Money - It is great to get back into this forum and see people in person. Thanked everyone for their participation. On behalf of the American Legion and Auxillary, thanked the DPW and Cemetery crews for their help in hanging the new veteran banners. Due to the tremendous response, the Legion is working on a third set.

Commissioners, Downey, Swem and Weedon had no comments.

C. Mayor Comments

The Dial-A-Ride contract ensures the same fares and services. Thanked everyone for attending, adding it is so good to be back in this room. Wished Hannah Roberts good luck; she carries herself with grace and humility, unlike some other athletes. Recognized Ashley Hanson for her work to make the Buchanan Farmers Market a success; she is always adding vendors and amazing attractions. Recognized the organizers of the Avery Brown Classic; the event was well-organized and attended. Congratulations to Redbud for another successful event. Stated he has no shame or embarrassment for his decision to dissolve the DDA. He is proud of the direction the City is going and believes that the creation of the Economic Development position has had more of an impact in the past 6 months than the DDA did in the last 6 years. Noted that the Social District Map is able to be adjusted.

XIII. **Adjourn**

Being no further business, motion made by Commissioner Downey, Seconded by Commissioner Money to adjourn the meeting at 8:16 p.m. Roll call vote carried unanimously.

Voting Yea: Mayor Denison, Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem

Barbara A. Pitcher, City Clerk

Mayor Sean Denison

MINUTES**I. Call to Order**

Mayor Denison called the meeting to order at 6:00 p.m. There was not a quorum of the Planning Commission, therefore this meeting was a special meeting of the City Commission only.

II. Roll Call

PRESENT Mayor Sean Denison, Mayor Pro Tem Mark Weedon, Commissioner Cameron Downey, Commissioner Larry Money, Commissioner Patrick Swem

ABSENT None

STAFF City Manager, Heather Grace; City Clerk, Barbara Pitcher; Community Development Director, Rich Murphy; Interim Director of Public Works, Mike Baker

GUESTS Planning Commissioners Donna Monell and Ralph McDonald; Amelia Lietzau and Gary Barton from the Barton Group

III. Public Comment - Agenda Items Only (3-minute limit)

None

IV. New Business**A. Initial Review of Submissions for DPW Building Feasibility, Design & Engineering**

City Manager Grace provided an overview of the bid process and proposals submitted. Amelia Lietzau and Gary Barton discussed the evaluation and interview process. The Commission discussed their initial reviews and rankings of submissions.

Motion made by Mayor Denison, Seconded by Commissioner Swem to set up interviews with Berman, Abonmarche, and Wightman. Roll call vote carried unanimously.

Voting Yea: Mayor Denison, Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem

B. Storm Water Issues on Third & Redbud

City Manager Grace stated she is still awaiting additional quotes. No action is necessary at this time.

C. Buchanan Area Recreation Board (B.A.R.B.) Requests

The Buchanan Area Recreation Board is looking to update its 5-Year Recreation Plan, so the Board is hoping to solicit support from both the City Commission and the Planning Commission, as well as the public at large, in this effort. The Commission and public are invited to read through the City's present 5-year plan and submit recommended changes. Paper copies were provided to those present and electronic copies are available on the City's website. Comments can either be dropped off at City Hall or emailed to buchanan.city.hall@gmail.com.

D. Schedule Special Meeting week of July 26 to Interview DPW Building Bidders

A special meeting of the Joint City Commission and Planning Commission is to be scheduled for Tuesday, July 27, 2021, at 5:00 p.m. in the Chamber of Buchanan City Hall to conduct interviews of the top three proposals; Bergman, Abonmarche, and Wightman.

V. **Public Comment - Non-Agenda Items Only** *(3-minute limit)*

None

VI. **Adjourn**

Motion made by Mayor Pro Tem Weedon, Seconded by Commissioner Money to adjourn the meeting at 6:43 p.m. Roll call vote carried unanimously.

Voting Yea: Mayor Denison, Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem

Barbara A. Pitcher, City Clerk

Mayor Sean Denison

CITY COMMISSION MEETING
MONDAY, JULY 26, 2021 – 7:00 PM

BUCHANAN CITY HALL CHAMBER, 302 N REDBUD TRAIL, BUCHANAN MI

MINUTES

I. Call to Order

Mayor Pro Tem Weedon called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

II. Roll Call

PRESENT Mayor Pro Tem Mark Weedon, Commissioner Cameron Downey, Commissioner Larry Money, Commissioner Patrick Swem

ABSENT Mayor Sean Denison

STAFF City Manager, Heather Grace; City Clerk, Barbara Pitcher; Treasurer, Stephanie Powers; Interim Director of Public Works, Mike Baker; Police Chief, Tim Ganus

GUESTS Karin Falkenstein, Debra Haight, Anne Tuite, Richard Martin, Fran Terry, Rebecka Hoyt, Norma Ferris, Ralph McDonald, Dale Toerne, Megan Weedon, Steve Bornell, Kim Moyer and 3 others

III. Approve Agenda

Amend agenda to remove item X.

Motion made by Commissioner Swem, Seconded by Commissioner Money to accept the agenda as amended. Roll call vote carried unanimously.

Voting Yea: Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem

IV. Public Comment - Agenda Items Only (3-minute limit)

Doyle Vergon, 114 Lake - Spoke regarding City trees causing damage in a recent storm and provided photos of said damage. Believes the City should be responsible for maintaining the trees and the damage.

V. Consent Agenda (can be approved all in one motion, for general housekeeping items)

A. Approve Meeting Minutes

July 12, 2021, Regular Meeting; July 20, 2021, Special Meeting

B. Approve Expenditures for July 26, 2021, in the amount of \$487,371.00

Includes Summer Tax Distribution checks in the amount of \$387,751.67 (Lake Michigan College \$19,938.35, Berrien County Treasurer \$94,752.73, Berrien Resa \$20,837.62, Dial-A-Ride \$8,733.54, Buchanan Schools \$76,023.74 and City of Buchanan \$167,465.69). Other payment of note: Custom Computer Company for \$26,899.00.

C. Accept Staff Activity Reports - Period Ending July 7, 2021

D. Accept Staff Activity Report - Period Ending July 21, 2021

Motion made by Commissioner Money, Seconded by Commissioner Downey to accept the consent agenda as presented. Roll call vote carried unanimously.

Voting Yea: Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem

VI. Scheduled Matters from the Floor *(if any)*

None.

VII. Reports by: Departments, Committees, Boards

A. Community Development Department Report

Social District Update - Community Development Director Rich Murphy provided a written update related to the City's pending Social District, including recent verification from the Michigan State Liquor Control Commission that the City can reimburse applications for their application fees.

The Buchanan Social District as created by the City Commission was approved by the State of Michigan. Our first applicant, B & W Old Village Inn has applied to opt into the Buchanan Social District. After several meetings and calls with the other two downtown Buchanan licensees, we believe that one licensee will move forward to apply very soon. We are having ongoing discussions with the licensees to encourage them to opt into the Social District. As discussed with you throughout the process, once the licensee applicants applied and were approved to opt into the Social District, I intended to ask the Commission to reimburse them for the application fees of \$250 and \$70. LARA has confirmed to me that there is nothing that prohibits us from doing this. Once we have two licensees that have opted in the Buchanan Social District, I will ask the Commission to fund the nominal cost of going live as a Social District which includes the first round of cups, signage, and waste receptacles.

Developer's Toolkit Update - Director Murphy provided an update regarding the progress of his work to finalize the underlying paperwork necessary to implement the City's plans for new "Developer's Toolkit" programs, such as façade grants, etc.

As we speak, I am writing the economic development incentive programs that I have presented to you in concept. I am writing them in real-time while I have discussions with real investors who are interested in investment opportunities in Buchanan. The goal is to make every dollar leveraged by investors into Buchanan have the biggest bang for the buck. The next steps are to have the proposed programs be reviewed by legal and then be presented to the City Commission for their consideration, feedback, and approval. After that, the programs will hit the market and be available to engage the investment community to choose Buchanan.

B. Planning Commission Report

Director Murphy provided a written report on the Planning Commission's recent approval of the Special Use Permit for Zen Leaf, as well as provide a progress report that this issue will be placed on a future agenda after we receive the updated marijuana permit application from Zen's attorney. Consequently, no action is required from the City Commission at this point.

It is my understanding and I have asked the city attorney to clarify that a Special Use Permit for Adult Use Marijuana Retailer only needs Plan Commission approval and does not need City Commission approval. Example, on July 12, 2021, Zen Leaf petitioned for and received approval from Plan Commission for a Special Use Permit for an expansion of their existing adult-use marijuana retail business at 259 E. Front St. to expand to the adjacent building at 257 E. Front St.

It is my understanding and I have asked the city attorney to clarify that the Zen Leaf expansion may require their existing permit to be amended to allow them to expand to the adjacent address. An Adult Use Marijuana Retail Permit (or an amendment thereof to allow the existing Zen Leaf

Adult-Use Retail Permit to include the expansion of the existing store to 257 E. Front St.) needs to be approved by a majority of the City Commission.

C. Landfill Board Report

Consider Appointment of City Manager Heather Grace to the Southeast Berrien County Landfill Board - Landfill Board Member & Commissioner Patrick Swem reports that the Landfill Board has voted to recommend that the City of Buchanan appoint City Manager Heather Grace to serve as the City's second member on the Landfill Board.

Downey expressed concern that City Manager Grace is spread too thin. City Manager Grace responded that she currently serves in some capacity on approximately 21 boards and her roles on those boards can be reevaluated.

Motion made by Commissioner Swem, Seconded by Commissioner Money to appoint City Manager Grace to represent the City of Buchanan on the Southeast Berrien County Landfill Board. Roll call vote carried unanimously.

Voting Yea: Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem

D. Buchanan Area Fine Arts Council

At their regular meeting on July 8, 2021, the Buchanan Area Fine Arts Council (BAFAC) voted to recommend to the City Commission they consider approving the following appointments and reappointments:

Reappoint Kelly Carlin and Trevor Hough to 4-year terms, retroactive to July 1, 2021

Reappoint Alice Kring, Karin Falkenstein, and Lee Lyon to 4-year terms, effective July 1, 2021

Appoint Honorable Patricia A. Moore to the board with a 4-year term, effective July 1, 2021

The BAFAC currently has 6 vacancies; 1 Buchanan Township, 1 Niles Township, 1 School Corporation, and 2 Members at Large.

Consider Resolutions Regarding Name Change - The BAFAC also reports that its Board has voted to rescind its previous requestion to change its name from the Buchanan Area Fine Arts Council to the Buchanan Area Performing Arts Council. With approval from the Commission, City Administration will work to prepare updated Resolutions reflecting this subsequent name change, as the previously requested name change was already approved and memorialized in past Resolutions, and thus will need to be updated.

Clerk Pitcher pointed out that the reappointments of Carlin and Hough should actually read 2020 instead of 2021.

Motion made by Commissioner Swem, Seconded by Commissioner Downey to approve the name change to Buchanan Area Fine Arts Council. Roll call vote carried unanimously.

Voting Yea: Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem

Motion made by Commissioner Swem, Seconded by Commissioner Downey to reappoint Kelly Carlin and Trevor Hough to 4-year terms, retroactive to July 1, 2020; reappoint Alice Kring, Karin Falkenstein, and Lee Lyon to 4-year terms, effective July 1, 2021; and appoint Honorable Patricia A. Moore to the board with a 4-year term, effective July 1, 2021. Roll call vote carried unanimously.

Voting Yea: Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem

E. Buchanan Tree Friends

Discuss plans to plant 50 trees and the proposed tree planting sites for the Great Lakes Restoration Initiative tree planting grant, October 16, 2021.

ReLeaf Michigan will seek to find Black Gum, Tuliptree, River Birch, American Hophornbeam, Bald Cypress, Red Maple, Sugar Maple, Hackberry, Swamp White Oak, Basswood, Littleleaf Linden, Princeton Sentry Ginkgo, Downy Hawthorn, Hawthorn, Serviceberry, and Crabapple trees. ReLeaf will competitively bid the trees with wholesale nurseries. The tree purchasing budget must adhere to the US Forest Service budget limitations for the cost and the delivery of the trees. The tree bids specify one and a half-inch to two-inch caliper diameter trees.

Motion made by Commissioner Downey, Seconded by Commissioner Money to approve the proposed plantings by the Buchanan Tree Friends. Roll call vote carried unanimously. Voting Yea: Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem

VIII. **Unfinished Business**

A. Update on Storm Sewer Issues on Third Street at Redbud

Item removed from agenda.

IX. **New Business**

A. Closed Session to Discuss Matters Subject to Attorney-Client Privilege

Consider a motion to go into Closed Session to discuss matters subject to attorney-client privilege, pursuant to MCL 15.268 Sec. 8(h).

Motion made by Commissioner Swem, Seconded by Commissioner Money to go into Closed Session to discuss matters subject to attorney-client privilege, pursuant to MCL 15.268 Sec. 8(h). Roll call vote carried unanimously.

Voting Yea: Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem

The Commission entered closed session at 7:32 p.m.

Motion made by Commissioner Money, Seconded by Commissioner Downey to resume the open meeting at 9:03 p.m. Roll call vote carried unanimously.

Voting Yea: Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem

Motion made by Commissioner Swem, Seconded by Commissioner Downey to allow City Manager Grace to follow the recommendations of the City Attorney with regard to leased property as discussed in closed session. Roll call motion carried unanimously.

Voting Yea: Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem

B. Consider Approval of Employment Agreements

Draft employment agreements for select staff will be submitted to the Commissioners for consideration for approval. Said agreements were drafted to clarify the employment relationships between select employees and the City of Buchanan and include provisions designed to

implement the compensation-related expenditures approved in the 2021/2022 Fiscal Year Budget, including the following: transition to a salaried position with no compensatory time at a rate of \$51,000 annually for both the Treasurer and the Clerk; transition of the Chief of Police to the position of “Director of Public Safety/Chief of Police” with an increase in pay of 5%; memorialization of the Community Development Director’s current pay and compensation, and the transition of the Building Inspector Position to include a 3% increase in pay as well as increased part-time hours.

***Motion made by Commissioner Swem, Seconded by Commissioner Money to authorize the City Manager to follow the recommendations of the City Attorney regarding employment agreements as discussed in closed session. Roll call vote carried unanimously.
Voting Yea: Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem***

X. Communications *(informational only, formal board action is not necessary for these items, unless so desired)*

None.

XI. Public Comment - Non-Agenda Items Only *(3-minute limit)*

XII. Executive Comments

A. City Manager Comments

Thanked those who stayed for the entire meeting.

B. Commissioner Comments

Commissioners Money and Downey had no comments.

Commissioner Swem - Received his letter from Michiana Recycling & Disposal today, so hopefully, everyone will get theirs soon if not already. Was pleased by the great turnout for the Chippewa Project at the Common last Thursday.

Mayor Pro Tem Weedon - Apologized on behalf of the City for the missteps in communication regarding the transition in waste and recycling companies. Although there was advanced communication, it could have been improved and the City will do better in the future.

XIII. Adjourn

Being no further business, motion made by Commissioner Money, Seconded by Commissioner Swem to adjourn the meeting at 9:08 p.m. Roll call vote carried unanimously.

Voting Yea: Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem

Barbara A. Pitcher, City Clerk

Mayor Sean Denison



SPECIAL MEETING OF THE JOINT CITY COMMISSION AND PLANNING COMMISSION

TUESDAY, JULY 27, 2021 – 5:00 PM

CHAMBER OF BUCHANAN CITY HALL - 302 N REDBUD TRAIL, BUCHANAN MI

MINUTES

I. Call to Order

Mayor Pro Tem, Mark Weedon called the meeting to order at 5:00 p.m.

II. Roll Call

III. Public Comment - Agenda Items Only *(3-minute limit)*

None.

IV. New Business

A. Wightman Interview

Representatives from Wightman presented regarding their process, team, and special skills.

B. Bergmann Interview

Representative from Bergmann introduced their team, discussed their process, and why they have a desire and passion to work on this project in Buchanan.

C. Abonmarche Interview

Abonmarche introduced introduced their team and discussed their process and strengths.

V. Public Comment - Non-Agenda Items Only *(3-minute limit)*

Fran Terry - Commended everyone for the amount of time they invested in analyzing the bid submissions and preparing for and conducting the interviews.

VI. Adjourn

Being no further business, motion by Swem, seconded by Money to adjourn the meeting at 8:05 p.m.
Roll call vote carried unanimously.

Barbara A. Pitcher, City Clerk

Mayor Pro Tem, Mark Weedon

SPECIAL MEETING OF THE CITY COMMISSION
WEDNESDAY, AUGUST 04, 2021 – 5:00 PM
CHAMBER OF BUCHANAN CITY HALL - 302 N REDBUD TRAIL, BUCHANAN MI

MINUTES

I. Call to Order

II. Roll Call

PRESENT - Sean Denison, Mark Weedon, Larry Money, Patrick Swem

ABSENT - Commissioner Cameron Downey

STAFF - City Manager, Heather Grace; City Clerk, Barbara Pitcher; Director of Public Works, Mike Baker

GUESTS - Gary Barton, Kevin Barker

III. Public Comment - Agenda Items Only *(3-minute limit)*

None.

IV. Business

A. Select Architectural Firm for the Feasibility Study, Design, & Engineering of a new DPW Building

Consider awarding one of three architectural firms - Wightman, Bergmann, or Abonmarche - a contract for the feasibility study, design, and engineering of a new DPW building.

The Mayor led a brief discussion of the proposals. Gary Barton of the Barton Group discussed their process of analyzing the City and Planning Commissioners' and staff's rankings, considering how the firms responded to the initial walk-through, reviewing the original proposals and interview presentations, and checking references, resulting in their recommendation of Bergmann.

Motion made by Commissioner Swem, Seconded by Commissioner Money to engage Bergmann for the DPW project. Roll call vote carried unanimously.

Voting Yea: Mayor Denison, Mayor Pro Tem Weedon, Commissioner Money, Commissioner Swem

Barton suggested scheduling a kick-off meeting with Bergmann. City Manager Grace to coordinate schedules to find a suitable date for the meeting.

V. Public Comment - Non-Agenda Items Only *(3-minute limit)*

None.

VI. Adjourn

Motion made by Mayor Pro Tem Weedon, Seconded by Commissioner Money to adjourn the meeting at 5:18 p.m. Roll call vote carried unanimously. Voting Yea: Denison, Weedon, Money, Swem

Barbara A. Pitcher, City Clerk

Mayor Sean Denison

MINUTES

I. Call to Order

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

II. Recognition

A. Recognize Hannah Roberts, Women’s BMX Freestyle Silver Medalist at the Tokyo 2020 Summer Olympic Games

We honor Hannah Roberts’ many achievements by issuing the following proclamation.

WHEREAS, Hannah Roberts is a native of Buchanan, Michigan, and graduate of Buchanan High School; and

WHEREAS, Hannah Roberts, through her many years of hard work, determination and talent was the first woman to land a 360 tail whip in competition and has become a world-renowned as a three-time BMX Freestyle World Champion; and

WHEREAS, Hannah Roberts represented Team U.S.A. in the 2020 Tokyo Olympics in the debut of the Women’s BMX Freestyle event held July 31, 2021; and

WHEREAS, on July 31, 2021, Hannah Roberts battled through injury to win a Silver Medal at the 2020 Tokyo Olympics, becoming the youngest American medalist in cycling since 1912; and

WHEREAS, the City of Buchanan wants to acknowledge that Hannah Roberts has proven herself as an amazing athlete and role model for our local youth;

NOW, THEREFORE, BE IT RESOLVED that the City of Buchanan Commission, on the eve of her birthday, proclaims that the 10th day of August each year shall henceforth forever be celebrated as “Hannah Roberts Day” in the City of Buchanan.

