



# REGULAR MEETING OF THE BUCHANAN CITY COMMISSION

MONDAY, JANUARY 09, 2023 – 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](mailto:clerk@cityofbuchanan.com)

### I. Call to Order

Meeting was called to order by Mayor Sean Denison at 7:00 P.M.

### II. Recognition

### III. Pledge of Allegiance

Denison led in the Pledge of Allegiance.

### IV. Roll Call

**Present:** Mayor Sean Denison, Mayor Pro Tem Mark Weedon, Commissioner Dan Vigansky, Commissioner Larry Money, Commissioner Patrick Swem

**Absent:** None

**City Staff:** City Manager, Heather Grace; City Clerk, Kalla Langston; Community Development Director, Rich Murphy; Director of Public Services, Mike Baker; Director of Public Safety, Tim Ganus; Chief of Police Harvey Burnett; City Attorneys Matt Derby; Main Street Manager/ Chamber Director, Ashley Regal

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

*Norma Ferris-* Would like more information on the trail extension.

### VI. Approve Agenda

\*Motion made by Weedon to amend the agenda to add item D. Lift Station Discussion under section IX. Reports by Departments recommended by the Joint Water Sewer Board, supported by Vigansky, to approve the amended agenda. Roll call vote carries unanimously.

Y: Weedon, Vigansky, Money, Denison

Abstain: Swem (Business Interest)

Nay: None

Motion carries

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

**A. Minutes:** Consider approving the Special Meeting Minutes from the December 27, 2022 Meeting.

**B. Expenditures:** Consider approving expenditures for January 9, 2023, in the amount of **\$66,309.35**.

*\*Motion made by Swem, supported by Money to approve the Consent Agenda as presented. Roll call vote carries unanimously.*

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

**A. (1) Andy Campbell with Baker Tilly-** presentation regarding the analysis of the DPW building costs, and how it relates to water/sewer rates.

Campbell discussed **attachments A, B, & C**. Starting with the timeline of sale of bonds, with getting final numbers toward the end of February.

Attachment A is how the bonds will be paid back by working with staff. The debit service break out is how cash flow would work with the bond payments being paid out of the four funds of General, Streets, Water, and Sewer fund. The DPW houses equipment and works with the Water/Sewer Departments which is why it's split between those four funds.

Attachment B is the Operating Expenses for the water fund. The increases are up by about 10 percent. Page 2 of Attachment B (Cash Flow Analysis) shows with the 8 percent increases that were put in place by the previous administration what a typical household increase would look like. The current debt service payments listed show the bond payments with the DPW and the USDA projects.

The budget can be adjusted to take off the water/sewer funds, but the city must have a qualifier and a long-term plan to go out for sale of the bonds. The long-term plan is what was presented, but when prepping for annual budgets the Commission can allocate money from the general fund instead of the water/sewer funds to cover some of the bond payment. The cash-flow overall is still made with estimates. The overall unrestricted and cash investments show a decrease of \$600,000.00 over the next five years. What that implies is the city is using the reserves, so the rate increases do not need to go any higher than they already are.

Attachment C is the Operating Expenses for the sewer fund with increases as well. With this fund adding to the reserves, unlike water with having to use the reserves. The city will be hovering around the average water bill price for the State. The sewer bill will be on the medium- higher side due to borrowing and capital improvements. The city has done a lot of improvements and a lot of improvements still to come have impacted the rates. The rates have been raised due to debt payments for the capital improvements. You can't adjust the bond payments for ten years, but you can adjust what fund pays for it.

**B. Mark Seaman of PointBlu-** consider proposals relating to the demolitions of the Old Feed Mill/Baroda Tire Too properties.

Seaman presented two proposals to the commission for the demolition of the Old Feed Mill/Baroda Tire Too properties. There are some ways to recapture the cost by establishing a Brownfield for the properties. Working with PointBlu the properties would be "shovel-ready" for any developer coming in. PointBlu is willing to work with in the contract if the city is wanting to sell the silos to a third party it, just needs to be clarified and incorporated into the agreement. Pest management is a concern of neighbors and needs to be clarified in the agreement as well.

*\*Motion made by Swem, supported by Vigansky to use the economic development funds with a maximum guaranteed price of \$35,000 to move forward proposals that were provided. Roll call vote carries unanimously.*

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

**A. Community Development Report- Director Rich Murphy**

(1) **Trail Extension Proposal**- Consider approving the proposal for design and construction engineering services from Wightman and Associates for the McCoy's Creek Trail extension.

Jerry Flenar, Chairperson for the McCoy Creek Trail Committee is here to encourage the Commission to enter in the contract for engineering services from Wightman and Associates for the extension. Flenar and his group received grant funding as well as raising funds to cover the costs of the extension. Commission and Staff thanked the McCoy Creek Trail Committee for their amazing work as a group. The Commission gave a round of applause to the Committee for all their hard work, as well as a thank you to Wightman & Associates for their work.

*\*Motion made by Money, supported by Swem to approve the Trail Extension Proposal from Wightman & Associates, as presented. Roll call vote carries unanimously.*

**B. Public Safety Report - Chief Harvey Burnett**

(1) **Resolution # 2023.01/01**- Consider approving a resolution to adopt the 2022 Berrien County Multi-Hazard, Multi-Jurisdictional Plan.

**Project Summary:** The Berrien County Multi-Hazard, Multi-Jurisdictional Hazard Mitigation Plan has been updated to bring it current with Federal Standards as found in the attached 704-page plan. The Berrien County Emergency Management Office secured a grant to help fund contractor support to compile information and edit the plan. All units of government within Berrien County participated in this planning process and it has produced a more comprehensive plan. For community members, this process resulted in the production of a single document in which they can reference instead of needing to reference 40 individual plans.

**Authorities/Purpose:** The Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) legally requires state, local, tribal, and territorial governments to develop and adopt FEMA-approved hazard mitigation plans as a condition for receiving certain types of non-emergency disaster assistance and grants. The regulations, under Title 44, Chapter 1, Part 201 (44 CFR Part 201) of the Code of Federal Regulations (CFR) contain requirements and procedures to implement the hazard mitigation planning provisions of the Stafford Act.

**Local Governmental Unit Required Action:** In order to finish the project and get the plan fully approved, the local government unit must adopt the plan through a resolution before February 10, 2023.

*\*Motion made by Vigansky, supported by Money to approve the 2022 Berrien County Multi-Hazard, Multi-Jurisdictional plan, resolution 2023.01/01, as presented. Roll call vote carries unanimously. **(See Attachment D)***

(2) **Purchase of a New Police Patrol Vehicle**- Consider approving the purchase of a new police patrol vehicle that will replace our current primary patrol (46-2) 2015 Ford Police Interceptor Utility AWD vehicle. The current vehicle is over 100,000 miles and has numerous mechanical/electrical problems, including the daily jump-starting of the engine. The current vehicle is well past the life expectancy and reliability of a primary patrol vehicle. The request is part of our six-year Capital Improvement Plan from 2023 to 2028 (see attached). Since ordering to obtain a new patrol vehicle is now well over 30 weeks, the urgency of placing a vehicle order is at hand.

Burnett presented to the Commission 3 different quotes with his recommendation. As well as explain his concerns with keeping this in the patrol fleet if the commission decides against moving forward with the purchase.

*\*Motion made by Swem, supported by Money to authorize for the Finance Department to prepare a report regarding making a cash purchase for the potential purchase of a new patrol vehicle. Roll call vote carries unanimously.*

**C. Finance Department Report-**

(1) **Finance Update-** Revenue and Expenditure Report.

(2) **Credit Card Policy Draft-** Consider the first draft of a credit card policy for the City of Buchanan, which may be approved as presented, or discussed with recommendations for changes to be included in an updated draft, which would be up for consideration at a subsequent meeting.

Langston explained the Credit Card Policy asking for an amendment to add a Director of Public Services card with a \$5,000.00 limit to the other cards. This would drop the city down from 15 active purchasing/ credit cards to 6 in total with City Manager, City Treasurer, Director of Public Services, Director of Public Safety with a limit of \$5,000.00 and 2 corporate cards with a limit of \$2,500.00 to be housed with the City Treasurer and checked out by staff as needed.

*\*Motion made by Denison, supported by Weedon to approve the Credit Card policy with the amendment to add Director of Public Services at 5,000 limits. Roll call vote carries unanimously.*

**D. Single Lift Station/ Infrastructure at the fifteen-2-twelve Restaurant.**

**Commissioner Swem abstained from all conversation related to fifteen-2-twelve Restaurant.**

Recommended by the Joint Water Sewer Board to bring in front of the City Commission after their special meeting this morning. Anton Lockett owner of Fifteen-2-Twelve Restaurant and Joint Water/Sewer Board Chairman Tom Gordon were present at the meeting. Grace was asked to give a summary on the item for discussion. There has been discussion for said property and the use of the lift station that is on city owned property. There is a question of ownership of the lift station, the city is trying to fundamentally determine ownership, as well as whether and under what circumstance the lift station is turned back on. The lift station has been nonoperational for the last couple of years. The meeting this morning was to discuss what the path forward would look like for that station to come back on board to the Joint water/sewer system for Buchanan Township and Buchanan City. The recommendation was to reach out to our current operator in charge John Holland who is serving contractually through Michigan Rural Water to receive his feedback on the lift station. Holland recommends that first to refer the issue of ownership to the city attorney to have them make an analysis of the existing documentation and if additional documents need to be drafted. Secondary, as operator in charge that for the lift station to come back online they would need a report from a certified engineer.

The JWSB was not involved with the lift station being put in to begin with. They just recently got involved when Mr. Lockett purchased. Chairman Gordon has researched and filed a report with the JWSB recently, Lockett has put work into the lift station to get it operational. There are a few legal issues to resolve and odds and ends to finish.

The commission asked to discuss the situation with the current owner Anthon Lockett. Lockett has been working with Brunke Plumbing, Hein Electric, and Mansaco Wastewater. They have re-built the lift station but were able to use the same pumps, since there were no issues with the pumps. The issues were with the check valves and the piping. Lockett has spoken to a couple of different

engineers to complete the last contingency the JWSB had recommended. Lockett is heavily involved in his business and will continue to maintain it and make himself available to any emergency with the lift station. Lockett has not followed through with the last contingency due to an engineer having to reverse engineer the lift station, which could cost thousands of dollars. Commission discussed the matter at hand between staff and Lockett.

*\*Motion made by Vigansky, supported by Weedon to allow fifteen-2-twelve restaurant to open the lift station up to come back on to city sewer, with a 90-day report to the commission for the next 12 months with the contingency of it coming back to the city commission if said report is not received and revisit the approval after the 12 months.*

*Grace wanted to clarify that this motion to be voted yes that it be against the recommendation from the City Manager, Primary Operator in charge, Secondary Operator in charge, and the Joint Water Sewer Board. Vigansky agreed to the note.*

*Yea: Weedon, Vigansky*

*Nay: Money, Denison*

*Abstain: Swem (Business interest)*

*Motion does not carry ties go to the Nays.*

**X. Unfinished Business**

**XI. New Business**

- A. (1) **Resolution 2023.01/02** - Consider a resolution to purchase, acquire and construct capital improvements and to publish notice of intent to issue municipal securities. **See Attachment E**

*\*Motion made by Vigansky, supported by Money to approve Resolution 2023.01/02, as presented.*

*Swem asked for comment. "To make everyone aware of what they are voting for, this is the first step in a 43% increase to the water rates of our citizens over the next 5 years. We still have the opportunity to reduce the size of the DPW building project and the funding allocated out of the water/sewer fund. With you were documented with that is showing a deficit budget, that's all."*

*Yea: Money, Denison, Vigansky*

*Nay: Swem, Weedon*

*Motion carries 3 to 2.*

**B. Closed Session-**

- (1) **Enter Closed Session-** Consider entering Closed Session to discuss matters subject to attorney-client privilege, pursuant to MCL 15.268 Sec. 8 (1)(h).

*\*Motion made by Weedon, supported by Vigansky to enter Closed Session to discuss matters subject to attorney-client privilege, pursuant to MCL 15.268 Sec. 8 (1)(h) at 9:03 P.M. Roll call vote carries unanimously.*

- (2) **Re-Enter Open Session-** Consider re-entering Open Session.

*\*Motion made by Weedon, supported by Money to re-enter Open Session at 9:39 P.M. Roll call vote carries unanimously.*

- (3) **Authorize Action-** Consider authorizing action pursuant to discussions held in Closed Session.

*\*Motion made by Denison, supported by Weedon for authorize City Administration to take action pursuant to discussions held in Closed Session. Roll call vote carries unanimously.*

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

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

*Mary Gilbert-* If they could please ask the owners to police the McDonalds trash that is in the back area of their building. Also, Mary noticed that the city was founded in 1830 and that the 200-year anniversary is coming up quickly. Her idea was to maybe partner with a winery to sell an anniversary wine and possibly do a story with the process of it.

**XIV. Executive Comments**

**A. City Manager Comments**

None

**B. Commissioner Comments**

Swem-None

Weedon- None

Vigansky- inquired about the school resource officer.

Money- Thanked the Commission for everything they do. Some of the situations are hard decisions.

**C. Mayor Comments**

Condolences to Penny Slocum to her.

**XV. Adjourn**

**Motion made by Weedon, supported by Money to adjourn the meeting at 9:46 P.M.**

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Kalla Langston, City Clerk

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Mayor Sean Denison



**WORK SESSION OF THE BUCHANAN CITY COMMISSION**  
**WEDNESDAY, JANUARY 18, 2023 – 4:00 PM**  
**CHAMBER OF BUCHANAN CITY HALL - 302 N REDBUD TRAIL, BUCHANAN MI**

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**MINUTES**

*THE COMMISSION OF THE CITY OF BUCHANAN, in compliance with Michigan’s Open Meetings Act, hereby gives notice of a work session of the Buchanan City Commission to be held in the Chamber of City Hall.*

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**I. Call to Order**

Meeting was called to order by Commissioner Larry Money at 4:01 P.M.

Present: Commissioner Larry Money, Commissioner Patrick Swem, Commissioner Dan Vigansky

Staff: Rich Murphy, Heather Grace, Ashley Regal, Kalla Langston

**II. Public Comment- Agenda items only**

Josh Jacobs: Had questions about certain property lines.

Peter Lysy: Spoke for the Ross Sanders Building.

Michael Rowland: Spoke for the Ross Sanders Building.

**III. Items for Discussion**

**A. City Owned Properties**

Murphy, Public and Commissioners discussed the properties listed in *Attachment A*.

**IV. Adjourn**

Meeting was adjourned at 5:12 P.M. by Money.

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Kalla Langston, City Clerk

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Commissioner Larry Money

**REGULAR MEETING OF THE BUCHANAN CITY COMMISSION**  
**MONDAY, JANUARY 23, 2023 – 7:00 PM**  
**CHAMBER OF BUCHANAN CITY HALL - 302 N REDBUD TRAIL, BUCHANAN MI**

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**MINUTES**

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.

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**I. Call to Order**

Meeting was called to order at 7:00 P.M. by Mayor Sean Denison.

**II. Recognition**

**III. Pledge of Allegiance**

**Mayor Denison led in the Pledge of Allegiance.**

**IV. Roll Call**

**Present:** Mayor Sean Denison, Mayor Pro Tem Mark Weedon, Commissioner Dan Vigansky, Commissioner Larry Money, Commissioner Patrick Swem

**Absent:** None

**City Staff:** City Manager, Heather Grace; City Clerk, Kalla Langston; Community Development Director, Rich Murphy; Director of Public Services, Mike Baker; Director of Public Safety, Tim Ganus; Chief of Police Harvey Burnett; City Attorneys Matt Derby; Main Street Manager/ Chamber Director, Ashley Regal; Operator in charge (Water Department), Craig Miller

**V. Approve Agenda**

**Motion made by Vigansky, supported by Money to approve the amended agenda to add item (4) Opening of Lift Station at the Fifteen-2-Twelve Restaurant under section XI New Business B. Roll call vote carries unanimously.**

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

*Marv Jackson-* in support for Mr. Lockett (Owner of Fifteen-2-Twelve Restaurant) to open the lift station for them to open.

*Tracey Dippo-* in support of Ashley Regal.

*Tony Houser-* in support of Ashley Regal and opening the Fifteen-2-Twelve Restaurant.

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

**A. (1) Minutes- Consider approving the Regular Meeting Minutes from January 9, 2023.**

- B. (2) Expenditures- Consider approving expenditures for January 23, 2023, in the amount of \$67,641.26

**Motion made by Swem, supported by Money to approve the consent agenda with the amended minutes as presented to the commission. Roll call vote carries unanimously.**

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

- A. Resolution #2023.01/03- Consider approving a resolution to support the Berrien County Trails Master Plan.**

**Motion made by Swem, supported by Weedon to approve resolution # 2023.01/03 to support the Berrien County Trails Master Plan. Motion carries unanimously.**

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

- A. Buchanan Tree Friends Report: Vice-Chair, Richard Martin.**

1)Water Trailer- Consider the purchase of a water trailer. BTF was recently awarded a grant from Berrien Community Foundation in the amount of \$4,000.00. The total project cost is \$6,349.00, BTF is requesting \$2,349.00 to cover the cost from their budget.

**Motion made by Vigansky, supported by Money to approve of the purchase of the water trailer, as presented. Roll call vote carries unanimously.**

- B. Community Development Report- Director Richard Murphy**

(1) 2022 Annual Building Inspector Report- No action needed.

(2) Cannavista Wellness 2023 Marihuana Permit Renewals- Consider approving.

**Motion made by Weedon, supported by Vigansky to approve the Cannavista Wellness, 2023 Marihuana Permit Renewals, as presented. Roll call vote carries unanimously.**

(3) High Profile 2023 Marihuana Permit Renewals- Consider approving.

**Motion made by Vigansky, supported by Swem to approve the High Profile 2023 Marihuana Permits Renewals, as presented. Roll call vote carries unanimously.**

(4) AEP Grant Award to the City of Buchanan for the St. Joseph River Public Access Strategic Plan- Consider approving.

**Motion made by Weedon, supported by Money to approve the City Administration accepting the AEP Grant Award to move forward with the St. Joseph River Public Access Strategic Planning process. Roll call vote carries unanimously.**

- C. Water Department Report- Water Operator in Charge (OIC) Craig Miller**

(1) Wellhead Protection Plan Update- A status report will be provided; no action needed at this time.

Miller has updated the wellhead protection plan, as well as continuing his work with Prein & Newhoff on the USDA project.

(2) SCATA System- A status report will be provided; no action needed at this time.

Miller updated the commission about the SCATA system. The water department had issues with the system, at the moment it is working. Miller will be bringing back different quotes and options for a newer system or options for fixing the current system.

- D. Public Safety Report- Director Tim Ganus & Chief Harvey Burnett**

(1) Budget Amendment Request for Patrol Vehicle Purchase- Consider approving a budget amendment to effectuate a cash purchase of a new patrol vehicle, as discussed during last mtg. (See attachment A)

**Motion made by Swem, supported by Money to approve Budget Amendment #01-23-23-D to authorize cash purchase of a new police patrol vehicle. Roll call vote carries unanimously.**

(2) School Resource Officer Funding Update- A funding report has been provided by the Buchanan Community School District, in addition to a letter indicating that the first grant application was approved.

The funding will help pay for the officer for the next 3-years. Burnett will be looking into a long term situation for the SRO.

**E. Public Services Report- Director Mike Baker**

(1) New DPW Bldg Municipal Bonds Update- Baker Tilly has provided an updated timeline for the municipal bonds to be sold for the new DPW bldg project; no action needed.

Commission was given the bond schedule in their packets. The commission can contact Baker Tilly with any questions on the schedule that was provided.

(2) DPW Bldg. Construction Committee Update- An update will be provided regarding recent activities of the DPW Bldg Construction Committee mtg held on 01/20/2023.

Preliminary bids have started. Optimistically hoping the price will go down with work slowing down.

(3) General Public Services Updates-

Actively picking up garbage around the city while the sweeper is still down. Patching holes throughout the city, building a new railing for the trail for the overlook to help stop vandalism. Continuing to maintenance vehicles. DPW also worked on a sewer backup.

**F. Clerk Report- City Clerk Kalla Langston will give a brief update on the May 2nd, 2023, Special Election.**

Langston is moving forward with the upcoming election. There will be no 9 days of in person early voting for the special election. The biggest change is there is no Permanent Application List anymore. It is simple a Permanent AV Ballot List, meaning if you sign up you will automatically be delivered a ballot for every election. The sign-up sheet will be on the website. Langston concerned with the added cost Prop-2 brings.

**G. Joint Water/Sewer Board Report**

(1) Update Regarding Lift Station at Former Wheatberry Location-

Will be addressed later in the meeting.

**X. Unfinished Business**

**A. Alternate Appointments**

(1) City Commission Alternates for Various City Boards/Commissions- Consider appointing select City Commissioners to serve as "alternates" on various City Boards/Commissions.

**Motion made by Swem, supported by Weedon, to postpone till the list can be distributed. Roll call vote carries unanimously.**

**B.** ***RFP for Ross Sanders Bldg-** Consider a First Draft RFP to Advertise the Potential Future Sale of the Ross Sanders Bldg.*

**Motion made by Swem, supported by Weedon to approve the creation of a First Draft RFP to advertise the Potential Future Sale of the Ross Sanders Building, with the notice to go out within 30 days, and to include the following requirements: Submitting proof of financing or bank statements demonstrating ability to pay full amount of bid within 60 days of being awarded the bid, agree to enter into a Historic Preservation Easement with the Buchanan Historical Society, agreeing to work with the City to develop a “split” of the property from the Fire Hall by Buchanan Fire Department.**

**Yea: Swem, Denison, Weedon, Money**

**Nay: Vigansky**

**Motion carries 4-1**

**XI. New Business**

**A.** ***Waiver of Conflict of Interest RE Former Wheatberry Lift Station-** Consider approving a waiver submitted by the City Attorney, through which the City of Buchanan, if approved, agrees to waive any conflict of interest on the part of the City Attorney (Kotz Sangster) relating to the former Wheatberry Lift Station matter.*

**Motion made by Weedon, supported by Money to approve, as presented, the Waiver of Conflict of Interest submitted by the City Attorney; and hereby authorize the City Manager and Mayor to sign said Waiver.**

**Yea: Denison, Weedon, Money, Swem**

**Nay: Vigansky**

**Motion carries 4-1**

**B.** ***Closed Session***

*(1) Enter Closed Session- Consider entering Closed Session pursuant to MCL 15.268 Sec. 8 (1) (d) and (h), to discuss legal memos pertaining to the following attorney-client privileged matters: (i) the former Wheatberry Lift Station, a contractual matter, and a matter of employment law; in addition to also discussing the potential purchase or lease of real property.*

**Motion made by Weedon, supported by Money enter Closed Session pursuant to MCL 15.268 Sec. 8 (1) (d) and (h), to discuss legal memos pertaining to the following attorney-client privileged matters: (i) the former Wheatberry Lift Station, a contractual matter, and a matter of employment law; in addition to also discussing the potential purchase or lease of real property, at 8:16 P.M. Roll call vote carries unanimously.**

*(2) Re-Enter Open Session- Consider re-entering Open Session.*

**Motion made by Vigansky, supported by Money to Re-Enter Open Session at 9:43 P.M. Roll call vote carries unanimously.**

*(3) Action- Consider authorizing action based on conversations held in Closed Session.*

**Motion made by Swem, supported by Money to authorize action, as discussed in Closed Session. Roll call vote carries unanimously.**

*(4) Opening of Lift Station at the Fifteen-2-Twelve Restaurant.*

**Motion made by Vigansky, supported by Money to allow fifteen-2-twelve restaurant to open the lift station up to come back on to city sewer, with a 90-day report to the commission for the next 12 months. Roll call vote carries unanimously.**

**C. Budget Amendments**

(1) Option A- Consider approving Budget Amendment Option B, to remove previously anticipated revenues formerly associated with the Buchanan Area Chamber contract, to effectuate a transition of the "Executive Director/Main Street Manager" position to one that is instead "Main Street Manager/Assistant Director of Community Development." This would allow Ashley Regal, who is already a full-time employee of the city, to remain as a full-time City employee, just with a slightly different role. **(See Attachment B)**

**Motion made by Money, supported by Weedon to approve Budget Amendment 01-23-23-A.**

**Yea: Denison, Weedon, Money**

**Nay: Vigansky, Swem**

**Motion carries 3-2**

(2) Option B- Consider approving Budget Amendment Option C, which does everything listed above in Option A, plus authorizes the effectuation of an updated employment agreement for the new Main Street Manager/ Assistant Director of Community Development, which would include a pay increase, to help compensate for the additional duties that will be taken on due to the changed role (along with recognizing her for a job well done). City Administration strongly recommends the approval of this budget amendment, particularly in light of the fact that it costs more to attract and train new staff than it does to retain qualify staff who are already trained.

**No motion made.**

(3) Option C- Consider approving Budget Amendment Option D, which authorizes the effectuation of an updated employment agreement, which would include a 5% pay increase for Clerk Kalla Langston, to help compensate for the additional duties the Clerk must take on now due to the passing of Proposition 2 (along with recognizing her for a job well done). City Administration strongly recommends the approval of this budget amendment, particularly in light of the fact that it costs more to attract and train new staff than it does to retain qualify staff who are already trained. **(See Attachment C)**

**Motion made by Swem, supported by Money to approve Budget Amendment 01-23-23-C, as presented. Roll call vote carries unanimously.**

**D. IT Services Agreement**

(1) Exemplar IT Services Agreement- Consider approving a proposed agreement for IT services to be provided by Exemplar IT Services. City Administration tried a "soft transition" to utilizing Exemplar to "try them out," so to speak, and their services have been very helpful, so approval is highly recommended.

**Motion made by Vigansky, supported by Money to approve the Exemplar IT Services Agreement, as presented.**

**Yea: Vigansky, Money, Denison, Weedon**

**Nay: Swem**

**Motion carries 4-1.**

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

None

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

None

**XIV. Executive Comments**

**A. City Manager Comments**

None.

**B. Commissioner Comments**

*Money-* Congratulated Mr. Lockett and Ashley. Thanked everyone that is here and thanks to the commission for their work.

*Vigansky-* asking the residents to participate in the school board meetings pertaining to the bonds.

*Swem-* Excited for Mr. Lockett

*Weedon-* Congratulations to Ashley.

**C. Mayor Comments**

Congratulations to the new Miss. Buchanan, Arianna Hankins and congratulations to Lily Waggoner for her reign as Miss. Buchanan and Miss. Blossomtime.

**XV. Adjourn**

Motion made by Vigansky, supported by Weedon to adjourn the meeting at 9:59 P.M. Roll call vote carries unanimously.

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Kalla Langston, City Clerk

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Mayor Sean Denison



**SPECIAL MEETING OF THE BUCHANAN CITY COMMISSION**  
**MONDAY, FEBRUARY 06, 2023 – 8:30 AM**  
**CHAMBER OF BUCHANAN CITY HALL - 302 N REDBUD TRAIL, BUCHANAN MI**

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**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.

\* 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.

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**I. Call to Order**

*Meeting called to order by Mayor Sean Denison at 8:31 A.M.*

**II. Roll Call**

*Present: Mayor Sean Denison, Mayor Pro Tem Mark Weedon, Commissioner Dan Vigansky, Commissioner Larry Money, Commissioner Patrick Swem*

*City Staff: City Clerk, Kalla Langston & City Attorney, Matt Derby*

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

*None.*

**IV. New Business**

**A. Closed Session**

*(1) Enter Closed Session- to consider an attorney-client privileged opinion memo, pursuant to MCL 15.268 Sec. 8 (1) (h) regarding an employment contract matter.*

*Motion made by Swem, supported by Money to enter closed session pursuant to MCL 15.268 Sec. 8 (1)(h) regarding an employment contract matter at 8:32 A.M. Roll call vote carries unanimously.*

*(2) Re-Enter Open Session- Consider re-entering Open Session.*

*Motion made by Weedon, supported by Vigansky to re enter open session at 8:58 A.M. Roll call vote carries unanimously.*

*Motion made by Swem, supported Money to move forward with recommendation of counsel in closed session. Roll call vote carries unanimously.*

**V. Adjourn**

*Motion made by Swem, supported by Weedon to adjourn the meeting at 8:59 A.M. Roll call vote carries unanimously.*

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Kalla Langston, City Clerk

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Mayor Sean Denison

Pending Approval

**MINUTES**

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**I. Call to Order**

Meeting was called to order by Mayor Pro Tem Mark Weedon at 7:00 P.M.

**II. Recognition**

**III. Pledge of Allegiance**

Weedon led in the pledge of allegiance.

**IV. Roll Call**

**Present:** Mayor Pro Tem Mark Weedon, Commissioner Dan Vigansky, Commissioner Larry Money, Commissioner Patrick Swem

**Absent:** Mayor Sean Denison

**City Staff:** Treasurer Deborah Perez; City Clerk, Kalla Langston; Community Development Director, Rich Murphy; Director of Public Services, Mike Baker; Director of Public Safety, Tim Ganus; Chief of Police Harvey Burnett; City Attorneys Matt Derby; Main Street Manager/ Chamber Director, Ashley Regal

**V. Approve Agenda**

*Motion made by Vigansky, supported by Money to move item A. Consider accepting the City Manager, Heather Grace, severance agreement under XI. New Business to item D. Closed Session. Roll call vote carries unanimously.*

*Motion made by Vigansky, supported by Money to add item D. NATS Appointment under section VII. Consent Agenda. Roll call vote carries unanimously.*

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

*Beth Murphy – Spoke in support of Michigan Gateway Community Foundation purchasing the Ross Sanders house on behalf of the Preservation Society.*

*Monroe Lemay – Thanked Heather Grace for her time as City Manager.*

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

A. (1) **Minutes-**

(A) Consider approving the Special Meeting Minutes from February 6th, 2023.

(B) Consider approving the Regular Meeting Minutes from January 23, 2023.

(C) Consider approving the Closed Session Minutes from January 23, 2023.

(D) Consider approving the Workshop Minutes from January 19, 2023.

(E) Consider approving the Closed Session Minutes from January 9, 2023.

B. (2) **Buchanan Tree Friends Appointment:**

(A) Consider appointing Lane Martin to the Buchanan Tree Friends (recommended by BTF on 2/2/2023).

(B) Consider appointing Brian Murphy to the Joint Water Sewer Board (recommended by JWSB on 2/6/2023)

C. (3) **Expenditures**

(A) Consider approving expenditures for February 13, 2023, in the amount of \$158,586.89

(B) Disbursement & Refunds in the amount of \$77,721.13

D. (4) **NATS**

Consider appointing Community Development Director, Rich Murphy to the Niles-Buchanan-Cass Area Transportation Study (NATS)

Motion made by Swem, supported by Money to approve Consent Agenda as presented.

Discussion. Vigansky asked for more information on the NATS appointment. Clerk Langston clarified it was for Community Development Director Richard Murphy to take over the former City Manager's place on that board.

Roll call vote carries unanimously.

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

A. **Corridor Improvement Authority** -Discussion of establishing a Corridor Improvement Authority.

Murphy reported to the Commission that residents had requested the City to look into establish a Corridor Improvement Authority. The City had previously dissolved its DDA and this could act similarly.

Tony Houser spoke in support of establishing a Corridor Improvement Authority or re-establishing the DDA. Asked for the Commission to make a motion to pursue an entity that would capture funds while downtown is growing.

Vigansky spoke to the dissolution of the DDA having served when that happened. He advised no action at this time.

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

A. **Community Development Report-** Director Rich Murphy

(1) Ross-Sanders House Project update

(2) City-owned Residential Properties update

(3) 111 Railroad/Baroda Tire Demolition update

*(4) Honor Credit Union Project update*

*(5) Victory Park Pavillion update*

*(6) Front St. authorization for easements for the downtown reconstruction project*

Murphy believes the Ross Sanders project is a high priority. He, along with Regal and Building Inspector Guy Lewis, have met with a number of contractors who are very interested in building in Buchanan.

Commission discussed small, single-family homes per their work session. Murphy stated it remains their goal and they are still in discussion. Vigansky would like Murphy to investigate leasing-to-own as well.

The City had a meeting with engineers and a walkthrough regarding the demolition of the old feed mill and Baroda Tire Too. They will be meeting with two interested parties regarding the feed mill silos.

The RFP for the Victory Park Pavilion is almost complete and includes alternates for resurfacing the asphalt and drinking fountains per BARB. Questions regarding drinking fountains due to expense and maintenance. The neighborhood asked for drinking fountains to be included.

*Motion made by Swem, supported by Vigansky to approve the Front St. Authorization for easements for the downtown reconstruction project and allow City Administration to sign said authorization. Roll call carries unanimously.*

**B. Clerk Report-** *Consider approving an updated version of Rules & Regulations Governing Oak Ridge Cemetery.*

The Langston and the Sexton are adding a rule that prohibits pre-payments for burials.

*Motion made by Vigansky, supported by Money to approve the updated version of Rules & Regulations governing Oak Ridge Cemetery.*

Money asked if we'd be revisiting the rules and regulations more broadly. Langston and Sexton are planning on sitting down with the Friends of Oak Ridge Cemetery to discuss changes.

*Roll call carries unanimously.*

**C. City Treasurer Report- City Treasurer Debrah Perez.**

***(1) Purchase Policy-****Consider Purchasing Policy for General Supplies.*

The proposed purchasing policy for general supplies would direct such ordering through the finance department every two weeks.

*Motion made by Vigansky, supported by Swem to approve the purchasing policy for general supplies at City Hall. Roll call carries unanimously.*

***(2) Investment Policy-****Consider improving or updating the current investment policy.*

The current policy was adopted in 2021 and was the same as originally adopted in 2003. The finance committee will meet next week and Perez would like to wait until after that meeting to make updates.

*Motion made by Swem, supported by Money to postpone approving the investment policy. Roll call carries unanimously.*

Tax collection will complete at the end of the month and then be sent to the County. The chart of accounts conversion is complete pending some corrections from Perez. Perez will then work on budget amendments and then the fiscal year 2023/2024 budget.

## **X. Unfinished Business**

### **A. Alternate Appointments (postponed at the January 23rd Regular Meeting)**

*(1) City Commission Alternates for Various City Boards/Commissions- Consider appointing select City Commissioners to serve as "alternates" on various City Boards/Commissions.*

*Motion made by Vigansky to appoint Dan Vigansky to the Landfill board in place of Heather Grace. No support, motion dies.*

*Vigansky spoke to his experience and temperament.*

*Motion made by Swem, supported by Money to appoint Mayor Pro Tem Mark Weedon to the Landfill board in place of Heather Grace.*

*Yea: Swem, Weedon, Money*

*Nay: Vigansky*

*Motion carries.*

*Motion made by Swem, supported by Money to approve board alternates as presented.*

*Discussion pertaining to ONE Buchanan and if it was a city board. It was confirmed that it is. Vigansky would like City boards to remain relevant to the City's top priorities only..*

*Roll call vote carries unanimously.*

## **XI. New Business**

**A. Consider accepting the City Manager, Heather Grace, severance agreement.** – *Item A was moved to Item E.*

**B. Consider Resolution 2023.02/05** - *A resolution allowing City Treasurer, Deborah Perez, and Mayor Sean Dension to be named the signers for the Honor Accounts.*

*Motion made by Vigansky, supported by Swem to approve Resolution #2023.02/05 as presented. Roll call vote carries unanimously.*

**C. Consider Resolution 2023.02/04** - *Resolution to negotiate the summer school tax collection fee.*

*Motion made by Swem, supported by Money to approve Resolution #2023.02/04 as presented. Roll call vote carries unanimously.*

### **D. Closed Session**

*(1) Enter Closed Session- Consider entering Closed Session to consider an attorney-client privileged opinion memo, pursuant to MCL 15.268 Sec. 8 (1) (h) regarding a real estate matter.*

*Motion made by Swem, supported by Vigansky to enter closed session to consider an attorney-client privileged opinion memo and an employment contractual matter, pursuant MCL 15.268 Sec. 8 (1) (d) (h) at 8:00 PM. Roll call vote carries unanimously.*

*(2) Re-Enter Open Session- Consider re-entering Open Session.*

*Motion made by Swem, supported by Money to re-enter Open Sission at 8:39 PM. Roll call vote carries unanimously.*

(3) Action- Consider authorizing action based on conversations held in the Closed Session.