City of Buchanan Commission

B. Recognize Mike Baker as the City’s new Director of Public Services

We honor Mike Baker for his 18 years of service to the City of Buchanan. We appreciate the knowledge and experience he has amassed over those years and congratulate him on his promotion to the role of Director of Public Services.

C. Recognize Tim Ganus for being named the City’s new Director of Public Safety

Tim Ganus has been an officer with the City of Buchanan for 9 years and our Chief of Police since January 2020. We honor him for his service and appreciate the knowledge and experience he has amassed over those years and congratulate him on his promotion to the role of expanded role as the Director of Public Safety/Chief of Police.

Mayor Denison led the Pledge.

III. Pledge of Allegiance

IV. Roll Call

PRESENT: Mayor Sean Denison, Mayor Pro Tem Mark Weedon, Commissioner Cameron Downey, Commissioner Larry Money, Commissioner Patrick Swem

ABSENT: None

STAFF: City Manager Heather Grace, City Clerk Barbara Pitcher, Director of Public Safety/Chief of Police Tim Ganus, Director of Public Services Mike Baker, Treasurer Stephanie Powers, Community Development Director Rich Murphy

GUESTS: Don Ryman, Alan Robandt, Dan Vigansky, Jeff Rea, Karin Falkenstein, Michael Rowland, Diana Hickock, Norma Ferris, Rebecka Hoyt, Dan Benak, Fran Terry, Ralph McDonald, Tony DeOrnellas, and three others.

V. Approve Agenda

Motion made by Mayor Pro Tem Weedon, seconded by Commissioner Swem to approve agenda as presented. Roll call vote carried unanimously.

VI. Public Comment - Agenda Items Only *(3-minute limit)*

Alan Robandt - submitted a handout to the Commission from the National Park Service U.S. Department of Interior regarding rehabilitation standards and guidelines and spoke regarding their applicability to the Ross Sanders House and potential sale to the Michigan Gateway Foundation.

VII. Consent Agenda *(can be approved all in one motion, for general housekeeping items)*

A. Approve Minutes

July 26, 2021, Regular Meeting; July 27, 2021, Special Meeting of the Joint City Commission and Planning Commission; August 4, 2021, Special Meeting

B. Approve Expenditures for August 9, 2021, in the amount of \$101,454.19

Payments of note: BS&A Software \$32,695.00; Andrews University, Planning Design Study (final payment for services previously rendered) \$9,094.00.

C. 2021 Notice of Meeting Revision

Approve the following changes to the 2021 Notice of Meetings:

Change the regular meeting schedule of the Buchanan Area Recreation Board from the third Wednesday of each month at 6:30 p.m. to the second Wednesday of the month at 6:00 p.m.

Change meeting location change for Buchanan Tree Friends from the Buchanan Art Center to River St. Joe.

Update board name for Buchanan Fine Arts Council to include "Area", as in Buchanan Area Fine Arts Council.

Remove future meetings of the Friends of the Ducks from the schedule.

D. Banner Placement Request Form

Consider approval of banner placement on Redbud Trail, August 16-23, 2021 to promote Buckteens event, submitted by Jerry Flenar.

E. Accept Staff Activity Reports

Motion made by Commissioner Money, seconded by Mayor Pro Tem Weedon to approve the consent agenda as presented. Roll call vote carried unanimously.

VIII. Scheduled Matters from the Floor *(if any)*

A. Michigan Gateway Foundation President & CEO Michael Rowland to Discuss Ross Sanders Building

The Michigan Gateway Foundation (“MGF”) is interested in engaging in a dialogue with the City of Buchanan to explore the possibility of the MGF looking to acquire the Ross Sanders Building at 110 E. Front Street for use as the new location for the MGF headquarters. Such a dialogue would also include the potential option of entering into a Memorandum of Understanding (“MOU”) with the City regarding the MGF’s intent to historically preserve the building, which is presently supported by the Buchanan Preservation Society.

Rowland presented an overview of the Michigan Gateway Foundation, discussed their preservation efforts to date, and their plans for the Ross Sanders House

B. Greater Niles Chamber - Jeff Rea

Rea highlighted several points from his letter to the Commissioners, discussed how Michigan and Indiana share the same economy and their focus has recently shifted from industrial to commercial and retail. Shared they have purchased new software helps them analyze the local economy, identify problems and make better decisions. Workforce is currently a key issue and they are working to create a pipeline. Discussed they like to partner, not compete, with the local Chamber. Responded to Commissioner Downey’s comments that GNCOC was unable to assist several local businesses who asked for help.

IX. Reports by: Departments, Committees, Boards

A. Community Development Update

Following up on the prior item, Murphy vowed to make connections with Rea and others in such roles.

Social District - Murphy reported that the Social District is moving forward, slowly. Approval has been received from the state. Of three applicants, one has been approved, one is ready to move forward, and the other wants to wait. Progress is being made on the cups and wristbands, and more work to be done on signage and waste receptacles. The City will "go live" with one applicant for the time being and that will give us an opportunity to reassess and adjust.

Downey pointed out that people already drink at the Common and asked if that will go away. Ganus replied that the Common is a City park and, as such, alcohol is not allowed. That being said, he has received no complaints.

Economic Development Incentives - Murphy has studied best practices in facade improvement and restaurant incentive programs. In the recent community survey, more than 500 respondents wanted more places to eat. There are currently 4 restaurants looking at Buchanan. Restaurant incentive programs typically assist with start-up costs as kitchen equipment is very expensive. The City Attorney is currently reviewing the facade program. Another program being considered is for upper residential with forgivable loans for improvements. He's taking the best examples and customizing them to Buchanan. Murphy proposes to launch one program at a time, but there's still a sense of urgency.

Downey asked what Murphy was doing for restaurants already here and suggested that the same things offered to new restaurants be offered to existing restaurants. Weedon recognized that may not look the same for new and existing. Swem emphasized we want to incentivize growth, improvement, and new business - it's not a charity program. Denison stated a restaurant needs to be improving, creating, and offering something new that benefits the community. Swem noted the upper residential program could run in tandem with the restaurant program. Murphy thinks the creation of lofts downtown has been great but noted there's also too much downtown space being used as storage.

Grants - Murphy has submitted 5 grants since his arrival. He wants to have 20 and be proactive. Smaller communities have smaller budgets and need to leverage their dollars. Murphy proposes hiring a grant writer who is good and technical. This person would create a grant inventory of state, local, and federal programs. Murphy will continue to write grants but this would put more lines in the water and enable the City to have a strategy instead of being reactive.

Motion made by Mayor Pro Tem Weedon, seconded by Commissioner Money to allow Murphy to work with an independent contractor for grant writing as per the internal memorandum submitted to the Commission. Roll call vote carried by majority.

Voting Yea: Mayor Denison, Mayor Pro Tem Weedon, Commissioner Money

Voting Nay: Commissioner Downey, Commissioner Swem

Discussion on the motion prior to the vote led by Downey asking Murphy how this is different from what he was hired to do. Murphy responded that his job description is extensive. Swem asked what other resources have been exhausted. Murphy replied none. Swem stated he was having a hard time getting to a yes with Murphy overseeing this individual given Murphy hasn't had any wins yet. Weedon stated this was an opportunity to rely on an individual's experience, capture funds and, if not effective, the contract could be terminated.

Murphy ended his update by sharing a Leader Publications ad congratulating Hannah Roberts on achieving her vision.

B. Treasurer's Report

Powers reviewed the financials submitted to the Commission and provided an update on several activities. The investment account is fully transitioned to Honor Credit Union. BS&A training is currently in progress. Data extraction, with the exception of utility billing (scheduled later this week), has been completed. There will be much better reporting capabilities with BS&A once fully implemented. Powers also worked with a staff member from Plante Moran as part of her ongoing development.

C. Buchanan Area Recreation Board - Disc Golf Course Proposal

Tony DeOrnellas recently attended a Buchanan Area Recreation Board meeting to propose the installation of the disc golf course at McCoy's Creek Park. The Board recommended Mr. DeOrnellas present to the commission.

Link to presentation - <https://docs.google.com/presentation/d/1y5bqaNy-v65bFuk5jomChCH1L6kMSoPd9dR1fSZLnVc/edit?usp=sharing>

DeOrnellas discussed disc golf in general, states it is a sport that is growing and becoming more serious. The project could be funded almost entirely through donations. Businesses could sponsor holes. He discussed the size and scope of the project. A 9-hole course would be a benefit to the community, an 18-hole course will bring people into the community and could potentially host tournaments that could pay for maintenance. Maintenance is minimal with an initial carving of paths and ongoing mowing. He added that the course is designed to maintain McCoy's Creek/Centennial Park as a multiuse park. The high school has a disc golf team and this would be their home course.

Motion made by Commissioner Money, seconded by Mayor Pro Tem Weedon to approve DeOrnellas to continue work with the Buchanan Area Recreation Board to develop a disc golf course. Roll call vote carried unanimously.

D. Director of Public Services Report

Consider the purchase of a MIG Welder. Director Baker recommends purchasing from Miller based on the three quotes as follows:

Miller Welding Supply LINK3520-1 Power MIG 260 208-575V \$3,199.00

Praxair LINK 3520-1 Power MIG 260 \$3,199.00

Airgas LINK 3520-1 Welder Power MIG 260 DC CV 250A/26.5V 40% \$3,271.77

Baker thanked the Commission for the Director position and says he looks forward to bringing a new culture to the team.

Motion made by Commissioner Money, seconded by Commissioner Swem to authorize the purchase of a MIG welder from Miller for \$3,199.00. Roll call vote carried unanimously.

E. Resolution 2021.08/230

Consider adoption of Resolution 2021.08/230 to transition the Friends of the Ducks from a formal Subcommittee of the Buchanan Area Recreation Board to a volunteer initiative.

Motion made by Mayor Pro Tem Weedon, seconded by Commissioner Money to adopt Resolution 2021.08/230 to transition the Friends of the Ducks from a formal Subcommittee of the Buchanan Area Recreation Board to a volunteer initiative. Roll call vote carried unanimously.

F. Resolution 2021.08/231

Consider adopting Resolution 2021.08/231, a resolution amending Resolution No. 2021.02.219 to reflect the current name of the Buchanan area fine arts council and continued support to utilize city-owned property in the city of Buchanan, County of Berrien, State of Michigan.

Motion made by Mayor Pro Tem Weedon, seconded by Commissioner Swem to adopt Resolution 2021.08/231, a resolution amending Resolution No. 2021.02.219 to reflect the current name of the Buchanan area fine arts council and continued support to utilize city-owned property in the city of Buchanan, County of Berrien, State of Michigan. Roll call vote carried unanimously.

X. Unfinished Business

A. Third Street Storm Sewer

City Manager Grace stated there have been some changes in the scope of the project, so bids will need to be updated.

XI. New Business

A. TCF Bank Safe Deposit Box Access

Consider authorizing City Manager Heather Grace and City Treasurer Stephanie Powers to close the City's lockbox at TCF Bank in Buchanan. Grace and Powers will both be present during the opening and all contents will be inventoried so that they can be reported back to the City Commission and the account be closed. Authorization by the Commission is required by TCF Bank as the lockbox designees are no longer employed by the City. The motion should state that City Manager, Heather Grace and City Treasurer, Stephanie Powers are authorized to close the TCP lockbox account for the City of Buchanan.

Motion made by Commissioner Money, seconded by Mayor Pro Tem Weedon to authorize City Manager, Heather Grace and City Treasurer, Stephanie Powers to close the TCP lockbox account for the City of Buchanan. Roll call vote carried unanimously.

B. DPW Building Site Selection Update

Motion made by Commissioner Swem, seconded by Commissioner Money to direct Bergmann to proceed with feasibility studies on the existing DPW and feed mill sites. Roll call vote carried unanimously.

XII. Communications *(informational only, formal board action is not necessary for these items, unless so desired)*

A. Trail Maintenance

The Friends of McCoy's Creek Trail placed new mulch, donated by Redbud Hardware, around the benches and fitness stations.

B. WNIT Documentary on the St. Joseph River

WNIT-TV has a very special documentary airing on September 9th at 8 p.m., on the history and revitalization of the St. Joseph River and future developments along its shores. The focus will be on the pivotal role that the river has played in the lives throughout Michiana, and the many ways it

contributes to our overall way of life! WNIT is seeking sponsorships for the documentary. Additional information is included in the packet.

Link to a preview of the documentary - <https://youtu.be/MdqICDjOmzQ>

C. Seasonal & Staff Transitions

College students are moving on and the City is filling key positions. With the promotion of Baker to Director of Public Services, there is an opening at the DPW. Interviews are taking place for the Chamber/Main Street position as well as the administrative assistant.

XIII. Public Comment - Non-Agenda Items Only (3-minute limit)

Steve Raglin (via email read by City Clerk) - requested the Commission resume remote viewing options for the Commission meetings for those who are unable to attend in person due to COVID concerns.

Monroe Lemay (via email read by City Clerk) - Expressed concern regarding a Facebook video she saw of laser tag at the Common stating that it was inappropriate and too violent for children.

XIV. Executive Comments

A. City Manager Comments

Rich and Stephanie's comments reflect that we've been busy, but in a good way. We are moving forward. She appreciates the Commission's vision and thanks the public for their patience.

B. Commissioner Comments

Weedon - Congratulated Hannah Roberts. What we saw that evening shows his children anything is possible. We got to see what Buchanan is like, and the whole world got to see Buchanan embody the vision. Reminded people that we have a long agenda because we have a lot to do. It's amazing to see where this community is going.

Swem - Congratulated Hannah Roberts, Mike Baker, and Tim Ganus. Food trucks must be addressed to level the playing field. He would like to see more creative solutions instead of adding bodies and expenses.

Downey - In total agreement with Swem. We need to get a handle on spending. Expects to see food trucks and parking downtown on the agenda for the next meeting. He is waiting on the answers to a number of questions from the City Manager regarding Plant Moran money and DDA money. Wants City Manager to look at her board schedule and suggests she make a list and let the Commissioners decide where she should spend her time.

Money - Congratulated Hannah Roberts. It was a great turnout and was nice to see so many people rooting her on. Congratulated Mike Baker and Tim Ganus. Thanked the Commission - we're starting to move ahead.

C. Mayor Comments

Thanked the City staff for all their hard work; they've all been putting in long hours. Shared a quote from Abraham Lincoln - "You can have anything you want if you want it badly enough. You can be anything you want to be, do anything you set out to accomplish if you hold to that desire with singleness of purpose." The quote kept coming to mind while with everyone at the Common watching Hannah Roberts. That's the Buchanan he wants his daughter to grow up in. Hannah

Roberts embodies that quote and is a role model who carries herself with class and demonstrated sportsmanship. He is so proud.

XV. Adjourn

Being no further business, motion made by Mayor Pro Tem Weedon, seconded by Commissioner Money to adjourn the meeting at 9:11 p.m. Roll call vote carried unanimously.

Barbara A. Pitcher, City Clerk

Mayor Sean Denison

PENDING APPROVAL

SPECIAL JOINT WORK SESSION OF THE BUCHANAN CITY COMMISSION AND PLANNING COMMISSION

MONDAY, AUGUST 09, 2021 – 6:00 PM

CHAMBER OF BUCHANAN CITY HALL - 302 N REDBUD TRAIL, BUCHANAN MI

MINUTES

I. Call to Order

Mayor Denison called the meeting to order at 6:00 p.m. and asked for a Roll Call.

PRESENT: Mayor Sean Denison, Mayor Pro Tem Mark Weedon, Commissioner Cameron Downey, Commissioner Larry Money, Commissioner Patrick Swem, Planning Commissioner Kevin Barker, Planning Commissioner Ralph McDonald

ABSENT: Planning Commissioner Jason Lietz, Planning Commissioner Donna Monell

STAFF: City Manager Heather Grace, City Clerk Barbara Pitcher, Director of Public Services Mike Baker

GUESTS: Kim Moyer, Gary Barton, Amelia Lietzau, Fran Terry

II. Items for Discussion

Site selection for DPW Building.

Denison stated this is the most important decision this body will ever make. To use the feed mill or River Street properties would be a waste of valuable, marketable property. If the DPW building is built elsewhere, the current site must be cleared and maintained and won't generate income for the City ever again. He recommends we quit wasting time trying to pick a site and let Bergmann try to figure out how to build on the existing site.

Discussion regarding the flood plain and remediation.

Discussion regarding building outside of the City limits and possible locations. Anexation would be required. McDonald asked if the City really wants to buy additional property when it already has so much and stated he is in favor of building on the current site. Money stated he feels similarly to McDonald and that there's always something unsightly at the DPW and it isn't visible to homes at the current location.

Discussion regarding the value of River Street property. It could be 9 parcels of 1 to 1.5 acres each. Swem is in agreement regarding the River Street property. We're looking for a forever home for the DPW and having to do so under adverse conditions. He prefers to feed mill site for 10 years and then build a larger municipal complex at a later date, which may actually be on the same site. Denison stated the feed mill is at the gateway to our City and could be very valuable. Something very beneficial to the City could be built there. We need to make River Street marketable. He also questioned where the idea of a municipal complex ever came from. Suggestion to take River Street off the table and have Bergmann do the feasibility study on the feed mill and current DPW sites, primarily focusing on the latter.

Discussion regarding the existing site. Baker pointed out the property is a wellhead protection area and there is concern about digging a retention pond. Perhaps the retention can be in the fen off of Bakertown Road. He loves the current site but it just doesn't work right now. Too much water and

dampness. Barker pointed out there would be no complaints from neighbors if the building remained at the current site.

Some discussion regarding the possibilities for future shops, restaurants, and housing on River Street, similar to what's happening in Granger.

City Manager Grace noted, at the end of the day, the feasibility study will make the feed mill property more marketable.

Lietzau of Barton Group suggested a smaller project team be created going forward which might include Baker, someone from the Planning Commission and 2-3 from the City Commission. Grace to assemble the team.

III. Public Comment

None.

IV. Adjourn

Being no further business, motion made by Mayor Pro Tem Weedon, seconded by Commissioner Money.

Voting Yea: Mayor Denison, Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem, Planning Commissioner Kevin Barker, Planning Commissioner Ralph McDonald

Barbara A. Pitcher, City Clerk

Mayor Sean Denison

SPECIAL MEETING OF THE CITY COMMISSION
MONDAY, AUGUST 16, 2021 – 7:00 PM
CHAMBER OF BUCHANAN CITY HALL - 302 N REDBUD TRAIL, BUCHANAN MI

MINUTES

I. Call to Order

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

II. Roll Call

PRESENT Mayor Sean Denison, Mayor Pro Tem Mark Weedon, Commissioner Cameron Downey, Commissioner Larry Money, Commissioner Patrick Swem

ABSENT None

STAFF City Manager Heather Grace, City Clerk Barbara Pitcher, Community Development Director Rich Murphy

GUESTS Fran Terry, Ted Chase, Dan Vigansky, Stacy Martin, Mitt Drew, Matt Derby

III. Public Comment - Agenda Items Only (3-minute limit)

Dan Vigansky - Spoke regarding Chamber/Main Street Manager contract, stating the City just spent money to hire a grant writer and could have hired a full-time employee. He was critical of the Chamber. Asked when the meeting was decided on, stating that they should be scheduled publicly.

Fran Terry - Representing the Chamber, stating that the Chamber has been an advocate and that she personally attended the DDA meetings until the end. Apologized to the Commission for the lateness of the contract. Everyone wanted it to be a collaboration and best for both parties.

Ted Chase - Representing the Chamber, stating he's been impressed with the candidates throughout the interview process and is confident they will find a highly qualified individual for the role.

Stacy Martin - Representing the Chamber, stating she's excited about the partnership. The desire is to set this person up for success so they will report to the Chamber President rather than the entire board. This is a step toward creating solutions.

IV. Schedule Matters from the Floor

A. Chamber Board

Presentation of Proposed Contract to Memorialize Agreement for "Chamber Executive Director/ Main Street Manager" Position

City Manager Grace spoke regarding the Chamber's involvement in the process. Weedon spoke about forward movement and change and suggested if you don't like it, find better ways to help instead of dredging up the past. He appreciates this will be someone who understands the vision and will be elevating the professionalism of the City. Denison is excited to have both entities working towards a common goal. No action was taken on this item at this meeting.

V. **New Business**

A. BS&A Change Order Due to Clerk Cashier Change

City Manager Grace wanted to bring this item forward to keep the Commissioners apprised. The Commissioners are comfortable with her making the administrative decision.

B. Closed Session to Discuss Matters Subject to Attorney-Client Privilege

Motion made by Commissioner Swem, seconded by Commissioner Money to enter into a closed session at 7:19 p.m. pursuant to MCL 15.268 Section 8 (h) to discuss matters of attorney-client privilege. Roll call vote carried unanimously.

C. Consider Action Items Discussed in Closed Session

Motion made by Mayor Pro Tem Weedon, seconded by Commissioner Money to resume open session at 8:19 p.m. Roll call vote carried unanimously.

Motion made by Mayor Pro Tem Weedon, seconded by Commissioner Money to authorize City Manager Grace to continue ongoing negotiations with Edgewater as recommended by City Attorney. Roll call vote carried unanimously.

VI. **Public Comment - Non-Agenda Items Only** *(3-minute limit)*

VII. **Adjourn**

Prior to adjournment, Commissioner Money thanked the DPW and Cemetery crews for erecting a new flagpole at City Hall.

Being no further business, Mayor Denison adjourned the meeting at 8:21 p.m. Voice vote carried unanimously.

Barbara A. Pitcher, City Clerk

Mayor Sean Denison

MINUTES

I. Call to Order

Mayor Denison called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

II. Roll Call

- PRESENT** Mayor Sean Denison, Mayor Pro Tem Mark Weedon, Commissioner Cameron Downey, Commissioner Larry Money
- ABSENT** Commissioner Patrick Swem
- STAFF** City Manager Heather Grace, City Clerk Barbara Pitcher, Director of Public Services Mike Baker, Director of Public Safety/Chief of Police Tim Ganus, Community Development Director Rich Murphy, Treasurer Stephanie Powers
- GUESTS** 14 guests including Fran Terry, Don Ryman, Norma Ferris, Dan Benak, Richard Martin, Leland Payne, Beth Murphy, Brian Murphy, Dr. Jodi Silver, Mitch Warnake, Josh Summers, Rosa Salazar

III. Approve Agenda

Discussion to amend the agenda to omit the Greater Niles Chamber of Commerce invoice from the Consents Agenda and add to the end of New Business, and remove Approve Market Master Contract from New Business.

Motion made by Commissioner Downey, Seconded by Mayor Pro Tem Weedon to approve the agenda as amended. Roll call vote carried unanimously.

IV. Public Comment - Agenda Items Only (3-minute limit)

Norma Ferris - shared concerns regarding Dial-A-Ride contract.

Richard Martin - Spoke regarding Chippewapalooza, recently held at the Common, and thanked the City and City Manager for all they did to help the event be a success. (Mayor Denison thanked Martin for the comment and reminded him it really should have been at the end of the meeting as a comment on non-agenda items.)

V. Consent Agenda (can be approved all in one motion, for general housekeeping items)

A. Approve Minutes

August 9, 2021 - Special Joint Work Session of the City Commission and Planning Commission;
August 9, 2021 - City Commission Meeting; August 16, 2021 - Special Meeting of the City Commission

B. Approve Expenditures for August 23, 2021

Approve expenditures in the amount of **\$2,893,126.37** which includes the Summer Tax Distribution of \$2,539,360.24 and Capital One Public Funding in the amount of \$220,860.00.

The Greater Niles Chamber of Commerce invoice in the amount of \$8,990.00 was omitted from the expenditures, bring the new total to **\$2,884,136.37**

C. Banner Placement Request

Approve banner placement request submitted by April Jonatzke for Fall Senior Banners - September 6 - November 1 (Band, Football, Soccer, Volleyball, Cross-Country, Tennis, and Equestrian)

D. Accept Staff Activity Reports

Motion made by Mayor Pro Tem Weedon, Seconded by Commissioner Money to accept the consent agenda as amended. Roll call vote carried unanimously.

VI. Scheduled Matters from the Floor *(if any)*

A. Pinnacle Emporium 420 Event

Presentation by representatives from Pinnacle Emporium regarding their plans to host an event next year prior to or after 420 during the same week.

Dr. Jodi Silver, Mitch Warnake, Josh Summers, and Rosa Salazar spoke on behalf of Pinnacle Emporium stating they are looking to partner with the City to host a consumption event. No alcohol would be permitted and it would bring people in and expose them to the City. They are preparing an application to the State with a target date for an event in the middle of May. The application requires an attestation from the City and is due no later than 90 days prior to the event. A similar event held in Addison was positive with no incidents. Sixty percent of attendees came from 2+ hours away.

Weedon asked for clarification on security. Pinnacle representatives responded that the State has very strict guidelines. There would be a perimeter around the area - a fence with a black screen. It would be a 21 and over event, adult-use only. They use Great Lakes Security plus their own security who partner with local Police and Fire Departments.

Weedon asked about any apprehension Addison had. Pinnacle representatives indicated there were no reservations as Addison is a small town that Pinnacle is helping to put on the map.

Attendance projections for Buchanan are 3,000-5,000.

No action was taken by the Commission at this time.

B. Buchanan Tree Friends - Days Avenue Trees

Richard Martin and Brian Murphy to present recommendations based on the Buchanan Tree Friends' assessment and tree forms submitted by residents along Days Avenue.

Martin discussed some of the concerns regarding the Days Avenue trees. He shared the mission of the Buchanan Tree Friends, the benefit of trees, and the desire to balance those with the needs of the residents. Suggestions for remediation included:

- Installing PVC pipe
- Re-routing sidewalks
- Addressing safety issues through removal and heavy trimming of a few trees, and light trimming of some others
- Using a phased approach for removal and replanting 1 tree every other year, which would take 58 years

Money stated it seems like there are a lot of dead trees and would like to see replacements. Downey discussed damage done by AEP with their trimming and noted clay pipes seem to be a big part of the issue.

The Commission took not action on this item at this time.

VII. Reports by: Departments, Committees, Boards

A. Buchanan Area Recreation Board - Resolution 2021.08/232 to Dissolve the Dog Park Subcommittee

Consider adopting Resolution 2021.08/232 to Dissolve the Dog Park Subcommittee of Buchanan Area Recreation Board.

Motion made by Commissioner Money, Seconded by Mayor Pro Tem Weedon to adopt Resolution 2021.08/232 to Dissolve the Dog Park Subcommittee of Buchanan Area Recreation Board. Roll call vote carried unanimously.

B. Planning Commission - Resolutions 2021.08.233 and 2021.08/234 to Transition Subcommittees

The Buchanan Area Recreation Board (B.A.R.B.) and the Planning Commission, both having met separately, see strategic value in transitioning both the Friends of the Trail and the Buchanan Tree Friends from subcommittees of the B.A.R.B. to the Planning Commission. The Planning Commission, following their meeting on August 10, 2021, recommends the following:

- Consider adopting Resolution 2021.08/233 - A resolution to transition the Friends of the Trail from a subcommittee of the Buchanan Area Recreation Board to a subcommittee of the Planning Commission.
- Consider adopting Resolution 2021.08/234 - A resolution to transition the Buchanan Tree Friends from a subcommittee of the Buchanan Area Recreation Board to a subcommittee of the Planning Commission.

Motion made by Mayor Pro Tem Weedon, Seconded by Commissioner Downey to adopt Resolution 2021.08/233 - A resolution to transition the Friends of the Trail from a subcommittee of the Buchanan Area Recreation Board to a subcommittee of the Planning Commission. Roll call vote carried unanimously.

Motion made by Mayor Pro Tem Weedon, Seconded by Commissioner Money to adopt Resolution 2021.08/234 - A resolution to transition the Buchanan Tree Friends from a subcommittee of the Buchanan Area Recreation Board to a subcommittee of the Planning Commission. Roll call vote carried unanimously.

VIII. Unfinished Business

A. Third Street Repairs

Considerable discussion regarding the two quotes received from Selge and Green. Due to considerable differentiation in the quotes and the desire to have both bidders present to be able to respond to questions regarding their quotes, the item is postponed to a future undetermined date when a special meeting can be held.

IX. New Business

A. Fees for Food Trucks, Registration

City Manager Graces stated that this year the City allowed food trucks to stimulate activity. It has been a pilot program. Moving forward, a more formal regulation and permitting process will be established.

Benak spoke from the audience stating food trucks create direct competition with local businesses, a lack of taxation, and liability for the City.

The Commission discusses fees and regulations, Grace suggests averaging the tax bills of local restaurants and dividing by 365 to determine daily tax liability for food trucks. Murphy shared that Niles has a permitting process that he will look into further. He recommends we study a few model cities and improve the process for next season.

The Commission took no action on this issue at this time.

B. Update on Enforcing Parking Ordinances

Chief Ganus provided an overview of parking issues and ordinances. He explained there have been changes such as additional residences, 3-hour parking enforcement, new city attorneys. We need to move forward with attorney advice.

He further explained that the 3-hour enforcement is complaint-driven. He would like to have more cameras because now surveillance capabilities are limited. There is more vehicle traffic and there must be yellow zone areas for fire hydrants, intersections, and wide turns. The Department has issued 160 parking tickets but prefers to educate. Many neighborhoods have parking on only one side of the street to allow fire trucks to pass. The city attorneys have advised against enforcing business owner parking the Department has not for a few years. Ganus suggests the ordinance should be amended or replaced. He also noted a new officer will be starting in a few weeks to help address these issues but also suggested the City needs to address future recruitment.

Weedon offered several items for future consideration; additional cameras, additional officers, meters, and a parking garage.

The Commission took no action on this item at this time.

C. Parking Permits vs. Permitted Parking Spaces

Ganus notes there are 28 permitted parking spaces; 37 permits have been issued but only 28 are active due to moves and/or forfeiture. Discussion regarding the current location of parking spaces and where other public or permitted parking spaces could be established. Denison suggested there is wasted space in the municipal parking lot and that restriping and one-way traffic would help. Downey suggested increasing the cost of a parking ticket.

The Commission took no action on this item at this time.

D. Review of "Market Master" Contract

The 'Review of "Market Master" Contract' item was removed from the agenda and replaced with Greater Niles Chamber of Commerce Invoice

Motion made by Commissioner Downey, Seconded by Commissioner Money to postpone the item until the September 13, 2021 meeting so that Commissioner Swem could be present to

discuss and vote on the issue. Roll call vote carried unanimously.

X. Communications *(informational only, formal board action is not necessary for these items, unless so desired)*

A. Domestic Violence Awareness Month

The Cora Lamping Center is a Division of The Avenue Family Network, Inc., which is a non-profit, non-governmental agency serving Berrien County. The Center provides a secure, violence-free environment for survivors of domestic violence and sexual assault along with their dependent children. Survivors are offered a protective, warm, and violence-free place to stay, listening ears, support groups, and other resources needed to develop safe, healthy, and meaningful lives for themselves and their children.

October is Domestic Violence Awareness month and the Center is requesting permission to place purple ribbons - a symbol of peace, courage, survival, honor, and dedication to ending violence - on all the lamp posts on East Front Street, from Red Bud Trail to Main Street.

Motion made by Commissioner Money, Seconded by Mayor Pro Tem Weedon to allow the Cora Lamping Center to place purple ribbons on the lamp posts on East Front Street, from Red Bud Trail to Main Street. Roll call vote carried unanimously.

B. National Night Out

Seargent Harvey Burnett reported on the success of this year's event.

C. Patriot Day

The American Legion Post 51, the Buchanan Area Ministerial Association, and the Buchanan Police and Fire Chaplains will host an annual commemoration service, Patriot Day - 20 years - the Remembrance of September 11, 2001. The service will be held at the Buchanan Common on Saturday, September 11, 2021 AT 7:00 p.m.

D. Dial-A-Ride Transition Update

The City of Niles has approved the proposed contract that was previously approved by the Buchanan City Commission to transition Buchanan's Dial-A-Ride services from Berrien County to the City of Niles. Manager Grace spoke with Niles Manager Huff last week and confirmed that both parties are anticipating no issues with moving forward with an October 1 effective date for the change and that the signatures for the contract are merely waiting on some final data to be inputted from Berrien County regarding end of year expenditure projections. Berrien County Operator Evan Smith also updated that due to unprecedented staffing shortages, Berrien County is not able to secure enough drivers for the system, so Dial-A-Ride will not have Saturday service between now and when the transition takes place. However, Niles confirms that Saturday service will resume once they take over.

E. Thanks to Buchanan Art Center

Mayor Denison displayed a plaque from the Buchanan Art Center recognizing the City for its support. The Mayor, in turn, thanked the Buchanan Art Center for its contribution to the community over the past 16 years.

XI. Public Comment - Non-Agenda Items Only *(3-minute limit)*

Don Ryman - Expressed his concerns regarding grant money accepted by the City to fund the November 2020 election.

Norma Ferris - Expressed concerns about communications in regard to Dial-A-Ride. (Mayor Denison he's unsure how to respond to Ms. Ferris' continued questions on the subject as the City has provided, and will continue to provide information to the public as it is received.)

Dan Benak - Shared a rumor that a general contractor had contacted the City about a multi-million dollar project and have not heard from the City Manager. (City Manager Grace responded that she has received no such communication.)

Rosa Salazar - As Manager of Pinnacle Emporium, she is excited to be in Buchanan. She also spoke about providing education regarding CBD and cannabis use.

XII. Executive Comments

A. City Manager Comments -

Several staff positions have been filled; Part-time Seasonal, Emma Lysy; Administrative Secretary, Britni Walls; and Clerk-Cashier, Jill Mondschein. Now that Mike Baker has been promoted, there will be a new DPW staff member soon. Welcome newcomers.

B. Commissioner Comments -

Downey - Asked for clarification on the CTCL Grant mentioned by Don Ryman. (The Clerk responded stating how much money was received, what it was used for, and that it had absolutely no bearing on the outcome of the election.)

Money - Stated that meetings are long because we're following through. Noted that the DPW staff installed the new flag pole at City Hall which was a gift from Dave and Tracy Dippo presented to Money as Post Commander of the American Legion.

Commissioner Weedon had no comments.

C. Mayor Comments -

Thanked everyone for showing up and stated he likes the back and forth. Encouraged people to attend the Patriot Day remembrance on September 11 at the Common.

XIII. Adjourn

Motion made by Commissioner Money, Seconded by Mayor Pro Tem Weedon to adjourn the meeting at 9:10 p.m. Roll call vote carried unanimously.

Barbara A. Pitcher, City Clerk

Mayor Sean Denison

SPECIAL MEETING OF THE CITY COMMISSION
MONDAY, AUGUST 30, 2021 – 5:30 PM
CHAMBER OF BUCHANAN CITY HALL - 302 N REDBUD TRAIL, BUCHANAN MI

MINUTES

I. Call to Order

Mayor Denison called the meeting to order at 5:31 p.m.

II. Roll Call

PRESENT: Mayor Sean Denison, Mayor Pro Tem Mark Weedon, Commissioner Cameron Downey, Commissioner Patrick Swem

ABSENT: Commissioner Larry Money

STAFF: City Manager Heather Grace, City Clerk Barbara Pitcher, Director of Public Services Mike Baker

GUESTS: Dan Vigansky, Justin Butler, Mack Green (via Zoom per requested accommodation)

III. Public Comment - Agenda Items Only (3-minute limit)

Dan Vigansky - Questioned why this meeting had to be scheduled.

IV. Business

A. Third Street Repairs

Denison reviewed the discussion from the last meeting and explained that each bidder was asked to resubmit updated bids. Both are present to respond to questions. The largest discrepancy between the two bids is the approach to the manholes.

Selge stated manholes are difficult and they think it's going to be a 7-day process with a lot of labor and bypassing involved. Their schedule would be within 2-3 weeks depending on the availability of pipe.

Green described his approach was to replace everything but did not quote to go into Redbud. Their schedule is material-dependent and working with EGLE for review which is taking about 2 weeks at this time.

Grace explained the allocation of funds between Water/Sewer and the Local Street Fund. She also shared that Commissioner Money, who could not be present, expressed his preference to award the bid to Selge.

Motion made by Mayor Pro Tem Weedon, Seconded by Mayor Denison to award the bid for the Third Street repairs to Selge. Roll call vote carried unanimously.

V. Public Comment - Non-Agenda Items Only (3-minute limit)

Dan Vigansky - Asked if we were setting a precedent using Zoom. (City Manager explained this was an accommodation and Mayor expressed we are working to provide options for the public to view meeting in real-time).

VI. Adjourn

Motion made by Commissioner Swem, Seconded by Mayor Pro Tem Weedon to adjourn the meeting at 5:51 p.m. Roll call vote carried unanimously.

Barbara A. Pitcher, City Clerk

Mayor Sean Denison

PENDING APPROVAL

REGULAR MEETING OF THE BUCHANAN CITY COMMISSION
MONDAY, SEPTEMBER 13, 2021 – 7:00 PM
CHAMBER OF BUCHANAN CITY HALL - 302 N REDBUD TRAIL, BUCHANAN MI

MINUTES

I. Call to Order

Mayor Denison called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

II. Roll Call

PRESENT: Mayor Sean Denison, Mayor Pro Tem Mark Weedon, Commissioner Cameron Downey, Commissioner Larry Money, Commissioner Patrick Swem

ABSENT: None

STAFF: City Manager Heather Grace, City Clerk Barbara Pitcher, Treasurer Stephanie Powers, Community Development Director Rich Murphy, Director of Public Services Mike Baker, Director of Public Safety/Police Chief Tim Ganus, Water Department Operator Scott Dessenberg

GUESTS: Dan Benak, Dan Vigansky, Jason Washler, Fran Terry, Ralph McDonald, Wayne Writer, Jerry Flenar, Norma Ferris, Debra Haight, Dale Toerne, Rosa Salazar, Mitch Warnake

III. Approve Agenda

Motion made by Mayor Pro Tem Weedon, Seconded by Commissioner Swem to approve agenda as presented. Roll call vote carried unanimously.