Motion made by Weedon, supported by Money to approve the drafting of the proposed RFP process for the sale of the Ross Sanders building subject to the compliance with the Charter in the sale of City owned property. Roll call vote carries unanimously.

**E. Consider accepting the City Manager, Heather Grace, severance agreement. –**

Motion made by Vigansky, supported by Weedon to accept the severance and release agreement with City Manager, Heather Grace. Roll call vote carries unanimously.

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

**A. Strategic Leadership Council- Housing Diagnostic Tool**

**B. Notice of Hearing for Gas Customers of SEMCO ENERGY GAS COMPANY**

**C. MDOT 2023 Project US-31 Northbound**

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

Juanita Lewis – Shared her thoughts on the community.

Carla Johnson – Spoke against raising the water and sewer rates.

Monroe Lemay – Suggested a non-bullying, intimidation, or harassment ordinance.

**XIV. Executive Comments**

**A. City Manager Comments**

None.

**B. Commissioner Comments**

Vigansky – Spoke about water bill increases and revenue sources. Water bills will go up and further delaying building the DPW Building will cost the City.

Money – Thanked City Hall staff for their hard work and the Commission for what they do.

Swem – Agreed with Money, City Hall has the support of the Commission. We have a great team.

Weedon – Thanked everyone in attendance. Times may be tough, but this is the best decision for everybody.

**C. Mayor Comments**

**XV. Adjourn**

Motion made by Money, supported by Vigansky to adjourn at 9:02 PM. Roll call vote carries unanimously.

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Kalla Langston, City Clerk

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Mayor Pro Tem Mark Weedon

**SPECIAL MEETING OF THE BUCHANAN CITY COMMISSION**  
**MONDAY, FEBRUARY 20, 2023 – 9:00 AM**  
**CHAMBER OF BUCHANAN CITY HALL - 302 N REDBUD TRAIL, BUCHANAN MI**

**AGENDA**

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.

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**I. Call to Order**

**Meeting was called to order by Mayor Pro Tem Mark Weedon at 9:00 A.M.**

**II. Roll Call**

**Present: Mayor Pro Tem Mark Weedon, Commissioner Patrick Swem, Commissioner Dan Vigansky, Commissioner Larry Money**

**City Staff: City Clerk, Kalla Langston; City Treasurer, Deb Perez**

**Absent: Mayor Sean Denison**

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

None

**IV. New Business**

**A. 1) Discuss Resume for Interim City Manager**

The resume of Tim Lynch was presented to the commission, discussion over experience that Lynch has. Great recommendations from other municipalities, highly respected from others. This would be between 90-120 days.

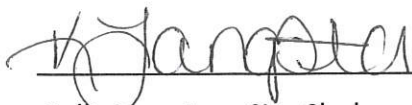
**2) Discuss Draft Interim City Manager Employment Agreement**

Commission discussed the agreement that was provided. Swem will negotiate pay for hourly rate between range of \$38.00 hour to \$45.00 with Lynch on behalf of the commission, then have a public vote at a regular meeting. Expectations of Interim City Manager include operational consistency and reliability, budget work must be done, project oversight, and setting beginnings of capital improvement plan. After his term giving an assessment report to the commission on where the city stands.

**Motion made by Weedon, supported by Vigansky to allow Commissioner Swem to move forward with discussions/negotiations with Tim Lynch. Roll call vote carries unanimously.**

**J. Adjourn**

**Motion made by Weedon, supported by Money to adjourn the meeting 8:31 A.M.**



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Kalla Langston, City Clerk



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Mayor Pro Tem Mark Weedon

**REGULAR MEETING OF THE BUCHANAN CITY COMMISSION**  
**MONDAY, FEBRUARY 27, 2023 – 7:00 PM**  
**CHAMBER OF BUCHANAN CITY HALL - 302 N REDBUD TRAIL, BUCHANAN MI**

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**MINUTES**

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.

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**I. Call to Order**

Meeting was called to order by Mayor Sean Denison at 7:00 P.M.

**II. Recognition**

**III. Pledge of Allegiance**

**IV. Roll Call**

**Present: Mayor Sean Denison, Mayor Pro Tem Mark Weedon, Commissioner Patrick Swem, Commissioner Dan Vigansky**

**Absent: Commissioner Larry Money**

**City Staff: City Clerk, Kalla Langston; Community Development Director; Rich Murphy, Main Street Manager/Assistant Community Development Director, Ashley Regal; Director of Public Services, Mike Baker; Chief of Police Harvey Burnett**

**V. Approve Agenda**

***Motion made by Swem, supported by Weedon to approve the agenda as presented. Roll call vote carries unanimously.***

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

*Norma Ferris- Clarification on the public hearing for the proposed selling of the Ross Sanders Home.*

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

**A. Consider excusing Mayor Sean Denison from the February 13th, 2023 Regular Meeting.**

**B. Minutes:**

- 1. Consider approving the Regular Meeting Minutes from the February 13th, 2023**
- 2. Consider approving the Closed Session Minutes from February 13th, 2023.**

**C. Appointment:**

***Appointing Treasurer, Deborah Perez to the Buchanan City Building Authority in place of the former City Manager.***

**D. Expenditures:**

- 1) Consider approving General Expenditures for February 27, 2023, in the amount of \$505,135.52.
- 2) Consider approving the Summer/Winter 2022 Tax Disbursement for January 01 through January 31, 2023, in the amount of \$89,951.78.

**Motion made by Weedon, supported by Vigansky to approve the consent agenda as presented. Roll call vote carries unanimously.**

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

**A. Proposals for City Manager Recruitment Services**

- 1) Art Davis, Director for Baker Tilly's executive recruitment practice.

Art Davis, presenting virtually to the Commission went through their process and the services they would provide. Total cost of Baker Tilly's proposal was \$26,950.00.

- 2) Joyce Parker, MML executive search services.

Joyce Parker presented to the Commission MML's process and the services they would provide. Total cost of MML proposal was \$17,000.00.

- 3) Frank Walsh, President of Walsh Municipal Services.

Frank Walsh presented to the commission with a candid presentation about the process his company would provide. Total cost of Walsh Municipal Services was \$12,900.00.

**Motion made by Swem, supported by Weedon to approve the proposal from Walsh Municipal Service to not exceed the amount of \$12,900.00 for City Manager Recruitment. Roll call vote carries unanimously.**

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

**A. Community Development Director Report- Rich Murphy**

- 1) Consider resolution # 2023.02/06 to approve the MNRTF grant application for the kayak launch project. (See Attachment A)

Murphy presented the resolution to the commission informing them this grant could be used to make the kayak launch project ADA compliant. The match would not come till 2024-2025 budget, but the deadline to submit the grant application is April 1<sup>st</sup>, 2023.

**Motion made by Weedon, supported by Vigansky to approve Resolution # 2023.02/06, to support the MNRTF grant application for the kayak launch project. Roll call vote carries unanimously.**

- 2) Consider resolution # 2023.02/07 to approve the recreation passport grant application for the Victory Park project (See Attachment B)

Murphy presented the resolution to the commission informing them this grant would be to provide playground equipment at Victory Park. The match would not come till 2024-2025 budget, but deadline to submit the application is April 1, 2023.

Concern that BARB was not making the recommendation. Murphy discussed with BARB at prior meeting and informed the commission that this idea is coming straight out of the Vision for Buchanan and the BARB Recreational Plan.

**Motion made by Swem, supported by Weedon approve Resolution #2023.02/07, to support the recreation passport grant application for the Victory Park Project.” Roll call carries unanimously.**

3) Consider approving Redbud Roots 2023 Cannabis Permit Renewals

**Motion made by Weedon, supported by Vigansky to approve the Redbud Roots 2023 Marihuana Permit Renewals, as presented. Roll call vote carries unanimously.**

4) Update on 111 Railroad and Baroda Tire II Demo walk-thru and request to Commission for permission for parties to remove items on-site for reuse.

Murphy is looking for guidance on the reuse of the silos. Either we work with multiple contractors or we give the bid to one contractor and the interested parties that want to reuse the silos work with the contractor that won the bid for demo, instead of the city working with multiple parties. Mario with South Bend Chocolate Factory is interested in taking the semi-trailers off the property. Mario is willing to haul them off at his own liability, but the city would have to give permission.

**Motion made by Vigansky, supported by Denison to allow Mario to remove the 40 ft trailers off said property with notifying the city and Commissioner Vigansky, with Vigansky overseeing the process.**

**Swem would like to wait for the bids to come back before allowing anyone to take them off the property.**

**Yea: Vigansky, Denison, Weedon**

**Nay: Swem**

**Motion made by Vigansky, supported by Swem to put together an RFP for the demolition 111 Railroad/Baroda Tire to seek the lowest bids with no alternates for reuse. Motion carries unanimously.**

**B. Main Street Manager/ Assistant Community Development Director - Ashley Regal**

1) Consider Resolution # 2023/02.08, a resolution for Mobile Food Vending Fee Schedule. (See Attachment C)

Regal presented a resolution to amend the fee schedule to make the fee structure friendlier to food trucks. The fee schedule also is more in line with what surrounding communities charge.

**Motion made by Vigansky, supported by Weedon to approve Resolution # 2023/02.08 the mobile food vending fee schedule. Roll call vote carries unanimously.**

2) Consider approving the updated Mobile Food Vending Application.

Regal made a few changes to the Mobile Food Vending Application to simplify the process at city hall and for the vendors.

**Motion made by Vigansky, supported by Swem to approve the updated Mobile Food Vending application, as presented. Roll call vote carries unanimously.**

**X. Unfinished Business**

**A. Investment Policy-**

1) Consider approving the updated Investment Policy with the amendments made by the finance committee. (Postponed at February 13th, 2023 meeting)

Finance Department did not make any recommended changes. Commission made no motion; investment policy stays in place.

2) *Consider Resolution 2023.02/09- a resolution of Authorized Signatures for the investment account. Naming City Treasurer, Deborah Perez as Authorized Signer. (See Attachment D)*

***Motion made by Weedon, supported by Swem to approve Resolution #2023.02/09 authorizing City Treasurer Deborah Perez as the Authorized Signature for the investment account. Roll call carries unanimously.***

**XI. New Business**

- A. 1) **Interim City Manager** -*Consider the Employment Agreement for Interim City Manager with Timothy Lynch*

***Motion made by Swem, supported by Weedon to approve the Employment Agreement for the Interim City Manager, Timothy Lynch. Roll call vote carries unanimously.***

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

- A. *Absentee Voting communication for May 2nd Special Election*

Absentee Applications were sent out as of February 23<sup>rd</sup> for the special election on May 2. Please contact Langston with any questions.

- B. *Public Hearing will be held at the next Regular Meeting on March 13th, 2023 for the purpose of said hearing is for the Commission to hear public comments on the possible sale of City real property located at 107 W. Front St., the Ross Sanders House.*

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

None

**XIV. Executive Comments**

- A. City Manager Comments

Langston and Murphy had no comments.

- B. Commissioner Comments

Viganksy- No comments

Swem- Thanked the team and commission. Believed that we acted as swiftly as we could on establishing an interim and moving forward with a search group.

Weedon- Spoke about the school bond with the significant changes that have been made to the school bond.

- C. Mayor Comments

Thanked Swem, Weedon, and Viganksy for keeping things moving while he was gone. Thanked Murphy and Langston for not bothering him to much while he was gone.

**XV. Adjourn**

**Motion made by Vigansky, supported by Weedon to adjourn the meeting at 9:00 P.M. Roll call vote carries unanimously.**

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Kalla Langston, City Clerk

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Mayor Sean Denison

**REGULAR MEETING OF THE BUCHANAN CITY COMMISSION**  
**MONDAY, MARCH 13, 2023 – 7:00 PM**  
**CHAMBER OF BUCHANAN CITY HALL - 302 N REDBUD TRAIL, BUCHANAN MI**

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**MINUTES**

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.

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**I. Call to Order**

Meeting was called to order by Mayor Sean Denison at 7:00 P.M.

**II. Recognition**

A. *The City Commission would like to recognize a special volunteer.*

*“The City Commission along with City Staff would like to Recognize Buchanan’s Archivist, Peter Lysy. Peter has donated countless hours archiving and organizing city hall as well as donating his time finding records dating back to the 1850’s. The work he was done has been a tremendous benefit to the city and the staff. I would like to present this key to the city to Peter Lysy, Buchanan’s Archivist”.*

**III. Pledge of Allegiance**

Mayor Sean Denison led in the pledge of allegiance.

**IV. Roll Call**

**Present: Mayor Sean Denison, Mayor Pro Tem Mark Weedon, Commissioner Patrick Swem, Commissioner Dan Vigansky, Commissioner Larry Money**

**City Staff: Interim City Manager, Tim Lynch; Community Development Director; Rich Murphy, Main Street Manager/Assistant Community Development Director, Ashley Regal; Director of Public Services, Mike Baker; Chief of Police Harvey Burnett; Director of Public Services, Tim Ganus, Water Operator in Charge, Craig Miller; Admin Assistant, Emma Lysy**

**V. Approve Agenda**

Motion made by Swem, supported by Money to approve amend the agenda to move section VII. “Close of public hearing under” to Section VI item B. Also, to amend Section VII to be renamed -Consideration of Sale of Ross-Sanders Home, adding item A. Motion to make findings, item B. Motion to consider sale of Ross-Sanders Home, and item c. Motion to consider potential matter of sale. Add item F. under consent agenda to include the recommendation of drafting a letter of support for the County’s Robin Grant Application to support Broadband access to rural communities. Roll call vote carries unanimously.

**VI. Open Public Hearing**

- A. *Public Hearing is being held pursuant to Section 8.7 of the City Charter for the purpose of the City Commission considering, accepting public comment on, and deciding upon the possible sale of the City real property located at 107 W. Front St. Buchanan, MI 49107 Ross Sanders House.*

Motion made by Weedon, supported by Vigansky to open the public hearing at 7:07 P.M. pursuant to Section 8.7 of the City Charter for the propose of the City Commission considering, accepting public comments on, and deciding upon the possible sale of the city real property located at 107 W. Front, Ross Sanders House. Roll call carries unanimously.

Denison read to the public the Announcements of the Public Hearing.

*Michael Rowland-* interest in the ross sanders house, this would be the next step for the Michigan Gateway Foundation for their growing foundation. Keeping the preservation of the building and preserving community impact for the building

*Beth Murphy-* Comments about the historical value of the Ross Sanders House. The Buchanan Preservation Society agrees with the selling of the building to a civic minded group or organization as long they agree to the historic preservation easement being placed on the property and wish to restore the building.

- B. Close of Public Hearing

Motion made by Swem, supported by Vigansky to close the public hearing at 7:16 P.M. Roll call vote carries unanimously.

## **VII. Consideration of sale of Ross-Sanders Home**

### **A. Motion to make findings of Ross-Sanders Home**

Motion made by Swem, supported by Money to make findings whether the Ross-Sanders house is any longer required for the purpose for which it was acquired by the city or that the sale of the House would be in the public interest. Roll call vote carries unanimously.

### **B. Motion to consider sale of Ross Sanders Home**

Motion made by Vigansky, supported by Weedon to place for sale the Ross-Sanders House. Roll call vote carries unanimously.

### **C. Motion to consider potential matter of sale.**

Motion made by Weedon, supported by Swem on the manner in which to carry out the sale by Requests for proposals RFP. Roll call vote carries unanimously.

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

None.

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

### **A. Minutes**

- 1) *Consider approving Regular Meeting Minutes from February 27, 2023.*
- 2) *Consider approving Work Session Meeting Minutes from February 20, 2023.*
- 3) *Consider approving Special Meeting Minutes from February 20, 2023.*

### **B. Consider excusing Commissioner Larry Money from the February 27th, 2023 Regular Meeting.**

### **C. Consider the rate adjustment for Kotz Sangster PC**

### **D. Expenditures**

- 1) *Consider approving General Expenditures for March 13, 2023, in the amount of \$318,349.04.*

2) Consider approving the Summer/Winter 2022 Tax Disbursement for February 01 through February 14, 2023, in the amount of \$92,867.70.

**E. Consider approving the recommended BARB bylaws**

**F. Letter of Support for the County's Robin Grant Application in support of Broadband access to rural communities.**

Motion made by Swem, supported by Money to approve the amended consent agenda. Roll call vote carries unanimously.

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

**A. Daniel Burns with AVB & The Barton Group**

1) Consider finalizing the DPW building construction site.

Daniel Burns gave a quick overview of the project for the past month. After bids were received and bid interviews were had AVB was able to find some savings. The building total construction site coming in at 4.9 million dollars. Total project cost came in at 5.3 million dollars, the commission then tasked AVB to do a comparative cost to 700 E. 3<sup>rd</sup> St. with the construction costs coming in a million dollars lower but purchasing that sight would be a more of an expensive option. AVB is recommended moving forward with the Clark St. project.

Motion by Vigansky, supported by Money to approve the construction of the DPW building at 606 Clark St.

Yea: Vigansky, Money, Denison

Nay: Swem, Weedon

Motion carries 3 to 2.

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

**A. Mainstreet Manager/ Assistant Community Development Director-Ashley Regal**

1) Main Street Update - Spring 2023

Regal gave a brief update on the Main Street Program and what they are working on next. They are working on signage for Buchanan. As well as working on art projects around downtown and creating events for the city. Revitalizing downtown as well as working on a business incubator at 101 Days Ave.

2) Consider the Career and Technical Education (CTE) Program with Buchanan High School

Buchanan High School has a CTE Program, and the city has approached the school about being part of this. The wastewater and water departments would benefit from this program with attracting local kids that have interest in this career pathway.

Motion made by Money, supported by Vigansky to move forward with the CTE program with Buchanan High School pending liability insurance coverage. Roll call vote carries unanimously.

3) Consider Thrill on the Hill Date and Budget

Motion made by Denison, supported by Swem to approve the Thrill on the Hill event planning for the dates of July 14<sup>th</sup>, 15<sup>th</sup>, and 16<sup>th</sup> 2023. Roll call vote carries unanimously.

**B. Community Development Director Report- Rich Murphy**

1) Consider 2023 marijuana permit renewals for G2 Development/7 Engines

A) Adult Use Retail permit at 1101 E. Front St.

B) Adult Use Grower Class C permit at 408 River St.

C) Medical Retail permit at 1101 E. Front St.

D) Adult Use Process permit at 408 River St.

Motion made by Weedon, supported by Vigansky to approve the 2023 marihuana permits for G2 Development/7engines for adult use retail and medical retail at 1101 E Front, adult use grower class C and adult use process at 408 River St. Roll call vote carries unanimously.

**C. Fire Department Report -Director of Publis Saftey, Tim Ganus**

1) Consider replacing the single-stage furnace unit in the fire department.

Motion made by Swem, supported by Money to approve the quote from Boelcke for replacing the single-stage furnace unit to not exceed the price of \$5885.00. Roll call vote carries unanimously.

Discussion about cleaning up around the back of the fire department.

2) Consider purchasing 13 SEER AC unit in the fire department.

Motion made by Swem, supported by Money to move to have the Finance Department budget installing an AC unit at the fire department in the amount of \$10,000.00 for the 2023-2024 budget year.

Yea: Money, Denison, Weedon, Swem

Nay: Vigansky

Motion carries 4 to 1.

**D. Water Department Report- Craig Miller, Operator in Charge**

1) Consider the 2023 Water Tower inspections with the camera option for both towers.

Motion made by Vigansky, supported by Swem to approve the 2023 water tower inspections in the amount of \$8,400.00 to be done after July 1, 2023. Roll call vote carries unanimously.

**XII. Unfinished Business**

**XIII. New Business**

**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)*

*Don Ryman- Concerns about water bill raises. Concerned about residents being harassed for distributing campaigning materials.*

*Michael Rowland- Update on the Concert Series. Michigan Gateway possibly working with the Fire Department to address some of their needs. Update on the Art Center, with looking to do some updates to the building. They are currently dealing with a sidewalk issue being a safety concern.*

*Cameron Magicwski- would like to discuss in the coming weeks to support a resolution decriminalizing entheogenic plants and fungi.*

*Katie Berry- currently is working on the Buchanan Community Schools Bond campaign. Informational sessions are scheduled for April 6<sup>th</sup> at Moccasin Elementary as well as April 20<sup>th</sup> at the High School. They have updated plans based on the fed back from the election in November. Encouraging residents to attend the informational sessions or answer anyone's questions about the proposed milage.*

*Jerry Flenar- Thanked the DPW crew for consistently helping with maintenance of the Trail. Flenar complemented them on being a great group to work with and need to be congratulated on that.*

*Fran Terry- Comments about the School Bond proposal, in support of what they are asking for.*

*Jim Crowne- Comments about parking on the streets overnight, question if that could be waived in the summer months.*

## **XVI. Executive Comments**

### **A. City Manager Comments**

*Lynch thanked the City Commission for providing him the opportunity to serve as your City Manager. In his short time here he has met wonderful people here at City Hall, at the different departments and some prideful citizens. Lynch has visited the Fire Station, Police Station, Wastewater Plant, Water Plant, and its well structurers, City Center Building, Several Parks and has walked several sections of the McCoy Creek Trail. And a day one Rich Murphy took me on a whirlwind tour of the city and showcasing all your completed achievements and those the commission has envisioned. On the administrative side he has reviewed every invoice and each bank statement and various financial documents. Going forward he plans on working with the commission and his co-workers on finding ways to control and reduce expenses. As well as increase revenues and be fiscally prudent with the city's finances. He also plans to evaluate and prioritize building, equipment and infrastructure needs. Lastly we will strive to provide excellent customer service to our citizens and provide opportunities for growth and enrichment for our most valuable assets that being our employees.*

### **B. Commissioner Comments**

*Money- Welcomed Lynch, the staff speaks highly of you already. To all in attendance, it can be a frustrating to be up here. The commission is trying to spend the finances wisely, but we have been handed a lot of problems from prior commissions. They are all starting to settle right on top of us now. Thank you to everyone that shows up and please be patient and we will get through this. Thanked Michael Rowland for his work downtown. The Police Department right now is being overworked due to unforeseen circumstances, please thank the department for all the time they have been putting in.*

*Weedon- Thanked Lynch for taking the opportunity and believing in our community. Giving the city a chance to deal with the changes of leadership. The city needed a leader in the interim, and even trying to entice a longer stay. Not surprised that everyone on the City Staff welcomed you with open arms, understanding that the departments did there best and having a leader in place to put things on the right track. Excited to see what the future holds. Thanked Fran Terry for her comments, the city has difficult task in front of them to deal with financial burdens as well as the school system. Weedon has went to the informational meetings for the school bond proposal and seeing the essentials they need. Weedon believes the bond proposal is a must. Thanks to the Police Department and to Michael Rowland with all his work with his foundation and building. Thanks to the Michigan Main Street board as well. And thanked everyone for showing up and showing passion for the city.*

*Vigansky- The plywood will be replaced at the old video store on the hill. He would like to thank no one for it. Vigansky also commented that the door hangers for the school bond proposal and will continue pass them out. He is asking that people do not harass others in the community hanging door signs.*

*Swem- There has been overwhelming support for Lynch, and proud that he is representing the community. Hopefully you will have continued success in the next 90-120 days. The staff is elated that Lynch is here, present, willing to help, jump in, thanked Lynch for being here. Walsh Municipalities has posted the Job for City Manager and looking forward to seeing what happens next with that. Swem expressed his support for the bond proposal, with the school being the most*

*vital piece of infrastructure, without a school your houses are worth nothing. Former generations have invested in to the building he plans to the same for his children. Continue to invest in this community, school, and yourself.*

**C. Mayor Comments**

*Thanked everyone for coming tonight. One of the frustrating things is when no one shows up to a meeting, but when we have a hot topic, everyone comes enraged. Hoping more to come out for other meetings to be informed. The city has been delt a bad hand, unfortunately cuts are going to have to be made, we have to start prioritizing our needs our wants. Raising water bills was discussed in 2018 when we the city built the wastewater treatment plant, we agreed to charge the 8 percent to pay for the cost of infrastructure. The water bills were going to go up 8 percent no matter if we built a DPW building or not. The cost may seem out of reach, but being a firm believer in attacking our challenges not shrink away. If we as a city try and play it safe a mitigate our struggle, we will never reach our potential. We have continued delayed the construction of the DPW site but confident as a commission has done its due diligence. The wastewater treatment plant is a great product, it was constructed in a way that would be beneficial for the city to years to come. The downtown street scape infrastructure project will be done the same way, with what is best for the community in the long term. The DPW building will be the same way built with thought and proper planning and the best interest to the city.*

*Thanked Tim Lynch stating that he is very impressed and from what I hear from you is the type of leadership we have all been hoping for and waiting for. Thanked everyone for their continued work in the city. Sad news to hear that Pure Rituals downtown will be closing maybe we could somehow change her mind or if someone was willing to work along side her. It would be ashamed to lose that business downtown.*

*Congratulations to all of the Buchanan Sports Programs for all their success.*

*Thanked everyone for coming and its great to see a full room and hope you continue to come and stay involved.*

**XVII. Adjourn**

Meeting adjourned by Mayor Denison at 8:41 P.M.

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Kalla Langston, City Clerk (transcribed due to absence)

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Mayor Sean Denison



# REGULAR MEETING OF THE BUCHANAN CITY COMMISSION

MONDAY, MARCH 27, 2023 – 7:00 PM

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 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](mailto:clerk@cityofbuchanan.com)

### I. Call to Order

Meeting was called to order by Mayor Sean Denison at 7:00 PM

### II. Recognition

### III. Pledge of Allegiance

Mayor Denison led in the Pledge of Allegiance.

### IV. Roll Call

**Present: Mayor Sean Denison, Commissioner Patrick Swem, Commissioner Dan Vigansky, Commissioner Larry Money**

**Absent: Mayor Pro Tem Mark Weedon**

**City Staff: Interim City Manager, Tim Lynch; Community Development Director; Rich Murphy; City Clerk, Kalla Langston; Director of Public Services, Mike Baker; Chief of Police Harvey Burnett; Director of Public Safety, Tim Ganus; City Attorney, Matt Derby**

### V. Approve Agenda

*Motion made by Vigansky, supported by Swem to approve the agenda, as presented. Roll call vote carries 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. Street Closures**

1) Street Closure for Annual Chili Walk organized by the Buchanan Chamber of Commerce, Front St to Oak and Red Bud Trl. on April 13th.

2) Street Closure for Memorial Day Parade organized by the American Legion Post 51, Front St- from American Legion to Terre Coupe St. (Oakridge Cemetery) on May 29th.

**B. Minutes**

- 1) Consider approving Regular Meeting Minutes from March 13th, 2023

**C. Expenditures**

- 1) Consider approving expenditures for March 27, 2023, in the amount of \$89,309.02

Motion made by Swem, supported by Vigansky to approve the consent agenda, as presented. Roll call vote carries unanimously.

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

**A. BYSBA- Joe Kruger**

- 1) Consider approval for a new shed to be placed at Smith Park.

Motion made by Vigansky, supported by Swem to approve the New Shed placement at Smith Park, as presented. Roll call vote carries unanimously.

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

**A. Buchanan Tree Friends- Richard Martin**

- 1) Consider approval for spring tree planting in Northside Neighborhood on April 22nd, 2023.

Motion made by Swem, supported by Money to approve the spring tree planting in the Northside Neighborhood on April 22, 2023.

**B. Friends of McCoy Creek Trail- Jerry Flenar**

- 1) Update on McCoy Creek Trail Extension.

Jerry Flenar and Suzanna from Wightman and Associates. Gave a brief update on the trail project, with it currently in the design phase. They will be looking to do an open house in May for the residents to look at the conceptual plans. In June they will submit their first set of plans to the State of Michigan for their 1<sup>st</sup> review. Mayor thanked Suzanna for all her work with this project.

**C. Community Development Report- Director Rich Murphy**

The Community Development Department presented 2 Resolutions 2023.02/06 Kayak Launch Project & 2023.02/07 Victory Park Project both resolutions were approved at a regular meeting on February 27th, 2023. These said resolutions need to be amended and public input needs to be allowed for said resolutions.

- 1) Open to Public Input for Resolution 2023.02/06 AMENDED Kayak Launch Project (limit to 3 minutes per person)

Denison opened the floor for public comment for resolution 2023.02/06 AMENDED Kayak Launch Project. No comments were made.

- 2) Consider approving Resolution 2023.02/06 AMENDED Kayak Launch Project

Motion made by Money, supported by Swem to approve resolution 2023.02/06 Amended, Kayak Launch Project. Roll call vote carries unanimously.

- 3) Open to Public Input for Resolution 2023.02/07 AMENDED Victory Park Project (limited to 3 minutes per person)

Denison opened the floor for public comment for resolution 2023.02/07 AMENDED, Victory Park Project. No comments were made.

4) Consider approving Resolution 2023.02/07 AMENDED Victory Park Project

Motion made by Vigansky, supported by Swem to approve Resolution 2023.02/07 AMENDED, Victory Park Project. Roll call vote carries unanimously.

**D. Finance Report- Interim City Manager, Tim Lynch**

1) Consider Resolution 2023.03/10 Resolution allowing City Treasurer, Deborah Perez, and Mayor Sean Denison to be named authorized signers for Sturgis Bank

Motion made by Vigansky, supported by Money to approve resolution 2023.03/10 naming Mayor Sean Denison and Treasurer Deb Perez as the authorized signers for Sturgis Bank.

Yea: Denison, Money, Vigansky

Nay: None

Abstain: Swem, due to employment.

Motion carries with majority vote.

2) Consider Resolution 2023.03/11 Resolution allowing City Treasurer, Deborah Perez, and Mayor Sean Denison to be named authorized signers for 1st Source Bank

**E. Clerk Report - Kalla Langston**

1) Election update for May 2, 2023

Langston updated the public and commission on the upcoming election. The only item to vote for is the school bond proposal. If there are questions about the wording of the proposal please direct that to the school. If you have questions about the process or registration, please contact Langston.

2) Consider pursuing agreements with the City of Niles to host an Early Voting Site (EVS) as well as other municipalities.

Motion made by Swem, supported by Vigansky to allow Clerk Langston to pursue agreements with local municipalities or possible county agreements for Early Voting Sites. Roll call vote carries unanimously.

**X. Unfinished Business**

**XI. New Business**

**A. Closed Session**

(1) Enter Closed Session- Consider entering Closed Session pursuant to MCL 15.268 Sec. 8 (1)(d) and (h) to consider an attorney-client privileged opinion memo & regarding a real estate matter

Motion made by Vigansky, supported by Money to enter closed session at 7:28 P.M. pursuant to MCL 15.268 Sec. 8 (1) (d) & (h) to consider an attorney-client privileged opinion memo & regarding a real estate matter. Roll call vote carries unanimously.

(2) Re-Enter Open Session- Consider re-entering Open Session.

Motion made by Money, supported by Vigansky to re-enter open session at 7:49 P.M. Roll call vote carries unanimously.

**B. Consider approving a ground lease for 606 Clark St. - Due to agreements for the DPW construction site, 606 Clark has to be owned or leased to the Building Authority of the City of Buchanan.**

Motion made by Vigansky, supported by Swem to approve the ground lease for 606 Clark St. Roll call vote carries unanimously.

**C. Consider approving a RFP Process for the sale of 107 W Front St. Ross Sanders House and proposed RFP Document**

Motion made by Swem, supported by Vigansky to approve the RFP process and the proposed form RFP Document for 107 W Front St. Ross Sanders House. Roll call vote carries unanimously.

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

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

Harvey Burnett- Information for two community workshops. April 6<sup>th</sup> from 6PM-7:30PM will be on "how to raise self-disciplined, responsible, and socially skilled children and teens in today's world. The other held on April 13<sup>th</sup> from 6 PM- 7:30 PM on "Learning how to cope and recover from loss" both will be held at Fellowship Hall Buchanan SDA Church.

Carrie Franklin- wanted to address the commission with concerns about the red door hangers being distributed among residents and the school proposal. Information on the school bond proposals can be found on the school's website.

Monroe Lemay- continued with Carrie Franklin written comments.

Katie Shelton- continued with Carrie Franklin written comments.

Don Ryman- Opposed the current school bond. Inflation is affecting everyone and would hope people donate to RAM Love.

Ezra Scott- Past Berrien County Commissioner that is running for State Senate in the next election cycle. Regarding the increase of water/sewer bill, please look at house resolution 3684 as well as the schools to help with grant funding available for infrastructure.

Carla Johnson- Comments about the School Bond Proposal.

Michelle Funk- Comments about Water and Sewer rates, as well as School Proposal.

James Busby- Comments about Buchanan School Proposal and support for the athletic departments at the school. As well as fixing the Dollar General Parking Lot. Improvements to the city include sidewalk repairs, potholes, drinking fountains. We need to be respectful to each other.

Brandon Wagner- Comments about School Proposal. Seeing positive movement of the schools asking citizen for support of the proposal.

Henderson- Comments about the repairing roads. Buchanan is about up-building and encouraging. Support our community and support the interest of the people.

Thomas Wilson- Comments about the School Proposal. Vote, whatever the outcome, support it the outcome.

Thomas Macigewski- Comments about School Proposal. Encourages every citizen to do their own research.

Jerry Flenar- Comments about the Code of Conduct. It is being abused by certain "employees".

*Chris Carlson- April 6<sup>th</sup> at 6 PM there will be an open house at Moccasin for tours. April 20<sup>th</sup> at 6 PM open house for the High School. April 10<sup>th</sup> at 10 AM you can go to either school and they're happy to help with any questions.*

#### **XIV. Executive Comments**

##### **A. City Manager Comments**

The finance committee is working through the budget. We have an open-door policy at city hall, if you have any questions or concerns, please come down and we will try to help you.

##### **B. Commissioner Comments**

*Swem- Thanked everyone for coming out. No additional comments about the School Proposal. Thanks to Richard Martin for working with Mike and AEP on tree cuts that are able to reserve the tree canopy.*

*Vigansky- No comments about the School Proposal. Addressed the code of conduct.*

*Money- Thanked everyone for being here. Your opinions are yours and thank you for sharing them. I hold respect to this commission because we have to make decisions that no one wants to make. Thanked Mike Baker for his continued work.*

##### **C. Mayor Comments**

*Denison- Thanked Rich Murphy for the hard work he has put in since being here. Misinformation seems to be the word of the night. Denison referred to the tax graph that the city collects and what revenue actually stays in the city. There is very little tax revenue and unfortunately, we have been tasked to bear the burden. We are doing the very best we can, no one wants to see water/sewer rates go up. Either we raise taxes or water sewer rates, either way the burden falls on us. What we all need to do is keep coming to meetings like this and put our heads together and we can work together as a community. Or we can call each other names and get on Facebook and tear each other apart, which is not helpful. Encouraging all to keep coming to the meeting to take other issues we face as a city. Thanks to everyone for being here.*

#### **XV. Adjourn**

Motion made by Vigansky, supported by Money to adjourn the meeting at 8:43 P.M. Roll call vote carries unanimously.