IV. Public Comment - Agenda Items Only (3-minute limit)

Dan Vigansky - Spoke in opposition to the closed session, paying the Greater Niles Chamber of Commerce invoice, and the facade program. Believes more bids should be sought for asphalt and wants to know how much the City pays the Buchanan Area Chamber of Commerce.

V. Consent Agenda (can be approved all in one motion, for general housekeeping items)

A. Approve Minutes

August 23, 2021, Regular Meeting Minutes; August 30, 2021, Special Meeting Minutes

B. Set Halloween Trick or Treat Date and Hours

Sunday, October 31, from 6:00 - 7:30 p.m.

C. Approve Expenditures for September 13, 2021

D. Accept Staff Activity Briefing

Motion made by Mayor Pro Tem Weedon, Seconded by Commissioner Downey to approve the consent agenda as presented. Roll call vote carried unanimously.

VI. Scheduled Matters from the Floor (if any)

A. 2023 Front Street Project

Jason Washler from Prein & Newhof to present the scope of the project.

No action by the Commission.

VII. Reports by: Departments, Committees, Boards

A. Friends of the Trail - Trail Update

Jerry Flenar to provide an update on the trail expansion.

Flenar stated that the fundraising goal was \$106,000 and the current total now stands at \$129,000; they are over their goal and have an upcoming grant from AEP for \$50,000. He also discussed projects completed on the trail this year and future project plans. Urged the Commission and City Manager to ensure the Buchanan Area Recreation Board 5-year plan is completed by the end of the year, or the trail will lose out on \$400,000 in funding.

No action by the Commission.

B. Friends of the Trail - Trek-or-Treat

Jerry Flenar and Wayne Writer to discuss plans for this year's Trek-N-Treat.

Motion made by Mayor Denison, Seconded by Commissioner Swem to approve Trek-or-Treat for Saturday, October 30 from 12:30-2:00 p.m. Roll call vote carried unanimously.

C. Community Development Report

Community Development Director Rich Murphy will present drafts to the City Commission of the first two economic development incentive programs, the Buchanan Façade Program and the Restaurant Incentive Program.

Motion made by Commissioner Swem, Seconded by Commissioner Money to approve the Buchanan Facade Program and Restaurant Incentive Program. Roll call vote carried by majority. Voting Yea: Mayor Denison, Mayor Pro Tem Weedon, Commissioner Money, Commissioner Swem

Voting Abstaining: Commissioner Downey (due to conflict of interest as a restaurant owner)

D. Public Services Report

- Asphalt Bids

Location	Vendor	Bid
Mill Race Parking Lot	Affordable Asphalt	\$37,500.00
Ravish Park	Affordable Asphalt	\$17,800.00
Ravish Park	Arnt Asphalt Sealing Inc.	\$61,530.00
Third Street	Affordable Asphalt	\$19,350.00
Third Street	Arnt Asphalt Sealing Inc.	\$25,000.00

- DPW Building Update
- Third Street Update

Baker stated other bids were sought but not received and explained the difference in pricing on the Ravish Park bids is due to a different scope of work with Arnt being unwilling to merely repair and resurface. Discussion regarding waiting on the parking lot and Ravish since the asphalt season is nearly over, which will enable Baker to seek additional bids.

DPW steering team met and is moving at a good pace now. Buchanan Metal Forming is interested in purchasing the existing DPW building.

Wightman is starting the survey on Third Street tomorrow.

Motion made by Mayor Pro Tem Weedon, Seconded by Commissioner Money to accept the bid by Affordable Asphalt in the amount of \$19,350 for the Third Street paving. Roll call vote carried unanimously.

E. Treasurer Report

Powers reviewed the bank account balances and investment summaries, discussed the BS&A transition, stating she is learning about report options.

VIII. Unfinished Business

A. Greater Niles Chamber of Commerce

Consider payment of invoice from the Greater Niles Chamber of Commerce.

Lengthy discussion regarding the value, past and future, that the GNOC can provide, including access to the data from their software investment.

Mayor Denison moved to approve payment of the Greater Niles Chamber of Commerce invoice. Motion died due to lack of support.

B. Pinnacle Emporium 420 Event

Consider approval of the Pinnacle Emporium Event originally proposed during the August 23, 2021, City Commission meeting.

Prior to the meeting, it was determined there is some ambiguity in the language of the ordinance regarding consumption events stating that smoking or vaping are not allowed.

Motion made by Commissioner Swem, Seconded by Commissioner Money to authorize City Manager Grace to conduct due diligence for proposed ordinance amendment for temporary consumption events only. Roll call vote carried by majority.

Voting Abstaining: Mayor Pro Tem Weedon (conflict of interest due to his employment in the cannabis industry)

C. Days Avenue Trees

Motion made by Commissioner Swem, Seconded by Commissioner Money to grant administrative authority to City Manager Grace to address issues on a case by case basis. Roll call vote carried unanimously.

IX. New Business

A. Emergency Management Coordinator

Consider adopting Resolution 2021.09/235 to establish an Emergency Management Coordinator to liaise with the County. Tim Ganus, Director of Public Services and Chief of Police will serve in this capacity.

Motion made by Mayor Pro Tem Weedon, Seconded by Commissioner Money to adopt Resolution 2021.09/235 to establish Tim Ganus, Director of Public Services and Chief of Police as Emergency Management Coordinator to liaise with the County. Roll call vote carried unanimously.

B. Proposed Pay Period Update

Update the AFSCME Contract to revise the pay period.

Currently, staff is submitting timesheets with estimated hours for two days. The change, which is enabled by BS&A, will allow submission of actual time worked.

Motion made by Commissioner Swem, Seconded by Mayor Pro Tem Weedon to update the AFSCME Contract to revise the pay period. Roll call vote carried unanimously.

C. Liquor Control License Transfer

Consider the Local Government Approval for a liquor license transfer application from Robert Maynard for the property located at 116 Main St. (Maize & Brew Ltd. d/b/a B&W Old Village Inn.

Motion made by Mayor Pro Tem Weedon, Seconded by Commissioner Money Local Government Approval for a liquor license transfer application from Robert Maynard for the property located at 116 Main St. (Maize & Brew Ltd. d/b/a B&W Old Village Inn). Roll call vote carried unanimously.

D. Edgewater Counter Offer

Consider entering into Closed Session pursuant to MCL 15.268 Section 8 (h) to discuss matters subject to attorney-client privilege.

Motion made by Mayor Pro Tem Weedon, Seconded by Commissioner Money to enter into Closed Session pursuant to MCL 15.268 Section 8 (h) to discuss matters subject to attorney-client privilege. Roll call vote carried unanimously.

The Commission entered closed session at 9:21 p.m.

Motion made by Mayor Pro Tem Weedon, Seconded by Commissioner Swem to resume open meeting at 9:32 p.m. Roll call vote carried unanimously.

Motion made by Commissioner Swem, Seconded by Mayor Pro Tem Weedon to proceed with the recommendation of Commission with regard to Edgewater Bank as discussed in closed session. Roll call vote carried unanimously.

E. Performance Review of City Manager Grace

City Manager Grace's review is due to be completed and the contract states the evaluation process to be used shall be established by the City Commission at least 30 days prior to each evaluation.

Mayor indicated there are no records of the previous evaluation process and that the Commission must set up a new process. Swem suggested requesting assistance from the City Attorneys and added that the new Commissioners have not seen City Manager Grace's contract and would like to review it.

X. **Communications** *(informational only, formal board action is not necessary for these items, unless so desired)*

A. Homecoming Parade

The Buchanan High School Homecoming Parade will be held on October 8, 2021, at 6:00 p.m. and will feature an appearance by Hannah Roberts, Olympic Silver Medalists in Women's BMX.

XI. Public Comment - Non-Agenda Items Only (3-minute limit)

Norma Ferris - spoke about Dial-a-Ride.

Dan Vigansky - stated most of the change that happened in the City was during the time he was on the City Commission, spoke regarding a tree ordinance, and that Buchanan Metal Forming already has access and the City shouldn't sell DPW building to them.

XII. Executive Comments

A. City Manager Comments

Thanked Commissioners for their guidance for being able to move forward administratively. We are making progress. By next summer there will be a drastically different downtown.

B. Commissioner Comments

Weedon - Addressed Powers regarding pay adjustments; the equations don't seem to work out.

Swem - Addressing the earlier question regarding payments to the Buchanan Area Chamber of Commerce, the Chamber gets no money from the City. Cautioned not to miss the deadline for the 5-Year Recreation Plan and would like to see communication seeking volunteers for the mass planting in October.

Money - Thanked Commission for the hard work they are putting in. The sludge is going to roll downhill and into our laps. Thanked staff for without what they do, the Commission couldn't do what they do. Thanked Mayor and City Manager for their participation in the 9-11 Remembrance Ceremony.

Commissioner Downey had no comment.

C. Mayor Comments

Thanked those who showed up for the 9-11 Remembrance Ceremony. Expressed his disappointment with the discussion regarding the Greater Niles Chamber of Commerce which he feels is short-sighted. Other than that, great things are happening.

XIII. Adjourn

Motion made by Mayor Pro Tem Weedon, Seconded by Commissioner Money to adjourn the meeting at 9:50 p.m. Roll call vote carried unanimously.

Barbara A. Pitcher, City Clerk

Mayor Sean Denison

SPECIAL MEETING OF THE CITY COMMISSION
MONDAY, SEPTEMBER 20, 2021 – 7:00 PM
CHAMBER OF BUCHANAN CITY HALL - 302 N REDBUD TRAIL, BUCHANAN MI

MINUTES

I. Call to Order

Mayor Pro Tem Weedon called the meeting to order at 7:00 p.m.

II. Roll Call

PRESENT: Mayor Pro Tem Mark Weedon, Commissioner Cameron Downey, Commissioner Larry Money, Commissioner Patrick Swem

ABSENT: Mayor Sean Denison

STAFF: City Manager Heather Grace, City Clerk Barbara Pitcher, Director of Public Services Mike Baker

GUESTS: Jason Washerman, Dan Vigansky

III. Public Comment - Agenda Items Only (3-minute limit)

Dan Vigansky - Asked several questions about grants.

IV. Business

A. USDA Loan Applications for Water & Sewer

Jason Washler from Prein & Newhoff to present.

Washler provided a summary of the presentation made at the September 13, 2021, City Commission meeting and announced the City had been offered the poverty rate for both loans, which is the best option for these projects. Everyone is looking for grants. There may be Federal infrastructure grants in the future, but those are unknown at this time and will be very competitive. We will have 15-8 months to close on the loan. If better rates or grant opportunities arise, we can take advantage of them. The project can be shrunk, but it is difficult to add to the project, so determining the scope is important. Since Third Street is currently being completed, perhaps other work could be added to the project scope in its place.

Discussion regarding water-sewer rates. Water and sewer debt is retiring in 2029 and 2030 which can dampen the effect on user rates and septage receiving can also help to offset rates. Grace mentioned the potential for a \$300,000 MDOT grant and a lead remediation grant.

Motion made by Commissioner Swem, Seconded by Commissioner Downey to approve the City of Buchanan moving forward to obligate the USDA loan applications for water and wastewater presented this evening and authorize the City Manager and Mayor to sign any documents necessary to execute said obligation. Roll call vote carried unanimously.

Grace indicated Mayor Sean Denison requested his absence be excused due to illness. ***Hearing no objections from the Commission, Mayor Pro Tem Weedon declared Mayor Sean Denison's absence excused.***

V. Public Comment - Non-Agenda Items Only (3-minute limit)

Dan Vigansky - Spoke again regarding contracting a grant writer and requested it be on the next City Commission agenda.

VI. Adjourn

Being no further business, motion made by Commissioner Downey, seconded by Commissioner Money to adjourn the meeting at 7:26 p.m. Roll call vote carried unanimously.

Barbara A. Pitcher, City Clerk

Mayor Sean Denison

MINUTES

I. Call to Order

Mayor Denison called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

II. Roll Call

PRESENT: Mayor Sean Denison, Mayor Pro Tem Mark Weedon, Commissioner Cameron Downey, Commissioner Larry Money, Commissioner Patrick Swem

ABSENT: None

STAFF: Community Development Director, Richard Murphy; City Clerk, Barbara Pitcher; Director of Public Safety/Chief of Police, Tim Ganus; Director of Public Services, Mike Baker; Assistant Fire Chief, Robert Blaylock; Treasurer, Stephanie Powers; Police Officer, Nicholas Pensari

GUESTS: Jason Lietz, Rebecka Hoyt, Norma Ferris, Fran Terry, Ralph McDonald, Molly Thornton, Del DeMao, Dan Vigansky, and 3 others

III. Approve Agenda

Amendments to the agenda to include:

Unfinished Business, Item A - Fire Department Equipment Request
New Business, Item D - Purchase of City Phone

Motion made by Mayor Pro Tem Weedon, Seconded by Commissioner Money to approve the agenda as amended. Roll call vote carried unanimously.

IV. Public Comment - Agenda Items Only (3-minute limit)

Dan Vigansky - Spoke regarding his request to have an item added to the agenda that was not. Disagrees with all the add-ons to the agenda and stated the deadline should be on Wednesday.

V. Consent Agenda (can be approved all in one motion, for general housekeeping items)

A. Approve Minutes

September 13, 2021, Regular Meeting; September 20, 2021, Special Meeting Minutes.

B. Approve Expenditures for September 27, 2021

C. Banner Placement Request Form

Approve banner placement request from Ann Tuite on behalf of the Buchanan Tree Friends for a large horizontal banner to hang on South Redbud From October 1-17, 2021 to advertise grant-funded tree planting on October 16, 2021.

Approve banner placement request from the Buchanan Area Chamber of Commerce for a large horizontal banner to hang on South Redbud from Nov. 12th-29th to advertise the White Saturday Shop Local Event that will be held the weekend after Thanksgiving.

D. Street Closure Request

Pending internal approvals, approve the request from Sarah Gault at the Buchanan District Library for a street closure on Days Avenue from Front to the Library parking lot on Saturday, October 2, from 2:30-4:30 p.m. to accommodate the Pumpkin Jamboree Pedal Pull. This request was withdrawn by the applicant prior to the meeting.

Pending internal approvals, approve a street closure on Front Street from Duck Pond Park to Oak Street on Fri., Oct. 8th from 6:00 p.m. - 7:00 p.m. for the Homecoming Parade.

E. Accept Staff Activity Briefings

Motion made by Commissioner Downey, Seconded by Mayor Pro Tem Weedon to accept the consent agenda as presented. Roll call vote carried unanimously.

VI. **Scheduled Matters from the Floor** *(if any)*

None

VII. **Reports by: Departments, Committees, Boards**

A. Public Services Report

Update on DPW Building Committee and staff transitions.

B. Public Safety Report

Update on the hiring of a new police officer.

Ganus introduces new police officer Nicholas Pensari. Pensari addressed the Commission and discusses his background and reasons for choosing Buchanan. He has been on board for three weeks working alongside Office Dave Capron.

Money asked if Pensari would be working downtown. Ganus indicated he would be placing a more seasoned officer downtown. Doney asked about the foot patrols, as he's witnessed many U-turns and some shouting matches downtown. Although the addition of Pensari will bolster the department's numbers, they are still short-staffed while Pensari is in training. The department is doing the best it can to be responsive and asks for the public to call if there are issues that need to be addressed. Weedon welcomed Pensari, stating we are the Nicest Place in America, and we also have "peace" officers.

C. Community Development Director Report

Addendums to be considered for Facade and Restaurant Incentive Programs.

Request for approval of Downtown Façade Program application by Molly Thornton and Union Coffee House, 115 E. Front St.

There was considerable discussion regarding addendums to the incentive programs, but no motions on the items.

Motion made by Commissioner Swem, Seconded by Commissioner Money to approve the Downtown Facade Program application of Molly Thornton and Union Coffee Hous, 115 E. Front St. Roll call vote carried by majority with Denison abstaining due to a conflict of interest, as he is quoting and providing the signage included in the application.

Voting Yea: Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money,

Commissioner Swem

Voting Abstaining: Mayor Denison

Vigansky had an outburst in objection to process and conflict of interest and was ordered removed by the Mayor.

VIII. Unfinished Business

A. Fire Department Equipment Request

Ganus revisited the issue of an AFG grant for Self Contained Breathing Apparatus (SBCA) for the Fire Department which need to be replaced as they have or soon will come to the end of their lifespan. Additionally, the standards are continually being raised. The City of Buchanan Fire Department applied for a grant with a regional coalition of fire departments and is requesting a 10% match from the City in the amount of \$8,391.30.

Motion made by Commissioner Money, Seconded by Commissioner Swem to approve a 10% match of \$8,391.30 for SBCA units. Roll call vote carried unanimously.

Weedon asked someone to look into how tight the fire hydrants are tightened. Baker indicated that they will be exercising all hydrants during the upcoming hydrant flush and tight ones will be addressed.

IX. New Business

A. Sardor Vakhidov, Blackbird LLC Adult Use Marihuana Class C Grow Permit Application

Consider approval of an Adult Use Class C Grow Facility at 402-404 S. Oak St., Buchanan, Michigan, 49107. Sardor Vakhidov, Blackbird LLC submitted their application and received approval from the Planning Commission on September 14, 2021.

Murphy indicated the only outstanding items are background checks from a few larger municipalities which usually take longer to process. He recommends approval contingent upon a favorable background check.

Downey and Swem expressed their concerns regarding licensed businesses that have not yet opened. Denison agreed there is a need to look at the renewal process.

Motion made by Commissioner Swem, Seconded by Commissioner Downey to approve the Adult Use Class C Grow Facility at 402-404 S. Oak St., Buchanan, Michigan, 49107, Sardor Vakhidov, Blackbird LLC, contingent upon a complete and favorable background check. Roll call vote carried by majority with Weedon abstaining with a conflict of interest due to his employment in the cannabis industry.

***Voting Yea: Mayor Denison, Commissioner Downey, Commissioner Money, Commissioner Swem
Voting Abstaining: Mayor Pro Tem Weedon***

B. Buchanan Master Plan 2021

Consider adoption of Resolution No. 2021.09/236 to adopt Buchanan City Master Plan 2021.

Planning Commission Chair, Jason Lietz discussed the Master Plan process and thanked Murphy, Marcy Hamilton of the Southwest Michigan Planning Commission, the City Commission, and Richard Gault and Dale Toerne who provided significant input. Highlights of the plan include community involvement in the development plan, and an action plan that contains 51 specific action items which call out individual or department leads for each item. The Planning Commission

has adopted the Master Plan but also seeks support from the City Commission. Denison expressed gratitude for Leitz' thoroughness and leadership on the Planning Commission.

Motion made by Commissioner Money, Seconded by Mayor Pro Tem Weedon to adopt Resolution No. 2021.09/236 to adopt Buchanan City Master Plan 2021. Roll call vote carried unanimously.

C. Redevelopment Ready Communities

Review and discuss the MEDC Redevelopment Ready Communities baseline report for the City of Buchanan.

Consider adoption of Resolution 2021.09/237 Authorizing the Implementation of Recommendations Necessary to Receive Redevelopment Ready Communities Certification from the Michigan Economic Development Corporation (MEDC).