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Kalla Langston , City Clerk

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Mayor Sean Denison

**REGULAR MEETING OF THE BUCHANAN CITY COMMISSION**  
**MONDAY, APRIL 10, 2023 – 7:00 PM**  
**CHAMBER OF BUCHANAN CITY HALL - 302 N REDBUD TRAIL, BUCHANAN MI**

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**MINUTES**

*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.*

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**I. Call to Order**

The meeting was called to order by Mayor Sean Denison at 7:00 P.M.

**II. Recognition**

**III. Pledge of Allegiance**

Mayor Denison led in the Pledge of Allegiance.

**IV. Roll Call**

**Present: Mayor Sean Denison, Mayor Pro Tem Mark Weedon, Commissioner Patrick Swem, Commissioner Dan Vigansky, Commissioner Larry Money**

**City Staff: Interim City Manager, Tim Lynch; Community Development Director; Rich Murphy; City Clerk, Kalla Langston; Director of Public Services, Mike Baker; Chief of Police Harvey Burnett; Director of Public Safety, Tim Ganus; City Treasurer, Deborah Perez; MainStreet Manager/Assistant Director of Community Development**

**V. Approve Agenda**

*Motion made by Swem, supported by Weedon to approve the agenda as presented. Roll call vote carries 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. Minutes**

- 1) Consider approving the regular meeting minutes from March 27, 2023.
- 2) Consider approving the closed session minutes from March 27, 2023.

**B. Expenditures**

- 1) Consider approving the general expenditures for April 10, 2023, in the amount of \$52,694.62

2) Consider approving the tax disbursements/refunds for April 10, 2023, in the amount of \$13,021.54

*Motion made by Vigansky, supported by Swem to approve the consent agenda, as presented. Roll call vote carries unanimously.*

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

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

**A. Community Development Director Report- Richard Murphy**

1) Consider approving the proposal from Prein & Newhof for survey and legal description work for the Ross-Sanders project in the amount of \$6,500.00.

Murphy is asking for the proposal to be approved for the survey work to be done for Sale of Ross-Sanders House, to split the Fire Department and the Ross Sanders House. Chief Adams has been consulted on the project. This part of the proposal is necessary to go out for RFP.

*Motion made by Swem, supported by Vigansky to approve the proposal from Prein & Newhof in the amount of \$6,500.00 for the Ross Sanders project. Roll call vote carries unanimously.*

2) Update on demolition bid for 111 Railroad/Baroda Tire Too project.

Shea Muller from Point Blue presented an update on the 111 Railroad/Baroda Tire Too project.

Plans and specifications are complete, those documents should be ready to go for advertising on April 14<sup>th</sup> the bid deadline will be on May 10<sup>th</sup>, notice of award being May 15<sup>th</sup>. The PTE permit from Amtrak is going to be required, the plan is the winning bid will have to be able to submit to Amtrak. It should be a 3-month process from Amtrak to get final approval of the PTE permit.

**B. Mainstreet Manager/ Assistant Community Development Director-Ashley Regal**

1) Consider approving \$5,000.00 in start-up funds to Live Buchanan/MainStreet Program.

Regal is asking the commission for \$5,000.00 in start-up funds for the business incubator, membership dues, print materials to start with the organization startup expenses. Regal is going after grant funding for the build out of the business incubator.

*Motion made by Denison, supported by Weedon to approve the \$5,000.00 in start-up funds for Live Buchanan/MainStreet program to be taken out of the DDA fund.*

*Yea: Denison, Weedon, Money, Swem*

*Nay: Vigansky*

*Motion carries 4-1.*

**C. Finance Department Report- Treasurer Deborah Perez**

1) Expenditure and Revenue Report.

Perez updated the commission. They continued to work toward the chart of account updates and making sure invoices are categorized correctly. Lynch, Baham, and Perez are continuing to work through the current budget as well as preparing for the new fiscal year budget. Perez is hopeful to have amendments in front of the Finance Department Committee on Wednesday.

**X. Unfinished Business**

**XI. New Business**

- A. Consider approving Resolution 2023.04/12-** a resolution appointing Tim Ganus, Director of Public Safety as the Emergency Management Coordinator (EMC)

*Motion made by Swem, supported by Money to approve 2023.04/12 to appoint Tim Ganus as the Emergency Management Liaison. Roll call vote carries unanimously.*

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

- A. Public Notice-** Public Accuracy Test of Voting Equipment to be held on April 14th, 2023, at 11:00 AM at City Hall.

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

*Don Ryman- Comments about the school bond proposal.*

*Brian Murphy- Comments about the commission and applauding them for debate and wanting to strengthen the city. Comments about the school bond proposal.*

*Randy Hendrickson- Comments and thanks to the city commission and Murphy for the help to get the Clark Equipment Campus was listed on the national register of historic places.*

*Harvey Burnett- Comments about the presentation being held this Thursday about dealing with loss. Encouraging people to attend.*

**XIV. Executive Comments**

**A. City Manager Comments**

*Lynch- Thanked everyone for coming and thanked his coworkers and colleagues on the Commission.*

**B. Commissioner Comments**

*Money- Wished Mike Baker a Happy Birthday. Congratulations to Randy on building 324. As well as thanked the staff for all their hard work and Lynch has been a great asset to the city. Thanked the entire Commission for their time and effort.*

*Vigansky- Comments about the hope that Lynch stays with the city. Likes to ask questions about every issue. Comments about all the different committees.*

*Swem- Happy Birthday to Baker and congratulations to Randy. A huge thank you to the Lions club for the Easter Egg Hunt. Gave a vote of confidence to the Mainstreet Program, they are a great group and trust that they will give the city ten-fold of what was given to them today. The commission is reviewing the top candidates for the city manager position next week. The commission will then be holding public interviews after they review resumes. Weedon and Swem have been walking the city, so please stop and say hi if you see them outside. Buchanan Chili Walk is on Thursday.*

*Weedon- Comments about the school bond, everyone has their own opinions, and we need to respect that. Weedon addressed the old cinder track when he was in high school, when the school invested to update that track it was something he will never forget as a student athlete. Mainstreet program is progressing forward and appreciates that board. As well as thankful for Lynch and his time in the city.*

**C. Mayor Comments**

*Tree friends are looking for volunteers on April 22<sup>nd</sup> for their tree planting on the Northside. They can sign up on the Tree Friends Facebook page. They will meet at 9 AM at Victory Park.*

*Thanks to the staff for their hard work. Thanked Lynch and would not be disappointed if you stayed in Buchanan.*

**XV. Adjourn**

*Motion made by Weedon, supported by Money to adjourn the meeting at 8:04 PM. Roll call vote carries unanimously.*

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Kalla Langston, City Clerk

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Mayor Sean Denison

**SPECIAL MEETING OF THE BUCHANAN CITY COMMISSION**  
**MONDAY, APRIL 17, 2023 – 6:00 PM**  
**CHAMBER OF BUCHANAN CITY HALL - 302 N REDBUD TRAIL, BUCHANAN MI**

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**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.

\* 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.

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**I. Call to Order**

*The meeting was called to order by Mayor Sean Denison at 6:00 P.M.*

**II. Roll Call**

***Present:** Mayor Sean Denison, Mayor Pro Tem Mark Weedon, Commissioner Patrick Swem, Commissioner Larry Money, Commissioner Dan Vigansky*

***City Staff:** Interim City Manager, Tim Lynch & City Clerk, Kalla Langston*

**III. New Business**

**A. Closed Session**

1) Consider entering closed sessions under MCL 15.268 Section 8 (f) to review and consider the contents of applicants who have requested confidentiality.

*Motion made by Vigansky, supported by Swem to enter closed session at 6:02 PM under MCL 15.268 Section 8(f) to review and consider the contents of applicants who have requested confidentiality. Roll call vote carries unanimously.*

2) Re-enter open session

*Motion made by Weedon, supported by Money to re-enter open session at 6:48 PM. Voice vote carries unanimously.*

**B. Closed Session Action-** Consider action regarding matters discussed in the Closed Session.

*Motion made by Swem, supported by Vigansky to offer interviews to candidates #18, #21, #28, #34. Roll call vote carries unanimously.*

**IV. Public Comment- Agenda Items Only (3-minute limit) None**

**V. Adjourn-** *Motion made by Vigansky, supported by Vigansky to adjourn the meeting at 6:50 PM. Voice vote carries unanimously.*

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Kalla Langston, City Clerk

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Mayor Sean Denison

**MINUTES**

THE COMMISSION OF THE CITY OF BUCHANAN, in compliance with Michigan’s Open Meetings Act, hereby gives notice of a work session of the Buchanan City Commission to be held in the Chamber of City Hall.

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**I. Call to Order**

The meeting was called to order by Mayor Sean Denison at 8:57 A.M.

Present: Mayor Sean Denison, Commissioner Patrick Swem, Commissioner Larry Money, Commissioner Patrick Swem

City Staff: Interim City Manager, Tim Lynch; City Treasurer, Deborah Perez; Bookkeeper Courtney Baham; City Clerk, Kalla Langston

**II. Items for Discussion**

**A. 2023-2024 1st Draft Budget**

Lynch led in the discussion of budget process. Starting with budget summary of major funds, general fund expense breakdown and bond payments (see attachment A, B, C). Lynch went over his plan for Capital and Replacement Plan (see attachment D). The Commission discussed with City Staff about allocation of designated funds including the Marijuana Excise Tax for 2024 and DDA Fund Balance. Lynch also proposed new/replacement equipment plan and updated the commission on the investment accounts and forecasts for interest earned (see attachment E & F)

**III. Adjourn**

Motion made by Money, supported by Vigansky to adjourn the meeting at 9:55 A.M. Voice vote carries unanimously.

  
\_\_\_\_\_  
Kalla Langston, City Clerk

  
\_\_\_\_\_  
Mayor Sean Denison

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**MINUTES**

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**I. Call to Order**

The meeting was called to order by Mayor Sean Denison at 7:00 P.M.

**II. Recognition****A. Proclamation for White Cane Week**

Mayor Denison recited the proclamation for White Cane Week.

**III. Pledge of Allegiance**

Mayor Denison led in the Pledge of Allegiance.

**IV. Roll Call**

**Present: Mayor Sean Denison, Commissioner Patrick Swem, Commissioner Larry Money, Commissioner Dan Vigansky**

**Absent: Mayor Pro Tem Mark Weedon**

**City Staff: Interim City Manager, Tim Lynch; City Clerk, Kalla Langston; Director of Public Services, Mike Baker; Assistant Community Development Director/ Mainstreet Manager, Ashley Regal; Director of Public Safety, Tim Ganus; Chief of Police Harvey Burnett**

**V. Approve Agenda**

*Motion made by Swem, supported by Money to amend the agenda to add item C. Excuse Mayor Pro Tem Mark Weedon from March 27<sup>th</sup> Regular Meeting as well as the April 24<sup>th</sup> Regular Meeting. Also, to add approval of new signage of the Common under Consent Agenda item D. Roll call vote carries unanimously.*

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

Stephanie Deschepper- asking for support for Scarecrow Charities resolution.

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

*1) Consider approving regular meeting minutes from April 10, 2023*

2) Consider approving special meeting minutes from April 17, 2023

3) Consider approving closed session minutes from April 17, 2023

**B. Expenditures**

1) Consider approving expenditures for April 24, 2023, in the amount of \$313,045.52

**C. Excuse Mayor Pro Tem Weedon from March 27<sup>th</sup>, 2023 & April 24, 2023, Regular Meeting.**

**D. Approve the new signage at the Common.**

Motion made by Vigansky, supported by Money to approve the amended consent agenda. Roll call vote carries unanimously.

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

**A. Resolution 2023.04/13**

1) A resolution allowing Buchanan Scarecrow Charities to hold a raffle event.

Motion made by Vigansky, supported by Swem to approve Resolution #2023.04/13, as presented. Roll call vote carries unanimously.

**B. Mary Lister, Interim Executive Director Roti Roti Art Center of Buchanan**

1) Consider funding for sidewalk improvements to The Roti Roti Art Center.

Mary Lister original intent was to ask for funds for improvements to the sidewalk. She is now requesting to help save the locus tree. To save the tree the design aspect had to be changed with an extra 6,000 on top of what they have contracted for already. The art center is trying to make the sidewalk safer since there have been falls that have occurred. The Buchanan Tree Friends have been consulted; they have asked that the tree be saved. The art center has also decided to add an accessibility ramp from the tree lawn to the street. The art center is in need of funds for this \$21,000.00 project, they have raised \$5,000.00 so far and continue to fundraise. With a "Brisket and Blues" fundraiser coming up on June 4<sup>th</sup> at the Art Center. As well as "sidewalk sale" to purchase a memorial brick to out in the walkway. Lister has asked the Commission to consider funds for the project at budget time.

**C. Randy Bicard- Presentation on Bringing Pickleball to Buchanan.**

Randy Bicard presented to the commission on bringing pickleball courts to Buchanan. Pickleball is one of the fastest growing sports in the US right now. This sport reaches all ages from children to older generations. Bicard brought a representative from Paddle Tek, a company that sells rec gear for pickleball, which she informed the commission about the sport and the possibility of it having economic effect. Bicard is asking for the commission to consider putting in courts somewhere at the city. The Commission asked Bicard to reach out to Jen Tabor for possible space at Stark School, to reach out to the schools about possible lining the tennis courts, as well as talking to the BARB committee about granting opportunities and a financial plan.

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

**A. Director of Public Services Mike Baker**

1) DPW building construction update.

Baker informed the Commission that there will be a meeting held with AVB this coming Wednesday on the DPW Building. Building Risk insurance is taken care of. Baker is working on FF&E trying to find cost savings on those items, including a local forklift. AEP has been contacted

about DEMO of the old DPW Building, that way the electric lines are in the correct spots. The building has been ordered. The construction group has made selections of the finishes for inside and outside. The soil analysis is being done and sent to the State to see where the contamination is at. Discussion about the Auger and Mike is waiting for a part to be able to get the auger running.

**B. Mainstreet Manager/ Assistant Community Development Director, Ashley Regal**

1) Consider approving the 2023 Common Schedule.

*Motion made by Swem, supported by Money to approve the Common Summer Schedule as presented. Roll call vote carries unanimously.*

**X. Unfinished Business**

**XI. New Business**

**A. Budget Amendments**

1) Consider approving the budget amendments as presented by the finance committee.

*Motion made by Swem, supported by Vigansky to approve the budget amendments as presented by the finance committee (see attachment A). Roll call vote carries unanimously.*

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

A. Election Day is Tuesday, May 2, 2023- Polls are open from 7 AM- 8 PM

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

*Norma Ferris- Concerns about the Cemetery.*

*Brian Murphy & Richard Martin- Comments about Earth Day and Arbor Day celebrations.*

*William Haas- Comments about wanting a retail permit for marijuana.*

*Deanna Banock- Comments about candy being thrown at Memorial Day Parade.*

*Beth Denton- Comments about "No Mow May" and grass ordinance.*

**XIV. Executive Comments**

**A. City Manager Comments**

*Commended Mike Baker and the public works crew they have been dealing with water mains all week. Baker is a man of man hats, he is the Director, the crisis manager, and emergency planner. Who has some great people that work for him. Lynch is proud to be a small part of that team. Lynch also commented that they have been working on the budget, finances, DPW building construction and an internal committee working on Thrill on the Hill hoping to make it a beneficial event with all expenses and revenue being tracked.*

**B. Commissioner Comments**

*Swem- Gave condolences to the family of Lloyd Miller, stating that he was a great man that served his community. Thanks to the Tree Friends for their planting this past weekend. It's a true mission to plan that. Thanks to the Buchanan Chamber for the Chili-Walk event, it was a well-attended event. The benefactor for the Chili- Walk was the Buchanan Tree Friends.*

*Vigansky- Addressed Mike Baker for "growling" at him. He does not apologize for growling, just that Baker acknowledged he "growled" but he got Bakes attention. Excited for the Tree Friends, stating they are a fine example of a committee of the City. Acknowledge the loss of Dick Mann.*

*Money- Condolences to Dick Mann and acknowledgment for his 52 years to the City of Buchanan. Congratulations and thanks to the Tree Friends for their hard work on Saturday as well as DPW crew for their help with the tree planting. Thanks to the Scarecrow Charities for their service to the community. Thanked city staff for doing an outstanding job, Mr. Lynch has been amazing for stepped up for the city. As well as thanked the Commission for all they do.*

**C. Mayor Comments**

*Denison offered his condolences to the family of Lloyd Miller. Mr. Miller was instrumental in helping to create the Michigan Gateway Community Foundation. Condolences to the family of Dick Mann who served 54 years for the Berrien County Sheriff's Department, which is truly incredible. Thanks to the Tree friends for the great event this Saturday. Encouraging all to go help when they do the next plating. Recommending everyone take advantage of the plays put on at the Tin-Shop Mayor was able to attend on Sunday afternoon with a lot of shows still left in the season and a great line up at the Common this year. Denison brought up the parking on Claremont Street by Stark School that due to the games and parking an ambulance could not get to the softball field. The signage needs to be updated so that cars are only parked on one side.*

**XV. Adjourn**

*Motion made by Money, supported by Vigansky to adjourn the meeting at 8:08 P.M. Roll call vote carries unanimously.*

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Barbara A. Pitcher, City Clerk

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Mayor Sean Denison

**MINUTES**

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**I. Call to Order**

**II. Recognition**

**A. Recognition for Jeanne Harris 2023 Spirit Woman of the Year.**

“The Commission would like to congratulate Jeanne Harris on her recent recognition as 2023 Spirit Women Of The Year by Benton Spirit News. Jeanne is a dedicated steward of the Buchanan community, from her work as president of the Buchanan Area Senior Center Board to serving as co-chair of the Buchanan Area Recreation Board, OneBuchanan, the North Side Advocate Group, and the North Side Reunion Committee. She is also a Lifetime Achievement Award winner from the Buchanan Area Chamber of Commerce. Jeanne brings people together and dedicates her time to making their lives better, and the City of Buchanan is deeply thankful for her continued service and advocacy. Please join me in recognizing 2023 Spirit Women Of The Year Jeanne Harris”.

**III. Pledge of Allegiance**

Mayor Denison led in the Pledge of Allegiance.

**IV. Roll Call**

**PRESENT: Mayor Sean Denison, Mayor Pro Tem Mark Weedon, Commissioner Dan Vigansky, Commissioner Patrick Swem**

**ABSENT: Commissioner Larry Money**

**CITY STAFF: Interim City Manager, Timothy Lynch; City Treasurer, Deborah Perez; City Clerk, Kalla Langston; Director of Public Services, Mike Baker; Chief of Police Harvey Burnett**

**V. Approve Agenda**

Motion made by Vigansky, supported by Weedon to approve the agenda as presented. Roll call vote carries 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. Minutes-**

- 1) Consider approving the April 21, 2023, Special Workshop Meeting Minute.
- 2) Consider approving the April 24, 2023, Regular Meeting Minutes.

**B. Expenditures**

- 1) Consider approving expenditures for May 8, 2023, in the amount of \$124,574.91

Motion made by Swem, supported by Vigansky to approve the consent agenda as presented. Roll call vote carries unanimously.

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

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

**A. Buchanan Tree Friends Report** - Chair, Brian Murphy

- 1) Presentation of Tree Plan Resolution.

Murphy presented a resolution to the commission (see attachment A).

- 2) Buchanan Tree Management Program Report.

Murphy is asking for a line in the budget to help care for the trees. He is also asking that city staff help with inventory of the Tree Management program. They will be coming back forth in front of the commission with a plan for being able to utilize the tree management software.

**B. Friends of McCoy Creek Trail**- Chair, Jerry Flenar

- 1) Update of Trail Grants

Flenar wanted to give an update that the Friends of the Trail will be holding an open house for the neighbors that will be affected by the trail extension on May 25<sup>th</sup> at 4:00 PM at City Hall. Flenar also updated the commission that they are in the top 5 for a grant that will extend the trail even further from River St. Joe to the Bypass on Walton Rd.

**C. Clerk Report**- City Clerk, Kalla Langston

- 1) May 2, 2023, special election report

Langston reported that there was 35 percent turnout for the Special Election and thanked all the election workers for their continued dedication.

- 2) August special election

There will be another special election on August 1, 2023 for the LMC renewal millage.

**X. Unfinished Business**

**XI. New Business**

**A. Public Hearing for input on the city considering an MNRTF grant application and AMENDED Resolution 2023.05/14 to approve the MNRTF grant application for the Kayak Launch Project- The kayak launch program is for the development of an ADA-accessible kayak launch located at 1206 N Redbud Trail, Buchanan, MI 49107.**

- 1) Open to Public Hearing for Input fo the AMENDED Resolution 2023.05/14 to approve the MNRTF grant application for the Kayak Launch Project- (limit to 3 minutes per person)

Mayor Denison opened the public hearing at 7:30 PM for comments on the MNRTF Grant application for the Kayak Launch Project for development of an ADA-accessible kayak launch located at 1206 N Redbud Trail.

*No comments were made.*

Mayor Denison closed the hearing at 7:31 PM

*2) Consider approving AMENDED Resolution 2023.05/14 to approve the MNRTF grant application for the Kayak Launch Project*

Motion made by Vigansky, supported by Swem to approve amended resolution 2023.05/14 to approve the grant application for the Kayak Launch Project at 1206 N Redbud Trail. Roll call vote carries unanimously.

**B.** **Consider approving traffic control order #258** - *The east side of Claremont in the 500 block is now a "no parking" zone. Several "NO PARKING" signs shall be placed along the tree lawn that is visible to vehicular traffic.*

Motion made by Swem, supported by Weedon to approve traffic control order #258. Roll call vote:

Yea: Weedon, Denison, Swem

No: Vigansky

Motion carries 3-1

**C.** **Update of Welcome Sign**

*Consider approving the updating of the welcome signs with a photo of Lillian Waggoner, Miss Blossomtime.*

Motion made by Swem, supported by Vigansky, to replace the welcome signs with Lillian Waggoner, Miss Blossomtime. Roll call vote carries unanimously.

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

A. *The City of Buchanan will hold a Public Hearing on May 22, 2023, at the regularly scheduled meeting to hear public comment on considering adopting the proposed FY 2023-2024 (July 1, 2023 – June 30, 2024) City Budget and receive public comment regarding the proposed budget and the property tax millage rate proposed to be levied to support.*

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

None

**XIV. Executive Comments**

**A.** **City Manager Comments**

The Budget will be presented on May 22, 2023, at the meeting. And thanks to everyone for coming out tonight.

**B.** **Commissioner Comments**

*Vigansky-* Thanked everyone for coming to the meeting. Congratulations to Lillian Waggoner for her pictures being put on the welcome sign.

*Swem-* Thanked the tree friends for their report today. A huge thank you to the election workers and the team for the work they did. As well as thank you to Sean for the new sign at The Common. Hope everyone has a chance to get out to the Farmers Market this summer.

Weedon- No Comment

C. Mayor Comments

*Denison*- Thanks to Langston and election workers. Thanked Ashley Hanson and all the vendors down at the Farmers Market, it was packed on Saturday. Thanked the Buchanan Preservation Society for opening Pears Mill this weekend. Thanked the Police Department and DPW for addressing the parking on Claremont. Wanted to thank Tom Fehlner for his generous donation to the Roti Roti Art Center of \$100,000 and an endowment.

**XV. Adjourn**

Motion made by Weedon, supported by Vigansky to adjourn the meeting at 7:39 PM. Voice vote carries unanimously.

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Kalla Langston, City Clerk

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Mayor Sean Denison

**MINUTES**

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**I. Call to Order**

The meeting was called to order at 7:00 PM by Mayor Sean Denison.

**II. Recognition**

**A. The City Commission & City of Buchanan Police Department would like to honor the memory of Code Enforcement Officer, Dick Mann.**

Director of Public Services Tim Ganus and Chief of Police Harvey Burnett honored the Mann Family with a memorial plaque in honor of Officer Dick Mann.

**III. Pledge of Allegiance**

Mayor Denison led in pledge of allegiance.

**IV. Roll Call**

**PRESENT: Mayor Sean Denison, Mayor Pro Tem Mark Weedon, Commissioner Patrick Swem, Commissioner Larry Money, Commissioner Dan Vigansky**

**ABSENT: None**

**CITY STAFF: Interim City Manager, Tim Lynch; City Clerk, Kalla Langston; Community Development Director, Rich Murphy; Director of Public Services, Mike Baker; Director of Public Safety, Tim Ganus; Chief of Police Harvey Burnett**

**V. Approve Agenda**

*Motion made by Money, supported by Vigansky to approve the agenda is presented. Roll call vote carries unanimously.*

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

*Carla Johnson- comments made about property taxes and cutting costs. Johnson had written comments given to the clerk (the full comment will be kept on file with the approved minutes).*

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

**A. Minutes**

1) Consider approving the Regular Meeting Minutes from May 8, 2023.

**B. Expenditures**

1) Consider approving expenditures for May 22, 2023, in the amount of \$131,049.84

**C. City Wide Garage Sale**

1) Consider approving the City-Wide Garage Sale Days on June 9th, 10th, and 11th, as well as waiving the permit fee.

**D. Excuse of absence**

1) Consider excusing the absence of Commissioner Larry Money from the Regular Meeting on May 8th, 2023.

**E. Street Closure**

1) Consider Street Closure for the Home Source Group on May 29th, 7:00 AM to 3:00 PM for the following location: Oak Street between Front St. and the alley on the North side of Oak St.

*Motion made by Vigansky supported by Swem to approve the consent agenda as presented. Roll call carries unanimously.*

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

**A. 1) Open Public Hearing on Budget**- Consider opening the public hearing to receive comments on the proposed City budget for the fiscal year 2023-2024 (July 1, 2023- June 30, 2024).

*Motion made by Swem, supported by Weedon to open the public hearing at 7:09 P.M. to receive comments on the proposed city budget for FY 2023-2024. Roll call vote carries unanimously.*

Denison recited the public hearing rules.

*Norma Ferris asked for a copy of the budget.*

No further public comment was made.

**2) Close Public Hearing on Budget**- Consider closing the public hearing to receive comments on the proposed City budget for the fiscal year 2023-2024 (July 1, 2023- June 30, 2024).

*Motion made by Swem, supported by Money, to close the public hearing at 7:11 P.M. Roll call vote carries unanimously.*

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

**A. B.A.R.B. (Buchanan Area Recreational Board)- Report**- All items for consideration were recommended by B.A.R.B.

1) Consider retroactively appointing Megan Weedon from July 2, 2021, to May 31, 2023, and appoint Anthony "Tony" Houser to BARB effective June 1, 2023, to May 31, 2025.

*Motion made by Money, supported by Vigansky, to retroactively appoint Megan Weedon from July 2, 2021, to May 31, 2023, and appoint Tony Houser to the BARB effective June 1, 2023, to May 31, 2025. Roll call vote carries unanimously.*

2) Consider purchasing Playground Equipment for Kathryn Park presented in quote #811460 from AAA State of Play for a total of \$42,757.22. In addition, BARB requests that the usage of playground equipment currently at Kathryn Park be removed by DPW. If DPW is unable to remove and relocate the equipment, BARB requests that AAA State of Play is contacted to quote the removal and relocation of the current equipment.

Chairperson Rachel Plank presented quotes from AAA State of Play for new Playground Equipment to be placed at Kathryn Park. With the consideration of DPW to remove the older equipment and possibly install new equipment. BARB recommends that the company does the installation for safety responsibility and because the DPW has limited time and staff do this job.

BARB would also like the usable playground equipment that is currently at Kathryn Park be moved to a different park, possibly Ravish Park.

Request was made that BARB look into possible volunteer group to help with installation, if AAA State of Play was there to provide supervision.

*Motion made by Swem, supported by Weedon to approve quote #811460 from AAA State of Play for it not to exceed \$63,517.22 from the BARB budget for the purchase of playground equipment at Kathryn Park. Roll call vote carries unanimously.*

3) Consider the purchase of 5 roofed picnic tables – receiving a 6<sup>th</sup> table free from Gustavsen, Lise Gustavsen according to Quote #255 for a total of \$27,500.00. BARB has also requested that the Township also purchase 5 roofed picnic tables.

Plank presented the quote of 5 roofed picnic tables; the 6<sup>th</sup> table would not be included due to supply issues. The picnic tables would be decided on placement by BARB. With possible placement at Victory Park, The Common and along the Trail. The township also purchased the picnic tables to be placed around the township.

Motion made by Swem, supported by Weedon to approve quote #255 from Gustavsen in the amount of \$27,500.00 from the BARB Budget to purchase 5 roofed picnic tables.

Yea: Swem, Denison, Weedon, Money

Nay: Vigansky

Motion carries 4-1

**B. Community Development Report- Director Rich Murphy**

1) Update on the Community Development Department's redevelopment projects.

Murphy thanked BARB for all their hard work beautifying the parks. Update on the Baroda Tire Too demolition, the city went out for bid and received five bids for the project. With a recommendation from PointBule with the lowest and most responsive bid being awarded to Gentry Demolition. Murphy is moving on an application for a grant with the county that could pay the full amount or partial amount for the demolition.

The Ross Sanders RFP is still in process, Murphy is waiting to go out for RFP with a concept parcel. The RFP should be released within the next two weeks.

**X. Unfinished Business**

**XI. New Business**

**A. Summer School Tax Collection Fee, Resolution #2023.05/15**

1) Consider Resolution #2023.05/15-Summer School Tax Collection Fee (**see attachment A**).

*Motion made by Swem, supported by Money to approve resolution # 2023.05/15 Summer School Tax Collection Fee. Roll call vote carried unanimously.*

**B. FY 2023-2024 Budget**

1) Interim City Manager, Tim Lynch will give a presentation of the FY 2023-2024 Budget.

Lynch presented the proposed FY 2023-2024. With highlighting a fiscally responsible budget and the start of capital improvement planning (**see attachment B for the complete budget**).

2) *Adoption of FY 2023-2024 Budget*- Consider approving Resolution #2023.05/16- A resolution for the City of Buchanan, County of Berrien, Michigan to adopt a budget for the City of Buchanan for fiscal year 2023-2024 (**see attachment C**)

*Motion made by Swem, supported by Weedon to approve resolution 2023.05/16 adoption of the City Budget for FY 2023-2024. Roll call vote carries unanimously.*

**C. Closed Session**

1) *Enter Closed Session*- Consider entering a Closed Session pursuant MCL 15.268 Sec. 8(1)(h) to discuss legal memos pertaining to attorney-client privileged.

*Motion made by Weedon, supported by Money to enter closed session at 8:25 P.M. pursuant to MCL. 15.268 Sec 8(1)(h) to discuss legal memos pertaining to attorney-client privilege. Roll call vote carries unanimously.*

2) *Re-enter Open Session*- Consider re-entering Open Session

*Motion made by Weedon, supported by Money to re-enter open session at 8:41 P.M. Roll call vote carries unanimously.*

**D. City Manager Contract**

1) Consider approving the employment contract for City Manager, Benjamin Eldridge.

*Motion made by Vigansky, supported by Money to approve the employment contract for City Manager, Benjamin Eldridge. Roll call vote carries unanimously.*

**E. Budget Amendments**

1) Consider approving the budget amendments as recommended by the finance committee (**see attachment D**).

*Motion made by Swem, supported by Weedon, to approve the budget amendments as recommended by the finance committee. Roll call vote carries unanimously.*

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

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

*Tony Houser- Comments about Munchie Monday being a great success. Thanked Ashley Regal for her work with putting it together.*

*Norma Ferris- Comments about parking lines at the Cemetery.*

*Harvey Burnett- DARE graduation will be this coming Thursday.*

**XIV. Executive Comments**

**A. City Manager Comments**

Welcomed Benjamin Eldridge and his wife to the City of Buchanan. Thanked the residents for sitting through the budget presentation.

**B. Commissioner Comments**

*Money- Welcomes Benjamin and his wife. Thanks to Lynch and the staff for the work on the Budget. Also thanked the Commission and thanked the residents.*

*Vigansky- Gave a shoutout to the youth symphony concert with a few Buchanan High School students that participate. Comments about his opinion. Difference of opinion on the picnic tables.*

*Swem- Congratulated the team on Munchie Mondays with the activation of Days Ave. Welcomed Benjamin and excited to work with him. Attended a meeting with Congressman Walburg, he was listening to the needs of the local communities. Buchanan was well represented. Would like to have the SMCAS assessment talked about as soon as possible.*

*Weedon- Thanked all that came, welcomed Benjamin and his wife to the city of Buchanan. Lynch has done a great job. Thanked everyone for coming out to the cannabis round table. Munchie Mondays are phenomenal. Thanks to Ashley Regal and the main street team as well as the vendors. Another thanks to Ashley Hanson for her work at the Farmers Market. Congratulations to Jeanne Harris on the Benton Sprit woman of the year. Praised Murphy and Police Department.*

**C. Mayor Comments**

*Denison- Cannibals round table was well received and well attended. The meeting with Congress Walburg went well, there was much discussion about infrastructure needs. Munchie Monday is wonderful, the food is great, seeing downtown active is great. Welcome to Benjamin, thanked Lynch for his hard work. What he has done in the last 3 months is astonishing.*

**XV. Adjourn**

Motion made by Weedon, supported by Vigansky to adjourn the meeting at 8:57 P.M. Roll call vote carries unanimously.

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Kalla Langston, City Clerk

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Mayor Sean Denison

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**MINUTES****I. Call to Order**

The meeting was called to order by Mayor Sean Denison at 7:00 P.M.

**II. Recognition****III. Pledge of Allegiance**

Mayor Denison led in the pledge of allegiance.

**IV. Roll Call**

**Present:** Mayor Sean Denison, Mayor Pro Tem Mark Weedon, Commissioner Dan Vigansky, Commissioner Larry Money

**Absent:** Commissioner Patrick Swem

**City Staff:** Interim City Manager, Tim Lynch; City Treasurer, Deborah Perez; City Clerk, Kalla Langston; Community Development Director, Rich Murphy; Assistant Community Development Director, Ashley Regal; Director of Public Services, Mike Baker; Director of Public Safety, Tim Ganus; Chief of Police Harvey Burnett

**V. Approve Agenda**

Motion made by Denison, supported by Weedon to amend the agenda to add 1) Kathryn Park under Section X. Unfinished Business. Roll call vote carries unanimously.

Motion made by Vigansky, supported by Denison to approve the amended agenda. Roll call vote carries unanimously.

**VI. Public Comment - Agenda Items Only** *(3-minute limit)***VII. Consent Agenda** *(can be approved all in one motion, for general housekeeping items)***A. Minutes**

1) Consider approving the Regular Meeting Minutes from May 22, 2023.

2) Consider approving Closed Session Minutes from May 22, 2023.

**B. Expenses**

1) Consider approving the expenses for June 12th, 2023 in the amount of \$226,389.47

**C. Re-Appointment**

1) Consider reappointing Deborah Miner as a trustee for the Buchanan District Library, for a 4-year term.

**D. Excuse**

1) Excuse Commissioner Patrick Swem's absence from tonight's regular meeting, June 12, 2023.

**E. Street Closure-**

1) Thrill on the Hill Street Closure for Front St. from July 10th-July 17th.

2) *Thrill on the Hill Street Closure for Dewey St. from July 13th- July 16th.*

Motion made by Vigansky, supported by Weedon to approve the Consent Agenda. Roll call vote carries unanimously.

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

**A. Buchanan District Library Director Meg Paulette Perez-update on the library building campaign.**

Paulette-Perez presented to the Commission recent highlights that have happened at the library. Including eliminated late fines, started a library of things which is a collection of 213 “things” such as musical instruments, tools, outdoor equipment and more. As well as launched a tutoring program, created One Book/ One Buchanan as well as started a Seed Library. Paulette-Perez also touched on the library building campaign, that includes a Community Room and a Hometown Hub. Encourage residents to use the library and being an advocate for libraries.

**B. Southwestern Michigan Community Ambulance Services (SMCAS), Brian Scribner- Discussion if the City of Buchanan will pursue a special assessment.**

Scribner updated the Commission on different funding grants that SMCAS is pursuing. The discussion if the city will pursue a special assessment. The city has budgeted \$75,000.00 out of the General fund for the next fiscal year to cover the assessment. Since the city and other municipalities elected to only pursue a special assessment. Langston touched on parcel and population. SMCAS is no longer providing the materials to the municipality. The conscious is teaming up with other municipalities, to figure out a way to fund this in the long term. Since there is no tax frame by population the municipalities went with a special assessment on per parcel. The City Commission’s consciousness was to fund SMCAS out of the general fund this year, and work with the municipalities on coming up with solutions for the Special Assessment coming in the 2024 fiscal year. Scribner also noted that the state is working on funding for ambulance services.

Motion made by Vigansky, supported by Money to approve paying the SMCAS payment out of the general fund. Roll call vote carries unanimously.

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

**A. Community Development Report - Director Rich Murphy & Assistant Director Ashley Regal**

1) *Consider Approving the 2023 Marihuana Medical and Adult Use Grow and Process Permit Renewals for Boones Labs at 107 E. Alexander St.*

Motion made Money, supported by Weedon to approve the 2023 marihuana medical and adult use grow and process permit renewals for Boones Labs at 107 E. Alexander St. Roll call vote carries unanimously.

2) *Consider Approving the 2023 Microbusiness Permit Renewals for Walpole Limites Craft Market at 303 Carroll St.*

Motion made by Money, supported by Weedon to approve the 2023 microbusiness permit renewals for Walpole Limites Craft Market at 303 Carroll St. Roll call vote carries unanimously.

3) *Consider Resolution 2023.06/17, a resolution of support for local match for the MDOT TAP Grant for the McCoy Creek's Trail Extension Project.*

Jerry Flenar spoke on behalf of Friends of the McCoy Creek Trail. Their fundraising efforts have been very successful and they’ve been encouraged to continue to apply. They’ve funded the

extension as far as River St. Joe and are working on expanding it farther, with \$1.2-2 million currently applied for. They would like the commission to pass the resolution to allow them to continue asking for these grants.

Motion made by Vigansky, supported by Money to approve 2023.06/17, as presented. Roll call vote carries unanimously.

*4) Updated Draft of Ross-Sanders RFP with Historic Preservation Easement and Concept Parcel.*

Murphy has received the survey for the property and has a concept parcel that all parties are in agreement with. The RFP is ready to be published on Wednesday with bid openings on July 10<sup>th</sup>. There will need to be a review committee to review bids, with Murphy requesting Denison, Swem, Peter Lysy, and himself to serve on that committee.

Discussion about a baseline price for purchase included in the RFP. The RFP requires applicants to show a ready cash reserve of at least \$400,000 to finance the work required.

*5) Grants Update.*

The city has already received over \$1.1 million in grant funding in the last year and a half, with over \$4 million in pending grant applications. Murphy has been very aggressive on the grants.

*6) Munchie Monday Update.*

Ashely Regal presented an update on Munchie Mondays, which has been a bigger success than anticipated, with each Monday drawing around 1000 visitors. One of their goals was to engage the cannabis industry in Buchanan, and Regal reports that they've been extremely involved in promoting the event through deals, promotions, and their newsletters. Regal and the City will explore options to provide electricity, potentially by utilizing the library parking lot.

**B. Interim City Manager, Tim Lynch -**

*1) DPW Construction Update*

Delivery will begin tomorrow. Pending additional tests and analysis, building should start in August. There will be a groundbreaking planning meeting June 21st at 10am.

*2) USDA/Downtown Infrastructure/ Well & Water Plant Update*

The design and engineering is nearing completion, and the updated cost information. The original project cost was around \$20.2 million, the updated cost is \$32 million. The interim City Manager and the commission will review the project.

**C. Assessing Department**

*1) Consider Approving Resolution 2023.06/18, a Resolution for Poverty Exemption Guidelines.*

Motion made by Money, supported by Vigansky to approve 2023.06/18, as presented. Roll call vote carries unanimously. (See attachment A)

*2) Consider Approving Policy and Procedure for Assessor Inquiries and Meetings.*

Motion made by Vigansky, supported by Money to approve Policy and Procedure for Assessor Inquiries and Meetings. Roll call vote carries unanimously. (See attachment B)

*3) Consider Approving the updated Policy for Public Inspection and Copying of Assessing Records.*

Motion made by Weedon, supported by Vigansky to approve the updated policy for public inspection and copying of assessing records. Roll call vote carries unanimously. (See attachment C)

**X. Unfinished Business**

**A. Kathryn Park**

Denison had some additional questions after reviewing the quote. The quote requires preparing the ground for safety prior to installation. There was discussion over the best approach. Baker would not like the equipment to sit in the park longer than a week.

**XI. New Business**

**A. Ordinance 2023.06/436:** *Consider the first reading of Ordinance 2023.06/436. An ordinance to amend the Buchanan City code of ordinances to provide for prohibition and abatement of nuisances and to repeal and replace ordinance sections 38-26, 38-29 subsection 3, and sections 38-47, 38-54, 38-55, Article III, and parts thereof in conflict herewith.*

Director of Public Safety Tim Ganus presented the ordinance (see attachment D). The Police Department has hired a full-time code enforcement officer. The commission would like to ensure code enforcement is a top priority.

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

None.

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

Jerry Flenar – The Trail will utilize Berrien County prisoners with a guard for trail maintenance.

Frieda Hughes – Would like clarity on whether old equipment from Kathryn Park would be moved to Victory Park and is strongly against this proposal. The neighborhood deserves new equipment.

**XIV. Executive Comments**

**A. City Manager Comments**

Life Action is considering expansion that would put them on City sewer. Lynch would like to consider the entire area. Work on Thrill on the Hill is progressing smoothly.

**B. Commissioner Comments**

Vigansky – Thinks moving the old equipment from Kathryn Park elsewhere is a good idea, if Victory Park isn't interested, another park will be.

Money – Thanked Baker and the DPW for their hard work as well as Nick Bailey and the cemetery crew. Thanked Meg for her work at the Library, City Staff for their hard work, and the commission. Shared an issue from the Common that was brought to his attention, Baker is aware.

**C. Mayor Comments**

Would like Lynch to draft a policy on who can contact the city attorney. He'd prefer it to be the City Manager and the Mayor. He'd like to congratulate the Roti Roti Art Center on another successful Empty Bowls fundraiser. He shared an autographed guitar from the Van Dyke Review's concert kickoff at the Summer Concert Series. He also asked that parents keep an eye on their children during events. Also commended the DPW and Cemetery crew for their maintenance of the Trail but lamented graffiti, again petitioned parents to hold their children accountable.

**XV. Adjourn**

Motion made by Weedon, supported by Money to adjourn the meeting at 9:13 P.M. Voice vote carries unanimously.

Kalla Langston, City Clerk

Mayor Sean Denison

**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](mailto:clerk@cityofbuchanan.com)

**I. Call to Order**

The meeting was called to order by Mayor Denison at 7:00 P.M.

**II. Recognition**

None

**III. Pledge of Allegiance**

Mayor Denison led in the pledge of allegiance.

**IV. Roll Call**

**Present:** Mayor Sean Denison, Mayor Pro Tem Mark Weedon, Commissioner Dan Vigansky, Commissioner Larry Money, Commissioner Patrick Swem

**Absent:** None

**City Staff:** Interim City Manager, Tim Lynch; City Manager, Benjamin Eldridge; City Clerk, Kalla Langston; Director of Public Services, Mike Baker; Director of Public Safety, Tim Ganus; Chief of Police Harvey Burnett; Bookkeeper Courtney Baham

**V. Approve Agenda**

Motion made by Vigansky to remove IX. C. 1. Consider the Draft RFP for 123 Days Ave. motion was not supported.

Motion made by Weedon, supported by Money to approve the agenda as presented.

Yea: Weedon, Money, Swem, Denison

Nay: Vigansky

Motion carries 4-1

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

*Don Ryman- Comments about the complaint filed against Commissioner Vigansky.*

*Carla Johnson- Comments about a Facebook post with Commissioner Vigansky.*

*Freida Hughes - Apologized to the Commission for being out of order at the last meeting. But not apologize for standing up for her neighborhood.*

*Email Correspondence from Alan Robandt- Asking for the Commission to reject tonight's proposal in favor of a new RFP encompassing the entire developable stretch of Days Ave.*

*Dan Vigansky- Comments about the complaint that was filed against himself.*

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

**A. Minutes-** *Consider approving the Regular Meeting Minutes from June 12, 2023.*

**B. Expenditures-** *Consider approving the expenditures for June 26th, 2023, in the amount of \$80,735.46*

Motion made by Swem, supported by Money to approve the consent agenda as presented. Roll call vote carries unanimously.

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

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

**A. B.A.R.B Report- Chairperson/ Buchanan Township Treasurer, Rachel Plank**

*1) BARB recommends to the City Commission to request DPW to remove the broken plastic seat swing at McCoy Creek Recreational Area due to safety concerns.*

*2) BARB recommends to the City Commission to not purchase metal/chain basketball nets for any parks in the future as they pose a significant safety risk.*

*3) BARB recommends to the City Commission to request DPW to place an additional picnic table at Victory Park.*

*4) BARB recommends to the City Commission to remove broken/bad condition picnic tables from Kathryn Park.*

Point of discussion on item 3. With there being picnic tables at Centennial Park the commission would like to move 1 to Victory Park. Baker would need to find out if the Lions Club owns those picnic tables. Baker will discuss with the Lions Club with Jess Hendrixson assisting.

Motion made by Swem, supported by Weedon approve the City Manager to work with BARB on items 1 through 4 and facilitate them as he sees fit. Roll call vote carries unanimously.

Motion made by Vigansky, supported by Money to stop the contract with the State of Play (playground equipment) and for the roofed picnic tables.

Discussion took place about different grants and public outcry with price of the roofed picnic tables, as well as the role the marijuana excised tax played in purchasing the playground and picnic tables.

Yea: Vigansky

Nay: Swem, Weedon, Denison, Money

Motion fails 1-4.

**B. Clerk Report- City Clerk, Kalla Langston**

*1) August 8, 2023, Election*

Sample ballots are posted on the website and posted at City Hall. Absentee Voter Ballots should be going out within the next 14 days.

*2) Election Legislation Update*

Election Legislation is being worked on in the House and Senate with the passage of Prop-2 of 2022. Langston updated the commission on a few bills.

*3) Consider approving Commissioner Alternate Appointments for boards/committees/commissions.*

*Motion made Vigansky, supported by Money, approve the Commissioner Alternate Appointments.*

Discussion about possible postponement for time to look over who would be best suited for each board.

Roll call was called.

Yea: Denison, Money, Vigansky

Nay: Swem, Weedon

Motion carries 3-2.

*4) Consider approving the policy for communications between the City Attorney, City Commission, and City Staff.*

Motion made by Vigansky, supported by Denison to approve the policy for communications between the City Attorney, City Commission and City Staff.

Discussion took place about the policy. Concerns about if it should be a policy or as best practice.

Roll call was called.

Yea: Money, Vigansky

Nay: Weedon, Swem, Denison

Motion fails.

**C. Community Development Department- Director Rich Murphy**

*1) Consider the Draft RFP for 123 Days Ave.*

Murphy was unable to attend the meeting. Denison presented the first step of requesting to approve the appraisal for 123 Days Ave.

Motion made by Denison, supported by Weedon to approve the appraisal for 123 Days Ave in the estimated amount of \$1500.00. Roll call vote carries unanimously.

Motion made by Weedon, supported by Money to postpone the draft RFP pending the appraisal. Roll call vote carries unanimously.

**X. Unfinished Business**

- A. Ordinance 2023.06/436:** *Consider the Second Reading of Ordinance 2023.06/436. An ordinance to amend the Buchanan City code of ordinances to provide for prohibition and abatement of nuisances and to repeal and replace ordinance sections 38-26, 38-29 subsection 3, and sections 38-47, 38-54, 38-55, Article III, and parts thereof in conflict herewith. If passed at the second reading, the ordinance will take effect 15 days after enactment and publication. ( See Attachment A)*

Motion made by Weedon, supported by Vigansky to 2023.6/436, as presented. Roll call vote carries unanimously.

**XI. New Business**

- A. Budget Amendments** - Consider approving the budget amendments as recommended by the City Manager and City Treasurer.

Motion made by Vigansky, supported by Swem to approve the Budget Amendments, as presented. Roll call vote carries unanimously.

- B. Complaint Review**- Review the Complaint filed against Commissioner Vigansky and vote on whether or not to proceed with a hearing, pursuant to the Rules of Procedure for City Commission Meetings and City Code of Conduct and Ethics.

The Commission is in receipt of a four-item complaint filed by Mr. Tony Houser against Commissioner Vigansky, alleging violations of the City's Code of Conduct and Ethics. Code of Conduct and Ethics Section 2-137(b) states, 'Hearings under subsection (a) may also be held upon the commission's receipt of a detailed, signed complaint filed against a covered individual by a citizen or other third party.' Accordingly, the Commission must consider and vote on whether or not it wishes to proceed with a public meeting hearing on the Complaint, to be held consistent with the requirements of the Code of Conduct and Ethics, and the Rules of Procedure for City Commission Meetings.

Motion made by Swem, supported by Weedon to move that the Commission hold a special public meeting for a hearing on the Complaint under the Commission's Rules of Procedure, and the Code of Conduct and Ethics Sections 2-133(j), 2-134(2) and Sections 2-137 and 2-138, to be held on an evening session on a date to be scheduled by the Clerk and Commissioner Vigansky, such hearing to occur no later than 30 calendar days from the date of this Regular Meeting, with notice of hearing to be issued by the Clerk.

Yea: Denison, Weedon, Swem, Money

~~Abstain: Vigansky~~

~~Not allowed to vote: Vigansky~~

Motion carries.

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

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

*Michael Rowland & Jess Hendrixson- Comments made about holding a beer garden for special events at the common concert series, also comments about the use of the city center.*

*Norma Ferris- Comments about the benefits of the city.*

*Email Correspondence from Stephanie Fain- Comments concerning bullying residents and comments about Commissioner Vigansky being used as a punching bag.*

- XIV. Executive Comments**

- A. City Manager Comments**

*Eldridge spent the morning driving around the city seeing what the city has to offer. First impression is that Buchanan has so much potential. With his "why not Buchanan" approach, it was a great, productive first day.*

- B. Commissioner Comments**

Weedon- No Comment

Swem- Welcomed Ben. Recognize the work that the Common Committee does.

Vigansky- Questions about the Playground equipment at Victory Park. Comments about making straight forward questions. As well as the breakdown with the communications between different committees and the commission.

Money- Welcomed Ben. Comments about people coming to make public comments and raising their voices to be heard. Comments made about Victory Park and making sure the project gets completed. Appreciate the Commission.

**C. Mayor Comments**

*Thank you everyone for coming. Comments about Lynch's success and welcomed Ben on his first day. Congratulated Maya Schuknecht for winning Miss. Michigan 2023. Congratulations to Redbud Motocross on their 50<sup>th</sup> year anniversary. The Chamber of Commerce held their perc breakfast at the First United Methodist church, the focus of the morning was on Red Bud Area Ministries. A fundraiser will be taking place in July, Mayor challenged the other Commissioners to see who could raise the most. Comments about defending himself for "being too nice". Mayor read his comments for the record.*

*"It's been almost six years since Commissioner Weedon, and I entered office. When we got here for all intents and purposes, in my opinion this city was fundamentally broken, it had no clear direction it had no strategies in place for making improvements to blighted empty or strategic city owned properties. many of the volunteer boards were ineffective if not dysfunctional. Best practices were not being followed in any real economic development strategies were not even being planned let alone implemented. since 2018 commissioner Weedon and I alongside the previous Commission and with the sitting Commission have dissolved the DDA, which had outlived its purpose and its ability to make effective contributions to the city. It's since been replaced with LiveBuchanan who's making remarkable strides in becoming an incredibly effective Michigan Main Street program doing large part to it's incredibly selfless intelligent and committed board members and the leadership of Ashley Regal. We created the economic development position held by Mr. Rich Murphy which is generating interest investment and growth in the city that hasn't been seen in 40 years. We have a plan in place and we're making progress towards selling vacant lots throughout our neighborhoods that will provide new affordable homes in our community and get the properties back on the tax roll. we've updated computer hardware and software in the city and in City Hall to make our staff more efficient and effective but most importantly we've very deliberately created an environment in City Hall that requires the highest ethical standards of its employees and volunteer board we've created an environment that promotes and demands transparency honesty civility and the fair treatment of every individual in our community. I believe the best example of that is our passing of the code of conduct that requires city employees and volunteers to act in a way that is honest, kind, respectful. Believe me, when I tell you I'm not always nice you can ask my wife. But as a commissioner and especially as mayor, being nice is a choice I choose to be nice. I believe it's our responsibility as leaders and our duty as commissioners to lead by example to respond in situations in a calm levelheaded thoughtful manner and I will unapologetically continue to do so until my time on this board is over but thank you again for coming."*

**XV. Adjourn**

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Kalla Langston, City Clerk

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Mayor Sean Denison

**REGULAR MEETING OF THE BUCHANAN CITY COMMISSION**  
**MONDAY, JULY 10, 2023 – 7:00 PM**  
**CHAMBER OF BUCHANAN CITY HALL - 302 N REDBUD TRAIL, BUCHANAN MI**

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**MINUTES**

**I. Call to Order**

Mayor Denison called the meeting to order at 7:00 P.M.

**II. Recognition**

A. *Recognition Award presented to Redbud America's Motocross Track for 50 years of outstanding and dedicated service to our community.*

Mayor Denison presented the Recognition award to the Richie family.

**III. Pledge of Allegiance**

Mayor Denison led in the pledge of allegiance.

**IV. Roll Call**

**Present:** Mayor Sean Denison, Mayor Pro Tem Mark Weedon, Commissioner Dan Vigansky, Commissioner Larry Money, Commissioner Patrick Swem

**Absent:** None

**City Staff:** City Manager, Benjamin Eldridge; City Clerk, Kalla Langston; Community Development Director, Rich Murphy; Director of Public Services, Mike Baker; Director of Public Safety, Tim Ganus; Chief of Police Harvey Burnett; City Bookkeeper, Courtney Baham

**V. Approve Agenda**

***Motion made by Money, supported by Swem to approve the agenda as presented. Roll call carries unanimously.***

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

*Roger Boyer- (permission given to Boyer to speak about non agenda items by the mayor). Comments made about the public hearing with supporting Commissioner Vigansky.*

*Norma Ferris- Comments about the timeclock.*

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

A. ***Minutes-*** Consider approving the regular meeting minutes from June 26th, 2023.

B. ***Expenses-*** Consider approving the expenditures for July 10, 2023, in the amount of \$47,559.88.

***Motion made by Vigansky, supported by Swem to approve the consent agenda with amending the minutes to change the "abstain; Vigansky" vote to "now allowed to vote Vigansky" under section XI. New Business, B. Complaint Review. Roll call carries unanimously.***

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

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

A. ***DPW Groundbreaking Update- Director of Public Service, Mike Baker***

The groundbreaking ceremony will take place on July 20<sup>th</sup> at 1:00 P.M. With groundwork starting soon after. Completion of the building is hoped to be done by Mid-March. Baker asked that the public not disturb the survey stakes. Comments about waiting on auger parts.

**B. Presentation of Timekeeping Software- Bookkeeper, Courtney Baham**

1) Consider purchasing timekeeping software.

Baham presented to the Commission three different options for timekeeping software. Going electronically means no paper and less errors. With 2 different unions, contracted, and hourly employees payroll is extremely time-consuming. This also will be able to allocate wages appropriately.

Quotes as follows.

TCP – Hardware Q019841	TCP Q019609	Exak Time Q-41602-1	Physical Timeclocks
\$13,006.22	\$10,689.00	\$7,035.00	\$7,320.00

Baham recommended quote Q019609 with TCP at \$10,689.00

**Motion made by Vigansky, supported by Weedon to approve the quote for TCP Q019609 to not exceed \$10,689.00. Roll call vote carries unanimously.**

**C. Community Development Department Report- Rich Murphy**

1) Consider Downtown Facade Grant Application for McCoy's Creek Tavern

Murphy presented the application with McCoy's Creek Tavern wanting to replace some of the awning fabrics to improve the façade. Murphy is asking for preliminary approval of the application subject to him receiving the invoices and running the calculation of the sixty percent grant.

**Motion made Weedon, supported by Money, to approve the Façade Grant Application as presented, paid received before funding.**

Discussion about how much is the budget for the Grant opportunities. The current budget has allotted \$100,00.00 for grants and special projects.

Clarification on the motion to amend motion to approve façade grant application as presented, subject to paid received before funding.

**Yea: Swem, Denison, Weedon, Money**

**Nay: Vigansky**

**Motion carries 4-1**

2) Consider Facade Grant Application for Lehman's Orchard Brewery Facade Grant.

Murphy presented the application for Lehman's Orchard Brewery wanting to add a patio installation by McCoy's creek. Lehman's would be eligible for the full grant amount once invoices are submitted.

Motion made by Swem, supported by Weedon to approve the Lehman's Orchard Brewery Façade Grant application subject to paid received before funding.

**Yea: Swem, Denison, Weedon, Money**

**Nay: Vigansky**

**Motion carries 4-1**

3) Consider the approval of the RFP for the Sale of 123 Days Ave.

Murphy presented the RFP for the Sale of 123 Days Ave. with the appraisal report coming back. Discussion about the appraisal being released or if the RFP is going to have the appraisal amount in the RFP. Murphy would like to leave the appraisal amount out of the RFP, to see what the market comes back with it.

Motion made by Denison, supported by Weedon, to approve the RFP for the sale of 123 Days Ave. as presented.

**Yea: Swem, Denison, Weedon, Money**

**Nay: Vigansky**

**Motion carries 4-1**

4) Discuss the Reactivation of the Buchanan Brownfield Redevelopment Authority

Murphy is looking into the reactivation of the Brownfield Redevelopment Authority. He is continuing to research and do due diligence with the next actions. Taco Bell will be coming to the planning commission tomorrow night for their final site plan review as well.

**X. Unfinished Business**

**XI. New Business**

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

**A. Thrill On The Hill**

*July 14, 12 PM- 10 PM*

*July 15, 10 AM- 10 PM (adult only run 11 PM)*

*July 16, 10 AM- 8 PM*

**B. Public Accuracy Test-**

Public Accuracy Test for the electronic equipment that will be used for the August 8, 2023, Special Election has been scheduled for Wednesday, July 26, 2023, at 12:00 PM at City Hall in the Chamber Room located at 302 N Redbud Trail, Buchanan, MI 49107. The public accuracy test is conducted to demonstrate that the computer programming used to tabulate the votes cast at the Election meets the requirements of Michigan Election Law.

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

*Don Ryman- Comments on behalf of Michelle Funkhouser, comments about conduct. (Comment on file in Clerk's office)*

*Resident- Comments about the Auger.*

*Carla Johnson- Comments about the code of conduct.*

**XIV. Executive Comments**

**A. City Manager Comments**

Complemented the staff with leaving the past in the past and moving the city forward.

**B. Commissioner Comments**

Weedon- no comments

Swem- No comments, just a thank you to everyone that came out.

Vigansky- Thanked Tony Houser for dropping the complaint. The circles that Vigansky runs in wanted to assassinate Mr. Houser, but Vigansky believes that it was Houser's right to file the complaint, based on his first amendment rights. Vigansky made comments about being a politician and that if you listen it always comes back to money for him. Thanked him sincerely for dropping the complaint. Not happy about what the commission or lawyer did with the complaint. Addressed being accused of misfeasance. Will not apologize for who he is.

Money- Congratulated the Richie family for an award that is well deserved. Thrill on the Hill thanked Baker and everyone that has put in the time to make this event happen.

C. Mayor Comments

No Comments.

**XV. Adjourn**

***Motion made by Weedon, supported by Money to adjourn the meeting at 8:09 P.M. Roll call vote carries unanimously.***

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Kalla Langston, City Clerk

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Mayor Sean Denison

**REGULAR MEETING OF THE BUCHANAN CITY COMMISSION**  
**MONDAY, JULY 24, 2023 – 7:00 PM**  
**CHAMBER OF BUCHANAN CITY HALL - 302 N REDBUD TRAIL, BUCHANAN MI**

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**MINUTES**

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](mailto:clerk@cityofbuchanan.com)

**I. Call to Order**

The meeting was called to order at 7:00 P.M. by Mayor Denison.

**II. Recognition**

**A. Proclamation- National Night Out 2023**

Mayor read the Proclamation for National Night Out 2023.

**III. Pledge of Allegiance**

Mayor Denison Led in the pledge of allegiance.

**IV. Roll Call**

Mayor Sean Denison, Mayor Pro Tem Mark Weedon, Commissioner Dan Vigansky, Commissioner Larry Money, Commissioner Patrick Swem

City Staff: City Manager, Benjamin Eldridge; City Clerk, Kalla Langston, Community Development Director, Rich Murphy; Main Street Manager/ Assistant Community Development Director, Ashley Regal; Director of Public Services, Mike Baker; Director of Public Safety, Tim Ganus; Chief of Police Harvey Barnett; Water Operator in charge Craig Miller

**V. Approve Agenda**

**Motion made by Weedon, supported by Money to approve the agenda, as presented. Roll call vote carries unanimously.**

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

*Michael Rowland- Representing the Michigan Gateway Foundation, thanked the Commissioners for working together with the preservation society on the Ross Sanders Home.*

*Beth Murphy and Peter Lysy- The preservation society has overwhelming support of the proposal submitted by Michigan Gateway Foundation to purchase the Ross Sanders Home. Lysy asked that the preservation society be involved with negotiations regarding the easement and the easement needs to be in place before the deed transfers to the new owners.*

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

- A. **Minutes-** Consider approving the minutes from the July 10, 2023 Regular Meeting.
- B. **Expenditures-** Consider approving the expenditures for July 24, 2023, in the amount of \$207,938.83.

**Motion made by Vigansky, supported by Money, to approve the Consent Agenda as presented. Roll call vote carries unanimously.**

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

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

A. **Community Development Department Report- Rich Murphy**

1) *Redbud Roots Medical Marihuana Processor License renewal 455 Post Rd.*

**Motion made by Swem, supported by Weedon to approve the Medical Marihuana Process License renewal for Redbud Roots. Roll call vote carries unanimously.**

2) *Redbud Roots Adult Use Marihuana Processor License renewal 455 Post Rd.*

**Motion made by Swem, supported by Vigansky to approve the Adult Use Marijuana Processor License renewal for Red Bud Roots at 455 Post Rd., as presented. Roll call vote carries unanimously.**

3) *Consider Recommendations of the Review Committee for the Ross-Sanders RFP.*

Murphy presented the Review Committees findings. The committee unanimously moved to accept the proposal from Michigan Gateway Foundation.

Discussion about timeline with getting the easement through the State. There will be some things that need to be worked out but if the purchasing agreement is in place Michigan Gateway Foundation will get the ball rolling with hopes of getting the easement done in 16- 18 weeks. They intend to keep relations going with the preservation society.

**Motion made by Swem, supported by Vigansky to approve the recommendation by the RFP Review Committee to accept the Ross-Sanders House proposal by the Michigan Gateway Community Foundation, the only proposal received in response to the RFP, subject to the acceptance of the proposed Preservation Easement options of the building, the involvement of the Buchanan Preservation Society in the Preservation Easement process, the license for the Buchanan Fire Dept to use and access the property as they do presently for as long as they are located at their present location, and the placement of a 5 ft. setback from the Fire Department building in the drawing of the new parcel. Roll call vote carries unanimously.**

Next steps will be drafting a contract and moving forward on the finalization of the parcel.

B. **MainStreet Manager/ Assistant Community Development Director- Ashley Regal**

1) *Consider the Munchie Monday Extension through August 28, 2023.*

Regal is asking the event to be extended. There has been a lot of positive feedback regarding this event. All the ten vendors have reached out for it to be extended.

**Motion made by Money, supported by Weedon to extend Munchie Mondays event through August 28, 2023, as presented.**

Discussion about revisiting pricing for next year, as well as possibly providing electricity. Regal will be looking at a redesign for the "food truck alley".

**Roll call vote carries unanimously.**

2) Consider the Back to School Bash on August 21, 2023, from 4 PM-7 PM. With the use of the Common space to host inflatables, games, and kid party activities.

The Home Source Group has offered to host a back-to-school night with inflatables, games, and kid party activities.

**Motion made by Swem, supported by Money move to approve Back to School Bash on August 21, 2023, as presented. Roll call vote carries unanimously.**

**C. Water Department- Operator in Charge, Craig Miller**

1) Consider Quotes for the Scada System Upgrade.

a) Quote 1-Gasvoda & Associates Proposal, Full Project \$193,745.00

b) Quote 2- Gasvoda & Associates Proposal, Partial Project (fix) \$62,288.00

c) Quote 3- Scada, Partial Project (fix) \$61,495.00

Miller presented three quotes to the Commission to fix the current SCADA System. This is a different company than what we have used before. Eldridge & Miller are recommending Quote/Proposal from Gasvoda & Associates, Partial Project at \$62,288.00.

**Motion made by Swem, supported by Vigansky to approve quote 2, the proposal from Gasvoda & Associates for project Buchanan MI Scada System Upgrade, to not exceed the amount of \$62,288.00. Roll call vote carries unanimously.**

**X. Unfinished Business**

**XI. New Business**

**A. Resolution 2023.07/19-** Consider resolution 2023.07/19 a resolution authorizing City Manager Benjamin Eldrige and Mayor Sean Denison to sign Contrat No. 23-5298; Control Section STU 11000; CRU 1100; Job No. 206394CON; 206618CON; Location Front St; with the Michigan Department of Transportation. (See attachment A)

**Motion made by Vigansky, supported by Weedon to approve Resolution 2023.07/19 a resolution authorizing City Manager Benjamin Eldridge and Mayor Sean Denison to sign Contract No. 23-5298; Control Section STU 11000; CRU 1100; Job No. 206394CON; 206618CON; Location Front St; with the Michigan Department of Transportation, as presented. Roll call vote carries unanimously.**

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

Baker informed the Commission that the EGLE permit has been received for 606 Clark St.

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

Michael Rowland- Presented homemade "tubes" to the builders of Thrill on the Hill made by his 2 children.

Jim Crohn- Comments about the robberies that have been happening at Gas Stations. Comments made about the Marihuana tax money.

Steve Raglin Email-Clerk Langston read the email, comments made about rat control and transparency about Thrill on the Hill.

**Motion made by Denison to have written comments posted on the agenda and distributed to the commission, in lieu of having the City Clerk read them. Voice vote carries unanimously.**

#### **XIV. Executive Comments**

##### **A. City Manager Comments**

None.

##### **B. Commissioner Comments**

*Money- Thanked Baker, DPW, City Staff for all the work on Thrill on the Hill. Thanked Michigan Gateway Foundation and the preservation society for the work they are going to do on the Ross-Sander Home. Money was able to attend the groundbreaking ceremony at 606 Clark and had his Hardhat ready to go.*

*Vigansky- Addressed the comment about the Marihuana Revenue Tax. The Marihuana Tax was split between economic development and parks. This FY will be put into the general fund since the city has some infrastructure projects that need to happen.*

*Swem- Addressed the comment about the Marijuana Revenue Tax. Thanked everyone that worked on Thrill on the Hill. Thanked Michigan Gateway Foundation and can't wait for their groundbreaking. And everyone gets up to Hilltop before they close to move from the top of the hill to downtown. Taco Bell will be moving into that location now.*

*Weedon- Comments about Facebook posts. It is disheartening to hear people say "will see" when they don't know how much work and dedication that has gone in the city these past years. Telling the staff to keep their heads up. Weedon is proud to live here and be on this commission.*

##### **C. Mayor Comments**

*Denison thanked Tim Lynch for his excellent work that's made Ben's job a little bit easier. Thanked to the Preservation Society and Michigan Gateway Foundation, he can not wait to see that building shinning like it should be. Thanked Ashley, Emma, and Courtney for being at Thrill on the Hill the whole time running the show. Thrill on the Hill was a success, it was a blast and looking forward to next year already.*

#### **XV. Adjourn**

Motion made by Weedon, supported by Money to adjourn the meeting at 8:05 P.M. Roll call vote carries unanimously.

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Kalla Langston, City Clerk

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Mayor Sean Denison

**REGULAR MEETING OF THE BUCHANAN CITY COMMISSION**  
**MONDAY, AUGUST 14, 2023 – 7:00 PM**  
**CHAMBER OF BUCHANAN CITY HALL - 302 N REDBUD TRAIL, BUCHANAN MI**

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**MINUTES**

*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](mailto:clerk@cityofbuchanan.com)*

**I. Call to Order**

Meeting was called to order at 7:00pm by Denison.

**II. Recognition**

A. *The City of Buchanan and the City Commission proudly recognize Bobby Blaylock for receiving the American Legion Department of Michigan 2023 Firefighter of the Year. As well as his 31 years of service in the Buchanan Fire Department.*

Denison read a recognition of Blaylock. Money, who wrote his recommendation, also recognized Blaylock and noted his contribution to Buchanan. Money presented Blaylock a plaque and certification of recognition.

**III. Pledge of Allegiance**

Mayor Denison led in the pledge of allegiance.

**IV. Roll Call**

**Present:** Mayor Sean Denison, Mayor Pro Tem Mark Weedon, Commissioner Dan Vigansky, Commissioner Larry Money, Commissioner Patrick Swem

**Absent:** None

**City Staff:** City Manager, Benjamin Eldridge; City Clerk, Kalla Langston; Director of Public Safety, Tim Ganus; Fire Chief Mike Adams; Bookkeeper Courtney Baham, Community Development Director, and Zoning Administrator Richard Murphy; Assistant Community Development Director Ashley Regal

**V. Approve Agenda**

Motion made by Vigansky, seconded by Swem to approve Agenda as presented. Roll call vote varies unanimously.

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

Jeanne Harris – Asked Commission to accept a bid for the Victory Park Pavilion.

Frieda Hughes – Also spoke in favor of the City Commission accepting a bid for the Pavilion in keeping with a Vision for Buchanan.

Mo Kyles-Provided some history on Victory Park and emphasized that it needs improvements to even be a park.

Richard Martin – Spoke in support of accepting the Victory Park bid.

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

**A. Minutes**-Consider approving the regular meeting minutes from July 24, 2023.

**B. Banking Authorization**

1) Consider Removing Stephanie Powers, Tracy McGrath, Heather Grace, and Tim Lynch from all banking institutions (Honor Credit Union, United Federal Credit Union, 1st Source Bank, Sturgis Bank, Horizon Bank).

2) Consider adding Benjamin Eledridge and Deborah Perez as authorized signers to all banking institutions (Honor Credit Union, United Federal Credit Union, 1st Source Bank, Sturgis Bank, Horizon Bank).

**C. Expenditures:** Consider approving the General Expenditures for August 14, 2023, in the amount of \$182,796.

Consider approving the Tax Disbursement for August 14, 2023, in the amount of \$420,604.28

**D. Budget Amendments**-Consider approving Budget Amendments recommended by the Finance Director/ City Treasurer and City Manager.

Motion made by Weedon, supported by Money to approve Consent Agenda as presented. Roll call vote carries unanimously.

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

**A. Buchanan District Library- Meg Paulette Perez**

1) Consider approving resolution number 2023.08/20. A resolution for local support on behalf of the Buchanan District Library Community Spaces Expansion Project grant application through the MI Community Centers Grant.