Denison explained the RRC report and the work ahead of the City. He addressed the issue of an email from a member of the public, not on the original report distribution list, who felt the need to contact the MEDC with a laundry list of complaints. He expressed that this individual's actions, as well as the board member who provided the report and email contacts, were counterproductive.

Murphy said this is a way for the State to give us a roadmap and help those who help themselves. He will be participating in training for the next 9 weeks. The goal is to become certified. By statute, the Commission must authorize to move forward.

Motion made by Commissioner Swem, Seconded by Mayor Pro Tem Weedon to adopt Resolution 2021.09/237 authorizing the implementation of recommendations necessary to receive Redevelopment Ready Communities Certification from the Michigan Economic Development Corporation (MEDC). Roll call vote carried unanimously.

D. Purchase of City Phone

Consider the sale of the City-issued iPhone 11 Pro Max to Barbara Pitcher upon her resignation, for the trade-in value of \$430.

Motion made by Commissioner Money, Seconded by Mayor Pro Tem Weedon to authorize the sale of the City-issued iPhone 11 Pro Max to Barbara Pitcher upon her resignation, for the trade-in value of \$430. Roll call vote carried by majority.

Voting Yea: Mayor Denison, Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money

Voting Nay: Commissioner Swem

X. **Communications** *(informational only, formal board action is not necessary for these items, unless so desired)*

A. Southwest Michigan Tourist Council

In a letter included in the agenda packet, the Council reflects on 2020 and looks forward to plans for 2021.

B. Volunteers Needed for Tree Planting - October 16

ReLeaf Michigan, a non-profit tree organization, is partnering with the City of Buchanan, Buchanan Tree Friends, St. Joseph River Basin Commission, the Indiana DNR, Davey Resource Group, and the MDNR – Urban and Community Forestry Program to plant 50 trees on Saturday, October 16, 2021, at Buchanan City Hall and along East Front Street, Buchanan Middle School, and 3rd Street. Trees

provide many benefits to communities such as shade, improving economic vitality of commercial districts, absorbing stormwater, and reducing carbon in our atmosphere.

Funding for the program is provided through a US Forest Service Great Lakes Restoration Initiative grant awarded to ReLeaf Michigan to support and expand local capacity to manage community forest and trees. Tree locations were determined based on the results of a tree canopy assessment, which identified areas where trees would have the most environmental, economic, and aesthetic impact.

Masks are recommended. Volunteers are asked to wear closed-toe shoes, comfortable clothing and bring a shovel and work gloves if they have them. The group will meet at Buchanan City Hall, 302 N. Red Bud Trail at 8:45 a.m. to sign in and enjoy refreshments. Volunteers will then watch a planting demonstration from ReLeaf Michigan's tree experts.

Event occurs rain or shine. No planting experience is necessary, and families are encouraged. Join us for the morning and leave an environmental legacy that will add to the beauty and health of your community for generations. We hope to see you there!

Special thanks to city officials and the Buchanan Tree Friends for their much-appreciated collaboration to enhance this wonderful community.

Where: Buchanan City Hall, 302 N. Red Bud Trail, Buchanan, MI 49107

When: Saturday, October 16th from 8:45 a.m. to 1 p.m.

Sponsors: ReLeaf Michigan (www.ReLeafMichigan.org)
City of Buchanan
St. Joseph River Basin Commission
US Forest Service
Davey Resource Group
Indiana DNR
MDNR – Urban and Community Forestry Program

Cost: This event is free! RSVPs are appreciated. RSVP to www.ReLeafMichigan.org/rsvp

For questions, call Ann Tuite (312) 662-3149 or email treefriends@cityofbuchanan.com.

XI. Public Comment - Non-Agenda Items Only (3-minute limit)

Norma Ferris - Expressed excitement that the Dial-A-Ride contract is complete. Riders have tickets and will be getting new brochures.

XII. Executive Comments

A. City Manager Comments – Not present

B. Commissioner Comments

Money - Welcomed Nick Pensari and thanked Chief Ganus for his due diligence in getting a new officer here. Wished the best of luck to Pitcher in her new endeavors. Wished a happy anniversary to Mike Baker.

Swem - Asked Murphy to take notes and give them to the City Manager as he was hoping to get an update on where we are with the City Attorneys regarding the City Manager's review process. Things he wants discussed - not necessarily as part of her review - are the progress on the Master Plan action plan, progress on RRC action plan, and 2023 Infrastructure plan, 2022 DPW building,

fire and police strategy for their buildings, and the Brownfield Board. Also wanted to ensure the Tyler Ganus is on the next agenda to present a resolution on behalf of the Landfill.

Weedon - Wished best of luck to Pitcher and thanked her for her time. He knows she put in a lot of hard work and many, many long hours to get the Commission as much information as she possibly could, and really appreciates the help she provided to get to this point.

Commissioner Downey had no comments.

C. Mayor Comments -

Stated he likes to keep these meeting as laid back as possible and likes feedback but asks people be respectful and not talk or shout over one another. He spoke regarding Vigansky's public comment and later eruption stating he and the City Manager decided not to put the item on the agenda because it really wasn't relevant. The issue had already been decided and the Commission would be spinning its wheels to cover the same things over and over. Vigansky was notified why his request was not granted. Encouraged people to show up to plant trees. Thanked Chief Ganus Thanked Pitcher and acknowledged she put in a lot of hard work and a lot of time which is appreciated.

XIII. Adjourn

Motion made by Commissioner Money, Seconded by Mayor Pro Tem Weedon to adjourn the meeting at 8:26 p.m. Roll call vote carried unanimously.

Barbara A. Pitcher, City Clerk

Mayor Sean Denison

MINUTES

I. Call to Order

Mayor Denison called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

II. Roll Call

PRESENT: Mayor Sean Denison, Mayor Pro Tem Mark Weedon, Commissioner Cameron Downey, Commissioner Larry Money, Commissioner Patrick Swem

ABSENT: None

STAFF: City Manager Heather Grace; Community Development Director, Richard Murphy; City Clerk, Kalla Langston; Director of Public Safety/Chief of Police, Tim Ganus; Director of Public Services, Mike Baker; Treasurer, Stephanie Powers; Chamber Executive Director/Main Street Manager Ashley Regal; Sergeant John Leonard

III. Approve Agenda

Motion made by Commissioner Downey, Seconded by Commissioner Money to approve agenda as presented. Roll call vote carried unanimously.

IV. Public Comment - Agenda Items Only (3-minute limit)

No comment

V. Consent Agenda (can be approved all in one motion, for general housekeeping items)

A. Approve Minutes

October 11, 2021, Regular Meeting

September 27, 2021, Regular Meeting Minutes

B. Approve Expenditures for October 25, 2021

Motion made by Commissioner Swem, Seconded by Commissioner Weedon to approve the consent agenda as presented, Roll call vote carried unanimously.

VI. Scheduled Matters from the Floor

A. Tyler Ganus, Manager of the Southeast Berrien County Landfill- Mr. Ganus briefed the commission on the 2021 Comprehensive Business Analysis/Solid waste Management Planning and Landfill Extension Study.

- 1. Full cost accounting modeling:** The modeling showed that an average rate of \$27.50 per ton would adequately cover the cost of construction and operation of the expanded landfill, including the costs of royalties and soil needs.
- 2. Market analysis:** At an average rate of \$27.50 the SEBCLA would have a market advantage in Berrien and LaPorte counties.
- 3. Waste royalty fees:** SEBCLA would realize a potentially lower cost impact in proposing to

buy out the contracts.

4. **Soil needs for future expansion:** SEBCLA will explore alternative daily cover options and investigate off site soil resources.
5. **Operating revenue needed to financially sustain expansion:** Solving for an average gate rate that would allow SEBCLA to breakeven with the investment in the future expansion, GBB determined that a rate of \$27.50 per ton would adequately cover the cost of construction and operation of the expanded landfill, including the costs of royalties and soil purchases. The overall conclusion of these analyses is that the future expansion of the SEBCLA landfill is financially feasible.

The following three expansion options were evaluated during the Study:

- a. Increase airspace by 9.1 million cubic yards (total landfill life= 41 years)
- b. Increase airspace by 4.5 million cubic yards (total landfill life= 27 years)
- c. "Do Nothing" approach (total landfill life= 13 years)

Option B was found to be the most beneficial expansion option; this would increase landfill operational life from approximately 12 years to 27 years.

Mr. Ganus is asking for the approval of the resolution supporting expansion of landfill operations.

Motion made by Commissioner Swem, Seconded by Commissioner Money to approve Resolution Supporting Expansion of Landfill Operations, roll call vote carried unanimously.

- B. Mary Lister & John Van Dyke -Ms. Lister and Mr. Van Dyke presented and request for city support for a special sculpture to be placed near the Pears Mill. The wood sculpture Ode to Pears Mill by John Van Dyke is the one they are proposing to have bronzed and placed on a granite pedestal near the Mill. The placement would be at the end of the wood walkway in Mill Alley. They do have a potential donor for the bronzed sculpture and for the granite pedestal. Estimates ranging for the sculpture from high \$28,000- to low \$11,000. Estimates of the granite pedestal ranged from high of \$24,000 to low of \$11,000. They are looking at a 6-month timeline.

Mayor Denison asked if that includes the foundation and instillation in the estimate price. Ms. Lister said yes.

Commissioner Downey had concerns about the timeline of the placement with the boardwalk possibly getting updated.

Commissioner Swem asked them to reach out to others in the community for help with funding, Mayor Dennison also worried about placement and timing of the project.

All agreed that the special sculpture was beautiful.

Motion Made by Commissioner Downey, Seconded by Mayor Pro Tem Weedon to approve the placement of the Ode to Pears Mill sculpture, roll call vote carried unanimously.

- C. Friends of the Oak Ridge Cemetery -Robert Brown spoke on the behalf of the Friends of the Oak Ridge Cemetery, request that the Commissioners consider allowing a 100- year recognition of Jack Knight's famous flight, which was not able to be held last year due to the pandemic. They are interested in moving the historical items in the Knight Chapel at Oak Ridge Cemetery to different

locations temporarily around the City (City Hall, Library, Schools, Pears Mill); to bring awareness of this famous local son and more aware of Jack Knight's achievements.

Commissioner Money commented on that the placement of the items are at Knight's Chapel and you never see them unless you are at the chapel for a funeral service.

Pro Tem Mayor Weedon asked the team at City Hall to make sure it was communicated to the community by Facebook and website on where the items would be located and when they move around the city.

Motion made by Commissioner Money, Seconded by Commissioner Swem to approve the 100-year recognition of Jack's Famous Flight with traveling exhibit around the city, roll call vote carried unanimously.

IX. Reports by: Departments, Committees, Boards

- A. Community Development Department Report -Community Development Director Richard Murphy is looking for approval for Pinnacle Emporium at 221 E Front Street for the 2021 Adult Use Permit Renewal Application as well as Pinnacle Medical Permit Renewal Application. Background check has come back satisfactory.

Motion made by Pro Tem Mayor Weedon Seconded by Commissioner Downey to approve the Pinnacle Adult use Permit Renewal Application and Pinnacle Medical Permit Renewal Application, roll call vote carried unanimously.

Murphy is also looking for approval for Zen Leaf located at 257 E Front street. This is an amended application that covers their expanded footprint, they completed all their application, Murphy has reviewed it all appears to be in good order, on this matter Murphy is still waiting on Chicago to come back with a background check; it's been over four weeks. Murphy wanted to get this to the commissioners for approval contingent on background checks Medical Permit Modification Application and for the Zen Leaf Adult Use Permit Application.

Motion made by Commissioner Downey, Seconded by Pro Tem mayor Weedon, to approve the Zen Leaf Medical Permit Modification Application and the Zen Leaf Adult Use Permit Application contingent on background checks, roll call vote carried unanimously.

Murphy continued with a brief update on economic development. There has not been a new housing development in over 2 years, earlier this year they had broken ground on a home on Schirmer Pkwy. Just this week Murphy had 4 new approved building permits come thru his office. Of the 5 homes over a million-dollar investment.

Commercial investment including the Zen Leaf expansion and 402 & 404 implantation and 113 Chicago implantation, City has 3 new businesses in the cannabis industry that will do processing and growing. That are live in the development stages and will create over 30 jobs and over 1 million dollars in investments.

- B. Public Safety Department Report -Chief Ganus updated the commissioners about the newly promoted Sergeant John Leonard. The last few months the department has gone thru a sergeant promotion process which includes a written exam and oral interviews done by other

police departments. The department had a candidate rise to the top and that was Sergeant Leonard.

Sergeant Leonard was honored and humbled by the promotion. Sergeant Leonard gave the commissioners a short background of his career. Sergeant Leonard came to the Buchanan Police Department in 2000, he oversees the firearms division and has for the last 19 years. With the promotion he assumes the responsibility of the reserve unit, which is the largest in Berrien County.

Pro Tem Mayor Weedon commented seeing the continued interaction with the police department spending time within the community has been second to none, and they continue to be a beacon of law enforcement at the highest level, thanked Chief and Sergeant for all their dedication.

Commissioner Money offered his congratulations to Sergeant Leonard.

Mayor Dennison offered his congratulations to Sergeant Leonard.

Police Department is getting ready for their LEIN audit. That relates to the Michigan State Police, making sure they are following all the rules and regulations. Chief said he feels confident about the audit that will take place this week.

Trek or Treat is Saturday, October 30, 2021, from 12 pm – 2 pm. There will be no parking on Schirmer Pkwy , there will be no parking in the trailhead off of Schirmer Pkwy that will be blocked off for the volunteers, characters and organizers of the event to park in.

Also, the trailhead off of 3rd and Skyline will also be closed for the event volunteers, characters, and organizers.

They are going to close a section from Skyline and 3rd street just to make sure the kids that come are kept safe. Police Department is recommended people park in the Clark Testing parking since they are opening the East Gate since that's where the event will start and end.

Trick or Treat will be Sunday, October 31, 2021, 6:00 pm to 7:30pm. The police department will be doing candy checks at the Fire Department.

- C. Public Services Department Report -Third Street Project – Manager Grace and Scott Desenberg met with Scott Riley of Selge and Kevin Lemmer of EGLE this past Friday to review EGLE's comments relating to the water permit we are waiting on from the State. Mary Nycamp of Wightman (the project engineer) will make changes to the permit application, based on EGLE's comments, which include new state requirements as part of the updated permitting process. We hope to have the EGLE permit approved very soon, so that Selge can work us into their construction schedule. If they can't get us on the schedule before Thanksgiving the dirt will be hard to maintain. It will be a real challenge. They are expediting the permit.

DPW crews were very busy lately, processing cleanup from the storm that hit during the last City Commission meeting. Leaf pickups are underway. They also did Drain Cleanings this week from the storm.

Public Service Department had a nice catch at the school and an email thanking them as well for catching a water leak coming off from the school's water softener.

- D. Treasurer's Report- Treasurer Stephanie Powers provided a brief report regarding City financials. Expenditures for October 25, 2021, in the amount of \$1,601,530.79.00
- E. Buchanan Area Recreation Board Report-Time is almost up to participate in the online survey for Buchanan's Joint 5-Year Recreation Plan, so please submit your responses if you have not already. Only open till the end of October on the City's website.
- F. Buchanan Tree Friends- The "Re-Leaf" tree plantings that took place on the morning of Saturday, October 16th was an amazing success, with over 150 volunteers arriving to help plant 50 trees! It was a new record for the Re-Leaf program, which has had similar events in much larger cities that didn't have nearly as many volunteers as Buchanan—So all Bucks should be proud of the great community turnout of volunteers! City Manager Grace thanked all the volunteers that helped!

X. Unfinished Business

None

XI. New Business

- A. Closed Session RE Potential Purchase of Real Property- City Administration requests a Closed Session with the City Commission pursuant to MCL 15.268(d) to consider the purchase of real property.

Motion made by Pro Tem Weedon, seconded by Commissioner Money, to go into Closed Session at 8:02 P.M. Roll call vote carried unanimously.

Open Session at 8:50 PM

Motion made by Pro Tem Mayor Weedon, Seconded by Commissioner Swem, to go into open session, roll call vote Carried unanimously.

Motion made by Commissioner Swem, seconded by Commissioner Money to purchase as discussed in closed session.

Yay: Mayor Dennison, Pro Tem Mayor Weedon, Commissioner Swem, Commissioner Money

Nay: Commissioner Downey

- X. **Communications** (*informational only, formal board action is not necessary for these items, unless so desired*)

XI. Public Comment - Non-Agenda Items Only (3-minute limit)

Norma Ferris - Expressed her concern about 3rd Street.

Rebecka Hoyt- Introduced Miranda Rebecka Barber. Miranda will be splitting the commission meetings on behalf of the Buchanan Chronical. They have been doing Cans for Veterans the boxes are located at the Senior Center, The Library, Harding's, and Hardware Store. They are up to almost \$700.00; they will stop collecting next week then buy local gift cards with that money to hand out to veterans. The 15th issue of the Buchanan Chronical comes out November 6th.

XII. Executive Comments

A. City Manager Comments – Did receive a notification from the Department of Treasury that we will receive the ARPA funds in 30 days or less.

B. Commissioner Comments

Weedon -. No Comment

Swem – No Comment

Downey- Congratulations to Sergeant John Leonard

Money - Also Congratulated Sergeant John Leonard. The American Legion will be hosting a veterans day program, they will have a speaker speaking November 11 at 5:00 p.m. the speaker was a guard at the unknown tomb. It will be held at the American Legion.

B. Mayor Comments – Wanted to give out a reminder about Trek or Treat and Trick or Treat this coming weekend. Also wanted to thank everyone that came out for the tree planting, it was incredible to see how many people came out to help.

XIII. Adjourn

Motion made by Commissioner Money, Seconded by Mayor Pro Tem Weedon to adjourn the meeting at 9:11 p.m. Roll call vote carried unanimously.

Kalla Langston, City Clerk

Mayor Sean Denison



REGULAR MEETING OF THE BUCHANAN CITY COMMISSION
MONDAY, NOVEMBER 08, 2021 – 7:00 PM
CHAMBER OF BUCHANAN CITY HALL - 302 N REDBUD TRAIL, BUCHANAN MI

MINUTES- AMENDED

I. Call to Order

Mayor Denison called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

II. Roll Call

PRESENT: Mayor Sean Denison, Mayor Pro Tem Mark Weedon, Commissioner Cameron Downey, Commissioner Larry Money, Commissioner Patrick Swem

ABSENT: None

STAFF: City Manager, Heather Grace; Community Development Director, Richard Murphy; City Clerk, Kalla Langston; City Treasurer, Stephanie Powers; Director of Public Services, Mike Baker; Director of Public Safety/Chief of Police, Tim Ganus.

III. Approve Agenda

Motion made by Mayor Pro Tem Weedon, Seconded by Commissioner Money to approve the agenda as presented. Roll call vote carried unanimously.

IV. Public Comment - Agenda Items Only

None

V. Consent Agenda *(can be approved all in one motion, for general housekeeping items)*

A. Approve Meeting Minutes- October 25, 2021, Regular Meeting

B. Approve Expenditures for November 9, 2021. Expenditures to be submitted separately, once finalized.

C. Accept Staff Activity Reports

D. Approve Closed Session Minutes- October 25, 2021

Motion made by Commissioner Money, Seconded by Commissioner Downey to approve the consent agenda as presented. Roll call vote carried unanimously.