Perez read the letter she'd sent to the City Commission requesting support for the library's application.

Motion made by Swem, supported by Money to approve Resolution #2023.08/20, for local support on behalf of the Buchanan District Library Community Spaces Expansion Project grant application through the MI Community Centers Grant. Roll call vote carries unanimously.

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

**A. Community Development Department Report - Director Rich Murphy**

1) Consider the awarding of the Victory Park Pavillion bid

Murphy recommended the Commission accept the lowest bid for \$136,725. The Victory Park Pavillion Project is two years in the making and represents a collaboration between the City, the Northside Neighborhood, and a Vision for Buchanan.

Motion made by Money, supported by Weedon, to award the bid for the Victory Park Pavillion Project to Astrong Construction in the amount of \$136,725.00.

Vigansky wanted to hear about the other bids and asked Murphy what grants he'd received for the project. Murphy has submitted a grant application for playground equipment. The City is in talks with a foundation to fund the pavilion amenities that were excluded from the low bid.

Denison spoke on how the Pavilion would be funded. For the past 2 years, the City has set aside 50% of the excise tax on the sale of Marijuana for quality of life improvements in the City. Weedon added that the City demonstrating a financial commitment to the project could strengthen future grant applications.

Roll call vote carries unanimously.

*2) Update on bids received for 123 Days Ave RFP*

The RFP Review Committee will meet to discuss the bids received for 123 Days Ave.

*3) Update on the Ross-Sanders House proposal.*

The Ross-Sanders building received one bid, from the Michigan Gateway Community Foundation. The Review Committee reviewed the bid, and the MGCF board will discuss the bid. The new parcel is being drawn and the Preservation Society is working on drafting the historic easement.

**B. *Thrill on the Hill 2023, Financials and Recap Report- Assistant Community Development Director, Ashley Regal & City Bookkeeper, Courtney Baham.***

Thrill was bigger than ever this year, with more vendors and tickets sold than in past years.

Baham reported on the finances of Thrill on the Hill. Total sponsorships were over \$18,000. Total money taken in was \$56,468.89 with event expenditures being \$37,062.42. After accounting for overtime and comp time, total revenue was \$206.64. This year, the event was able to pay for itself.

Regal is asking the Commission to approve Thrill on the Hill 2024 or postpone the approval. There will be several additional costs associated with the slide that will need to be made in order to continue. Volunteer and staff fatigue is also an issue.

Motion made Swem, supported by Money to approve 2024 Thrill on the Hill, contingent on financial review.

Vigansky would like a timeline put in place for approval. The City Manager will decide the timeline.

Roll call vote carries unanimously.

**C. *MainStreet Report- Mainstreet Manager, Ashley Regal***

*1) Consider funding \$5,000.00 to match the \$10,000.00 raised to fund the Buchanan Billboard to be located at the intersection of US12 and Redbud Trail.*

Regal presented the proposed Welcome to Buchanan billboard that would go at the intersection of US 12 and Redbud Trail. The sign was designed by the design team of the Main Street Committee and is historically inspired. They have successfully raised \$5,000 in donations and are asking for the City to match another \$5,000.

Kathy Virgil of Buchanan's Main Street board spoke to the overwhelming support she's received regarding the sign from local businesses she's approached for fundraising. The sign is representative of Buchanan coming together and doing something as a community.

Motion made by Swem, supported by Weedon to approve funding of \$5,000 for the Buchanan Billboard.

Yay: Weedon, Vigansky, Money, Swem

Nay: None

Abstain: Denison

Roll call vote carries.

**D. Fire Department Report- Fire Chief Mike Adams**

*1) Consider Approving Firehouse Roof Replacement.*

Fire Chief Adams reported on the quotes they've received to replace the Firehouse roof. Adams recommends approve Sherriff-Goslin's bid as they are the lowest and also provide estimates for repairs.

Motion made by Money, supported by Swem to approve the quote from Sherriff-Goslin Company, Job #0103372023 with a 20-year warranty in the amount of \$61,270. Roll call vote carries unanimously.

**E. Election Update for August 8, 2023, Special Election- City Clerk, Kalla Langston**

*1) Election Results and Turn-Out.*

Election turn out was 11.58% of registered voters. County wide turnout was around 14%.

*2) Legislation Update.*

Langston will continue to work with local clerks to work through new legislation from the State, including locations for early voting.

**X. Unfinished Business**

**A. Kathryn Park Playground Equipment-** *City Manager, Ben Eldridge is recommending the Kathryn Park Playground Equipment that was approved for purchase by the Commission in FY 22-23 to be purchased in FY24-25.*

Eldridge is asking the Commission to postpone the purchase of the Kathryn Park playground equipment until the 2024/2025 Fiscal year due to the additional cost of the Victory Park Pavilion.

Motion made by Weedon, supported by Money to postpone Kathryn Playground Equipment. Roll call vote carries unanimously.

**XI. New Business**

**A. Metro Act Right of Way Permit Extension-** Consider approving the City Manager, Benjamin Eldridge in extending the existing METRO Act Permit to Bell Telephone Company (At&T). The extension term ends on December 31, 2028.

Motion made by Weedon, supported by Denison for City Manager Ben Eldridge to sign the existing Metro Act permit. Roll call vote carries unanimously.

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

**A. MML Meeting Notice-** *Annual Meeting will be held on October 18, 2023 in Traverse City*

**B. Notice of Hearing -** *Indiana Michigan Power Company on August 16, 2023.*

**C. Notice of Hearing-** *SEMCO Energy Gas Company on August 24, 2023*

**D. Public Hearing on August 28, 2023 -***Notice of Public Hearing and Public Comment on Establishing an Obsolete Property Rehabilitation (OPRA) District will be held on August 28, 2023.*

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

Jeanne Harris – No action had been taken for the Northside before Heather and Rich. The Northside Neighborhood has organized to make things happen for their community.

Andrea Van Der Laan – The garden club would like to be updated on streetscape plans as they pertain to the planters, baskets, and other plants downtown. They are planning their planting schedule for next year.

Teri Sulak – The scarecrow invasion is coming. They will begin putting them up August 27. There are 250 scarecrows this year.

Brian Murphy – The Tree Friends planted trees in the Northside neighborhood this spring, and they're all thriving. The Tree Friends handed out free water at Chippewapalooza. They'd like to meet with the City to get up to date on their finances.

Randy Hendrixson – Miss Michigan will run for Miss America, and he'd like the community to come together in support of her.

Tony Houser – Fork in the Road opened up the past weekend, and he'd like to thank Rich for his help in making it happen.

**XIV. Executive Comments**

**A. City Manager Comments**

Eldridge welcomed Assistant Election Clerk Isabella. He will be in contact with the Tree Friends as well. Extra shirts from Thrill on the Hill will be donated to RAM Love. He also congratulated Wastewater operator Andy Warner on passing his wastewater license with the state with the highest score in the State of Michigan.

**B. Commissioner Comments**

Weedon – Thanked Ben for his work so far and congratulated Warner. Thanked City Staff and those who showed up. Thanked Rich for his work.

Swem – Congratulated Blaylock on his award and Warner on his license. Next Monday is the Chamber golf outing fundraiser, encouraged people to sign up. Looking forward to trying out Fork in the Road. Thanked the Northside neighbors for their work and congratulated them on getting the pavilion.

Vigansky – None.

Money – Congratulated Blaylock for 31 years of service. Thanked the Northside Neighborhood for everything and he's glad the City is honoring their commitment today. Thanked everyone involved in making Thrill on the Hill happen. Thanked the Commission.

**C. Mayor Comments**

Progress is being made in Buchanan. Rich is doing a fantastic job. He's very proud of where the city is going and the work they're doing.

**XV. Adjourn**

Motion made by Weedon, supported by Vigansky to adjourn the meeting. Roll call vote carries unanimously. Meeting adjourned at 8:40pm.

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Kalla Langston, City Clerk

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Mayor Sean Denison

**MINUTES**

**I. Call to Order**

The meeting was called to order by Mayor Denison at 7:00pm.

**II. Recognition**

None.

**III. Pledge of Allegiance**

Mayor Denison led in the pledge of allegiance.

**IV. Roll Call**

Present: Mayor Sean Denison, Mayor Pro Temp Mark Weedon, Commissioner Dan Vigansky, Commissioner Patrick Swem

Absent: Commissioner Larry Money

City Staff: City Manager, Benjamin Eldridge; City Clerk, Kalla Langston; Community Development Director, Rich Murphy; Assistant Community Development Director, Ashley Regal; Director of Public Services, Mike Baker; Director of Public Safety, Tim Ganus

**V. Approve Agenda**

Motion made by Swem, supported by Weedon to; 1) remove Section XI A. 1. *Consider resolution 2023.08/21 a resolution for establishment of an OPRA district for Long Branch Livery LLC, 206 Days Ave;* 2) remove Section XI C. *Water Department;* and 3) add item C. *Early Voting Plan 1. Consider resolution 2023.08/24 under Section XIII (12) New Business.*

Discussion about the amendments and public hearing. Langston clarified the public hearing procedure and

Roll call vote carries unanimously.

**VI. Open of Public Hearing**

**A. Public Hearing and Public Comment on Establishing an Obsolete Property Rehabilitation (OPRA) District for Longbranch Livery LLC 206 Days Ave. Buchanan, MI 49107.**

*-P.A. 146 of 2000, as amended- The Obsolete Property Rehabilitation Act (OPRA), PA 146 of 2000, as amended, provides property tax exemptions for commercial and commercial housing properties that are rehabilitated and meet the requirements of the Act. Properties must meet eligibility requirements including a statement of obsolescence by the local assessor. The property must be located in an established Obsolete Property Rehabilitation District. Exemptions are approved for a term of 1-12 years as determined by the local unit of government. The property taxes for the rehabilitated property are based on the previous year's (prior to rehabilitation) taxable value. The taxable value is frozen for the duration of the exemption. Additionally, the State Treasurer may approve reductions of half of the school operating and state education taxes for a period not to exceed 6 years for 25 applications annually. Applications are filed, reviewed, and approved by the local unit of government, but are also subject to review at the State level by the Property Services*

*Regular Meeting of the Buchanan City Commission Agenda Page 2 of 4 Division. The State Tax Commission (STC) is responsible for the final approval and issuance of OPRA certificates. Exemptions are not effective until approved by the STC.*

Motion made by Vigansky supported by Weedon to open the public hearing and public comment on establishing an Obsolete Property Rehabilitation (OPRA) District for long branch Livery LLC 206 Days Ave at 7:06 P.M. Roll call vote carries unanimously.

*Allen Robandt – is not in favor of the OPRA district for 206 Days Ave.*

*Rick P – OPRA can be an incentive to encourage obsolete properties to be brought back. Is there something else creative that can be done to encourage investment in these places.*

## **VII. Close of Public Hearing**

Motion made by Weedon, supported by Vigansky to close the public hearing and public comment on establishing an OPRA (Obsolete Property Rehabilitation Act) District for Long Branch Livery LLC 206 Days Ave at 7:09 P.M. Roll call vote carries unanimously.

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

None.

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

### **A. Minutes**

*1) Consider approving the Regular Meeting Minutes from August 14, 2023.*

### **B. Crossing Guard Agreement**

*1) Consider approving the 2023-2024 Crossing Guard Agreement with the Buchanan Community Schools.*

### **C. Expenditures**

*1) Consider approving the General Expenditures for August 28, 2023, in the amount of \$331,101.58.*

Motion made by Weedon, supported by Swem to approve the consent agenda as presented. Roll call vote carries unanimously.

## **X. Scheduled Matters from the Floor** *(if any)*

## **XI. Reports by: Departments, Committees, Boards**

### **A. Community Development Report- Director Rich Murphy**

*1) Consider Resolution 2023.08/21, a Resolution for the establishment of an OPRA district for Longbranch Livery LLC, 206 Days Ave.*

*2) Consider Resolution 2023.08/22, a Resolution to accept the terms of the project agreement for McCoy's Creek Trail Extension to River St. Joe Brewery MNRTF Grant.*

Murphy presents the grant agreement with the Michigan DNR for the City of Buchanan's McCoy Creek Trail extension project. The grant is \$300,000 the matching funds required have been raised. Jerry Flenar is continually collecting monies being approved through various budget cycles.

Flenar commented about the local match. At this point the local match total is \$519,000. The trail and city received the MDOT grant for \$339,000. Locally we've raised \$192,000 so far of the

\$212,000, with about \$26,000 still to collect – most of this is timing. Michigan Gateway can't do with theirs until the end of their fiscal year. Approx 90% is guaranteed, and nobody has backed out of their three-year pledge. We applied for a carbon reduction program grant to get through the River St Joe property because they must have special arrangements. As the only grant submitted, we've been told we are 99% there, formal handling will be in September which will bring \$81,000 of reimbursable design fees paid to Whitman. With the total amount needed of \$519,00 we're at \$639,000. We're already working on the second phase which will take us all the way to the IN/MI trail that comes out of Niles. Hopefully within 3 years you'll be able to leave Buchanan out Walton Rd, connect to the IN/MI trail, and go down to Indiana. The state really liked that our program connects two states. Flenar asked questions.

Dension asks when construction starts, Flenar responds that it will be Spring 2024.

Vigansky asks if this falls under the city or township umbrella, Flenar responds that it falls under the city umbrella since they monitor the funds but once we get past River St Joe it's all Niles Township. Niles Twp. and Buchanan have agreed to the process.

*Sidebar – Oct 28<sup>th</sup> we have Trick or Treat on the Trail again. Not seeking permission, just letting you know. We have communicated with the police and Clark/Edgewater about parking.*

Motion made by Swem to approve Resolution 2023.08/22, as presented, supported by Vigansky. Roll call vote carries unanimously.

**3) Consider Resolution 2023.08/23, a Resolution of support for the Redevelopment Liquor License for the Sweet Shop Cafe Italiano LLC at 205 E Front St.**

Murphy recalls last year's effort to create new liquors licenses by virtue of the redevelopment liquor license district. The district was created, and Buchanan satisfied the necessary statute requirements. Murphy is asking for local support of the Sweet Shops application as it moves forward to the state, this is required for the liquor control commission.

Motion made by Swem, supported by Vigansky to approve Resolution 2023.08/23, as presented. Roll call vote carries unanimously.

**4) Update on 123 Days Ave proposed bids.**

Murphy presents the 123 Days Ave RFP proposals. The RFP was published on social media publications, the city's website, and through contacting potential clients via phone and email. The city received two proposals. The review committee met and reviewed them. The first proposal was from Michael Clark to implement an ice cream shop concept.

The second was from Lisa Gustavsen to expand her existing operation to include an outdoor pizza oven. After lengthy discussion, the committee's unanimous recommendation was Lisa Gustavsen's proposal.

Murphy contacted both bidders informing and continued discussions of renderings and site plans with Lisa. Additionally, the committee directed Murphy to follow up with Michael Clark to let him know we appreciated and were interested in his concept, if we can find another location, we'd like to continue this discussion.

Next Steps: Continue working with Lisa on the business expansion concept and present a detailed proposal, renderings, site plan, and operations to the commission. At this final proposal we would request approval and subsequent sale of the property.

B. Mainstreet Update- Assistant Community Development Director, Ashley Regal- MainStreet Summer 2023 Update. Discussion Points.

Regal presented updates for the Mainstreet Program. Touching on multiple areas.

Website: livebuchanan.com has updates on current projects, our mission, and we are selling copies of the attraction map. People can find minutes and meeting places there if you want to join us for meetings. Placemaking and Community Appearance: The sign is finally up at the commons, the group cleaned up the Mel Ravish Memorial Board, and introduced a new attractions map made by Emma Lysy.

Days Ave Activation (Munchie Mondays, public art, MGCF Grant, McCoy Trail): Last day of Munchie Mondays was today. We had 15 vendors, thousands of people over the last few months, and lots of media coverage. New modes of transportation activated, new restaurants joining the incubator.

Also, the Home Source Group wants to make the back-to-school night annual. There was a huge turnout, businesses donated and more want to join next year. We received more grant money from Berrien Community Foundation to continue with the project to active Days Ave. We spent \$10,000 purchasing the framing system for art going on the library wall. Money will be spent mostly on the canvasses for the framing system, a maintenance plan for that, and artists fees. Hope to have it up by Spring of 2024. Working on a project with Friends of McCoy Creek Trail to add markers on the trail. Edgewater automation agreed to donate custom routed stainless steel.

Downtown Business Vitality: Business Incubator is progressing, and the Holiday Market Cohort is slated to open this October. Drywall and HVAC is currently happening. Grateful to the Rowlands and Honor Credit who've invested in the project. Will accommodate at least 4 vendors (2 restaurants, 2 retailers), potentially 5 or a dining center.

SBSH Program Grant: Applying for a grant from the MI Strategic Fund and would like the commission to be aware. The Small Business Support Hubs program (SBSH) is using the American Rescue Plan (ARP) funds that haven't been distributed. An opportunity to invest in entrepreneurial hubs across the state, it's a one-time. Applying through the City of Buchanan empowered by LiveBuchanan as the city is not an entrepreneurial hub, we are eligible because of the LiveBuchanan Business Incubator. Must ask for a minimum of \$500,000 to a maximum of \$5 million. Cannot pay for labor and construction or any one item greater than \$4,999.

Regals Grant Proposal: Turning a portion of the Redbud City Center into an incubator kitchen. Since we already own the city center it would be a money maker. In combination with the library's developments, we call this our Hometown Campus. Potential support hub locations using existing buildings; 101 Days Ave Business Incubator, Library Hub, City Center Incubator Kitchen, Michigan Gateway Community Foundation, Honor Credit Union, Redbud Insurance, City Hall, Chamber of Commerce, and Building 324. Also asking for funds for an Innovation Festival, hopefully for spring where we can invite emerging business to compete for grant dollars and exposure. Dream of becoming the emerging small business hub of Southwest Michigan.

Next Steps: Application will be submitted by Sept 8<sup>th</sup>, all funds given by end of this year and must be committed by Dec 2026. Hoping to have grand opening for Holiday Market Cohort on homecoming weekend February 2024.

C. ~~Water Department-Craig Miller, OIC-The City of Buchanan is looking for a company to Hydro-excavate 250 water service lines on both the City of Buchanan side and the Homeowners' side of the water shut-off valve. This info will be given to the State of Michigan (EGLE) for future lead service line replacement criteria for the City of Buchanan.~~

~~1) Consider approving the request for proposal (RFP) for water service line material identification of address within the city.~~

## XII. Unfinished Business

### XIII. New Business

#### A. Water/Sewer Procedure and Policy - City Manager, Ben Eldridge & City Clerk, Kalla Langston

1) *Consider approving the Township Resident Procedure to Tap-in to City Water/Sewer Services*

Langston Joint Water Sewer Board came forward a few meetings ago, the township wanted a tap-in procedure between township and city. Langston presented it to the Joint Water/Sewer Board with one change from Commissioner Swem that asks the township to notify City of final inspection. This is just a paper trail. They recommended approval with that change.

Motion made by Vigansky, supported by Swem to approve the Township Resident Procedure to Tap-in to City Water/Sewer Services, as presented. Roll call vote carries unanimously.

2) *Consider approving the Policy Establishing Regulations Governing Water Service.*

Eldridge spoke with Utility Billing who revealed that the city didn't have any policies or procedures for hooking into the water system. This will outline who can hook in through the township, they will need approval from township and city. It covers inspections, who does inspections, outlines private and public lines, connection charges, inspection fees, and what size water mains we tap. It outlines multiple unit buildings need to have an individual meter for each unit because having one tap for 4 units can complicate shut offs. Unauthorized connections such as a contractor hooking into a hydrant, would result in a fine. Plan to use code enforcement officer to find people with an illegal connection to a hydrant. Water personnel/DPW can take photos and call Code Enforcement if they see anything, and Jason would come out and take pictures. Jason would let them know what the violation was. At the recommendation of Ganus stated the current city ordinance and put in verbiage "a minimum fine for \$500 will be recommended for restitution". If they wanted to fight the situation the judge would ultimately decide the fine. The city doesn't allow connections greater than 1in.

Motion made by Vigansky, supported by Weedon to approve the Policy Establishing Regulations Governing Water Service, as presented. Roll call vote carries unanimously.

#### B. September 11, 2023, City Commission Regular Meeting Time Change

1) *Consider moving the Regular Meeting for September 11, 2023, to start at 6 P.M. Due to the 9/11 ceremony being held in the city at 7:00 P.M.*

Langston advised/presented to the commission that a time change for the September 11<sup>th</sup> Regular Meeting to accommodate people attending the 9/11 ceremony which begins at 7pm.

Motion made by Weedon, supported by Swem to approve the time change for the Regular City Commission Meeting on September 11<sup>th</sup> to 6pm. Roll call vote carries unanimously.

#### C. Early Voting Plan – City Clerk, Kalla Langston

1) Consider resolution 2023.08/24, A resolution authorizing the City Clerk to pursue an Early Voting Agreement with Berrien County

Langston presented the commission with the Early Voting Plan. For background, in 2022 MI passed Proposal 2 which mandates 9 days of early voting in the state of Michigan. They are trying to figure out how to do this with legislation being actively debated in the House and Senate and subject to

change. If adjourned early, the governor can call them back and make them do what's on her agenda. Three potential Early Voting Plans on the table; 1) individual jurisdictions operate their own early voting sites, 2) jurisdictions partner together, or 3) jurisdictions partner with County. The County proposes two voting sites, a north and south. Counties are eligible for grant funding and the state of Michigan wants the grant applications turned in by Sept 8<sup>th</sup> which requires a decide of intention by then. Langston included in the Resolution for the City of Buchanan's early voting plan that they are not signing any agreement or going with the county until everything is disclosed. There is a meeting with County August 31<sup>st</sup>, where they will present the budget and agreement options. Langston has prepared a budget and plan for single and municipal early voting for backup to the county plan.

Next Steps: Will present the final agreement at the Sept 11<sup>th</sup> or 25<sup>th</sup> meeting. This resolution does not mean we are going into county agreement, but we want the county to get the grant to be able to give us grant money if we go municipal.

Motion made by Swem, supported by Vigansky to approve Resolution 2023.08/24 as presented. Roll call vote carries unanimously.

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

- A. **Patriot Day 2023-** *Commemorating Buchanan's Annual 9/11 Observance Monday, September 11, 2023, at 7:00 P.M. in the Buchanan Common*

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

*Lacy Chase- on the corner of Smith and Clark – comments on street safety regarding the construction on Clark. Clark has blocked off at the end for about 2 months and big trucks (garbage trucks, ups, FedEx, busses) back out onto the intersection between Phelps and Clark where there's a long hill. With school starting and children/pedestrian foot traffic this is a safety issue. Is there any way we can open the area for people to turn around safely?*

*Mark Marsiglio – comments attended the concert downtown Saturday, it was great. Moved here 6 years ago, I like the way we are going but there are a few things he's worried about as far as infrastructure. The roads are degrading, dead end sign at the end of his road, a bus got stuck in someone's yard last winter because they couldn't read the sign. It gets to you when you're paying taxes and everything.*

*Richard Martin- I just want to say thank you to Ashely for Munchie Mondays, it brought a lot of people to the community, and I hope we do it again next year. I want to talk about the Auger for the Tree Friends, Mike says the Auger is now functioning, thank you thank you thank you.*

**XVI. Executive Comments**

- A. City Manager Comments  
B. Commissioner Comments

Vigansky – I think 9/11 is something everybody should observe. Not sure if anyone noticed my little red light, it's to help keep me in check a little bit. I get excited about a lot of things because I don't get the answers I want, and I want to apologize for that. The city is working very and I really would like the commission to seriously consider working very hard on this tax abatement. I have a personal issue with it, I shouldn't say personal, I just care for the welfare of commercial businesses.

*Swem- No Comments.*


Weedon – I just want to say I'm proud to be a coach for our newly founded Middle School Soccer Program. Soccer in this community used to have a huge influence on where our children went in the future, and it did well for many years. I am looking forward to it, we can field two teams, almost three. I am proud of the board they put together and be on the lookout for Buchanan Soccer.

C. Mayor Comments


Denison – would like to thank the scarecrow ladies, you did a great job. I want to send my condolences to Jill and John Mondschein and their entire family for the loss of their brother. Richard, you stole my thunder, I was going to say the Auger is finally running but it deserves mentioning twice. To the gentleman who mentioned the roads, I don't disagree with you, and I would encourage you call your Senators your Governor and ask them where our revenue share is that we pay for when we put gas in our cars. Because we don't get that money anymore and that's what we use to fix our roads. My last comment is embarrassing, and I don't want to talk about it but I have to, if you've seen the sign that got put up at Highway 12 and Redbud that looks fantastic. MDOT is making me remove it. I got a permit from Bertrand Township but right of way there's a clear view triangle that MDOT owns so can't put a sign up that can be seen from US12 because it is not city property, and they are making me move it. I must split the sign in two, it has to be moved 2,000ft from the intersection. I'm going to be putting half of the sign down near Pam's Signs. Trying to get ahold of property owners on the West side of Redbud to put a sign there.

**XVII. Adjourn**

Motion made by Weedon, supported by Vigansky to adjourn the meeting at 8:28pm. Roll call vote carries unanimously.



\_\_\_\_\_  
Mayor Sean Denison



\_\_\_\_\_  
Kalla Langston, City Clerk





**REGULAR MEETING OF THE BUCHANAN CITY COMMISSION**  
**MONDAY, SEPTEMBER 11, 2023 – 6:00 PM**  
**CHAMBER OF BUCHANAN CITY HALL - 302 N REDBUD TRAIL, BUCHANAN MI**

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**MINUTES**

**I. Call to Order**

The meeting was called to order by Denison at 6:03 P.M.

**II. Recognition**

**III. Pledge of Allegiance**

Mayor Denison led in the Pledge of Allegiance.

**IV. Roll Call**

**Present:** Mayor Sean Denison, Mayor Pro Tem Mark Weedon, Commissioner Patrick Swem, Commissioner Larry Money

**Absent:** Commissioner Daniel Vigansky

**City Staff:** City Manager, Benjamin Eldrige; City Clerk, Kalla Langston; Community Development Director, Rich Murphy; Assistant Community Development Director, Ashley Regal; Director of Public Services, Mike Baker; Director of Public Safety, Tim Ganus

**V. Approve Agenda**

Motion made by Money, supported by Weedon to amend the agenda to add item A. Consider the approval of Well 4A emergency repair under Section XIII. New Business. Roll call vote carries unanimously.

**VI. Open Public Hearing**

**A. Public Hearing and Public Comment on Establishing an Obsolete Property Rehabilitation (OPRA) District for Longbranch Livery LLC 206 Days Ave. Buchanan, MI 49107.** *-P.A. 146 of 2000, as amended- The Obsolete Property Rehabilitation Act (OPRA), PA 146 of 2000, as amended, provides property tax exemptions for commercial and commercial housing properties that are rehabilitated and meet the requirements of the Act. Properties must meet eligibility requirements including a statement of obsolescence by the local assessor. The property must be located in an established Obsolete Property Rehabilitation District. Exemptions are approved for a term of 1-12 years as determined by the local unit of government. The property taxes for the rehabilitated property are based on the previous year's (prior to rehabilitation) taxable value. The taxable value is frozen for the duration of the exemption. Additionally, the State Treasurer may approve reductions of half of the school operating and state education taxes for a period not to exceed 6 years for 25 applications annually. Applications are filed, reviewed, and approved by the local unit of government, but are also subject to review at the State level by the Property Services Regular Meeting of the Buchanan City Commission Agenda Page 2 of 4 Division. The State Tax Commission (STC) is responsible for the final approval and issuance of OPRA certificates. Exemptions are not effective until approved by the STC.*

Motion made by Weedon, supported by Money to open the public hearing at 6:06 P.M. Roll call vote carries unanimously.

Mayor Denison read the rules and procedure of the public hearing.

*Michael Reed- spoke in favor of the OPRA. Reed cannot go over all the project details, but the project consists of turning the property into a boutique hotel.*

*Zach Vaughn- Representing cornerstone alliance, supports this project. Great things come from rehabbing properties.*

*Email correspondence from the current owner of the property also supports the OPRA.*

**VII. Close of Public Hearing**

Motion made by Weedon, supported by Money, to close the Public Hearing at 6:09 P.M.

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

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

**A. Minutes**

1) Consider approving the Regular Meeting Minutes from August 28, 2023.

**B. Street Closure**

1) **BCS Homecoming Parade**-Consider Street Closure on October 13th, 2023 from 5:45 p.m. to 6:15 p.m.; Front St to Terre Coupe, Terra Coupe to Smith past ball fields to BHS staff parking lot.

**C. Board/Committees/Subcommittees**

1) Consider approving Britni Wall to join the Farmers Market Committee and the Common Committee. Serving a 3-year term for both Committees.

2) Consider approving Corinna Darr and Heather Lockamy to join the Buchanan Fine Arts Council serving a 4 year-term.

**D. Expenditures**

1) Consider approving the General Expenditures for September 11, 2023, in the amount of \$72,497.30

Motion made by Swem, supported by Money to approve the Consent Agenda, as presented. Roll call vote carries unanimously.

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

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

**A. Community Development Report- Community Development Director, Rich Murphy & Assistant Community Development Director/ MainStreet Manager, Ashley Regal**

1) Consider Resolution 2023.08/21, a resolution for the establishment of an OPRA district for Longbranch Livery LLC, 206 Days Ave.

Motion made by Weedon, supported by Money to approve Resolution 2023.08/21 a resolution for establishment of an OPRA district for Longbranch Livery LLC, 206 Days Ave. (See Attachment A)

Yea: Weedon, Denison, Money

Nah: None

Abstain: Swem, business interest.

Motion carries.

2) Consider Renewal Application for Redbud Roots for Grower Class C at 448 Post Rd.

Motion made by Swem, supported by Money to approve the renewal application got Redbud Roots Grower Class C at 448 Post Rd.

3) Consider Open Mic Night for September 29th at The Common.

Motion made by Weedon, supported by Money to approve Open Mic Night at the Common for September 29<sup>th</sup>, and allow for administrative approval for any other open mic nights. Roll call vote carries unanimously.

**XII. Unfinished Business**

**XIII. New Business**

**A. Consider the approval of Well 4A emergency repair.**

Motion made by Swem, supported by Weedon to approve the emergency repair to Well 4A, in the amount of \$45,900.00. Roll call vote carries unanimously.

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

9/11 Ceremony will be held at First United Methodist due to the weather.

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


**XVI. Executive Comments**

A. City Manager Comments

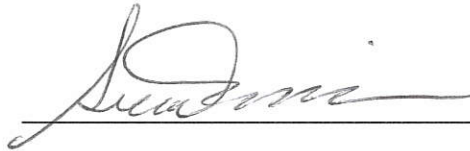
B. Commissioner Comments

C. Mayor Comments

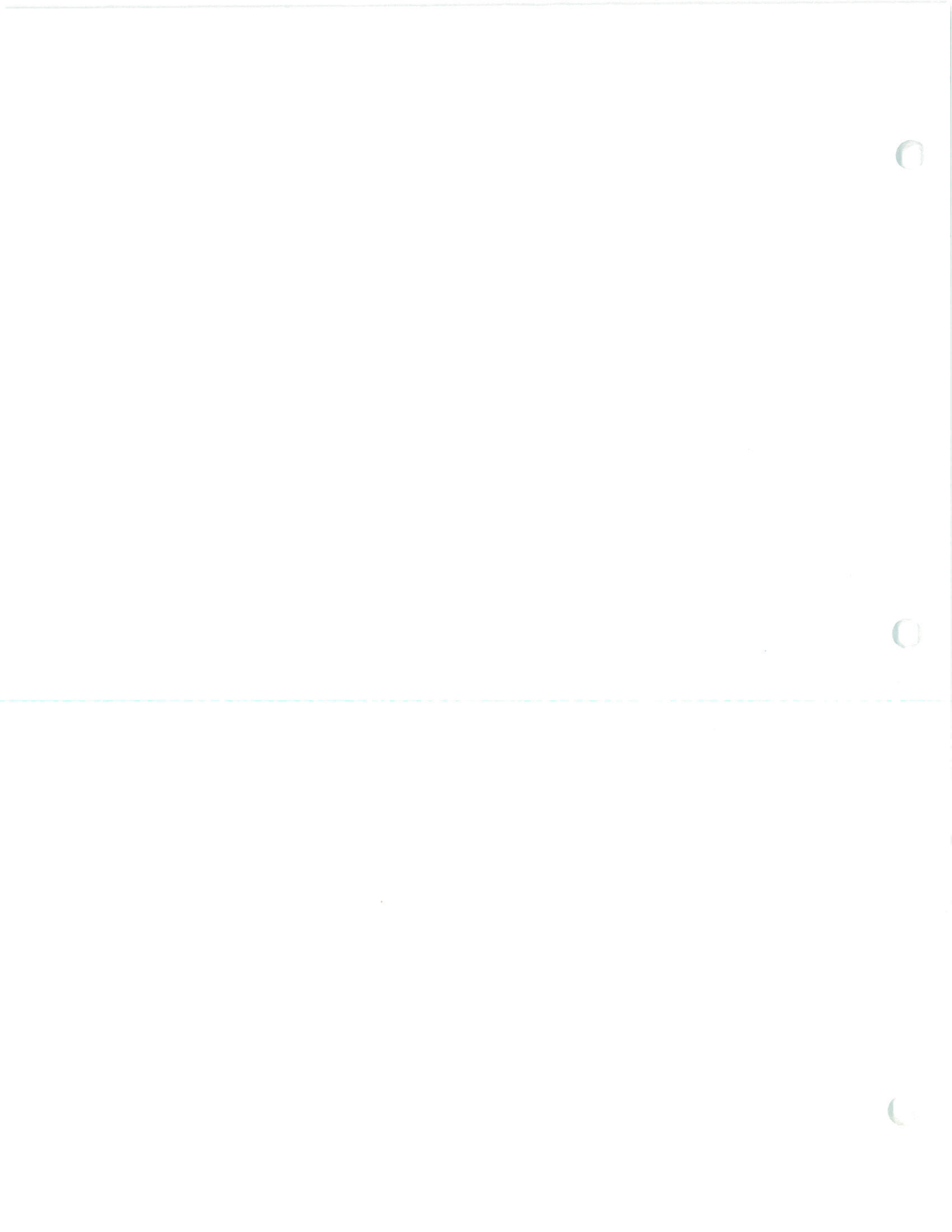
**XVII. Adjourn**



Kala Langston, City Clerk



Mayor Sean Denison





**REGULAR MEETING OF THE BUCHANAN CITY COMMISSION**  
**MONDAY, SEPTEMBER 25, 2023 – 7:00 PM**  
**CHAMBER OF BUCHANAN CITY HALL - 302 N REDBUD TRAIL, BUCHANAN MI**

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**MINUTES**

*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](mailto:clerk@cityofbuchanan.com)*

**I. Call to Order**

The meeting was called to order by Mayor Denison at 7:01pm.

**II. Recognition**

Denison asks everyone to join in a moment of silence to honor the memory of Jason Leitz who passed away Sept 18<sup>th</sup>. Jason was the chair of our Planning Commission and had served since March of 1988. With over 25 years of service, his knowledge and contributions will be irreplaceable.

**III. Pledge of Allegiance**

Denison led in the pledge of allegiance.

**IV. Roll Call**

Present: Mayor Sean Denison Mayor Pro Temp Mark Weedon, Commissioner Dan Vigansky, Commissioner Patrick Swem.

Absent: None.

City Staff: City Manager, Benjamin Eldridge; City Clerk, Kalla Langston; Community Development Director, Rich Murphy; Assistant Community Development Director, Ashley Regal.