VI. Scheduled Matters from the Floor *(if any)*

A. Auditor Contract

Kenley from Plante Moran gave the commissioners a brief update on the status of the audit and why the city needs to utilize another auditor. Since Plante Morane has been working with the city during audit, transition, significant turnover rate, accounting system conversion, former bank leaving town and Powers coming in with books that haven't been up to date, Plante Moran needs to remain independent. Which means they can't audit records that they have created. Either Plante Moran had to walk away and not aid the city or dig in and help get things ready for audit, then step away and have someone else do the audit this year. They have pledged their support to help the city get caught up by the end of January to get it done in time.

B. Michael and Roy Walpol- are requesting permission to install a mural on the wall of 303 Carrol St.

Murphy introduced Michael and Roy Walpol. Murphy has met with them several times over the past few months with their micro business construction at 303 Carol St. and they shared a mural concept. Public art is something we want to implement in Buchanan.

The concept is from artist Clinton Worthington. He is working with J.J Weinstein, an artist who is works with NFTs. NFT is a digital art form. The mural will be turned into an NFT along with a music video that will hopefully be produced by Snoop Dog, October London, and two local artists Ideal and Walter West. You can connect any type of audio with the digital format. They want to do a timelapse of the mural painting being done and incorporate the song with it then release it as an NFT. The mural will be on the end wall of the building which is about 17 ft by 60ft. The murals main vantage point would be off Red Bud.

Commissioner Swem asked Murphy about how it would play into city's ordinances, Murphy investigated this, and the mural is exempt from ordinance except in central business district. Murphy believes this area is a prime candidate for a mural. When they bring in the backstory of the national connections it becomes a compelling story for the City of Buchanan.

Walpol also offered that no matter what the decision today they wanted to offer \$5,000 donation to future murals to contribute to the city.

Mayor Denison thanked the Walpol Brothers but wants to send the right message when you come into town because of the location of where the mural would be.

Mayor asked for further explanation of the mural.

The mural is based off their logo for their business which is- Lifted. Diamonds are part of their logo as well the swirls are the artist.

Motion made by Mayor Pro Tem Weedon, Seconded by Commissioner Swem to approve the mural at 303 Carrol St.

Roll call vote: Yay; Commissioner Money, Commissioner Swem, Mayor Pro Tem Weedon, Commissioner Downey

Nay; Mayor Denison

VII. Reports by: Departments, Committees, Boards

A. Crossing Guard Agreement & Crossing Guard Hourly Wage Agreement

City Manager Heather Grace asked the Commission to grant her permission to sign the agreement on behalf of the city.

Commissioner Downey motioned, Seconded by Commissioner Money, to authorize City Manager Heather Grace to sign the crossing guard agreement; roll call vote carried unanimously.

B. Treasure Report

Treasurer Stephanie Powers has been very busy with Plante Moran, getting caught up and ready for the audit. Powers was not able to prepare her usual report, instead the commission was given the bank statements through October.

Powers asked for consideration of approving Honor purchasing cards limits for City employees and that City Manager Heather Grace has authority to sign on behalf of the City.

Cards Requested and Limits:

\$2,500.00 Guy Lewis

\$2,500.00 Ashley Regal
\$2,000.00 Britni Wall
\$2,000.00 Jill Mondschein
\$2,000.00 Marcia Johnson
\$5,000.00 Kalla Langston

Powers also updated the commission to let them know the first half of the ARPA funds will be deposited in the City's account, in the amount of \$223,101.00, which is half of what was predicted the city would receive and will be deposited on November 9, 2021.

Commissioner Downey asked if it was common practice to give all the city employees a card, City Manager Grace was unsure of what they have done in the past.

Commissioner Swem thought it was uncommon for everyone to have a card.

Mayor Pro Tem Weedon asked if there was any authorization process to this, Grace said she would implement a purchase order process.

Motion made by Mayor Pro Tem Weedon, seconded by Commissioner Money to approve the cards requested and the spending limits supplied with City Manager Heather Grace authorized to sign, roll call vote carried unanimously.

C. Public Services Department Report from Director Mike Baker

Scott Riley from SELGE reported to the commission they are not available to get 3rd St. on the schedule this fall. Riley secured the pipe for 3rd St. since supplies are hard to get. Core & Maine has the pipe, and they want to get paid for it since it is sitting in their lot from when they ordered it back in September.

City Manager Grace says the recommendation is to maintain full control of the pipe because supplies are in such short supply. If the City can purchase it ourselves and have it physically under our control, we can keep them from giving it to another municipality.

Commissioner Swem asked about the plan for the road.

Baker is concerned about opening the road. He does not know what the road looks like under the ground. In his opinion he would leave it closed until they can fix it. It's going to be hard to plow in the inter but in Baker's opinion, it's dangerous.

Riley and Baker both say supply is unpredictable.

Unfortunately, it was bad timing with this project between the EGLE permit and the State level changes.

Concerns about the storage and a secured area for the pipe. Challenge is to find a secured area for the pipe.

Motion made by Commissioner Swem, seconded by Commissioner Money to purchase the pipe for \$21,594.72, roll call carried by unanimously.

Commissioner Swem would like to see a more strategized plan for 3rd street.

Presentation on DPW building from Amelia and Gary from the Barton Group with Buddy and Brian from Bergmann joining virtually.

Buddy walked through the packet that was provided to the commissioners.

First, they looked over the site option comparison. They came down as a group that the 606 site would be their recommendation, 606 site was present and approved from the board.

Through a verbal conversation they generate this program for the site and building and just through those conversations they came up with a vocabulary and square footage of about 19,000 sq. ft. Had a lot of discussion with Mike and had him put together a list of inventory equipment that he would house in the building. They realized they need to take a deeper look into how and where the inventory needs to be housed. They analyzed the building footprint; the original RFP floor plan did not house all the equipment needed.

Option 7A has 2 buildings with cold storage at 6,200 sq. ft. and storage and support being 17,676 sq. ft.

With a building expansion to the West, North and South.

With a budgeting process, budget is not a perfect science, but they tried to budget very conservatively. With option 7A coming in with a budget around \$5.8 million.

Option 7B is 1 building with total of 23,675 sq. ft. this still allows expansion from the north and the south. With option 7B coming in with a budget just under \$5 million.

The biggest thing between the 2 options really has to do with excavation and site work which is a big unknown at this point.

Baker's process has been spending city money wisely and investing in the long term. None of this has been bid out or taken to market. The process they recommended is getting a construction manager on board very quickly to vet it a little bit more.

When you have the construction manager take it to market you would get your real numbers.

There are some serious delays right now, metal buildings are about 36 weeks out.

Mayor asked Baker about the wood boiler. Baker explained that Niles City uses a wood boiler to heat their 25,000-sq. ft. building. It heats the building efficiently by bringing in wood through the city. Over the past 9 years they have saved over \$500,000 in heating costs. It can be efficient for this new building and keep costs down.

Grace talked about the financial aspects associated with this type of facility. ~~The team is not looking for approval for the building. They are looking to put it out for bid and then at that point have the firm financial figures that we want. This is more preliminary directional guidance on which type and size building the Commission wants to go with.~~

Swem is hung up on the city spending 4.9 million dollars on DPW building, he's having a hard time saying yes to that. We have a list of other projects as well, Swem commends them on keeping it thin.

Money concerned about equipment in the DPW building and if they don't make the improvements the city takes the chance of the equipment becoming damaged. Money agrees with Swem.

Denison- if not us who? If not now when?

Swem struggling with approving any dollars because he doesn't know how the city's going to pay for it. He knows there is a financing plan, but he doesn't know how that impacts everything else that needs to get paid.

City Manager Grace thinks it's important to keep in mind that we were not looking to get approval for this to be set in stone that we were going to build this building. We were just looking to put it out for bid. And then we will get the bid prices and have the firm financial figures that we want. This is more preliminary directional guidance on which type and size building the Commission wants to go with.

Swem feels we were sending contractors down a rabbit hole on something we probably can't afford or at least we don't know how we were going to make a decision on how we were going to pay for it. He feels he can't move forward on it until the number is thinner or we have an idea on how the city pays for it.

Mayor Denison would like to keep the process moving to find the concrete numbers, since there is much concern about the cost. Since the city has been talking about this building for the past few years, he would hate to see it stall. He's not ignoring the cost but just looking at the layout of the buildings.

Motion made by Pro Tem Mayor Weedon, support by Commissioner Money to move forward with the single building layout option 7B at 23,675 sq. ft.

Roll call vote; Yay- Pro Tem Mayor Weedon, Commissioner Downey, Commissioner Money, Mayor Denison. Nay: Commissioner Swem.

Rental consideration: Baker has looked at C&S Machine and its roughly 10,000 sq. ft. of open space, asking \$6,000 a month to rent would like a year's lease.

Mac, Bill, and Theresa have offered their building it's 100 by 200, finished with cement floor, heat, electric, bathroom office space for \$15,000 a month on a month-to-month basis.

Looking into different options for renting. Wanted to keep the commission updated on this consideration.

C. Chair of the Buchanan Tree Friends, Richard Martin providing an update.

Martin talked about the Re-Leaf non-profit company. Planted 48 trees in 1 day. What was planted was Tulip Trees, Black Gum Trees, Linden, Hackberries, River Birch, Lilac, Oaks, Sycamores, Ginkgo and Serviceberry trees. Martin gave a big thank you to everyone that helped.

VIII. Unfinished Business

IX. New Business

X. Communications *(informational only, formal board action is not necessary for these items, unless so desired)*

A. Michigan Gas Utilities

Natural gas pipeline safety information brochure.

B. Invitation to tour building 324.

XI. Public Comment - Non-Agenda Items Only *(3-minute limit)*

Jeff Griffin- asked the commission if they thought about getting generators for city hall and police department. Concerned about the street signs, there not very nice. Would like to see the Code enforcement out, send out a letter and clean up the streets.

Kenley from Plante Moran just wanted to remind ARPA funds, supply chain issues everywhere cost is not going to go down. He commends the commission for approving the purchasing the pipe.

Norma Ferris- She hears complaints all the time, asking for more communication. Worried about 3rd street and Dial a Ride.

XI. Executive Comments

A. City Manager Comments

We do have time to see how were going to spend the ARPA funding. The infrastructure bill that passed is exciting and eager to explore it.

B. Commissioner Comments

Mayor Pro Tem Weedon- No comment

Commissioner Swem- No comment

Commissioner Downey- No comment

Commissioner Money- Thanks everyone for being here. Hopefully you can understand the situations that this commission is having to face, keeping a positive attitude, and not bashing the commission for the things that must be done by the city. November 11th, is veteran's day the American Legion holding a guest speaker at 5 p.m.

C. Mayor Comments

Mayor is hoping that the city can partially open 3rd street to get access to those homes. We keep getting handed these things and they're tough decisions, not going to be easy to move forward with them but were lucky. I think we need to look at the bright side and these tough decisions will get made. We will figure it out

XI. Adjourn

Motion made by Commissioner Money, seconded by Mayor Pro Tem Weedon to adjourn roll call vote carried unanimously. Meeting Adjourned at 8: 45 p.m.

Kalla Langston, City Clerk

Mayor Sean Denison

REGULAR MEETING OF THE BUCHANAN CITY COMMISSION
MONDAY, NOVEMBER 22, 2021 – 7:00 PM
CHAMBER OF BUCHANAN CITY HALL - 302 N REDBUD TRAIL, BUCHANAN MI

MINUTES

I. Call to Order

Mayor Denison called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

II. Roll Call

PRESENT: Mayor Sean Denison, Mayor Pro Tem Mark Weedon, Commissioner Cameron Downey, Commissioner Larry Money, Commissioner Patrick Swem

ABSENT: None

STAFF: City Manager Heather Grace; City Clerk, Kalla Langston; Director of Public Safety/Chief of Police, Tim Ganus; Director of Public Services, Mike Baker; Treasurer, Stephanie Powers; Chamber Executive Director/Main Street Manager Ashley Regal

III. Approve Agenda

Motion made by Commissioner Swem, Seconded by Mayor Pro Tem Weedon to approve the agenda as presented. Roll call vote carried unanimously.

IV. Public Comment - Agenda Items Only (3-minute limit)

James Kennedy 419 W Front St- Is concerned about the city becoming saturated with the marijuana facilities in town. He is also worried about the B&W INN being bought and converted into a marijuana facility, that building has always been a restaurant.

Don Ryman – B & W is a very significant historic restaurant in Buchanan, more than 100 years old. Downtown is short on restaurants, and this means we lose another restaurant. It would not be a good thing if the marijuana stores fail because we have too many. A large part of the business from these marijuana stores are from people out of state that don't allow medical or recreational use. There are bills pending in the US Congress to legalize marijuana. If the bills pass, he is worried that it will affect the stores that are here now and the out of state business they receive. He believes we should not be sacrificing historic sites and restaurants too expand the marijuana stores.

Dan Vigansky 103 N Detroit- When they originally decided on the number of licenses they debated and didn't realize the 5 were going to go that fast. He believes that having 5 is overabundance. In his opinion City Hall has latched on to this and wants to run with the money. Believes they are spending too much time on what we have and not on what we don't have: the expanding need for restaurants, a bakery, different stores instead of marijuana stores. We have five dispensaries; stop he believes we don't need anymore, even though Vigansky was instrumental in bringing marijuana downtown because he wanted the foot traffic for restaurants and stores. Agrees with getting rid of the Duck Barn. He has no problem with cutting the trees down but doesn't see the point in doing it November.

Dan Banach 116 Main St.- Owner of B & W Inn, The B & W is a privately held business not a publicly held business, and there is nothing set in stone of what anything is going to be. For someone to come up here and push back on the sale of something in the city, but they don't come forward and want to purchase it for themselves is, in his opinion, disingenuous.

V. Consent Agenda (can be approved all in one motion, for general housekeeping items)

- A. Consider Approving the Regular Meeting Minutes- Amended from November 8th, 2021, along with the Work Session Minutes from November 19, 2021.
- B. Accept Staff Activity Reports
- C. Consider approving \$1,500.00 to be paid to Walmart for the annual "Shop with a Cop" program during which our Police Department will take 15 children to Walmart in December to spend \$100.00 each. This annual expenditure is funded by donations to the program.
- D. Consider approving expenditures for November 22, 2021. Final list of expenditures will be forwarded by the City Bookkeeper prior to the meeting.

Motion made by Commissioner Money, Seconded by Mayor Pro Tem Weedon to approve the Consent Agenda, including approving the payment of expenditures for November 22, 2021 in the amount of \$108,998.49. Roll call vote carried unanimously.

VI. Scheduled Matters from the Floor *(if any)*

- A. The City Attorneys have a number of items they would like to discuss with the City Commission in Closed Session. Consequently, a motion will be needed "to enter Closed Session pursuant to MCL 15.268 Section 8 (a), (d), and (h), to conduct a periodic personnel evaluation of the City Manager, to consider the potential purchase or lease of real property, and to consider matters subject to attorney-client privilege." The following subjects will be discussed in Closed Session:
 - (1) Draft Code of Conduct/Ethics Code
 - (2) Draft Land Redevelopment Program
 - (3) Draft Revised Parking Ordinances
 - (4) Outstanding DDA Legal Matters
 - (5) USDA Project Legal Matters
 - (6) City Manager Evaluation [requested by Manager Grace to be held in Closed Session, as allowed under State law]
 - (7) Proposed Ordinance Amendments to Allow for Smoking/Vaping During Permitted Temporary Marihuana Events and in Permitted Consumption Lounges
 - (8) Consideration of the Potential Purchase or Lease of Real Property

Motion made by Commissioner Swem, Seconded by Commissioner Money to move the Commission into closed session for the purposes of considering the regular work performance evaluation of the City Manager under MCL 15.268 (a) and to consider and the review and legal opinion memorandum of the City Attorneys under MCL 15.268 (h) and to consider the potential purchase or lease of real property, under MCL 15.268 (d)

No discussion

Roll call vote carried unanimously.

City Commission entered in to closed session at 7:12 P.M.

Motion made by Commissioner Swem, Seconded by Commissioner Money to return to open session. Roll call vote carried unanimously.

City Commission entered back into open session at 8:38 P.M.

Motion made by Commissioner Swem, Seconded by Mayor Pro Tem Weedon to table the matter of the Draft Code of Conduct/Ethics Code, with instructions for the City Manager to post the draft language on the city website for public review. Roll call vote carried unanimously.

Motion made by Commissioner Money, Seconded by Commissioner Swem to table the matter of the Land Development Program, with instructions for the City Manager to post the draft language on the City website for public review. Roll call vote carried unanimously.

Motion made by Mayor Denison, Seconded by Mayor Pro Tem Weedon to table the matter of the Draft Revised Parking Ordinance, Roll call vote carried unanimously.

Motion made by Commissioner Money, Seconded by Commissioner Swem to authorize the City Attorney to take the actions discussed in Closed Session regarding outstanding DDA legal matters. Roll call vote carried unanimously.

Motion made by Commissioner Swem, Seconded by Commissioner Money to authorize the City Manager and the City Attorney to take the actions discussed in Closed Session regarding the legal issues relating to the City's pending USDA Project. Roll call vote carried unanimously.

Motion made by Commissioner Swem, Seconded by Commissioner Downey According to the terms of Manager Grace's employment agreement with the City of Buchanan, moved to authorize a \$3,000 increase in the City Manager's annual salary, due to her attainment of a 'satisfactory performance review,' with said increase to be retroactive to the anniversary of her hire date. Roll call vote carried unanimously.

Motion made by Commissioner Money, Seconded by Commissioner Swem to table the matter of the Proposed Ordinance Amendments to Allow for Smoking/Vaping During Permitted Temporary Marihuana Events and in Permitted Consumption Lounges, with instructions for the City Manager to post the draft language on the city website for public review. Roll call vote carried unanimously.

Motion made by Commissioner Downey, Seconded by Commissioner Money to table the consideration of a potential purchase or lease of real property until it can be discussed at a special meeting to be scheduled by the City Manager. Roll call vote carried unanimously.

VII. Reports by: Departments, Committees, Boards

- A. Treasurer Report- Stephanie Powers provided a brief Treasurer's report. Approved expenditures for November 22 were \$108,998.49. Powers provided a revenue to expenditure report that was included in the packet. The finance department completed 2 reports that were pending. The brownfield redevelopment authority report was successfully submitted and the CVRTS report that is due December 1, 2021, is completed and posted to the city's website.
- B. Chamber Executive Director / Main Street Manager Ashley Regal wanted to give a brief update on "Small Town Big Christmas", which is the annual shop small Saturday and Christmas Festival. It will be happening this Saturday November 27, 2021. Regal commented that they have had amazing sponsorship this year from local businesses. She wanted to recognize and thank Stacey Martin for

her leadership in this event while also guiding more sponsorships. Regal also wanted to thank the DPW crew for helping with the light display downtown. Regal wanted to make sure everyone drove down Front Street after leaving the meeting to see the lights and window fronts downtown. They have decided not to do the garland up the posts this year. There are a few new traditions being added in this year. Mill Alley has some decorations around the planter boxes. They also plan on doing Christmas postcards this year and are hoping to do a new one every year as well as Build-a-Buck. Returning to some old traditions and adding in some new ones too.