**V. Approve Agenda**

Motion made by Weedon, supported by Vigansky to approve the agenda. Roll call vote carries unanimously.

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

*Stan: In favor of Lise Gustavsen purchase of 123 Days Ave.*

*Rich Paniagua: In favor of Lise Gustavsen purchase of 123 Days Ave.*

*Jim Evans: In favor of Lise Gustavsen purchase of 123 Days Ave.*

*Unnamed man from New Zealand: In favor of Lise Gustavsen purchase of 123 Days Ave.*

*Kyle Zelmer: In favor of Lise Gustavsen purchase of 123 Days Ave. Horizon Realty Group has agreed to help with this real estate transaction pro bono.*

*Jill Bateman: In favor of Lise Gustavsen purchase of 123 Days Ave.*

*Jeanie Harris: Comments concerning Commissioner Vigansky joining BARB.*

*Unnamed: In favor of Lise Gustavsen purchase of 123 Days Ave.*

*Dean: In favor of Lise Gustavsen purchase of 123 Days Ave.*

Denison mentions that there are 9 letters in support of Lise that are on the table at the entrance for anyone who wants to read them.

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

**A. Minutes-** *Consider approving regular meeting minutes from September 11, 2023.*

**B. B.A.R.B-** *Consider appointing Commissioner Vigansky to the B.A.R.B in place of Mayor Pro Tem Weedon.*

**C. Expenditures-** *Consider approving the General Expenditures for September 25, 2023, in the amount of \$90,078.41.*

**D.** *Excuse Commissioner Dan Vigansky from the September 11, 2023, Regular Meeting.*

**Motion made by Vigansky, supported by Denison to approve the consent agenda, as presented.**

**Yay: Vigansky, Money, Denison**

**Nay: Swem, Weedon**

**Motion carries 3-2**

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

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

**A. Community Development Report-** *Community Development Director/ Zoning Administrator, Rich Murphy & Assistant Community Development Director/Mainstreet Manager, Ashley Regal*

**1) Consider approving the sale of 123 Days Ave-** *The City Commission held a public hearing on October 10, 2022, to hear public comments on the sale of 123 Days Ave. The community development department proceeded to create an RFP for 123 Days Ave., and two proposals were submitted. The RFP review committee made the recommendation to proceed with Lise Gustavsen's proposal. Community Development Department and Lisa will present to the commission the proposal for consideration of approval for the sale of 123 Days Ave.*

Murphy acknowledges the steps it took to get here. Over the summer at the commission's direction, they created and released the RFP for Days Ave. The goal was to land an exciting business development opportunity, job creator, and ultimately reinvigorate the core of Days Ave. They released the RFP and received two proposals which the review committee voted on and unanimously chose Lises. Murphy worked with Lise to craft the proposal in more detail including renderings and operations information as directed. They are here tonight to ask for approval for the sale of 123 Days Ave.

Motion made by Weedon, supported by Money to approve the sale of 123 Days Ave. to Lise Gustavsen. Roll call vote carries unanimously.

**2) Consider Thrill on the Hill Investment & 2024 Thrill on the Hill Date.**

Regal brings this before the Commission to decide what direction they want to go. Since they last spoke, she gathered 6-10 quotes on the higher tech solutions for the slides and got 3 responses

back. The lowest was \$170,000, taking 3 weeks to install, four guys, and was not a temporary solution. Regal says it doesn't seem like a very viable option. The highest was over \$1 million. Reinvesting in the current system with DPW makes sense. Either we build our temporary slide or postpone the event for this year. Either way the commission will have to meet with the Thrill on the Hill Committee and talk through expectations. If it's held the same way we've had it in the past, on Front St hill using the adjacent parking lot, that leaves one available date to work with the property owner.

DPW gave an estimate of \$13,500 to rebuild it and get sand. This hard quote is only good for 30 days and everything is fluctuating.

Regal says she has not begun working on fundraising since they have not decided which direction they want to go. She will say that last year they had a full-time staff member that dedicated 300 hours to sponsorship, which brought in over \$16,000 and that wouldn't be the case this year.

Weedon acknowledges how difficult this will be for the community but if we sacrifice it for a year, we can ensure we're stronger and more prepared in the future instead of pushing this because it was something we always did. It's one of the most exciting and dynamic events and the amount of effort they put in this year cannot be undermined by this decision because it was second to none. He looks forward to the next one, but it must pause for a moment.

Vigansky comments this was the first year the books were done correctly. He doesn't hate Thrill on the Hill; it has been a wonderful marketing tool for the City of Buchanan. There is no pleasure in making the motion to postpone Thrill on the Hill to 2024 but continues.

***Motion made by Vigansky, supported by Weedon to postpone Thrill on the Hill 2024. Roll call vote carries unanimously.***

**3) Consider Resolution 2023.09/25-** *A resolution to approve the MNRTF Grant Application for the Kayak Launch Project.*

Murphy presents a redo of a resolution that was approved March 27<sup>th</sup>. State grant cycles start with the application submission in April, in September, they give us a preliminary score, and then we try to those flip points into more points to get into higher echelons of funding. In this case we have several points to flip over. One we can flip is by saying 26% instead of 25% on the resolution which gives 15 points and sets the grant application for a higher score. On the matching point, he reiterates what was said in March, his goal is to fundraise the matching portion through local foundations – perhaps AEP and others. We have a year to do this. If we don't pledge these resolutions, we cannot apply for grants. This resolution is a 1% amendment to increase our grant score.

**Motion made by Swem, supported by Weedon to approve Resolution 2023.09/25, a resolution to approve the MNRTF Grant Application for the Kayak Launch Project. Roll call vote carries unanimously.**

**X. Unfinished Business**

**XI. New Business**

**A. Schedule of Fees-** *Consider approving the updated schedule of fees.*

Langston notes that the first schedule of fees in the packet had the City Center Rental fee wrong but that was corrected and updated. Vigansky comments we were going to revisit the food truck permit. Langston clarifies that is done by resolution and she usually brings it back up in February.

**Motion made by Weedon, supported by Vigansky to approve the schedule of fees. Roll call vote carries unanimously.**

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

None.

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

*James Busby: I want to thank Rich for all his hard work on the Victory Park Pavilion Project, I want to thank Ben for meeting and listening to their concerns and wants to thank Mr. Baker for his hard work repairing the sidewalk. Concerns about the ongoing civil rights investigation against Mr. Vigansky. Asked the other Commissioners where they stand on Commissioner Vigansky's behavior.*

*Jim Cronin: Concerns about the DPW overtime in fall and winter months.*

*Norma Ferris: introduces another project, the Friends of Oak Ridge Cemetery have received information that we might be able to get our pumper fire intendant back in Buchanan. We are working on it and have a committee. The truck will need a home along with other things.*

**XIV. Executive Comments**

**A. City Manager Comments**

Eldridge readdresses Cronin's comments and explains they are trying to streamline City services. Overtime is not a right; it is a privilege. If we need 1 or 2 hours of overtime then that's a necessity, public health is a necessity.

Eldridge says he appreciates Cronin's concern, he has every faith in the employees at Buchanan. We are going to try something different and if it doesn't work out we will go back to the drawing board and do something different. To end on a positive note, Eldridge shares that tomorrow is his 3-month anniversary and looking back on it what comes to mind is the employees at Buchanan. They consistently look for positives in any situation. Mike and his DPW guys, they have a drain issue that's an ugly mess and they aren't afraid to take on that challenge. The employees have Buchanan's best interest in mind. We have great staff and great residents.

**B. Commissioner Comments**

Weedon: Stan, Rick, Jim, gentlemen from New Zealand, the teacher experience touched my heart. It's something that means a lot to me. The wonderful part about Lise and I, is that we ran into each other at the school and she was so excited to bring her kid to Buchanan for the many good things we talked about tonight. The people in Buchanan care and that's why everyone is here tonight. Mr. Busby you spoke about a very difficult thing and I'm not going to overshadow the importance of that and the significance it holds within this community. Do I agree with Dan and the things he has said over the years – absolutely not. But he's also well within his right to say how he feels. I don't support some of the things that are out there and there's others I do agree with. Busby, I appreciate you bringing that up tonight, it's something that needed to be said and if that's what you felt you had every right to say that just as much as he has. The DPW, Mike you have a heavy lift, but I think you have the right people around you and I believe we can come up with the best avenue to attack this with the least amount of hours, the same amount of tenacity, and save the most amount of money. You have a crew that believes in you, we have some of the best operators in the area. Norma thank you so much, I look for to your firetruck expletives. Thank you so much to everybody for showing up tonight. The diversity and beauty in this room says a lot about Buchanan.

Swem: Thank you everybody for coming out tonight. Congratulations Lise on your acquisition, we look forward to your project. Tougher conversations were had, nobody up here wanted to pass on the Thrill on the Hill for 2024 but we have a lot of tough financial decisions upcoming for the city. There are going to be more sad conversations that we have to have. Bear with us, it's not easy, we are doing it with a heavy heart. Same thing goes with staffing, it's going to be hard to get things done and I ask for some grace for the team because they are working their butt off to do it in a way that honors your tax dollars. Jeanie and Mr. Busby, I agree with you that behavior is unacceptable, and I don't support it. I'll do what I can to support you, much like those hard decisions we are making as a community. We need to work together across all neighborhoods, races, everything. Support each other and keep moving the community forward – that needs to be the mindset for everyone. And that needs to be led by the five men sitting up here. That's my expectation. So with that, thank you for coming out tonight, sorry you had to hear tough conversations and hopefully we have brighter days ahead.

Vigansky: I spent two wonderful weeks in Wyoming, it was great, it was really good to come back to Buchanan. I'd be amiss if I didn't say being called racist, sexist, and a liar you know, the only thing I can say to that is kiss my ass. And I have a right to say that, whatever. The thing about it is, I'm an equal rights advocate just as much as any of us. The thing about it is, I don't take nonsense from anybody. If you want to speak up, speak up. I'll argue with you all day long. I believe in equal rights, but I don't believe in better rights, and I don't believe in different rights. If you're white you're entitled to the same rights as if you're black. When I made the comment about being white you are a bigot automatically, watch the news, just watch the news. I don't apologize for what I do or how I do it. And these commissioners, their hands are really tied. You elected me and it costs a lot of money to recall me. And the things that are getting done I predicted this garbage 7 years ago and nobody wanted to listen because everybody wanted to pretend. With that being said, I don't have any enemies in this community. I have people that are willing to talk to me like an adult and I have people that want to run to mom and daddy and cry foul.

Money: I've had my little agenda here, everybody's pretty much taken care of that but I will reiterate a few things. I want to thank everybody whose come down here tonight and supported Lise. Congratulations Lise, it's good to see hard working people want to come into Buchanan and make something of themselves. Even if it's starting out small and working to better themselves and better the community, bringing a great product into town. Our decision for Thrill on the Hill is too bad but when we were sitting here looking at the drawbacks, I think it's the best decision. Sadly enough, we've had many great things in Buchanan go by the wayside but hopefully this is going to come back and its going to come back better. Mike Baker and his crew, I can never say enough about those guys. They are all hard working. James and Jeanie, I appreciate your concerns. We had to vote on something here but if you read the agenda it says, 'consider appointing.' That's a big word and I want to thank you guys for speaking your peace. Just know when it comes to doing things in the right way, I'm sure the people that sit on this commission will take care of that. Once again I want to thank the staff for everything, they do Ashely, Rich, Kalla, Ben. I appreciate every one of them.

### C. Mayor Comments

Lise, I want to congratulate you not on your purchase tonight, but on the fact that you are so successful that you have all these people here to back you up. As far as the Thrill goes, it really is too bad. I think everybody knows how I feel about the Thrill. I think it's a great event that brings in lots of people, not a lot of revenue. Getting our budget straight is what we are trying to do. As far as the DPW workers go and overtime, I hope it's not misconstrued that we are somehow punishing them because that's not our goal. If anything, we are challenging them to be more efficient and we are trying to do that everywhere we can because we don't have a choice. As far as Mr. Vigansky goes, I mean it's pretty

well documented. How I feel about Mr. Vigansky's actions towards members of the board and the complaints we have had in the past you know, Mrs. Harris I'd really like to speak to you after the meeting, Mr. Busby same to you. I just want to thank everybody for coming, it's nice to see the chamber full for a change. I have a strange feeling there are going to be more meetings like this in the future that are tense and where we have hard decisions to make but we appreciate you coming and giving us your feedback and input. It really is helpful.

**Motion made by Weedon, supported by Money to adjourn the meeting at 8:03pm. Roll call vote carries unanimously.**

**XV. Adjourn**

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Kalla Langston, City Clerk

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Mayor Sean Denison

**REGULAR MEETING OF THE BUCHANAN CITY COMMISSION**  
**MONDAY, OCTOBER 09, 2023 – 7:00 PM**  
**CHAMBER OF BUCHANAN CITY HALL - 302 N REDBUD TRAIL, BUCHANAN MI**

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**MINUTES**

**I. Call to Order**

The meeting was called to order at 7:00 P.M.

**II. Recognition**

None

**III. Pledge of Allegiance**

Mayor Denison led in the Pledge of Allegiance.

**IV. Roll Call**

**Present:** Mayor Sean Denison, Mayor Pro Tem Mark Weedon, Commissioner Patrick Swem, Commissioner Daniel Vigansky

**Absent:** Commissioner Larry Money

**City Staff:** City Manager, Benjamin Eldridge; City Clerk, Kalla Langston; Community Development Director, Rich Murphy; Director of Public Services, Mike Baker; Director of Public Safety, Tim Ganus.

**V. Approve Agenda**

Motion made by Swem, supported by Weedon to approve the agenda, as presented. Roll call vote carries 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. Minutes**- *Consider approving the Regular Meeting Minutes from September 25, 2023.*

**B. Expenditures**-*Consider approving the General Expenditures for October 09, 2023, in the amount of \$ 37,270.75.*

Motion made by Weedon, supported by Vigansky to approve the consent agenda, as presented. Roll call vote carries unanimously.

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

**A. Rick Paniagua**- *Presentation and Consideration of Art Installation at the 120 E. Front St. (back of the building)*

Paniagua gave a history of his business and how he came to Buchanan. Paniagua also touched on the collaboration of the community with his business, city workers and volunteers. Emphasizing beautician and the improvement of Buchanan.

Paniagua talked about the current situation with his building with much needed tuck-pointing to the back of the building. The mural would cover the patch work from the tuck pointing. Paniagua would like to finish the artwork before the season is over.

The mural has been started as well as painting on the lower back of the building and side of the building. The process was started before going through the correct protocol. Stop orders were given to Paniagua. Recommendations to stop painting then go in front of Design Review Committee and explain the paint used for the side of the building and the lower level of the back building.

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

**A. Community Development Report - Community Development Director, Rich Murphy**

*1) Consider approving Medical and Adult Use Renewal License (Retail and Provisioning Center) for KISA Enterprise/Pinnacle Emporium at 221 E. Front St.*

Motion made by Swem, supported by Vigansky to approve the Medical and Adult Use renewal license for KISA Enterprise/Pinnacle Emporium at 221 E Front St. Roll call vote carries unanimously.

**X. Unfinished Business**

**XI. New Business**

**A. Introduction and first reading of Ordinance 2023.10/437- amendment to the zoning ordinance official map of the City of Buchanan.**

Murphy presented the first reading of Ordinance 2023.10/437. The ordinance is an amendment to the zoning ordinance for 208 Days Ave. from R-1A to be rezoned C-3. Murphy has been working with developers who are wanting to develop a boutique hotel at the 206- and 208-days Ave. The Plan Commission initiated the application and favorably recommends the amendment.

**B. Resolution 2023.10/26- A resolution setting 2023 schedule of fees and charges for Oak Ridge Cemetery.**

Motion made by Swem, supported by Weedon to approve resolution 2023.10/26. Roll call vote carries unanimously.

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

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

*Mary Gilbert- Asking to hear updates from the Fire Chief and Water Department. Would like to hear an update from Anton, owner of fifteen-to-twelve restaurant involving the lift station. Concerns about financial stability and expansion on comments made previously. Update on Feed Mill and asked for no profanity.*

*Norma Ferris- Called a member of the senate for coffee sit down with the commission.*

**XIV. Executive Comments**

**A. City Manager Comments**

Reminder on Trick-or-Treat hours are Tuesday October 31<sup>st</sup> 6:00 PM- 8:00 PM.

**B. Commissioner Comments**

*Vigansky- As far as using profanity, sometimes you need to. Thanked Mary for the comment about the update about the lift station.*

*Swem- Go Pack Go.*

*Weedon- Likes processes followed. When they are followed it does seem to be difficult.*

**C. Mayor Comments**

*The DPW building received its last permit to begin construction. Encouraged everyone to attend the Tin Shop Theater, they really did a great job.*

**XV. Adjourn**

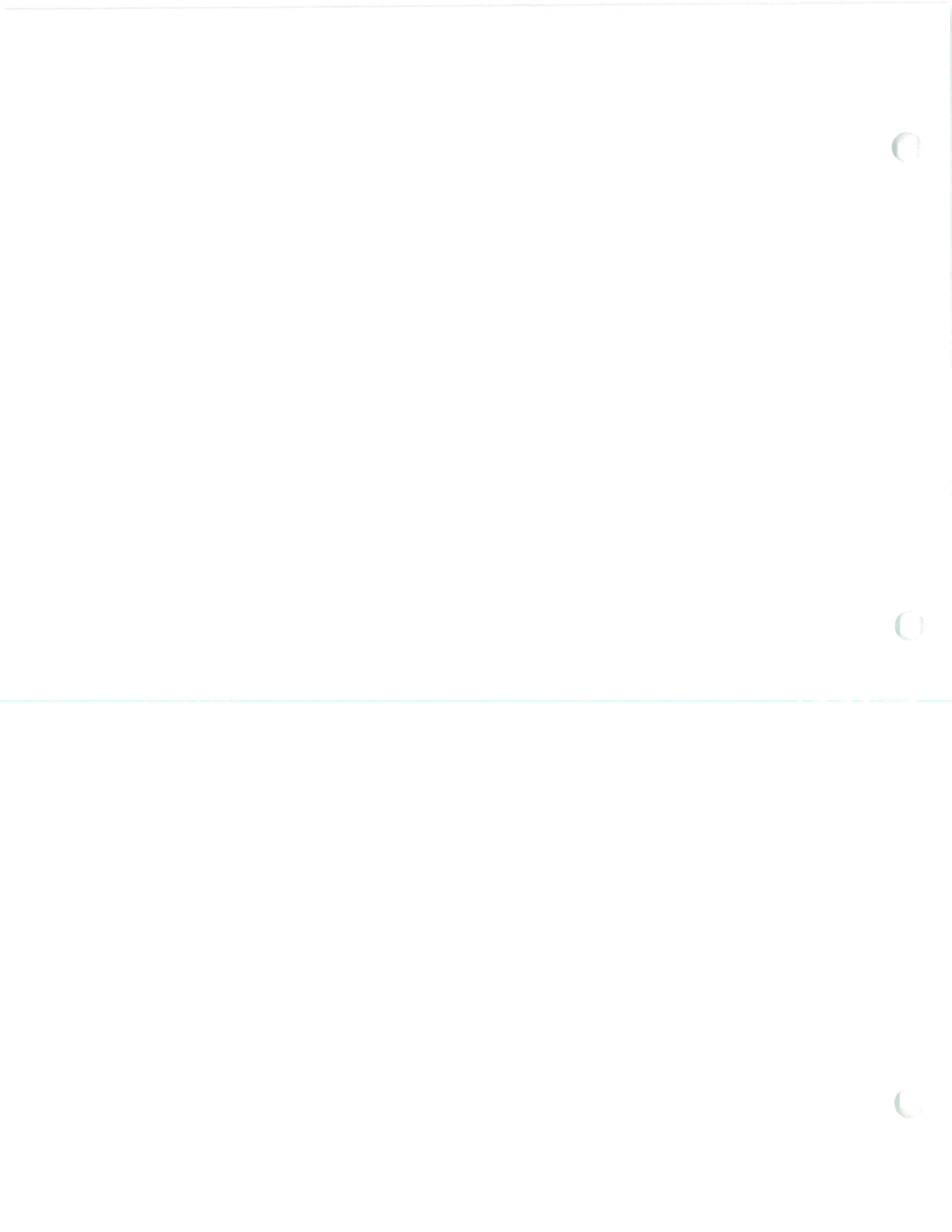
Motion made by Weedon, supported by Vigansky to adjourn the meeting at 8:09 PM. Roll call vote carries unanimously.



Kalla Langston, City Clerk



Mayor Sean Denison





# SPECIAL MEETING OF THE BUCHANAN CITY COMMISSION

FRIDAY, OCTOBER 20, 2023 – 7:00 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.

\* 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](mailto:clerk@cityofbuchanan.com)

### I. Call to Order

The meeting was called to order by Major Denison at 7:00am.

### II. Roll Call

Present: Mayor Sean Denison, Mayor Pro Temp Mark Weedon, Commissioner Dan Vigansky, Commissioner Larry Money, Commissioner Patrick Swem.

City Staff: City Manager, Benjamin Eldridge; City Clerk, Kalla Langston; City Treasurer, Deborah Perez

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

None.

### IV. New Business

#### A. Review & Discussion – MDOT Contract

Contract needs to be treated strategically because it’s a pressing issue, but the city’s budget is tight. If we don’t continue with the contract and our infrastructure fails, then we are still going to pay for the repairs in a year anyways – and emergency repairs will cost even more. One million has been spent on the design which we won’t get back if we don’t follow through. Pending grants for other projects would be \$120,000 if chosen, plan to explore corporate donors or refuse grants. We have investments that could be dedicated to the contract but need to streamline. Concrete means less future maintenance, but asphalt may save money. Overtime is the lowest it’s been, and credit card usage is down. Long-term decision not to spend money on anything else for at least 10 years. Best option to maximize savings and be smart about the future is to ask for a rebid with the following design changes; brick pavers to decorative concrete, remove planters except what’s needed for ADA compliance, remove pillars, and quote concrete vs asphalt cost.

Motion made by Denison, supported by Weedon to rebid the contract. Voice vote carries unanimously.

### V. Adjourned at 8:00am.

Kalla Langston , City Clerk

Mayor Sean Denison

**REGULAR MEETING OF THE BUCHANAN CITY COMMISSION**  
**MONDAY, OCTOBER 23, 2023 – 7:00 PM**  
**CHAMBER OF BUCHANAN CITY HALL - 302 N REDBUD TRAIL, BUCHANAN MI**

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**MINUTES**

**I. Call to Order**

The meeting was called to order by Mayor Denison at 7:00 P.M.

**II. Recognition**

**III. Pledge of Allegiance**

**IV. Roll Call**

Present: Mayor Sean Denison, Mayor Pro Temp Mark Weedon, Commissioner Patrick Swem, Commissioner Dan Vigansky, Commissioner Larry Money

Absent: None.

City Staff: City Manager, Benjamin Eldridge; City Clerk, Kalla Langston; Community Development Director, Rich Murphy; Director of Public Services, Mike Baker; Director of Public Safety, Tim Ganus; Chief of Police, Harvey Burnett

**V. Approve Agenda**

Motion made by Swem supported by Money to approve the agenda as presented.

Vigansky motions to amend the consent agenda and move plan commission appointments to New Business, Swem supports.

Swem supports the amended agenda, Money supports.

Yea: Weedon, Vigansky, Money, Swem, Denison

Nay: None.

Motion to approve the amended agenda carries.

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

*Matt Pleasant – I was notified shortly, and it went to my spam email, about a meeting last week that I wasn't able to make for approval to be on the planning commission. I will say my peace now on why I want to be on it, that mainly being that I live downtown and own property in Buchanan. I have children that go to school here. If you have a need to fill, as you indicated at the meeting, I was at for the rezoning of the house next door to me 208 Days Ave, I feel I could help you fulfill that need. Thank you.*

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

**A. Minutes**

1) Consider approving the regular meeting minutes from October 9, 2023.

**B. Appointments**

1) B.A.R.B Appointments- Consider approving Jacob Brown (City) and Emily Koziel (Township) to B.A.R.B.

~~2) Plan Commission- Consider approving Peter Lysy for a partial term ending June 2025 and Jacob Brown term ending June 2026.~~

3) *Buchanan Tree Friends- Consider approving Cala Moeller to join the Buchanan Tree Friends.*

**C. Expenditures**

1) Consider approving the General Expenditures for October 23, 2023, in the amount of \$264,970.90.

Motion made by Vigansky supported by Swem to approve the consent agenda as presented. Roll call vote carries unanimously.

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

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

**A. Clerk Report-** *City Clerk, Kalla Langston*

1) *Presentation of Early Voting Agreement between the City of Buchanan and the County of Berrien.*

Langston presented to the Commission what has taken place so far with the early voting agreements. With the recommendation to sign the early voting agreement with the county.

2) *Consider Resolution 2023.10/28- A resolution authorizing the city clerk to enter into an early voting agreement with Berrien County.*

Motion made by Vigansky, supported by Weedon to approve resolution 2023.10/28, authorizing the city clerk to enter into an early voting agreement with Berrien County. Roll call vote carries unanimously.

**B. Community Development Report -** *Community Development Director, Rich Murphy*

1) *Consider Resolution 2023.10/29- a resolution to sell city owner property at 123 Days Ave. Buchanan, MI 49107 to Lise Gustavsen. The City Commission unanimously approved the purchase of 123 Days Ave. to Lise Gustavsen on September 25, 2023.*

The resolution presented is a formality for city manager, Benjamin Eldridge to sign the real estate transactions on behalf of the city of Buchanan for the sale of 123 Days Ave to Lise Gustavsen. Roll call vote carries unanimously.

**X. Unfinished Business**

**A. Second Reading and Consideration of Ordinance 2023.10/437-** *amendment to the zoning ordinance official map of the City of Buchanan.*

ORDINANCE NO. 2023.10/437

AMENDMENT TO THE ZONING ORDINANCE OFFICIAL MAP

CITY OF BUCHANAN, COUNTY OF BERRIEN, STATE OF MICHIGAN

An Ordinance to amend the Zoning Ordinance of the City of Buchanan and the Official Zoning Map.

THE CITY OF BUCHANAN ORDINANCES:

Section 1. The Zoning Ordinance of the City of Buchanan, being Ordinance No. 154, Section 302 as amended, and its Official Map, is hereby amended as follows:

The property commonly known as 208 Days Ave. and legally described as:

58-1500-0043-00-9

“LOT 6 BLK B A C DAYS ADD TO CITY OF BUCHANAN EXC COM AT NW COR OF LOT 6 TH E 51.2' TH SW TO A PT 28.5' E OF SW COR TH W 28.5' TH N 66' TO BEG”

Now zoned R-1A is to be rezoned to C-3 Central Business District.

Section 2. The Zoning Administrator is hereby directed to amend the Official Zoning Map of the City of Buchanan to reflect the above change and to duly note on said Official Zoning Map said change pursuant to this Ordinance.

Section 3. This Ordinance shall become effective 15 days after adoption and published in accordance with the Charter of the City of Buchanan.

Motion made by Money, supported by Weedon to approve Ordinance 2023.10/437, as presented.

Ayes: Denison, Weedon, Money

Nays: Vigansky

Abstain: Swem (Business Interest)

Motion carries 3-1

#### **XI. New Business**

*A. Planning Commission- Consider approving Peter Lysy for a partial term ending June 2025 and Jacob Brown term ending June 2026.*

Motion made by Swem to approve Peter Lysy for a partial term ending June 2025 and Jacob Brown term ending June 2026 to the Planning Commission, supported by Weedon.

Vigansky requested to amend motion to include Alan Robandt.

Yea: Weedon, Money, Swem, Denison

Nay: Vigansky

Motion carries 4-1.

Vigansky motions that we appointment Alan Robandt to the Planning Commission.

Still have an opening; they can fill three spots and there are four candidates. We've been two candidates shy of a full Planning Commission for 2.5 years.

Hearing no support, the motion dies.

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

##### **A. Buchanan Riverfront Master Plan Public Workshop on October 24, 2023, at 5:00 PM**

There will be a public meeting here at city hall, we invite all members of the public to give your opinion on enhancement of public access along the St. Joseph River. Prior to that meeting there will be a neighborhood meeting with the north side neighborhood group on the same topic. The project was managed by Abonmarche, funded by AEP. No money came from the city. All the ideas will be captured, brought back to the steering committee, refined, and then there will be another public meeting.

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

*Monroe, 118 Schirmer Parkway – There is something Commissioner Vigansky said that I feel we all need to hear. There is a boy's club in Buchanan and I do feel that we often vote in our volunteers that are willing to work for free based on whether we like them as human beings or not and that should not be how we do business. We should be voting them based on what they bring to the table and for their qualifications. And being that I can't mention anything from the agenda, I will just leave it at that. I will ask for one more thing, I will ask for your prayers from the entire room for my family that's in Israel. They are in dire need of prayer. Two weeks ago, my best friend lost his two children and right now my family is right in the middle of it all, so I ask you to consider them in your prayers. Thank you.*

*Norma Ferris, 304 N Oak – I talked to a young lady yesterday regarding Channel 17. Has that been looked at as far as maintenance? It's not coming in clear.*

*Langston replies that it unfortunately doesn't work. We fixed it, we spent months on it, Mrs. Norma actually helped us get comcast in here and sat with them all day and it still doesn't work.*

*Mrs. Ferris says she will get back on it.*

#### **XIV. Executive Comments**

##### **A. City Manager Comments**

Just for informational purposes, a small committee has been formed to work on bringing the 1863 pumper that's currently stored at MSU back to Buchanan. This is not an official city committee but I'm sure at some point we will be asking the City Commission for support in the form of a letter. The committee is made up of representatives from the library, friends of Oak Ridge Cemetery, Fire Department, and myself. If you have any questions or want to know how you can get involved please contact Peter Lysy.

##### **B. Commissioner Comments**

**Weedon:** none.

**Swem:** Just wanted to echo Rich's comments that I hope anyone who has the opportunity to attend tomorrow night shows up and gives their feedback. Matt, I think the best thing for you to do is stop into the next Planning Commission meeting so you can get that date. Kalla I think showing up in front of them is the best case to get on our agenda for recommendation.

**Vigansky:** I apologize that you have to get on another committee, we have been trying to get that fire truck for a long time. We gave it away and then they are Indian giving on it and we have no place to put and no money to spend on it. State of MI said they weren't gonna give it back, just another long-term dream Ben, and I apologize for the time you're going to have to spend on it. I am very upset that I come down here to a zoning commission meeting and they conducted themselves the way they do, this is not anything with personalities that's why I didn't mention any names. The fact that they did it with no comments, I talked to all four candidates, and I know two of them quite well and it's difficult to not vote for Peter. I met Jake because he's on BARB now, I think he's going to be a strong attribute. I reached out and I talked to Matt over the weekend, but Matt had an email screw up, Jake showed up late when the meeting was already over. But the point being that Jake was put on the commission and we need northside representatives so that was a given, but he need to be here. We had three empty spots and the Commission failed to fill all three after 2.5 years of having two empty spots. I put blame on the director for that. Thank you very much.

**Money:** Thank you to this commission for everything they do I know eve been working hard on different things. I got a question for Mike though, is there going to be any change in policies for how we get leave to the curbsides or still placing leaves on the tree lawns?

**Mike:** It's against the MS4 Permit to put them in the streets. I will not reprimand anybody for putting them in the street when it's time, but it does make the drains plug up and it takes a lot of time to get them off the curb. We are no longer picking up bags, branches and brush we done the first week of October.

**Weedon:** Just for the public too as well as myself, where is that at the landfill?

**Mike:** If you drive in there and talk to them they will tell you just follow everyone else I believe is going up on hill right now with their garbage and you'll go around the edge and there will be a big pile of bags they turn over and compost. It's a free dump, they don't charge you anything to dump your leaves and brush. It just has to be covered.

**Money:** Also, the cemetery got new markers for the sections and the crew did put those out. Our Cemetery Board purchased them and put them out, it looks really nice. With the old firetruck coming

into town, we did know years ago that it got pushed out of their historical department and shoved under some bleachers. I know we may not have a place right now, but we can surely find a place.

C. Mayor Comments

I would like to say how nice it is to see Chief Burnett out here tonight, it's been a while. Glad to see you. Secondly, the five of us are up here to make decisions based on our professional experiences. Occasionally we are asked to appoint people to a board based on recommendations from other boards. I have no qualm saying that if I feel someone isn't going to be a good team member or isn't going to make a board function well then I don't have to appoint anyone. If you don't like that then you can run for office and you can make the decisions.

*City Manager Comments: If I could just for informational purposes, I don't know if you know Pat Fellows who is a lieutenant in our Fire Department. We got a message yesterday that he went into cardiac arrest and respiratory arrest and was transferred to St. Joe ICU. The update we just got is that he had an angiogram yesterday to check for blockages and check his heart muscle. The doctor said there are no blockages, and his heart looks amazing so it could be electrical. The next couple of days are going to be important so keep him and his family in your prayers.*

Motion made by Denison, supported by Money to adjourn at 8:00 pm. Roll call vote carries unanimously.

**XV. Adjourned**

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Kalla Langston, City Clerk

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Mayor Sean Denison

**REGULAR MEETING OF THE BUCHANAN CITY COMMISSION**  
**MONDAY, NOVEMBER 13, 2023 – 7:00 PM**  
**CHAMBER OF BUCHANAN CITY HALL - 302 N REDBUD TRAIL, BUCHANAN MI**

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**MINUTES**

**I. Call to Order**

The Meeting was called to order by Mayor Denison at 7:00 P.M.

**II. Recognition**

A. Recognition: *Mike Baker, Director of Public Services for his 20 years of service to the City of Buchanan.*

The City Commission recognized Mike Baker for his 20 years of dedication and service to the City of Buchanan. Denison presented a certificate of service.

**III. Pledge of Allegiance**

Mayor Denison led in the pledge of allegiance.

**IV. Roll Call**

Present: Mayor Sean Denison, Mayor Pro Temp Mark Weedon, Commissioner Dan Vigansky, Commissioner Larry Money, Commissioner Patrick Swem.

Absent: None.

City Staff: City Clerk, Kalla Langston; Community Development Director, Rich Murphy; Assistant Community Development Director, Ashley Regal; Director of Public Services, Mike Baker; Director of Public Safety, Tim Ganus; Chief of Police, Harvey Burnett; Assistant Elections Clerk, Isabelle Adnson; Clerk Cashier, Jill Mondschein; Bookkeeper, Courtney Baham; Fire Chief, Mike Adams; Wastewater Operator in Charge, Andy Warner.

Plus 60 guests and local news.

**V. Approve Agenda**

Motion made by Denison, supported by Weedon to amend the agenda to remove item VIII, A. Closed Session.

Yea: Weedon, Money, Swem, Denison

Nay: Vigansky

Motion carries 4-1

Vigansky motioned to fire the City Attorney immediately, motion received no support, motion dies.

Motion made by Weedon, supported by Money to approve the amended agenda. Roll call vote carries unanimously.

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

*Don Ryman, 313 W Front St* – Comments about spending money and the mayor suspending the City Manager.

*Monroe Lemay, 118 Schirmer Parkway* – Recited the lord's prayer, asked Mayor Sean Denison to resign today.

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

**A. Minutes**

- 1) Consider approving Regular Meeting Minutes from October 23, 2023.
- 2) Consider approving Special Meeting Minutes from October 20, 2023.

**B. 2024 Notices:** Consider approving the 2024 Meeting Notice Schedule and 2024 Holiday Schedule.

**C. BS&A online records search of Assessing Records:** Allowing Assessor Mindy Cole-Crocker to sign the BS&A online public search proposal.