Mayor asked if the Christmas postcards would be for sale. They will be on sale on Saturday at the City Center for \$2.00 each. If there are extras, they will be available for purchase on the website.

Regal has approached the Buchanan Area Chamber of Commerce to gauge their interest in participating in the Main Street Committee, and also gather their input on how they thought the Main Street Committee should be structured. Regal provided graph demonstrating how the Main Street Committee could be structured, and she also provided a chart provided by the Michigan Main Street Program demonstrating how the composition of the Main Street Committee Board might look. Regal's vision was to bring 2 or 1 current Chamber members onto the new Main Street Committee so that they could add their leadership and expertise to the new Board, but she was hoping to get diverse representation on the Board by bringing in other members of the Community as well. Regal asked the Commissioners to contact her within the next couple of days if they had comments or suggestions relating to how to structure the Main Street Board, and if she had no comments after that point, she would be moving forward to start recruitment efforts based on her recommendations as provided during today's meeting.

- C. During their most recent meeting, the Planning Commission recommended that Richard Martin be appointed to the Planning Commission and has hereby forwarded their recommendation to the City Commission for review.

Motion made by Mayor Denison, seconded by Commissioner Downey, to formally appoint Richard Martin to the Buchanan Planning Commission. Roll call vote carried unanimously.

- D. The BARB Committee recommends that the City Commission consider the following items for discussion:

(1) Potential Renaming of "Duck Pond Park/McCoy Pond Duck Park" to "Veterans Memorial Park"

City Manager Grace spoke that there have been efforts in the past to put Memorial Items at the park. There is also some confusion for visitors coming in since it is referred as Duck Pond Park. Historically there was pond but not now.

Commissioner Money said that the park was officially designated as a Veteran's Memorial Park, 20 plus years ago. Believes it would be a great thing for the Buchanan Community and the Buchanan Veterans.

Motion made by Commissioner Money, seconded by Pro Tem Mayor Weedon to rename the Duck Pond Park/McCoy Pond Duck Park to Veterans Memorial Park. Roll call vote unanimously.

(2) Potential Removal of Large Pine Trees Located at Gateway Entrance Sign on E. Front St.

Mayor Denison commented that when they started talking about this at the BARB meeting, the idea was to potentially have the trees removed then consult with the Buchanan Tree Friends about what trees to plant there without blocking the view of the park.

Commissioner Swem commented that the information in the packet for the removal of trees was related to the Andrews Ice Rink project, and since we don't have that plan yet, leave the trees until we were ready to do that.

Commissioner Money asked if there was a way to trim the trees, he does believe they are overgrown and take away from the signage.

Mayor suggests that we formally have Buchanan Tree Friends look and come up with a recommendation on how to proceed.

Motion made by Mayor Denison, Seconded by Commissioner Swem to have the City Manager work with the Buchanan Tree Friends for recommendations on to either trim or remove the trees at the entrance sign downtown. Roll call vote carried unanimously.

(3) Exploration of New Methods to Store Duck Feed & Possible Removal/Relocation of Duck Shed

Mayor Denison explained that the building currently at Veteran's Memorial Park houses duck food and is home to a lot of rats and would like to see it moved away from a park where children play.

Mayor Pro Tem Weedon asked Baker for recommendations. They established that it's not the right place. Mayor Pro Tem Weedon asked if there has been any discussion for potential locations. Baker stated that anytime you house duck food like that you will have rats. Mayor Pro Tem Weedon asked what it could be repurposed for. Baker then stated it would have to be cleaned and sanitized.

Mayor Denison asked if it could be moved to another location where there's already a marsh, or some other water where it could be of use, not around the public.

Baker was unsure of what you would do with the duck feed. Anytime you have that amount of food you are going to have a rodent problem.

Commissioner Swem asked if we would be keeping the dispenser and removing the shed.

Commissioner Money made the point that you would have to transport and fill the dispenser back up for a quarter for a handful of feed.

Baker made the point that the DPW crew does fill the duck food dispensers.

Mayor Denison just not sure he likes the DPW being responsible for duck feed, there is a lot going on and he doesn't feel like duck feed should be on top of the list.

Commissioner Money thinks we should remove the ducks from that park. For the simple reason the park could be turned into a very beautiful and scenic park. You see prom photos and wedding photos being taken down there. And a mess that a duck makes doesn't work for those types of events. The ducks were always controlled before. He would like to see the ducks slowly make their way out.

Commissioner Swem asked if the ducks live in it?

Baker commented that the duck committee thought they were going to but no they don't. It's not serving its purpose.

Mayor Denison believes the Duck Committee should really be present for this discussion.

Motion made by Mayor Pro Tem Weedon, Seconded Commissioner Money to remove the house that stores the duck feed and authorize the City Manager to work with the DPW and the Friends

of the Ducks volunteer group to explore other ways to potentially store the duck feed. Roll call vote carried unanimously.

VIII. Unfinished Business

None

IX. New Business

- A. Approval of an ordinance to rezone the property owned by Joe Carter at 101 Terre Coupe/421 W. Front St. from the existing R1 residential zoning to C1 neighborhood commercial zoning as recommended by the Planning Commission at their meeting on November 9, 2021.

Regal gave the commission a brief report.

Commissioner Swem asked how many vehicles he is planning to store on site.

Joe Carter owner of 101 Terra Coupe/421 W. Front St. was able to answer Commissioner Swem stating that there will be 4 parking spots in the front with 2 vehicles up front 1 to sell out of the other just for storage. He is keeping his building in Michigan City, so the full operation will not be running out of that location.

AN ORDINANCE TO AMEND IN PART AN ORDINANCE ENTITLED "CITY OF BUCHANAN COMPREHENSIVE ZONING ORDINANCE, WHICH WAS ADOPTED ON SEPTEMBER 8, 2003, AND AMENDED SUBSEQUENTLY

Whereas The City of Buchanan's Plan Commission held a public hearing and a regular meeting on November 9, 2021, where it unanimously approved a recommendation to the Buchanan City Commission to rezone the property owned by Joe Carter at 101 Terre Coupe/421 W. Front St. from the existing R1 residential zoning to C1 neighborhood commercial zoning,

Whereas, the City of Buchanan's Plan Commission adopted the Zoning Administrator's November 9, 2021, Staff Report, as findings of fact to support this recommendation the City Commission to amend the comprehensive ordinance,

Whereas all state and local ordinance requirements have been met in order to make this recommendation to the City Commission,

Whereas the findings of fact to support the zoning amendment have been attached as an exhibit to this ordinance,

NOW THEREFORE BE IT ORDAINED BY BUCHANAN CITY COMMISSION:

1. The City of Buchanan Comprehensive Zoning Ordinance of September 8, 2003, as amended (hereinafter the "Ordinance"), shall be amended to rezone the property owned by Joe Carter at 101 Terre Coupe/421 W. Front St. from the existing R1 residential zoning to C1 neighborhood commercial zoning

2. The City Commission upon adoption of this ordinance will adopt the Zoning Administrator's November 9, 2021, Staff Report, as findings of fact to support the zoning ordinance amendment.

3. The Comprehensive Zoning Ordinance Official Zoning Map will be updated to reflect that the parcel located at 101 Terre Coupe Rd/421 W. Front St. is zoned Neighborhood Commercial, C1.

X. CONFLICTING ORDINANCES: All other ordinances and parts of ordinances, or amendments thereto, of the City of Buchanan in conflict with the provisions of this ordinance are hereby repealed.

XI. RECODIFICATION: That the Ordinance is hereby amended to recodify the numbering of articles and sections to conform to a standard or model codification scheme established by the Ordinance where articles are numbered within groups of ten to associate together similar articles on similar topics, and sections are numbered sequentially with the first two digits being the article number and the next two digits being the sequential section number.

XII. EFFECTIVE DATE: This ordinance amendment shall take effect on December 2, 2021, upon publication in the Berrien Record.

Motion made by Commissioner Swem, Seconded by Commissioner Money, to approve an ordinance to rezone the property owned by Joe Carter at 101 Terre Coupe/421 W. Front St. from the existing R1 residential zoning to C1 neighborhood commercial zoning as recommended by the Planning Commission. Roll call vote carried unanimously. Ordinance 2021-11/422 declared adopted.

- B. Conduct annual review of the number of marihuana permits allowed by City Ordinance and consider recommendation for additional Adult Use Marihuana Class C Grow and Processing permits, 5 each for medical and adult use.

Administration recommendation is to increase the number of available Marihuana Class C Grow and Processing permits by 5 each for medical and adult use. Also designate the second meeting in November as the time of each year that the City Commission will conduct a once annual review of the number of permits authorized under its adult use ordinance. The current existing ordinance

does require this review to occur annually. City Manager Grace wanted to address the concerns during the public comment section-we are not recommending any additional retail establishments its just currently for the Class C Grow and Processing.

Mayor Denison also wanted to add on to City Manager Grace's point. As a group we have heard loud and clear that the city does not want any more store fronts for cannabis. However, people are calling here everyday looking for empty buildings to create jobs. Investing money, fixing up old buildings and again, creating more jobs. It's something we haven't seen in a long time. Mayor Denison feels obligated try and create as many jobs as we can while we can. Because we are out of permits and people are knocking down the door looking for places to open new business that's why the Commission is considering this. Instead of bumping this up one at a time to prevent Murphy from having to constantly keep coming back.

Commissioner Swem asked if we're just adding one grow permit.

City Manager Grace addressed the question, stating that the recommendation is to increase by 5 each to the two different categories, Processing and Class C Grow, for each classification Adult Use and Medical.

Commissioner Swem took that it was from 4 permits to 5 permits.

Pro Tem Weedon walked thru what the current Marihuana Permit Inventory is.

5 Medical Retail – none left

5 Adult Use Retail – none left

4 Medical Grower Class C – 1 left

5 Adult Use Grower Class C – none left

1 Adult Use Grower Class B – 4 left

4 Medical Processor – 1 left

3 Adult Use Processor – 2 left (both are being pursued currently)

1 Medical Grower Class C Stacked – 1 left

1 Adult Use Grower Class C Stacked – 1 left

Commissioner Downey expressed that we set a limit a couple of years ago for that amount, and he understands that we want the new business but at the same time we have a new development director that is supposed to bring in other things besides marijuana. If we allow 5 more of each of these and they take up 10 of the buildings, where're the other new businesses going to go without building brand new buildings. He feels they may be squeezing out everyone else if they allow 10 more.

Mayor Pro Tem Weedon addressed the commission, with the original intention was to do 5 and see where it goes. Now the potential opportunity for us is to have more and if 10 is the consensus and if that's too many, then what is the right number. He doesn't think we continue to push them away because other municipalities chose not to move at the pace we have. He thinks we need to entertain that.

Commissioner Swem stated that the Industrial Park is zoned for this and asked what other areas in the city are used for grow facilities.

City Manager Grace stated she was going off memory since this is more Murphy's area, but she believes the C2 area with a special use permit. Typically, it's the Industrial Park. Mayor Denison believes there are some processing plants in C3. Mayor Pro Tem Weedon stated yes as well as light industrial. Talking about downtown there are a few processing plants just South of downtown.

Mayor Pro Tem Weedon wanted to make it clear to the public that processing and grow are two different things. This is big distinction, and it gets very muddled because it's something that's so unusually unique for the community to understand. Processing is something that could be happening next door and you would never know it. It's more like a laboratory.

Mayor Denison understands what Commissioner Downey expressed, but if were talking about processing and jobs in a laboratory he doesn't know how we turn that away.

City Manager Grace informed the commissioners that in the analysis of the industry the processing were some of the better paying jobs. Mayor Pro Tem Weedon agrees with City Manager Grace.

Commissioner Swem wanted to know if the Planning Commission reviews this first.

Mayor Denison informed him that it depends on where the building is located. If someone was going to have get a special use permit, they would have to go to the Planning Commission prior to coming to the City Commission.

Commissioner Swem would like to visually see on the map where they could possibly go.

Mayor Denison would like to go on record that he does not want to see any more marijuana downtown because of the limited buildings.

City Manager Grace addressed Commissioner Swem's concerns about seeing what areas they would be allowed in. There are certain areas that it would be easier to get zoning approval. Technically they can apply for any area it's just up to the Planning Commission or ZBA if they get approved for a variance or special use permit. There's always a mechanism for them to ask, but generally it's much more difficult and there's always a mechanism to say no.

Mayor Denison stated we get the final say if we're going to allow it or not. If it has to go through the Planning Commission first and they are not an easy bunch to get through. He is in favor of at least giving the City the option to entertain the idea of bringing in more industry and jobs. If we don't give them more permits people are going to go elsewhere.

Mayor Pro Tem wanted to state on the record that it's not retail.

Commissioner Swem asked how many jobs will this create?

City Manager Grace said there is a potential of 30 jobs. It depends on the size of the operation.

Commissioner Swem asked what the anticipated revenue for these permits is?

City Manager Grace said the cost of each of the permits is \$5,000.00 but as far as State revenue she did not want to speculate. We're not making any profit off of the permit we have to use that money for the application process and it's a lengthy process. The revenue received from the state was \$84,000 this past year, they are expecting less than half of that this year. The revenue is coming from dispensaries not from the processing and grow. City Manager Grace doesn't count on the State issued revenue as anything substantial. It's more do we want the economical development aspect of new jobs coming in the community and having the new buildings being developed or redeveloped, and increases to the tax base, and if you bring in some of those grow facilities especially larger water customers will subsidize the rate of City residents.

Motion made by Mayor Denison, Seconded by Commissioner Swem, to approve the additional Adult Use Marijuana Class C Grow and Processing permits, 5 each for both medical and adult use. Roll call vote carried unanimously.

X. Communications *(informational only, formal board action is not necessary for these items, unless so desired)*

- A. AEP Grant - The AEP Foundation for Indiana Michigan Power has approved a grant to the City of Buchanan in the amount of \$1,000. \$500 will reimburse the City for promotional/advertising costs related to the Small Town, Big Christmas event. The remaining \$500 will be divided amongst three lucky Buchanan residents who are chosen as the prize winners of the first annual 'Buchanan Holiday Light Show Competition.' Details will be posted soon on the City website and Facebook.
- B. The Berrien County Clerk's office has shared a communication with the City that the County Apportionment Commission has approved a new County Commissioner District Map, as required by law. More information is available on the City website at the following link: <https://bit.ly/3Hdf1ln>

XI. Public Comment - Non-Agenda Items Only *(3-minute limit)*

James Kennedy 419 W Front St.- The last 2 months Mr. Kennedy has been looking for a building to move his business in from Florida. Right now, he is currently working out of his home. The buildings he has saw are unusable without dropping \$100,000.00 investment. Or they have already been purchased by marijuana growers. Keep in mind he is trying to bring in a business into the city that residents would use. We need a plan to be made for this town to seek something other than marijuana.

XII. Executive Comments

A. City Manager Comments

Thanks the Commission for a great closed session and thanks the public that stuck around, I apologize it was a lengthy closed session but appreciate you sticking around till the end of the meeting. Based on discussion for the past couple of meetings we are keeping in mind building a diverse group of industry types. It is one of our main goals.

B. Commissioner Comments

Mayor Pro Tem Weedon- No comment

Commissioner Swem- There is a lot about to be posted to the City's website. Please take a moment to look at it. There was a lot of work put into that, there is a lot of work going into growing and benefiting the City. Appreciate your patience on that. Had a great tour of the Water Treatment Plant with Bill last week. Great investment by the community, you all should be very proud of that. Storefronts looking amazing and can't wait to go downtown tonight and look at the lights.

In our work session DPW building, we had a walk thru the DPW building with the contractors, some good feedback from the construction managers. Some side conversations related to the current state of the building does have him asking some questions on the engineering report. He would like to see a second opinion on that. Thank you for everyone's patience.

Commissioner Downey- addresses Mr. Kennedy asking if he had checked with Randy Hendrixson at Building 324 for space. It's a good one to look at it.

Commissioner Money- Thanked everyone for sticking around. We are trying to do the best we can up here, this Commission is working hard for the City. In some respect there are people that don't think so but everything we are trying to do is for the betterment of the City and for the people that live here.

C. Mayor Comments

Thanked everyone for coming tonight and for having the patience to sit through closed session. We did have discussion about potentially moving our closed sessions to the end of the meeting to make it more convenient for everyone in attendance. We had a work session this week at building 324 which is the old Clark building and got to see some old photos and learn some history about Clark. Clark owned everything in this town, they did everything in this town and number one that made it easy on the taxpayers and number two when they left made it really bad on the taxpayers. I think were all keeping that in the back of our mind when it comes to marijuana. We're not naïve we don't want it to up and leave and then be in the same boat we were. I know when I talk to Rich Murphy I am pushing to diversify and looking for different kinds of industry and businesses. And there are things that are happening in this town that are not marijuana related. We just must be patient and let the dominos fall. We got to go on a tour of the Wastewater Treatment Plant, it is an exceptional facility. It is amazing, beautiful, clean, unbelievable, and something we should be proud of. Hoping to do a Public Open House, highly recommend you go. It is amazing and going to be there for a very long time.

Mayor Pro Tem Weedon brought up that Mr. Gordon said the closest one to that is 30 years old. As far as quality goes, we have the nicest one in the State. We can handle 4 times of what we could before.

Mayor wanted to thank the Chamber for all the work they're doing with the activities planned this weekend, they have done a great job promoting it and planning it. The decorations looked great even before all the lights, he can't wait to drive home. Today is his 18th wedding anniversary, just wanted to say Happy Anniversary to his wife.

XIII. Adjourn

Motion made by Mayor Pro Tem Weedon Seconded by Commissioner Money to Adjourn. Roll call vote carried unanimously. Meeting Adjourned at 9:48 p.m.

Kalla Langston, City Clerk

Mayor, Sean Denison



SPECIAL MEETING OF THE BUCHANAN CITY COMMISSION
MONDAY, NOVEMBER 29, 2021 – 8:00 AM
CHAMBER OF BUCHANAN CITY HALL - 302 N REDBUD TRAIL, BUCHANAN MI

MINUTES

THE COMMISSION OF THE CITY OF BUCHANAN, in compliance with Michigan’s Open Meetings Act, hereby gives notice of a special meeting of the Buchanan City Commission to be held in the Chamber of City Hall.

I. Call to Order

Mayor Denison called the meeting to order at 8:02 A.M and led the Pledge of Allegiance.

II. Roll Call

PRESENT: Mayor Sean Denison, Mayor Pro Tem Mark Weedon, Commissioner Cameron Downey, Commissioner Larry Money, Commissioner Patrick Swem

STAFF: City Manager, Heather Grace; City Clerk, Kalla Langston; Director of Public Services, Mike Baker per phone.

III. Approve Agenda

Motion made by Mayor Pro Tem Weedon, Seconded by Commissioner Swem to approve the agenda as presented. Roll call vote carried unanimously.

IV. Public Comment - Agenda Items Only (3-minute limit)

None

V. Consent Agenda

None

VI. Scheduled Matters from the Floor

None

VII. Reports by Department, Committees, Boards

None

VIII. Unfinished Business

None

IX. New Business

1. New DPW Building

A. Geotechnical Bids

Requested by Bergman, in order to evaluate footings and foundations needed for the new building as well as some potential soil impacts on the site are fifteen (15) soil borings; eight (8) borings to a depth of twenty-five (25) feet; four (4) borings to a depth of ten (10) feet; and three (3) borings to a depth of fifteen (15) feet below ground.

Company	Cost	Timeline	Comments
Driesenga	\$8,750	6-7 Weeks	Have some questions about scope and follow up
Intertek	\$11,500	4-5 Weeks	Great scope
SME	\$13,500	8 Weeks	Great scope

This work will need to be completed quickly to keep the design schedule intact. The Barton Group recommends having an allowance of \$12,000 for this work and letting the City Manager decide on the company once all proposers have answered questions and provided clarity to the building team.

Mayor Denison is wondering if Driesenga’s price would change due to having some questions. City Manager Grace was not informed if it would change or not.

Mayor Denison asking if there was any recommendation on any of the 3 bids from The Barton Group.

City Manager Grace informed them that they did not share a recommendation.

Motion made by Commissioner Money, Seconded by Mayor Pro Tem Weedon, to accept the recommendation of the Barton Group and authorize the City Manager to decide on a company once all proposers have answered questions and provided clarity to the building team, with an amount not to exceed \$12,000. Roll call vote carried unanimously.

B. Environmental

Required for demolition and site analysis of any potential hazards, proposals for an environmental review (reviewing current use, previous use, and neighboring uses) as well as a Hazardous Materials Assessment (HMA) were requested. Three of the four companies suggested doing a Phase I analysis for the environmental review.

Company	Cost Phase I	Cost HMA	Total Cost	Timeline	Comments
SME	\$3,100	\$6,000	\$9,100	5 Weeks	Hazard sampling and Phase I Env
Analytical Testing	\$1,800	\$2,200	\$4,000	4-5 Weeks	20 asbestos samples, 10 paint chips for lead and cadmium, universal waste assessment and Phase I Env
Point Blue	Not divided in proposal	Not divided in proposal	\$5,671	6 Weeks	The scope of activities includes the site reconnaissance, a review of environmental records, an asbestos survey, a heavy metals in paint assessment, and universal waste assessment for the property located at 606 Clark Street in Buchanan, Michigan.
Envirologic					Waiting on proposal (12/1)

These are four very different companies, and the Phase I has requirements that must be met by industry standards. The price difference most likely has to do with thoroughness of recommendations provided in the report for abatement, handle of anything hazardous, and further guidance from the experts. The Barton Group recommends having an allowance of \$6,000 for this work and letting the City Manager decide on the company once all proposers have submitted a proposal, answered questions, and provided clarity to the building team.

Motion made by Commissioner Swem, Seconded by Commissioner Money, to accept the recommendation of Barton Group authorize the City Manager to decide on a company once all proposers have submitted a proposal, answered questions, and provided clarity to the building team, with an amount not to exceed \$6,000. Roll call vote carried unanimously.

2. Closed Session- To conclude the Potential Purchase or Lease of Real Property.

Motion made Mayor Pro Tem Weedon, Seconded by Commissioner Money to go into Closed Session pursuant to MCL 15.268(d) to consider the purchase or lease of real property.

Roll call vote carried unanimously.

Entered Closed Session at 8:10 A.M.

Motion made by Mayor Pro Tem Weedon, Seconded by Commissioner Swem to re-enter Open Session. Roll call vote carried unanimously.

Re-Entered Open Session at 8:28 A.M.

Motion made Mayor Pro Tem Weedon, Seconded by Commissioner Money to move forward with the recommendations from the Closed Session.

YES: Mayor Denison, Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money.

ABSTAIN: Commissioner Swem for personal relationship.

Motion carried.

X. Communications

None

XI. Public Comment - Non-Agenda Items Only (3-minute limit)

None

XII. Adjourn

Motion made by Mayor Pro Tem Weedon, Seconded by Commissioner Money to adjourn. Roll call vote carried unanimously.

Meeting Adjourned at 8:27 A.M.



Kalla Langston, City Clerk



Mayor Sean Denison



REGULAR MEETING OF THE BUCHANAN CITY COMMISSION
TUESDAY, DECEMBER 28, 2021 – 7:00 PM
CHAMBER OF BUCHANAN CITY HALL - 302 N REDBUD TRAIL, BUCHANAN MI

MINUTES -AMENDED

THE COMMISSION OF THE CITY OF BUCHANAN, in compliance with Michigan’s Open Meetings Act, hereby gives notice of a regular meeting of the Buchanan City Commission to be held in the Chamber of City Hall.

* Requests to be added to the agenda as a “Scheduled Matter from the Floor” should be submitted in writing to the City Clerk at least 5 business days prior to the scheduled meeting during which the speaker wishes to appear, and the approval of such requests remain within the discretion of the Mayor. If denied, the speaker may nonetheless speak during the “non-agenda items only” public comments section of the agenda.

* Those who are unable to appear during a meeting but who still wish to share public comment may submit such comments in written form to the City Clerk at least 4 hours in advance of the meeting.

* Individuals with disabilities may request necessary reasonable accommodations by submitting requests to the City Clerk, preferably at least 24 hours in advance.

* Written requests and comments may be submitted to the City Clerk either in person or via mail to Buchanan City Hall, 302 N. Redbud Trail, Buchanan, MI 49107, or via email to clerk@cityofbuchanan.com

I. Call to Order

Mayor Dennison called meeting to order at 7:00 PM.

II. Recognition

None

III. Pledge of Allegiance

Mayor Dennison led in the Pledge of Allegiance.

IV. Roll Call

PRESENT: Mayor Sean Dennison, Mayor Pro Tem Marc Weedon, Commissioner Cameron Downey, Commissioner Larry Money, Commissioner Patrick Swem.

ABSENT: None

CITY STAFF PRESENT: City Manager, Heather Grace; City Clerk, Kalla Langston; City Treasurer, Stephanie Powers; Community Development Director, Rich Murphy; Department of Public Works, Mike Baker; Sargent John Leonard.

V. Approve Agenda

Amend the Agenda by adding Item XI. I. Proposed Lease Agreement for DPW under “New Business”.

Weedon Moved, Seconded by Money to accept the amended agenda. Roll call vote carried unanimously.

VI. Public Comment - Agenda Items Only (3-minute limit)

None

VII. Consent Agenda (can be approved all in one motion, for general housekeeping items)

A. Approving Closed Session Minutes for November 22, 2021.

B. Approving Closed Session Minutes for November 29, 2021.

C. Approving Regular Meeting Minutes for December 8th, 2021.

D. Approval Special Meeting Minutes for December 20, 2021.

E. Accept Staff Activity Reports

F. Approve Expenditures for December 28, 2021, in the amount of \$111,143.85.

Motion made by Downey, Seconded by Swem to approve the Consent Agenda, as presented. Roll call vote carried unanimously.

VIII. Scheduled Matters from the Floor *(if any)*

None

IX. Reports by: Departments, Committees, Boards

A. Community Development Report- Community Development Director Rich Murphy provided a brief report for his department.

B. One Buchanan Appointments- Consider appointing Deborah Hendrix, Ruth Writer, Adam Burck, and Robert White to become members of One Buchanan as recommended by the One Buchanan Committee on December 15, 2021.

Motion made by Swem, Seconded by Weedon to approve appointing Deborah Hendrix, Ruth Writer, Adam Burck, and Robert White to become members of One Buchanan.

C. Friends of the McCoy Creek Trail- Consider approving a Resolution to award the *Friends of the McCoy Creek Trail* group \$5,000 annually for the next three years to be spent on their currently proposed trail expansion project.

Motion made by Swem, Seconded by Money to approve Resolution 2021.12.236, as presented. Roll call vote carried unanimously.

X. Unfinished Business

A. Second Reading and Approval of Ordinance 2021.12/425- Consider ordinance amendments for additional Marihuana Class C Grow and Processing permits, 5 each for medical use. Note that this does not increase the number of permits for retail establishments, meaning an increase in the number of marihuana stores is not currently being considered. **(Attachment A)**

Motion made by Weedon, Seconded by Swem to approve Ordinance 2021.12/425, as presented, with said ordinance to take effect in 15 days, as per Section 7.4 of the Buchanan City Charter. Roll call vote carried unanimously.

B. Second Reading and Approval of Ordinance 2021.12/426- Consider ordinance amendments for additional Marihuana Class C Grow and Processing permits, 5 each, for adult use. Note that this does not increase the number of permits for retail establishments, meaning an increase in the number of marihuana stores is not currently being considered. **(Attachment B)**

Motion made by Money, Seconded by Weedon to approve Ordinance 2021.12/426, as presented, with said ordinance to take effect in 15 days, as per Section 7.4 of the Buchanan City Charter. Roll call vote carried unanimously.

C. Second Reading and Approval of Ordinance 2021.12/427-Consider the creation of a City of Buchanan Code of Conduct via enactment of an Ethics Ordinance, as drafted by the City Attorney. **(Attachment C)**

Motion made by Swem, Seconded by Money to approve Ordinance 2021.12/427, as presented, with said ordinance to take effect in 15 days, as per Section 7.4 of the Buchanan City Charter. Roll call vote carried unanimously.

D. Second Reading and Approval of Ordinance 2021.12/423- Consider ordinance amendments to allow for smoking/vaping during permitted temporary marihuana events. (Attachment D)

Motion made by Weedon, Seconded by Money to approve Ordinance 2021.12/423, as presented, with said ordinance to take effect in 15 days, as per Section 7.4 of the Buchanan City Charter. Roll call vote carried unanimously.

XI. New Business

A. Restaurant Incentive Program Application- Consider approving a Restaurant Incentive Program Application for the Sweet Shop at 205 E. Front St.

Murphy gave summary of Restaurant Incentive Program Application stating they are eligible for the full \$10,000.00 reward.

Motion made by Swem, Seconded by Weedon to approve the Restaurant Incentive Program Application for the Sweet Shop at 205 E. Front St. in the amount of \$10,000.00. Roll call vote carried unanimously.

B. Cannavista Renewal Permit Application- Consider approval for Cannavista Wellness to transfer existing city marihuana permits to a newly named permittee, as part of their permit renewal application.

Murphy gave a summary of the Renewal Permit Application. Asking for approval pending the background check coming back in good standing.

Motion made by Downey, Seconded by Swem to approve the Cannavista Wellness renewal application, including the transfer of existing permits to a newly named permittee as presented pending final background check approvals. Roll call vote carried unanimously.

C. Floodplain Assistance Application for Rowland Property Group- Consider approval for a Floodplain Assistance Program Application for Rowland Property Group LLC.

The largest vacant building on Front St. was purchased by the Rowland Property Group. The application is complete, and Murphy is asking for approval for the Floodplain Assistance Application.

Motion made by Money, Seconded by Downey to approve the Floodplain Assistance Application for the Rowland Property Group as presented.

Yes: Money, Downey, Weedon, Denison.

Abstain: Swem; for business interest.

D. Redevelopment Technical Assistance Application for 3234 E. Dewey St.- Consider approving a Redevelopment Technical Assistance Program Application for "Building 324/Clark Campus."

Murphy gave a summary of the Application. The commission had the chance to tour the building. They have identified an opportunity to nominate the Clark Campus to be put on the National Register of Historic Places. With that it will open funding for historic tax credits.

Motion made by Downey, Seconded by Swem to approve the Redevelopment Technical Assistance Application for Building 324/Clark Campus, as presented. Roll call vote carried unanimously.

E. Aloft Processing Permit Application- Consider approving processing permit applications submitted by Aloft Processing for 317 Post Rd.

Murphy gave a summary of the Application, Aloft was approved for a special use permit by the Planning Commission. This is a significant investment which creates 10 to 20 jobs.

Motion made by Downey, Seconded by Weedon to approve the Aloft Processing permit application, as presented, pending final background check approvals. Roll call vote carried unanimously.

F. Proposed Contracts, Prein & Newhof- Consider approving the contracts proposed by Prein & Newhof to continue their ongoing work on our Streetscape project and our water/sewer projects.

Grace is asking for the authority to execute the contracts by Prein & Newhof for Streetscape and water/sewer projects.

Swem asked when the city anticipates funding or a group being put together to guide that project.

Grace stated as soon as the contracts are approved, they will be ready to put the group together for visioning sessions. Then bring in the water/ sewer engineers.

Nothing made by Swem, Seconded by Money to authorize the City Manager to execute the contracts proposed by Prein & Newhoff for the Streetscape and water/sewer projects, pending final review and acceptance by the City Attorney.

G. Consider Approving Resolution 2021.12/239- DPW Building Authority Bond

Grace gave a summary on the proposed Resolution. The number that is proposed does not mean that is the amount the city will borrow; it just sets a maximum. The resolution passing gives the city the opportunity to go out for the bonds. Grace is still working diligently on finding grants and low interest loans. As they further mesh out what the new infrastructure bill passed by the federal government will provide for the City, they hope and anticipate it will lessen the financial obligation. Grace is recommending approval to keep moving forward and having that back up funding if needed.

Motion made by Money, Seconded by Dennison to approve Resolution 2021.12/239.

Discussion opened between Commissioners.

Swem expressed concern with the spending of the project. He does not feel comfortable with 5.7 million. He respects putting more in the budget for spending, but it is about 2.5 million more than his comfort level. Before he can vote he would like to understand where the commission stands on financially where this project should be.

Denison stated that we are having a work session at the end of January to meet with the construction consultants and the commission to give them our target number for the building. Denison has stated he trusts Grace and that no one is out to spend 6 million dollars.

Swem asking why such a high dollar amount then.

Grace added that the numbers came after discussion with Barton Group and Bergman, wanted to make sure that if the city committed to this project, which they did by hiring AVB as the Construction Manager, that ultimately if construction prices rise, they have a contingency plan built in so that the project does not stall for lack of funding. Many of the grants that the city is looking at is along the lines

of a reimbursement style grant. If the city receives the grant, they would be able to pay the bond off right away after the building was complete.

Downey with Swem, stating that three years ago it was a 1.1-million building. Now it went from 3 million to 4.7 million and now the bond is 5.7 million. Worried that were giving to much lead.

Downey concerned about the price and does not believe the Commissioner's opinions were asked as far as a dollar amount until the last 2 meetings.

Denison disagrees, all the recommendations from Bergman and The Barton Group were brought to the Commission. And so far, the Commission has approved everything that's been recommended.

Downey stated because there was still no final dollar amount.

Dennison stating and that there still is no final amount, that the session at the end of January is the time for the commission to say where they want the number to be.

Swem asking what the downside is to approve a lower dollar amount.

Grace answered, the downside is if we are not able to find a lower construction number to build the building that is suitable to are needs and we don't have grant funding at that time and but know grant funding in coming later and we don't have another source for those numbers the whole project could stall out.

Swem stating grant funding is not a guarantee, and if it costs 5.7 million to get the DPW what they want, were going to spend it and he can't support that. He would support the bond at 4.5 million knowing the group wants to be below that. Swem would like to see 3 to 3.5 million.

Downey concerned about the footprint of the building, with the footprint getting larger.

Grace let the commission know that they did approve the figures of the footprint that were presented in past meetings, with the option of reducing price with downsizing the footprint.

Denison is concerned about stalling the project, since they are moving the DPW out of the building and would rather see it keep moving. Since they have the final say when the time comes.

Commissioners continued to discuss about the cost and footprint.

Money agrees we need to sit down and if there are areas that can be scale back to reduce the cost, we should do discuss it. We need to look at different options in the work session.

Weedon sees it as a line of credit, the reason why were so hesitant is because we do not want to spend that amount of money. This is the limit. Wants a solid building that's safe for the crew and equipment.

End of discussion, Denison asked for roll call since they had a motion,

Yes: Denison, Weedon, Downey, Money

No: Swem

H. Year-End and Housekeeping Issues.

Nothing now.

I. Proposed Lease Agreement for DPW

Authorizing the City Manager to execute the proposed lease agreement for the DPW, as presented. That would allow the DPW to move on January 6th or after. Until it is executed it won't be available to the public.

Motion made by Downey, Seconded by Swem to authorize the City Manager to execute the proposed lease agreement for the DPW, as presented. Roll call vote carried unanimously.

XII. Communications *(informational only, formal board action is not necessary for these items, unless so desired)*

A. Update on AEP Foundation Christmas Lights Contest

Grace gave an update, letting her 10-year-old son to choose the winner of the light contest. Tomorrow morning you will see some pictures and the winners will be contacted. There was a lot of beautiful lights.

XIII. Public Comment - Non-Agenda Items Only *(3-minute limit)*

None

XIV. Executive Comments

A. City Manager Comments

To echo Community Development Director Murphy statements, the leadership is putting Buchanan in a great situation to benefit positively. Commends the Commission for that and the public's support for the new financial incentives. Also, the great business leadership were seeing in Buchanan, by bringing vitality and jobs.

B. Commissioner Comments

Weedon- Thanked Rich Murphy, in the beginning everyone was hesitant in dealing with a new economic development director. Anything with economic advancement hadn't been talked about in decades. We have a lot of activity and discussion, and a lot of the responsibility is a reflection of your dedication to the city.

Swem- Wanted to clarify that the funding for the programs that were approved came from cannabis funds and ARPA funds. Let Murphy know that he's doing an excellent job so far a lot of the investment groups are reaching out and asking questions about Buchanan. Thanked the Commission for the discussion earlier on the DPW bond.

Downey- None

Money- Reiterated what Weedon and Swem stated about Murphy. Thanks to his diligence in moving Buchanan forward. It's refreshing to see all the work being done on buildings, it's something we haven't seen in a while. Also, a thank you to Randy for what he's doing with building 324, it's very impressive. Sargent Leonard was nominated as the Police officer of the year for the City of Buchanan. He congratulated Leonard on the recognition.

C. Mayor Comments

Wanted to hit highlights of the year.

Memorial Day Parade which after 2020 was a really nice thing to have.

Celebrating Hannah Roberts and her watch party was an event in itself.

Great season of concerts and events at the Common.

Buchanan High School Baseball and Softball teams had great success this year.

Opened the new Wastewater treatment plant which is a state-of-the-art gem.

New Businesses in town.

The master plan was completed, the 5-year park and rec plan is nearly complete.

And that's all due to the Commissioners. Denison thanked the Commissioners stating it's not always a glorious job but appreciates each one of them and the time they put in.

Thanked City Manager Grace for getting her first calendar year under her belt and is very proud of what she has done. Considering new website, new accounting software, a ton of new staff she has really juggled it all, congratulations to her. Thanked Rich Murphy started this is exactly what he was envisioning happening, super proud of the work he has done. City Staff have put in a ton of hours, and it is appreciated. Thanked the Tree Friends for nearly 100 trees planted this year and couldn't have gotten it done without the DPW staff. Thanked the DPW staff and the volunteers of the community. Thanked the Chamber of Commerce, by adding Ashley Regal is a win for the city and the chamber. He could not be happier with the progress that is being made. Finally wanted to thank Jerry Flenar. He is the energizer bunny, he raised almost 200,000 by himself this year to expand the trail, he is a great asset to our community. Also wanted to give a thank you to the organizers and merchants of the Farmer's Market, they had an outstanding year this year.

Happy New Year and let's keep up the good work.

XV. Adjourn

Motion made Weedon, Seconded by Money to Adjourn at 8:02 p.m. Roll call vote carried unanimously.

Kalla Langston, City Clerk

Mayor Sean Denison