**D. Street Closure:** Front St. for the Christmas Parade on November 25th from 4:30 PM till 6:30 PM

**E. Expenditures**

Consider approving the expenditures for November 13th, 2023.

Motion made by Swem, supported by Weedon to approve the Consent Agenda, as presented. Roll call vote carries unanimously.

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

~~A. Closed Session~~

~~(1) Enter Closed Session – Consider entering Closed Session, pursuant to MCL 15.3268 Sec. 8(1)(h) to discuss an attorney-client privileged opinion memo regarding an employment contract matter.~~

~~(2) Re-enter Open Session.~~

**B. Lake Michigan STEAMWORKS:** Phillip Place, President MegaHurtz Robotics Lead Mentor

1) Consider approving Resolution 2023.11/30- local governing body resolution for charitable gaming licenses for Lake Michigan STEAMWORKS

Phillip Place presented to the Commission and talked about the MegaHurtz Robotics Team. They are hoping to do some raffle to support the Robotics Team in the future.

Motion made by Swem, supported by Money to approve Resolution 2023.11/30, as presented. Roll call vote carries unanimously.

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

**A. Friends of the McCoy Creek Trail - Chair Jerry Flenar**

Flenar gave the annual report, talked about the destruction of Baton Mill the Trail Committee worked with DPW to replace the wooden slates with rebar. They received 6 chestnut trees for the trail. Trek or Treat was just a few weeks ago with 901 kids and 731 adults. The trail committee raised \$1400.00, and the scarecrow charities donated \$250.00 for candy given out. The committee is working with Edgewater automation to make trail signs downtown. Edgewater has donated this to the Trail Committee. The DPW will help install the signs next spring. With the grants received the extended trail should start next spring.

**B. Buchanan Tree Friends:** Chair Brian Murphy gives an update concerning grants BTF has applied for. Murphy talked about the passing of Jason Leitz and the amount of donations that came in for trees to be planted in his honor. The Tree Friends and the mayor did Arbor Day at the Middle School this year. They have worked with the schools and girl scouts on the education of trees. The tree canopy is 36 percent of the city. Tree Friends has been working with the city administration and felt the meetings have been productive. Murphy also touched on the grants they are working on submitting as well as the tree canopy assessment.

**C. Community Development Report: Director of Community Development Rich Murphy and Assistant Community Development Director, Ashley Regal**

*1) Update on Demolition and Site Restoration at 111 Railroad St. and 708 S Redbud Trail.*

Murphy – Over the last several months environmental consulting group Point Blue has helped prepare the city owned sites at the Feed Mill (111 Railroad St) and Baroda Tire Shop (708 Redbud Trail) to be redevelopment ready. We are under contract with them they did outline a plan for environmental remediation which we have activated. They created the specifications for the demolition bid. We went out to bid for demolition of the old Feed Mill we did secure a low bid from Gentry Demolition LLC. To remind the public, we've been working with Berrien County on a path to a grant through the state land bank. The County has to be the applicant, we submitted our grant from the first round and were not funded so we are strengthening our application now to be submitted in December. Additionally, Point Blue has secured a post-bid addendum with the demolition contractor to honor the original bid dated 5/10/23-12/31/24 plus some nominal increases in cost despite the delay in securing funding.

Shae Muller, Point Blue Engineer – We are retained by the city for site assessment, hazard assessment, engineering, and construction management. The price increased 5.8% but this bid is still 39% cheaper than the second bid. They would like to start construction in the spring. We will coordinate all contract items, oversee construction and demolition, and write a construction summary report at the end.

Vigansky – Since we got so many people here do you want to remind everybody how much we paid you to do this?

Muller – I believe the contract was \$32,000.

Vigansky – Has anything come up about breaking it down in sectors, have we looked for someone to buy it and tear it down themselves and the city not having to do it?

Muller – Rich and I have talked about splitting things up, but we are looking at this opportunity with the second grant application.

Murphy – we are working with Dan Fette and Katie Montoya to strengthen our application. One way we are doing this is with a redevelopment concept, looking at mixed use housing, commercial development, getting the square footage. This is a very strategic parcel, the first thing you see from Buchanan's Southern Gateway. We are going to request the full amount of the demolition cost.

Swem – I think the other side of that conversation, as someone who does commercial development on a regular basis, it's such a hinderance from a banking perspective. More than likely a project of that size will need a bank because not too many people that can throw \$380,000 into a hole to get the ground flat again for the City of Buchanan. So I think the most advantageous position the city has is to get the site clean, as close to tax payer free as possible, and present it with an opportunity for redevelopment. Now if we have opportunities for development to happen in the meantime it only strengthens our application, but I don't think we need to pause an application for a free \$380,000 in money. Especially when we have done all the work the right way on the upfront to make it a competitive opportunity. We just don't have someone in line to develop it yet.

Murphy – We have been touring it constantly.

Vigansky – Partick I don't disagree with you on most points, but we are going in one straight way, and we don't do anything else.

Swem – I think when you look at it from that perspective it puts the rest of it in jeopardy. Especially considering a large portion of that redevelopment zone is covered under insurance policy from the oil spill. When you're dealing with environmentally sensitive property it takes longer but there's a right way to do it. If you take shortcuts you put everything in jeopardy especially in sites near a brownfield. This site checks every box that banks hate, next to a railroad, former gas station, underground tanks, definition of spills, asbestos. It's something that most of the time is considered unfinanceable. So, the fact that the city is approaching it in a way to get it remediated puts a developer in a position to succeed.

Vigansky – So we really need a brownfield committee.

Swem – No, I think we have hired council that's taking us down the right path right now with what we have. Right now, our most advantageous tool is getting the grant and cleaning the site.

## *2) Update on the sale of Ross-Sanders House*

Murphy – We have finalized the creation of the new parcel for sale. We are finalizing the purchase agreement between the City and Michigan Gateway. The process has begun with state SHPO to draft the preservation easement. Finalizing the tour.

Rowland – There are a lot of moving parts with the state through Michigan Historic Preservation Network, SHPO, and the City. We've been working on this for over two years and this work could not continue without the dedication of people here at the City including Rich. We have a preliminary scope of work, finalized our use language for the fire department, submitted application to MHPN which was approved by their board, they are now drafting the easement language and purchase agreement. For those not familiar with the historic preservation easement, essentially it makes it so nobody can do anything with Ross Sanders except keep it Ross Sanders for the rest of time. Even if MGCF isn't there, Ross Sanders will live in perpetuity. Also, I'd like permission from the city commission to have open access to the building. With so many moving parts we have contractors and upcoming inspections that it would be helpful to have continued access.

Vigansky – What do you want to do with it, it's not your building yet?

Rowland – We had contractors come in for our original scope of work but they have to come review everything. Honestly during the process with how long it's taken there is damage not included in the original scope of work.

Vigansky – Patrick you're the banker, as a real estate agent until the deed is in the property owners name, I mean you're not doing anything to the building are you?

Rowland – No

Swem – I think it's a matter of trust, we've already entered an agreement of sale. The building is vacant today and only getting worse. I don't think there's a reason to hold up.

Motion made by Denison supported by Money to permit the MGCF access to the Ross Sanders building. Motion is moved to a roll call vote.

Yay: Denison, Weedon, Money, Swem

Nay: Vigansky

Abstain: None

Motion carries.

*3) Consider Resolution 2023.11/31- allowing Rich Murphy to sign on behalf of the city of Buchanan for the sale of 123 Days Ave.*

Motion made by Swem, supported by Weedon to approve Resolution 2023.11/31, as presented. Roll call vote carries unanimously.

*4) Update on Business Incubator 101 Days Ave.- Hometown & Co.*

Regal – It should be open next week before Thanksgiving, four new businesses are coming to town and there will be turnover every year. We are having a big celebration the Saturday after Thanksgiving, please come down. Our goal with the incubator is for businesses to grow and find a permanent place in Buchanan.

**X. Unfinished Business**

**XI. New Business**

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

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

*Resident – feels everyone makes fun of Vigansky, says he may not go to another Memorial Day Parade*

*Pat Hemphill, 705 Main St – comments on the water bill prices and leaf pick up*

*Karla Jackson Johnson – comments on the turnover of city staff, population, condition of infrastructure, resident costs, and the handling of the city manager’s situation*

*Ashley Hanson, 15310 N Main St – finished Karlas comments on the city manager*

*Jeannine Davie, 328 Charlestown Colony – comments on the city manager and concern for staff jobs*

*Brian Frantz, 422 Moccasin St – questions the mayor*

*Monroe Lemay – finished Jeannine’s statement asking for mayors’ resignation, she used profane language and was removed from the chamber*

*Thomas Wilson, 413 W Front St – comes with questions regarding city management and money to be addressed by executive comments, also inquires about a high-rise plan*

*Thomas Jolly, 107 E Front St – comments on discussion residents held and asks the mayor to step down*

*Jeremy Frame, 206 Main St – comments on Bakers hard work and would hate to see Denison step down*

**XIV. Executive Comments**

A. City Manager Comments

B. Commissioner Comments

WEEDON: Thank you everybody for showing up, it signifies importance to everything we talked about tonight regardless of what side of the fence you’re on. Everything you said has importance if anybody doesn’t believe that you’re in the wrong room. We need to hear it and we want to hear it because together is what makes us all better.

C. Mayor Comments

Many of you have heard through social media that the city is facing State takeover due to bad financial decisions, corruption, or some form of financial impropriety. I am here to tell you as Mayor: The City of Buchanan has not been contacted by the state concerning any such thing. That story is

misinformation and unequivocally untrue. I would like to update you on where the city stands on a few things, and how our financial future is a challenging one. The city collects property taxes to help pay for city operations, but much of what you pay as a taxpayer does not stay here in the city. Only roughly 35% of the property taxes collected from you go towards city operations. A little over 1/3. The city will collect \$1.69 million dollars for itself this year - in comparison, you will pay \$1.37 million dollars for the combination of State education taxes and our Schools Operating budget. I don't say that to shame the schools in any way, but to try and make clear how little the city is actually generating in property tax revenue. In the past there were ways the state helped provide revenue to our community. One of those ways was by way of something called revenue sharing. These funds came from sales taxes, and they were relied on by small municipalities like ours to be able to do things like pave roads, make infrastructure repairs and things of that nature. In 1996, reductions in revenue sharing allocations were made by the Michigan Legislature, meaning they started sharing less money with communities like ours. In 2011, the Governor then reduced revenue sharing again. By another 33%. From 2001 - 2018, there has been a shortfall in statutory allocations to cities, villages and counties of \$8.6 Billion dollars. This is a significant loss of revenue to the city that was used for infrastructure repair and maintenance. This is very important.

At the same time that Lansing has reduced allocations of funding, they have mandated certain things - meaning they have said "We are making a rule that you have to do "this", you are responsible for doing and funding this, and if you don't you will be penalized" for example – Lead service lines for water. Lansing has mandated that we are responsible for changing out every lead service line in our water system. There are hundreds of them. So, we have to include in our budget every year, digging up and replacing these lines at the city's expense. This is just one example of mandates the State has sent down - but put that on top of reduced revenue sharing and things start getting serious. When Clark shut down in the 1980's, this town was devastated - I think we all know that. For whatever reason, since the 1980's - planning for future upgrades, making necessary updates and maintaining our infrastructure has been neglected. All of our buildings, water and sewer pipes - everything – are old. They are in disrepair. There is a great deal of things that need replaced. Some of our existing pipes in the downtown are 100 years old. They only had a 50-70 year life span when they were installed. Meaning they should have been replaced 30 years ago. In 2018 we received a grant – it was called a SAW grant, and its purpose was to inspect our water/Sewer infrastructure to see what maintenance was needed. It sent cameras throughout our entire city's water and sewer pipes. After the engineers studied their findings, we were told that to do the work that needed to be done throughout the city, the cost would be \$70 million dollars. We have widdled that work down to focus on the absolute most critical part of our system. That is what the downtown infrastructure project that you have heard about is all about. I will come back to that.

Just a few short years ago, the city invested in a new, state of the art oxidation ditch - commonly referred to as our wastewater plant. The cost for that was \$9 million dollars. Obviously we didn't have, and don't have that kind of money. So we have to borrow money through bonds to pay for a project like that. This year our bond payment for the oxidation ditch is somewhere in the area of \$240,000. Because of the way the repayment is structured, our payments continue to get higher every year. In 7-10 years our payments for the oxidation ditch will balloon to \$800,000 per year. At the same time, we recently started on a new, replacement DPW building to house the millions of dollars worth of equipment used by the city to maintain our streets and roads. That entire project is in the neighborhood of \$5 million dollars. Same story - we have to borrow the money to pay for it, and then we have to make payments every year to repay the loan. Now we are planning for the downtown infrastructure project. We have asked the designers and engineers of that project multiple times to remove things to redesign things and to try to reduce the cost of the project. Because with the current

economic environment, and the sharp rise in labor and construction material costs, that project cost has risen by 30% just in the last 2-3 years. So what was a \$9 million project, is now a \$12 million dollar project. Not making those necessary repairs is not an option. Its vital to keeping our drinking water safe and to ensure your ability to flush your toilets, do laundry, and take showers.

The other thing I hear frequently is questions concerning marijuana revenues, and why that money can't be used to fix our streets, update our parks, make infrastructure improvements, etc. The honest answer is: we don't earn enough marijuana excise tax revenue to have an immediate impact on one project. Because of the cost of park equipment, because of the cost of construction materials and labor, it takes a few years of earning those marijuana revenues to be able to save enough money to do a project. We have only received those funds for 2 or 3 years now. The first years revenue was very small because all of the dispensaries were not operating, and the 3rd years revenues were smaller than the previous years, because, as usual - Lansing took their share first, and decided they wanted more of it. I beg you, if you are as frustrated as I am. If you want to see Buchanan be the best it can be. Call your County Commissioner. Call your State Representative. Call your State Senator. Call the Governor. Tell your state legislators to reinstate revenue sharing. Tell them to pass legislation that would allow our local unit of government to add a 1% tax to retail marijuana sales. Tell your county commissioners to spend the money that they receive for marijuana excise tax in the communities that are actually enabling them to receive those funds. We have been searching for ways to find other sources of revenue without raising taxes, and this commission has implemented policy aimed at reducing costs and finding new ways to do things and we have even suspended some events, like Thrill on the Hill. But we also need to continue looking to the future and planning for other upgrades and repairs not only to ensure we keep the city operating efficiently, but to also invest in expanding our quality of life initiatives, like the pavilion at Victory Park, the McCoy Creek Trail expansion, The River Access and other endeavors.

On top of all of that, we understand the importance of keeping Buchanan affordable enough for people to live here. I hope that you can understand – It is a difficult job. Over the past week, I am sad to say that I have received some emails that were on the verge of threatening, but mostly harassing in nature. They accused this commission and myself of corruption and unethical behavior. And they made one thing very clear to me – just how uninformed a large portion of our community is, and how much they have not been paying attention. Since taking office I have worked very hard to remove the "good ol' Boy network" stigma from city hall. This commission has made it clear that we want to provide an environment of trust, transparency and teamwork. We are so committed to doing that, that we implemented an ethics ordinance requiring the highest ethical standards for city employees, administration and staff. The only "Good ol' Boy network" is the network of people - and its always the same people - who are continuously pitching in and showing up to help the community grow. The Jerry Flenars, the Randy Hendrixsons, the Tracy Dippos, The Ralph McDonalds, The Peter Lysys, and a long list of dedicated volunteers. You can be a part of that network too. Pitch in. Show up.

The people who work for this city are good people. Doing good work. All of them. They do not deserve to be publicly disgraced by way of social media or any other means. If you participated in spreading misinformation and making accusations based on hearsay - you should be ashamed of yourself. I know I speak for my fellow commissioners when I say: This is your city hall, it is here for you. Doing work for you. There are no secrets. We have open books, and we are currently working to be able to give our citizens access to city financials online. If you have questions concerning something you may not understand, please reach out. I will do my best to explain it, or I will find someone who can.

## **XV. Adjourn**

**Motion made by Weedon, supported by Money to adjourn the meeting at 8:50 P.M. Roll call vote carries unanimously.**

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Kalla Langston, City Clerk

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Mayor Sean Denison

**SPECIAL MEETING OF THE BUCHANAN CITY COMMISSION**  
**MONDAY, NOVEMBER 20, 2023 – 3:30 PM**  
**CHAMBER OF BUCHANAN CITY HALL - 302 N REDBUD TRAIL, BUCHANAN MI**

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**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.

\* 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](mailto:clerk@cityofbuchanan.com)

**I. Call to Order**

Denison called the meeting to order at 3:30pm.

**II. Roll Call**

Present: Mayor Sean Denison, Mayor Pro Temp Mark Weedon, Commissioner Dan Vigansky, Commissioner Patrick Swem, Commissioner Larry Money

Absent: None.

City Staff: City Clerk, Kalla Langston; Community Development Director, Rich Murphy; Director of Public Services, Mike Baker; Chief of Police, Harvey Burnett

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

*Alan Robandt, 114 E Front St – I like option 1 its clean, plain, and simple. I’m glad you scaled back that whole thing from Disneyland to small Midwestern town. Question, are there two varieties of trees? There are two different symbols he listed on the paperwork. I would discourage any sort of tutti frutti trees, they just don’t make sense. Theres a fence on Dewey Ave where Short St dead ends into Honor Credit Union. We shouldn’t be paying for that. If Honor Credit Union wants a fence, Honor Credit Union should put in their own fence. Are the sidewalks deeper, this was one of the critical questions and goals we all had at the beginning in order to have more space for restaurant outdoor seating and more outdoor eventing. Narrowing Front St just slightly will slow down traffic. I was glad to see all the planters eliminated. What is the HMA lifespan? Thank you.*

*Karla Jackson Johnson – As far as your streetscape choices, stop spending and stop suspending.*

**IV. New Business**

A. Consider two options for the Downtown Streetscape Revisions.

The commission discusses with the Prien and Newhoff team who are virtually attending.

Denison explains that the commission sat with the City Manager a couple weeks ago to discuss reducing costs. They eliminated brick pavers, fire pits, trash receptacles, benches, columns, planters, and by changing the roadway from concrete to asphalt. P\$N drew up one option including the changes we wanted and a second option that, in their professional opinion, we should pursue.

The P&N team walks the commission through the concept for both options.

Option 1 includes the desired changes. The goal with option 2 was to keep the historic feel and the input of everyone from the past 2-3 years. It added some soft features including brick and a few planters. Asphalt roads if you don't maintain them typically have a 20 year life. In the meantime, you may have maintenance to extend that life. Concrete costs more upfront but lasts twice as long. There is still maintenance but less. If you go concrete expansion joints would be included in the design to mitigate contraction and expansion related issues. Areas with concrete and asphalt that have transverse joints are to maintain and you'll be constantly patching them so limit the change back and forth. If you're putting a concrete road in we'd probably be doing a colored concrete or brick crosswalk, not asphalt. If you're doing an asphalt road we'd most likely do stamped asphalt. Most of it would come down to aesthetics, the brick preserves more of that historic feel but is more expensive and the concrete gives a modern feel. A concrete tabletop would be easier to maintain and feel like it's at a uniform grade level. It would make trucks feel like they don't belong in that area. An asphalt road would narrow the road and give more dining space but still be distinguished as a road. Everything shown in concrete is raised up about 6in so it's all curb height. The sidewalks are 1.5-2 ft wide with the North side being a little wider. We have two native trees chosen, one being redbud trees for the historic nature of them, but we can choose any number of trees that meets your needs for the project. Through the MDOT contract it is \$500-600 per tree. There was a discussion with the Credit Union there about screening along the sidewalk there so you're not staring at the backs of buildings and that parking lot which is how we came up with the fence on Dewey.

Denison – Are we all in favor of moving that fence from the plan? There is unanimous agreement to request the fence be removed from the plan.

Swem – We had been talking with Buchanan Tree Friends about hardwood trees. They could research the proper root penetration, style of tree, and their cost would be \$150 per tree. It's important we research this, and we wouldn't have labor costs using our local experts.

Final Decision: option 1 but with concrete tabletop roadway, neutral flat non stamped concrete, could potentially use creative saw cuts to make it more attractive, removing the ornamental fence, and plan to work with local experts for the trees.

Motion is made by Vigansky that Mayor Denison steps down. The motion dies hearing no second.

Motion made by Money supported by Weedon to adjourn. Roll call vote carries unanimously.

**V. Adjourned at 4:37pm.**

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Barbara A. Pitcher, City Clerk

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Mayor Sean Denison

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**MINUTES****I. Call to Order**

Meeting was called to order by Mayor Sean Denison at 7:00 PM

**II. Recognition**

**A. Recognition:** *Lt. John Leonard on his 23 years of service to the Buchanan Police Department and retirement.*

Mayor Denison presented a certificate to Lt. John Leonard.

As you retire after 23 years of service to the City of Buchanan, I want to extend my heartfelt thanks for your dedication to the Buchanan Police Department keeping our community safe. Your commitment and hard work have been instrumental in ensuring our town's security and well-being. Your professionalism and integrity have set a high standard for all, and your presence will be greatly missed. Congratulations on your retirement, and best wishes for a fulfilling and relaxing new chapter ahead. Thank you for your service and the positive impact you've had on our town.

**III. Pledge of Allegiance**

Mayor Denison led in the Pledge of Allegiance.

**IV. Roll Call**

Present: Mayor Sean Denison Mayor Pro Temp Mark Weedon, Commissioner Dan Vigansky, Commissioner Patrick Swem, Commissioner Larry Money

Absent: None.

City Staff: City Clerk, Kalla Langston; Community Development Director, Rich Murphy; Assistant Community Development Director, Ashley Regal; Director of Public Services, Mike Baker; Director of Public Safety, Tim Ganus; Chief of Police, Harvey Burnett

**V. Approve Agenda**

Motion made by Vigansky supported by Weedon to approve amended agenda to add item E. under VII. Consent Agenda, consider appointing Matt Pleasant to the Planning Commission for a 3-year term ending in June of 2026. As well as add item D. under XI. New Business. Consider allowing Mayor Sean Denison to sign any MDOT documents pertaining to the infrastructure project in the absence of a city manager.

*Motion made by Vigansky supported by Weedon to approve the amended agenda, as presented. Roll call vote carries unanimously.*

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

*Monroe Lemay- Apologized to the commission, public and Chief Harvey Burnett for her outburst last commission meeting. Statements about communication with Commissioner Vigansky about an established timeline City Manager Ben Eldridge, Lemay asked Clerk to put statement into the record see attachment A for full comment.*

Tom Hitcker- Former City Commissioner and Mayor thanked the commission for the service as well as Lt. John Leonard. Concerns about the city talked about past commission proceedings. Comments about Commission Vigansky's delivery.

Alan Robandt- comments about city hall staff and the issues that have arisen. Read the chain of command memo and employee incident memo from former city manager Heather Grace.

Carla Jackson Johnson- Asking for the Commission to stop spending. Comments about firing Benjamin Eldridge and comments about characterization of Benjamin Eldridge.

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

**A. Minutes**

Consider Minutes from Regular Meeting November 13, 2023.

**B. Shop with a Cop**

Consider approving \$4,000.00 to purchase gift cards for the annual "Shop with a Cop" program during which our Police Department will take 20 children to Walmart in December to spend \$200.00 each. This annual expenditure is funded by donations to the program.

**C. Purchase Request**

Purchase request for LT. John Leonard to purchase his BPD-issued firearm.

**D. Expenditures**

Consider approving expenditures for November 27, 2023, in the amount of \$101,773.46

**E. Consider appointing Matt Pleasant to the Planning Commission for a 3-year term ending in June 2026.**

Motion made by Weedon supported by Money to approve the consent agenda, as presented.

Yea: Weedon, Vigansky, Denison, Money

Nay: None

Abstain: Swem - business/financial transaction for item E.

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

**A. Randy Bicard- Bringing Pickleball to Buchanan update.**

Bicard has been working on bringing Pickleball to Buchanan. Bicard acquired quotes and talked about putting pickleball courts being put at 401 River St. Estimates come in about \$86,000.00. Bicard is planning on going for funding once the location is chosen. Recommends meeting with BARB on the location.

Motion made by Weedon to postpone item VIII A., supported by Vigansky to postpone until the next meeting. Roll call vote carries unanimously.

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

**A. Buchanan Police Department - Chief of Police, Harvey Burnett**

1) Request to purchase Body Worn Cameras

Motion made by Denison supported by Money to postpone the Request to purchase Body Worn Cameras.

Yea: Money, Swem, Denison, Weedon

*Nay: Vigansky*

*Motion carries 4-1.*

**X. Unfinished Business**

**XI. New Business**

**A. Resolution 2023.11/32**

Consider Resolution 2023.11/32- a resolution to approve the addition of the Michigan Cooperative Liquid Assets Securities System as an approved Investment option. The Finance Committee recommends approving the resolution.

*Motion made by Swem supported by Weedon to approve resolution 2023.11/32, as presented. Roll call vote carries unanimously.*

**B. Special Meeting** - Consider setting a special meeting for November 29th at 6:00 P.M. to consider the employment status of the City Manager.

Motion made by Weedon supported by Swem to set a special meeting for November 29<sup>th</sup> at 6:00 PM.

*Yea: Money, Denison, Swem, Weedon*

*Nay: Vigansky*

*Motion carries 4-1.*

Motion made by Vigansky, supported by Weedon to reinstate City manager, Benjamin Eldridge immediately. It has been three weeks since the city manager was suspended.

*Yea: Vigansky*

*Nay: Denison, Weedon, Money, Swem*

*Motion does not carry.*

**C. Consideration of a Motion by the Mayor to hold a special open meeting hearing to proceed on charges under the City Code of Conduct and Ethics Ordinance and City Rules of Procedure for City Commission Meetings against Commissioner Dan Vigansky.**

Mayor read his complaints to the public – see Attachment B.

Motion made by Swem, supported by Weedon to I move to approve to hold a special open meeting hearing to proceed on charges under the city code of conduct and ethics ordinance and city rules of procedure for City commission meetings against commissioner, Dan Vigansky.

*Yea: Weedon, Money, Swem, Denison*

*Nay: Vigansky*

*Motion carries 4-1.*

**D. Consider allowing Mayor Sean Denison to sign any MDOT Documents pertaining to the infrastructure project in the absence of a city manager.**

After deciding which option to pursue for the Downtown Streetscape project in last week's special meeting, Mike from Prein & Newhof is getting the paperwork ready to submit by the deadline on December 15<sup>th</sup>. He may have MDOT documents that need to be signed and asks the commission to make a motion to allow the mayor to sign them if there is still no active City Manager.

Swem motions supported by Money, to allow Mayor Sean Denison to sign any MDOT documents pertaining to the infrastructure project in the absence of a city manager. I request that once those are signed he forward them to the remaining board members.

*Yea: Weedon, Money, Swem, Denison*

*Nay: Vigansky*

*Motion carries 4-1.*

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

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

*Harvey Burnett, Chief of Police – Announces Shop with a Cop event is this Saturday.*

*Jerry Flenar, Chairman of McCoy Creek Trail – Clarifies in response to complaints from last weeks commission meeting that there is absolutely no city money spent on the trail.*

*Richard Martin, 920 Chippewa – I attended the Bucktown Christmas Parade and Christmas tree lighting ceremony. I wanted to say it was wonderful, and the night went well.*

**XIV. Executive Comments**

A. City Manager Comments

B. Commissioner Comments

**Weedon** – I just thank everybody for coming out. When Sean and I joined this adventure 5 yrs ago, you can never anticipate a night like this where we have such a room divided on opinions and perspectives. I think ultimately we all desire for Buchanan to be exactly what it's always been, a home to each and every one of us. We attempt as much as we can to be as kind and thoughtful to every person that comes before us. I think Buchanan does it better than anybody. Richard I think you pointed out something that is just a very small portion of things we need to be excited about in this city. I plead, take a moment, and start to think about what you share and what you talk about and how you act. It doesn't mean that what you're saying doesn't have value and that it may not be accurate, and it may not be, but the bottom line is that we have one of the most beautiful cities in Southwest Michigan. We have some of the most exciting things happening within our city and all I ask of you is to take a moment and start to spread that love and start to share the exciting things that are happening in the city. In addition to your opinions that may differ from others. But please remember there are so many things and so many people putting in so much money and so much time and so much effort to make this the city that we love – and that honestly many other people love and that's why they want to come here. I want to see that continue amidst us having difficult times with personnel, staff, finances, and so much more. It doesn't mean we sweep it under the rug and forget about it. It means we can't forget these things that made us care this much, the reason you're here tonight. I just wanted to say thank you for that.

**Swem** – First, thank you to John Leonard for your service. It's been great to know you all these years and wishing you the best on what's next to come with the goats. Richard hit on it, but I had it in my notes to have a big thank you to everybody involved all the merchants that participated downtown, all the community members that showed up, Buchanan Chamber of Commerce, and members of City Hall that helped put Bucktown Christmas together. It was a wonderful event, a beautiful event. It really represents that passion this community has for each other and why it's great to live here and be here. So, thank you. Apologies I'm horse tonight, and lastly our motion on Dan tonight. As Sean stated it is not taken lightly. It's done because we don't want our staff to dread coming to work because

somebody's going to come down here and so whatever or any of those other allegations that don't represent this community for what it is that were being accused of. A civil rights allegation is a serious complaint that we need to take seriously, much like the other allegations. We need to get the truth just like we're committed to getting. Hence the investigation process so I believe Dan is going to have his chance to speak to those allegations as he deserves and that's what we motioned on tonight, for him to have that opportunity to speak out about why he's being accused of these things and if it is becoming of a commissioner. That's it, he hasn't been found guilty of anything yet, it's his chance to talk at his hearing. I appreciate everybody's times tonight, I know its not a fun topic once again but thank you for coming out. We appreciate you.

**Vigansky** – First before I get started in the serious stuff, the library is having their phase three construction, they need \$500,000 to finish their second floor. This is serious stuff. They've raised their own money. And the trail Jerry, I have never said nothing bad about the trail ever, ever. I know you do it on your own. I know that. The allegations, as I started to say before this is every working persons worst nightmare. Number four here, a sexual harassment. I came in here as a city commissioner, which I have that right to walk into this building, but I can't anymore because the codes were changed. Because they're playing that character assassination that's all this is cold, simple. Am I the easiest guy to get along with? No. But so what? That's my right, my first amendment right. Mr. Busby is in here tonight and I see there is a case number but I don't believe there probably has been any attorney money spent on this case number because I haven't received a copy of this case number. Mr. Busby and I got into a pretty serious verbal disagreement and he held his ground, but I held mine. I appreciate you for that and I respect you for that, sir. Mr. Busby interjects, "It wasn't a disagreement it was a threat that you made, let's get it straight." Well, the police department was contacted. I talked to the sheriff's department and there's no case with the sheriff's department. With the sexual harassment there's no case because I contacted the sheriff's department. I walked down here, I got my mail and I got a phone number. Kalla come out of her office like a 'banjee'. I stepped into the office I was in and closed the door because I didn't want to listen to her. Because I know how to deal with people like that and they don't usually like the way I deal with them. So, to make my exit I had to walk past her. She's the one that's been releasing all the confidential information, she's the one that's put the fear of god in the employees, she's the one that thinks or tries to make all the employees think they're going to lose their jobs. And if you think she's a great clerk you oughta really think about it, real real hard. As far as the other management, this is a mutiny beyond mutinies. And usually, you hang the mutineers you don't hang the captain, no matter how many mutineers you have to hang. You hang the mutineers. This was all management. This is Rich Murphy, Ashley Regal, Bernie Bernett Harv Harvey Mr. excuse me Mr. Harvey Harvey Burnett, Tim Ganus, and Mike Baker and none of their names are on the complaints but there was 42 of them originally. And then when they were given to me I did call them bullshit because that's what they are, they're bullshit. They have 42 complaints by employees complaining about having to do their jobs. Being made to do what every employee is supposed to do, punch the clock, and save money. The one thing that Ben is guilty of is allowing too much horseplay in this office and participating in it by trying to get to know the people. The police department is complaining about being short-staffed. You have two chief of polices. Why do we have two chief of polices? This commission allowed it. This commission has allowed everything that has gone on down here. So, when they cry about losing multiple employees because the City Manager comes in here and decides to clean house because his managers aren't backing him up, you cannot do anything else otherwise you have chaos. And the fact that the state is going to come in, and it's going to happen people. No matter what he says (Vigansky gestures to the mayor) and whether you get rid of me or not the people I just named, the state will get rid of because they'll see how unproductive they are when

they come in. So that's my five minutes don't expect me to show up at your stupid hearing, contact the governor.

**Money** – First up I want to thank everybody for being here once again. Congratulations to John Leonard for that 23 years of service that you worked so hard for, Buchanan really appreciates it. Thank you for your other service in the Marine Corps don't know if it's the oorah or hoorah but whatever it is, congratulations with that John. Also, I want to give a big shoutout to the Chamber of Commerce and all the people that were involved in the parade Saturday. I was kind of fortunate and I had a kind of bird's eye view, and it was a tremendous outing. Like Rich Martin said, there was a great turnout, a lot of kids on the street, a lot of adults, a lot of parents, and it was just a remarkable turnout. Once again thank you to the City of Buchanan for all of their efforts to make it once again a great event. That's all I have, well one more thing. I also want to say thank you to this commission one and all because we all do such a good job.

**C. Mayor Comments**

This past week someone texted me an interesting article actually regarding the things going on at Michigan State University right now with Mel Tucker and the board at Michigan State. There was an interesting comment from the athletic director, and I think that it couldn't be more fitting for where we're sitting right now. It says best practices in investigations call for privacy in order to not influence outcomes. Privacy is also key to creating a culture around reporting incidents, we must create a safe environment for all individuals to come forward without a fear of institutional retaliation or dissemination of information regarding highly personal matters. I can't say it any better than that. Wednesday night we will have an open hearing. Unfortunately, I think any privacy has gone out the window I think Mr. Vigansky has pushed us past allowing any kind of secrecy or confidentiality so Wednesday night at 6pm we will be here to discuss how to move forward with our City Manager and figure out a way to keep the city moving forward. So, I look forward to seeing you all then, thank you very much for coming. I will take a motion to adjourn.

**XV. Adjourn**

Motion made by Weedon, supported by Money to adjourn the meeting at 7:54pm. Roll call vote carries unanimously.

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Barbara A. Pitcher, City Clerk

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Mayor Sean Denison

3 minute comment from Monroe Lemay, 118 Schirmer Parkway

This is in regards to the charges the mayor is bringing up against Dan Vigansky.

After Mayor Denison's statement to the press about it being another commissioner's fault for having to suspend the city manager (throwing the blame on Dan Vigansky), they have decided to follow up with charges.

Interesting enough, I communicated with Dan when I saw this and asked him questions to establish a timeline as to how this all went down. Here were his answers.

1. When did (date, day) did Sean receive the letter of complaint with the 42 grievances against Ben Eldridge the CM from city employees?

Answer:

Thursday, November 2nd in the evening.

2. When did he tell you and the other commissioners?

Answer:

Friday November 3rd at 4pm.

I don't know when he informed Patrick and Mark, but he mentioned that he was on his way to inform Larry Money next.

3. Did he already consult the attorney when you were informed?

Answer:

Yes

4. When did you speak to the commissioners and voice your opposition, and when did you tell them you were going to share the document with Ben.

Answer:

Asked Sean if he talked City Manager, he said No.

There was no contact with other commissioners as they do not speak with me.

5. When did you email the document to Ben.

Answer:

Late on Saturday, November 4th

6. In conversation with Sean and the other commissioners, was there ever any mention or talk about suspending Ben on Monday?

Answer:

Sean had a conversation with me on Friday, November 4th that his intention was to fire the CM.

That's when Dan mentioned that he was going to share the document with CM so he was aware of what was going on and so he could have a chance to defend himself before he got fired.

The mayor had plenty of time to intervene and ask the city manager to work remotely from home until the matter was investigated. He did not do that, as according to Dan he had intended on firing him all along.

## Attachment B

### Proposed Charges Against Commissioner Vigansky Under City Code of Conduct and Ethics Ordinance and City Rules of Procedure for City Commission Meetings

1. During a June 14, 2023 public meeting of the Buchanan Area Recreation Board, Mr. Vigansky addressed members of the public audience, which included African- American individuals, using the phrases "you people" and "those people." This conduct resulted in the filing of a Complaint with the Michigan Department of Civil Rights (MDCR), Case # 635831. This Complaint is still under review by the Civil Rights Department, has harmed citizen relations with the City, and caused the City to unnecessarily spend funds on attorney's fees responding to the MDCR Complaint.
2. On November 3, 2023, the City of Buchanan Mayor sent to all City Commission members, by text message, a six page complaint made by City employees against the City Manager. The Mayor specifically instructed each Commission Member to keep the employees' complaint confidential and that the complaints would be investigated by the City Attorney. Mr. Vigansky disregarded the confidentiality directive by producing the complaint to the City Manager and releasing a copy or contents of the Complaint to the public, before an investigation could even be started. Although the employee complaints would be available to the public, release of the complaints before employees and the City Manager could be interviewed risked impeding investigation of the complaints. The complaint has at least five allegations of misconduct against female employees. Mr. Vigansky' s actions were acts of retaliation for the reporting of conduct in violation of the City's Misconduct, Harassment and Discrimination Policy ("Policy"). This conduct also violates Michigan's Civil Rights Act.
3. After receiving an envelope containing written employee complaints on November 3, 2023 against the City Manager I explained that the City had received multiple employee complaints from different City departments concerning the City Manager. Without reading the complaints, Mr. Vigansky immediately stated to me that the complaints were "just a bunch of retaliatory b\_\_\_ sh\_\_\_." This a clear statement Mr. Vigansky is completely not concerned with the investigation, and if needed resolution, of employee concerns.
4. On the morning of November 8, 2023, Mr. Vigansky entered the City Hall office and confronted City Bookkeeper Courtney Benham and Clerk Kalla Langston over their involvement in the employee complaints filed against the City Manager. The employee complaint contains allegations of misconduct against female employees. This incident was reported to the Berrien County Sheriff's Department, where the incident is being investigated. Mr. Vigansky' s actions were acts of retaliation for the reporting of conduct in violation of the City's Misconduct, Harassment and Discrimination Policy ("Policy"). This conduct also violates Michigan's Civil Rights Act.

These charges are filed against Commissioner Vigansky under the City's Rules of Procedure for City Commission Meetings and Code of Conduct and Ethics ordinance. Depending on the factual findings of the Commission, if support is found for one or more of the above charges, the City Council may take one or a combination of the following actions:

## Attachment B

1. Accept and vote whether or not to adopt a resolution of censure.
2. If two or more independent findings of misconduct in office are found based on the above charges, vote whether or not to adopt a resolution of censure that includes a request for the Commissioner's resignation from office.
3. Takes a Commission vote on a resolution requesting Commissioner Vigansky to resign from his position as a City Commissioner. If Commissioner Vigansky refuses to resign after a request for resignation from office, the Commission may take any legal action necessary to terminate the Commissioner's right to remain a seated City Commissioner, including a resolution for the filing of charges with the Governor of the State of Michigan, requesting an action for the removal of the Commissioner from office, under MCL 168.327.

**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.

\* 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](mailto:clerk@cityofbuchanan.com)

**I. Call to Order**

The meeting was called to order at 6:00pm.

The Mayor read the following statement:

"Over the last several days, there has been extensive media coverage concerning the City Manager, some of which is not entirely accurate or has been taken out of context. This statement reflects and is intended to clarify my personal and public comments surrounding these issues.

I wish to clarify that there are not, and never were, multiple complaints against Mr. Eldridge of misconduct against female employees based on gender or sex. Based on my understanding, there were never any employee complaints of inappropriate or wrongful physical contact or sexual misconduct; however, there was one contested claim of one single comment made about inappropriate clothing in the workplace. Given the ramifications of these issues, I felt it important to clarify these details."

**II. Pledge of Allegiance**

The mayor led in the pledge of allegiance.

**III. Roll Call**

Present: Money, Vigansky, Denison, Swem, Weedon

Absent: None

City Hall Staff Present: City Manager Ben Eldridge, Community Development Director Richard Murphy, City Clerk Kalla Langston, Public Works Director Mike Baker, Chief of Police Harvey Burnett, Public Safety Director Tim Ganus, and many other staff members present from all different departments.

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

Don Ryman – Warned the Commission that hiring a new City Manager would be difficult and that Buchanan is not in a good financial position.

Brenda Beadenkopf – Spoke against firing the City Manager and in favor of fiscal responsibility.

Carla Jackson Johnson – remarked that the Commission had previously praised Ben Eldridge.

Hugh Hagan – Praised Clerk Kalla Langston and her work ethic.

Penny Slocum-Correa – Spoke against Commissioner Vigansky releasing information to the City Manager and members of the public in lieu of handling it in private.

Richard Martin – Spoke about the positive interaction he had with the City Manager during Tree Friends meetings.

**V. New Business**

**A. Employment Status-** Consider the employment status of City Manager, Benjamin Eldridge.

Mayor Denison asked if Eldridge would like to make a statement. Eldridge spoke in support of his conduct and the work he has done as City Manager. He read a selection of the grievances submitted in reference to him and denied any wrongdoing. He then submitted his resignation as he felt he could no longer work at City Hall.

Motion made by Vigansky, supported by Weedon to not accept the City Manager's resignation.

Vigansky would like the Commission to make a decision instead of accepting Eldridge's resignation. Denison provided a timeline of his actions after receiving the list of grievances. Vigansky named City Staff and members of the audience he was unhappy with.

Yea: Vigansky

Nay: Money, Denison, Swem, Weedon

Motion fails.

Eldridge returned to the stand to address specific members of City Staff. Denison asked that he refrain from making personal attacks.

Motion made by Money, supported by Swem to accept Ben Eldridge's resignation.

Yea: Money, Denison, Swem, Weedon

Nay: Vigansky

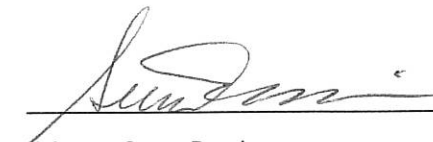
Motion carries.

**VI. Adjourn**

Motion made by Weedon, supported by Swem to adjourn. Voice vote carries. Meeting adjourned at 7:30 P.M.



Kalla Langston, City Clerk



Mayor Sean Denison

**REGULAR MEETING OF THE BUCHANAN CITY COMMISSION**  
**MONDAY, DECEMBER 11, 2023 – 7:00 PM**  
**CHAMBER OF BUCHANAN CITY HALL - 302 N REDBUD TRAIL, BUCHANAN MI**

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**MINUTES**

**I. Call to Order**

Mayor Denison calls the meeting to order at 7:00pm.

**II. Recognition**

**III. Pledge of Allegiance**

Denison leads in the pledge of allegiance.

**IV. Roll Call**

Present: Mayor Sean Denison, Mayor Pro Temp Mark Weedon, Commissioner Dan Vigansky, Commissioner Larry Money, Commissioner Patrick Swem

Absent: None.

City Staff: City Clerk, Kalla Langston; Chief of Police, Harvey Burnett; Director of Public Safety, Tim Ganus; Director of Public Services, Mike Baker; Community Development Director, Rich Murphy; Assistant Community Development Director, Ashley Regal; Clerk Cashier, Jill Mondschein

**V. Approve Agenda**

Motion made by Swem, supported by Weedon, to approve the agenda as presented. Roll call vote carries unanimously.

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

*Norma Ferris – New business, Dial-A-Ride agreement wanted more information.*

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

**A. Minutes**

1) Consider approving the Special Meeting Minutes from November 20, 202.

2) Consider approving the Regular Meeting Minutes from November 27, 2023.

3) Consider approving the Special Meeting Minutes from November 29, 2023.

**B. Expenditures - Consider approving the expenditures in the amount of \$120,808.51 for December 11, 2023.**

Motion made by Money, supported by Weedon, to approve the consent agenda as presented. Roll call vote carries unanimously.

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

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

**A. Community Development Report – Director Rich Murphy & Assistant Director/ Mainstreet Manager Ashley Regal**

**1) Cannavista Wellness Adult Use Retailer License 2023 Renewal**

Murphy explains that they submitted their application for annual renewal, submitted fees, and we conducted background checks per the ordinance and the Buchanan PD. My recommendation is to move forward with approval. Vigansky brought up the mural that was painted on the back side of the Cannavista Building. Murphy clarified that the owner of the business is not the same as the owner of the building.

Trend in the industry is dropping the medical license and pursuing retail. Murphy *talked with Michael Beck*

of Cannavista and is sitting down this week or next week to discuss a possible community benefit agreement that could replace the funds we are not receiving due to the license not being renewed. I can report more on that, could be an opportunity for Buchanan to have those discussions with all the operators that are not renewing their medical licenses.

Motion made by Swem, supported by Money to approve the Cannavista Wellness Adult Use Retailer License 2023 Renewal as presented. Roll call vote carries unanimously.

2) Schalon Foundation Grant of \$25,000 for Victory Park improvements

Murphy acknowledges the great work going on in the North side neighborhood. We were recently notified by the Schalon Foundation of their \$25,000 contribution toward improvements to Victory Park. Mr. James Busby's been instrumental in bringing this funding to Buchanan.

Mr. Busby addressed the commission. He thanked Mark Weedon, Patrick Swem, Sean Denison, and Larry Money for being supportive of this project since I wanted to get it started. A lot of you don't know I started meeting with Bill Marx years ago trying to get the Victory Park project started. It's very dear to me because it was my grandmother's property and it's been in our family since 1930. I've worked with the Schalon Foundation for 20 years and if things work out, I'll be the leading force behind more money coming in the future for Victory Park improvements.

3) Closing of 123 Days Ave to Lise Gustavsen for business expansion

Just a formality, as the commission authorized, we did close on the property, and it is final.

4) Hometown & Co. Grand Opening and Ribbon cutting on December 14th

Ashley Regal invites everyone to meet Buchanan's four new businesses. The opening event will be from 4-6pm and we will have a Santa from 5-6pm.

**X. Unfinished Business**

**XI. New Business**

**A. City Manager Contract- Consider approving the City Manager Contract with Timothy Lynch.**

Swem motions to approve the City Manager Contract with Timothy Lynch and authorize the mayor to negotiate non-compensation related items and sign to get him in this position and in the office as soon as possible, supported my Money.

After recent events Commissioner Swem reached out to Timothy Lynch who served as our interim manager to see if he would be willing to come back while we look for another city manager. Through those discussions he was quick to respond to us that he was willing to come back to the city of Buchanan and he would do a minimum of a 1-year term. In addition to that, Swem reached out to the search firm Walsh Consulting because in our previous agreement we had a clause that if we did not fulfill a full year with our existing city manager their services would be free to us the next go around. They graciously agreed that if Tim does not decide to stay after the 1-year mark that they will honor that free arrangement for us for the next search as well. Tim is well respected by the staff and this commission.

Vigansky questioned the other commissioners about how the contract was written and when Swem had contacted him. He contacted him the day after Eldridge resigned to see his interest. Lynch had a previous contract that he wrote up and gave to Swem which was given to Denison to prepare it for the agenda tonight to discuss and vote.

The motion is moved to a roll call vote.

Yea: Money, Swem, Denison, Weedon

Nay: Vigansky

Motion carries 4-1.

**B. Dial-A-Ride (Dart) Agreement**- Consider approving the Dial-A-Ride (DART) Intergovernmental agreement for Transit Service.

Rick Huff of Niles is hoping to renew the transportation agreement before it expires 12/31/23.

Money moves to approve the DART Intergovernmental agreement for Transit Service as presented, supported by Weedon. Roll call vote carries unanimously.

**C. Amendment No. 4 to owner-engineer agreement**- Consider approving Amendment No. 4; the purpose of this amendment is to finalize the easement acquisition costs that were estimated in Amendment No. 2 of the Owner-Engineering Agreement. The amendment is also to request approval for P&N 2024 hourly rates.

Swem moves to postpone this until it has the opportunity to be reviewed by a city manager. Based on what has historically happened with Buchanan and our restructuring it should be reviewed by the next leader of Buchanan, supported by Vigansky.

Roll call vote carries unanimously.

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

**A. City Commission Meeting**- Please note that the next regular City Commission meeting will be held on Tuesday, December 26th, due to the holiday.

Swem motions, supported by Weedon, to cancel the next regular City Commission meeting Tuesday December 26th due to the holiday and authorize the city manager and or mayor to approve the bill run as needed.

Motion is moved to a roll call vote.

Yea: Denison, Weedon, Money, Swem

Nay: Vigansky

Motion carries 4-1.

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

*Monroe Lemay, 118 Schirmer Pkwy – With the new city manager coming in, is there any chance that the commission can open up city hall like we used to have it before COVID? It's so much more personal to have a lobby for seniors to sit down, we just don't trust city hall anymore so it would be nice to be able to come in and repair that with our staff.*

*James Busby, 319 Elizabeth St – I just wanted to add one quick thing, I think there was some misunderstanding about the money for Victory Park. The money I got had nothing to do with the pavilion. Going forward I don't want to have anybody trying to insult Rich saying he didn't write any grants because he had nothing to do with it. Any money that I get moving forward has nothing to do with taxpayers, this is on me for Victory Park. And I forgot to mention one person, I wanted to thank Mike Baker because his crew has done a good job keeping the grass cut and looking good.*

*Jerry Flenar, 16485 Rynearson St – Chairperson for the McCoy Creek Trail and I keep coming up here about every meeting to tell you about something. It was brought to my attention again that when I stand up here and praise Mike Baker for the job, they do people could get the wrong idea that the city workers are working on my project which makes them not work not on their project. Every time they work for us Mike keeps a tab and charges the McCoy Creek Trail maintenance fund. Again, no money from the city, I wanted to make that clear.*

*Jeanie Harris, 320 Bluff St – I just wanted to say thank you to Rich for doing your due diligence in getting the pavilion built. Every step of the way you have kept the northside neighbors informed of funding and building. I appreciate it.*

**XIV. Executive Comments**

**A. City Manager Comments**

## B. Commissioner Comments

**Weedon** – No comment.

**Swem** – A couple things here, I'll start with a statement I made an OMA violation earlier I want to attest that is false. Because I have had a past relationship with Tim I took it upon myself to reach out to him for the benefit of this community. Upon receiving what he would ask for to come back I forwarded that on to the City Attorney and to the Mayor. There was no negotiation, he has not even seen our proposed contract yet because it would not be ethical for me to give that to him in advance. He will see that upon completion of this meeting so that it can now be negotiated. So, I just want to make that very clear. Major thank you to the Schalton Foundation, thank you Mr. Busby for all your work I can't say that enough. Then I did prepare a statement tonight as we move into the holiday season. I was watching a movie with my children last night, Genie a new movie, and a comment was made in that movie, "what more could a man ever wish for." That's an interesting phrase isn't it, I'm sure there's an endless amount of answers to that question. Well, this year what I wish for is grace. In times of turmoil, we find ourselves tested both individually and as a community. Today I stand before you not as a speaker speaking to provide answers but as a fellow member of this resilient community asking for a moment of grace. We are bound by shared experiences and moments of hardship its crucial we extend compassion, understanding and patience to one another. Turmoil may shape the foundations of our unity, but it is in these moments that strength in our community truly shines. Let us recognize that each person faces their own struggles and as we navigate this difficult period, empathy becomes our guiding light. Grace in its essence is an acknowledgment that we are imperfect beings grappling with challenges that may be invisible to others. And as we seek solutions and work towards rebuilding let us not forget the power of forgiveness and the healing it brings. Grace is not a sign of weakness but is a testament to our collective strength and it allows us to move forward together to mend the tears and the fabric of our community and build bridges of understanding. In the face of adversity let us resist the temptation to assign blame hastily and instead embrace the spirit of cooperation. By offering each other grace to learn from our mistakes we pave the way for growth and resilience. So in conclusion I ask you to join me in an environment where grace is not only sought but freely given. Let us be a community that rises above adversity united in our commitment to support one another through these challenging times and together with grace as our compass we will emerge stronger, more compassionate, bound by an unbreakable tie that defines our community. Thank you.

**Vigansky** – Your honor, the trash cans have been removed from downtown. I would ask that they be put back because we still got people in the city, and as long as I'm asking I want the sidewalks plowed. All of them, not just the ones they want to. I do have a question about a bonus. Is there anybody acting as city manager until the second of January? I guess can bonuses be given without the city manager, or who is sitting in the city manager's place? I have not had any communication with these commissioners whatsoever until I walked in here tonight so that's why I ask these questions publicly. It's humiliating for them because I have the guts to ask them publicly. So, I'm asking, I don't want bonuses paid because Bens is not going to give that bonus and I think you all know what bonus I'm talking about. I want the sidewalk the \$10,000 bonus to Rich, the sidewalk in front of Sweets restaurant, I want it cleaned off whether they have to use shovels or brooms and I want trash cans put back out. That's all I'm asking. As far as the bonus to Rich, whoever comes in to make that decision after they come in but Ben was not going to give it to him. As far as the pavilion, it looks great I drove by it a dozen times. Mr. Busby with all of our differences I do appreciate you raising money and that's not my argument with you at all, ever. Rich has not raised one red cent, that was still \$170,000 in taxpayer money. He could have went to other things and we could have maybe as much as a million dollars with that \$170,000 and build a pavilion and maybe redid the whole basketball court you want redone. So it's not like I'm against Rich, I just don't feel he earns his paycheck at all. Busby clarifies, "I need to verify, the money was not raised to let everybody know. The money was not raised." No, you got a grant, yes sir. Busby again clarifies, "No it was not a grant believe me. I'm the man behind the money, listen to me, it was not a grant. End of discussion. Thank you." Well thank you for giving it or whatever you did with it. Thank you very much, you know, I hope it goes to very good use up there because I know you need picnic tables and everything else. I've been out there with Mr. Brown looking at that park and what we need to do with that park. Jeanie's been out there with me too. So I'm looking forward to making it better like all the rest of them because we haven't done nothing to any of them for 20 years. Busby interjects, "And you were a commissioner last time and you did nothing." Well that's all I got.

**Money** – I want to say thanks to James and everything you folks have done up there to make this pavilion because when Patrick and I came on board that was one of our projects. We wanted to do something on the North side and we've done it. Thank you all for everything you've done up there. I want to thank Rich and Ashley for the incubator that they've done down there. You've started something down here in Buchanan, we are drawing people in. I think it's a great idea, I thought it was a great idea from the onset. I think you guys did a remarkable job and I appreciate everything you've done. Benn down there a few times to frequent everybody needs a taco at least a couple times a week. Once again, I always say this, this commission for the most part works hard to do what we're trying to do for the city. Patrick took it upon himself to reach out, gather the information, get Tim Lynch to come back, we are going to look at his contract regardless of what others may say and approve that. Once again, everybody have a great holiday and we will see you in January.

**Vigansky** – One more thing I got to add. I've gotten a couple of different things, committees to ask to join. They reached out to me in the last 30 days. I got accepted to this one, I'm kind of proud of this one, the Michigan Infrastructure Councils Asset Management Champion. I'm going to spend three months twice a week two hours a day, taking their tests and reading their stuff about infrastructure. So, I'm very happy that they accepted my application, and this is the acceptance of my application. That's all I wanted to add.

### C. Mayor Comments

I just wanted to add that the pavilion at Victory Park was not funded with taxpayer money, that's factual. Secondly, in response to what Monroe said, I know that when Covid hit we put the window in out here so people could pay through the window. That was a good thing and I have heard some rumblings about the employees only sign on the door. Hopefully you can understand the way the folks in this office get treated. Maybe the doors will open again one day when people start being respectful. I don't know when it became okay to be disrespectful, to holler and yell, and act like a horses rear end in public and to be rude to people who just come to do their jobs. Maybe when the respect comes back we can open the doors back up and people will be allowed to come in. Lastly, I wanted to share a letter I got from representative Brad Paquette. When I had talked a couple weeks ago about revenue sharing Brad sent me a letter. It says, "I've always shared your concern pertaining to the depletion of revenue sharing funds between the state and local units of government and have supported and continue to support legislation which seeks to address the matter. Recently we passed house bills 4274 and 4275 which my colleagues and I believe will go a long way to address revenue shortfalls of local units of government. These bills create a revenue share trust fund within the Department of the Treasury. They are now winning a vote in the Michigan senate, and we will be tracking these dollars past the sign in of law. The bill creates a revenue sharing trust fund that will not lapse back to the state general fund at the end of the year. Under the new formula, 8% of state sales tax revenue taxed at a 4% rate will be deposited into the trust fund, generating a projected \$601 million for the fiscal year of 2025. Cities, townships, and villages will receive 52.87% of the fund while counties will receive 46%. Many across the state who represent local units of government came together to support this legislation including the Michigan township association, the Michigan association of counties, and the Michigan municipal league. The legislation was passed in the house and is now being considered in the senate and we will keep you updated, and I hope we can have a continue correspondence with the bolstering of revenue sharing in mind." So I want to thank Brad for being on top of that. That's all I have.

*Flenar – Can I add one thing? Concerning the security of the hall, with all the stuff that goes on with shootings around the nation and whatever, I don't think I would open that up to the public. Somebody comes in at least we've got a stopping point now. I mean it might not be friendly, but the staff might like that also.*

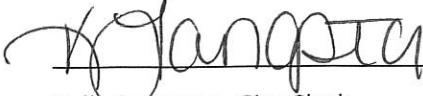
And the thing I will add, thank you Jerry, even though it says employees only city hall is open. You can call down here and make an appointment and they'd be more than happy to meet with you, sit with you, talk to you, answer your questions, go through whatever you want. I've said that before and I'll say it again, it's the absolute truth. There's no one in this building that doesn't want to help you.

*Jill Mondschein – Can I just answer that sign on the door? We have extreme heat and extreme cold in here sometimes and sometimes we have to open the door to get fresh air in. When we do that we get an*

*influx of people. So, when we prop it open just enough I stuck a sign on there just saying hey we just can't have everyone wondering around so that's what that is. It's not meant to keep anyone out, only just for our safety.*

Good to know, thank you. We have a motion by Weedon, supported by Money to adjourn. Roll call vote carries unanimously. Meeting adjourned at 7:44pm.

**XV. Adjourn**

  
\_\_\_\_\_  
Kalla Langston, City Clerk

  
\_\_\_\_\_  
Mayor Sean Denison

**SPECIAL MEETING OF THE BUCHANAN CITY COMMISSION**  
**MONDAY, DECEMBER 11, 2023 – 5:30 PM**  
**CHAMBER OF BUCHANAN CITY HALL - 302 N REDBUD TRAIL, BUCHANAN MI**

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**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.*

*\* 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](mailto:clerk@cityofbuchanan.com)*

**I. Call to Order**

The meeting was called to order at 5:31pm.

**II. Pledge of Allegiance**

Denison led in the pledge of allegiance.

**III. Roll Call**

Present: Mayor Sean Denison, Mayor Pro Temp Mark Weedon, Commissioner Larry Money, Commissioner Patrick Swem

Absent: Commissioner Dan Vigansky

City Staff: City Clerk, Kalla Langston; City Attorney, Matt Derby; Chief of Police, Harvey Burnett; Director of Public Safety, Tim Ganus; Director of Public Services, Mike Baker; Community Development Director, Rich Murphy; Assistant Community Development Director, Ashley Regal; City Bookkeeper, Courtney Baham

**IV. Opening of Hearing and Statement of the purpose of the hearing**

A. *The purpose of this public hearing is to hear a complaint and take Commission action, if any, on the Complaint filed against Commissioner Vigansky, alleging violations of the Commission’s Rules of Procedure, Code of Conduct and Ethics, and Misconduct and Discrimination Policy provisions as they apply to dealings with City staff and members of the public.*

**V. Announcement of the Rules of the Hearing**

A. *1) This is a public hearing being held for the purposes just stated. Before a final vote of the Commission to consider what actions, in any, to take on the Complaint, public comment only regarding the subject of this agenda will be accepted. One opportunity for public comment will be allowed to each person and limited to three minutes for each person.*

*2) The person addressing the Commission shall stand, state his/her name, and direct their comments directly to the Commission.*

3) *The Chairperson may, at his discretion, terminate comments which exceed the three minutes limit, are unrelated to the subject of the public hearing agenda, or that are disruptive to the order of the hearing.*

4) *When the Chairperson observes that there are no further public comments, he/she shall close that portion of the hearing.*

## **VI. Presentation by complainant**

### **A. Presentation by Mayor:**

#### **1. Presentation by the Mayor on the Complaint:**

##### **A. Statements by the Mayor, witnesses, and submission of documents.**

- **First Charge:** During the June 14th, 2023 meeting of the Buchanan Area Recreation Board Mr. Vigansky addressed members of the public audience which included African American individuals using the phrases, “you people,” and “those people.” This conduct resulting in the filing of a complaint with the Michigan Department of Civil Rights case #635831. This complaint is still under review by the civil rights department, has harmed citizen relations with the city, and caused the city to unnecessarily spend funds on attorney fees responding to the complaint. Please find attached, copies of the civil rights complaint, the attorney response, and the attorney billing for that response as evidence. At this time, I would like to call James Busby as a witness.

Denison calls forward witness James Busby who is sworn in under oath by City Clerk Kalla Langston.

*Busby – Good afternoon, I am James Busby. I live on Elizabeth Street on the north side. Back to the incident, I believe it was on July 10<sup>th</sup> at the Buchanan Township Hall. It was the same evening as the incident between Dan Vigansky and Tony Houser. The incident between myself and Dan Vigansky occurred there was a private conversation between myself and Mrs. Harris and Paige I believe where I was referring to getting some money together for Victory Park improvements. At that time Mr. Vigansky rudely interrupted a conversation that was not pertaining to them which he proceeded to tell me what I need to do with my own money. I told Mr. Vigansky the conversation was not pertaining to him if I wanted to take my money and throw it in the trash then that was my business. Vigansky continued to talk, I then proceeded to ask Mr. Vigansky if he wanted to do something that why don't he stop being a sexist, using sexist language towards women, and I asked him to stop referring to minority groups as “those people” and “you people.” I told him everybody knows that's a racist term that's been used for years and years. Mr. Vigansky continued to laugh and thought it as funny; I didn't think it was funny. Mr. Vigansky then proceeded to tell me, in front of Mrs. Harris and the other lady, that was there that he refers to all minority groups – Mexicans, Indians, whoever is not white – as “you people.” I asked him what he refers to white people as he said, “whatever I want to,” and he laughed. Just as I turned to walk away and Mrs. Harris and myself were going outside the argument continued. I tried to ignore Mr. Vigansky. He then later got in my face and he was literally shaking his fist ball and he told me in his exact words that, “he was a tough old white man and I better watch my back.” I turned to him and I said, “I'm a young tough black man, and don't you ever threaten me. If you ever touch/threaten me you better hold true to it.” As that conversation was going on Mrs. Harris, Mrs. Joretta Bibbs, and John Brown they kind of intervened because they didn't want an altercation to erupt. The next day I went and told Chief Tim Ganus about the incident. He later forwarded the information over to St. Joe Sheriff's Department which they came down and interviewed me and interviewed several witnesses as to what happened at the incident. Mr. Vigansky gave a statement to the Sheriffs Department,*

*which I think all of you have, in which his comment at the end which he lied and said I threatened to put him in the hospital. That conversation never took place. Anybody who knows me knows I would never put my hands on somebody unless I am touched first. Especially an old man who's on oxygen and just likes to run his mouth. Mr. Vigansky later told the Sheriffs Department at the end of the all white people are racist, pigs, and bigots which you have a copy of the comment. He made this comment, not me. Dan Vigansky made that comment that all you white people are racist and bigots at the end of the day. I am sure we are all smart enough to know that every white person in Buchanan is not a racist. We have too many bi-racial kids running around, interracial couples of all races – I have two white grandkids of my own I have two bi-racial. All black people in Buchanan are not racist. And as you all know this isn't the first encounter with Mr. Vigansky I have had. Two summers ago, I have an altercation with him, a verbal argument and I told him then you know he sent women down here in city hall in tears and I asked him repeatedly "watch your mouth," and "stop using that language towards minorities and women." He has had ladies down here in tears. I'm sure all of you have witnessed at some point the insults must stop. As a City Commissioner you represent not one race but everybody that's in Buchanan. You don't have to like each other, but we need to respect and stop the insults. I tried to convey that to Mr. Vigansky as several other people have tried to. When you are a commissioner you represent, and you are supposed to be held to a higher standard. Just like that sign says in Buchanan life is better here, when you have an individual like Mr. Vigansky that spews hate in the language and the insults – what are we going to accomplish? If we try to do good things we got one person constantly trying to tear everybody down. Nothing will get accomplished. I believe when we were trying to, I was pushing to get the water fountain put back at the Victory Park. I believe he had a conversation with Monroe Lemay where he referred to again as those people don't need a water fountain. What does that bring when you hear somebody say stuff like that. The north side is not predominantly African American anymore like it used to be. I don't know if Mr. Vigansky is not smart enough to realize that but there's not just a lot of white people that's moved in, we've got other groups. I've seen Hispanics move in, a couple of Asians. Once again, we need to go into a different, we need people who are going to show love and respect, and that are going to put the community and issues first without out trying tear everything we do down. And that's what I have to say.*

Denison calls forward witness John Brown who is sworn in under oath by City Clerk Kalla Langston.

*Denison – Can you tell us, were you in the parking lot the night of that BARB meeting when Mr. Vigansky and Mr. Busby had their altercation in the parking lot? Can you tell us what you heard?*

*Brown – Yes, I was. Well, most of conversation was a back and forth between Mr. Busby and Mr. Vigansky. A lot of harsh words, of course I needed to standby and make sure that the altercation didn't develop into something else. I been hearing Mr. Vigansky making comments about being a tough old man and he was threatening Mr. Busby and only thing I was concerned about was Mr. Busby didn't overstep and hit him because that's what it was leading too because the ladies that were around Mrs. Harris, Mrs. Bibbs they all told me to step in and squash it. But I tried to encourage and let them know that Mr. Busby was not going to take it that far. He was not going to assault or hit Mr. Vigansky. I had a few words with Dan afterwards, I've known Dan a lot of years, and of course his attitude was the same.*

*Denison – Did you hear Mr. Vigansky say anything that could be construed as racist?*

*Brown – Well he did make that comment about “you people,” and related to some of the park equipment that it was going to be taken out of Kathryn Park and it was going to be given to you people at Victory Park. That’s awful bad, you know that’s the way it started.*

*Denison – Do you have anything else you’d like to add?*

*Brown – Well like I said, we say in a lot of park board meetings over the last years and I watch Mr. Vigansky put some of the ladies on the park board meeting into tears. You know Ashley walked out and quit, one of the other ladies walked out and quit because of Dan and of course, that’s what Mr. Busby referred to about his insensitivity towards women, how he talked to women. We asked Mr. Vigansky do you talk to you wife this way and of course he said yes.*

*Denison – Any questions from the commission for Mr. Brown? There are none.*

- **Second Charge:** On Nov 3, 2023, the City of Buchanan Mayor sent to all City Commission members by text message, a 6-page complaint made by city employees against the City Manager. The mayor specifically instructed to each commission member to keep the employees’ complaint confidential, and the complaints would be investigated by the City Attorney. Mr. Vigansky disregarded the confidentiality directive by producing the complaint to the City Manager and releasing a copy or the content of the complaint to the public before an investigation could even be started. Although the employee complaints would be available to the public release of the complaints before employees and the City Manager could be interviewed risked impeding the investigation of the complaints. The complaint has at least 5 allegations of misconduct against female employees. Mr. Vigansky’s actions were acts of retaliation for the reporting of conduct violation of the city’s Misconduct Harassment and Discrimination Policy. Please find attached in your packets printouts of my text messages asking for confidentiality, text messages from Mr. Vigansky to Mr. Eldridge, and a copy of the city’s Misconduct Harassment and Discrimination Policy and City Code of Conduct. As commissioners we have the responsibility to uphold the city’s Charter, Ordinances, and policies – we don’t get to pick and choose which ones we agree with. On page 3 of the Misconduct Harassment and Discrimination Policy it reads; “Upon submission of a complaint an impartial and confidential investigation of the complaint will be undertaken by the city or such other agent as the commission or City Manager may designate. The person against whom the complaint is filed will be notified of and provided with a copy of the complaint at an appropriate time.” Mr. Vigansky has admitted to this charge on several occasions. At the 11/13/23 meeting Mr. Vigansky stated, “I did not release anything confidential, what I gave to the City Manager is what this commission was going to railroad him our with.” On 11/29/23 at the City Commission Meeting Mr. Vigansky said, I did not give any confidential information, I gave him information that he was entitled to.” Are there any questions from the commission on this charge?

*Swem – I guess from the procedure he’s not here who to ask the questions to, but I would have asked Dan why in this correspondence to the former City Manager he put, “do you have a private email, I am working on something,” to which the response was to send it to his wife’s email so I would have liked to get clarification on that communication.*

*Denison – Langston can you confirm that you did send Commissioner Vigansky all the materials necessary for this hearing?*

*Langston – I did, by email and mail on December 4<sup>th</sup>, 2023 and I have copies of that.*

- **Third Charge:** After receiving written employee complaints on 11/3/2023 against the City Manager Mr. Vigansky stated to me that the complaints were just a bunch of retaliatory B.S., this is a clear statement that Mr. Vigansky’s completely unconcerned with the investigation and resolution of

complaints concerning possible civil rights violations and this is a violation of the city's Misconduct Harassment and Discrimination Policy.

City Attorney – Mr. Mayor if I may, at this point you are testifying to things to your personal knowledge so you should be sworn in, in the same manner as all witnesses.

City Clerk Kalla Langston swears Sean Denison in under oath.

*Denison – So on page 3 of the Misconduct Harassment and Discrimination Policy it states, "Upon submission of a complaint, an impartial and confidential investigation of the complaint will be undertaken by the City or such other agent as the Commission or City Manager may designate. The person against whom the complaint is filed will be notified of and provided with a copy of the complaint at the appropriate time." At a city meeting on 11/27/23 Mr. Vigansky stated, "when they were given to me I did call them B.S. because that's what they are they're B.S." At the conclusion of the 11/29/23 meeting I mentioned to Mr. Vigansky that he didn't understand his obligations and responsibilities to the city employees, and he stated repeatedly in front of myself and members of the press, "I don't give a crap about the employees." Based on these statements and actions from Mr. Vigansky its clear to me that he has no intention of upholding his obligations and responsibilities as a city commissioner even after signing the code of conduct acknowledgement form and taking an oath of office. In your packet you will find the code of conduct acknowledgement signed by Mr. Vigansky. It reads, "I hereby acknowledge that I have received a copy of the city of Buchanan's code of conduct and that I have further read and understand the saying. I also acknowledge that I've been given a physical copy of the code of conduct to keep for my records and I understand that I may ask my supervisor if I ever have any questions about the code of conduct. I understand that if I fail to comply with any part of the code of conduct I may be subject to disciplinary action up to and including termination as is deemed appropriate" – signed by Mr. Vigansky. Are there any questions from the commission on this charge?*

There are none.

- **Fourth Charge:** On the morning of 11/8/23 Mr. Vigansky entered the city hall office and confronted City Bookkeeper Courtney Baham and Clerk Kalla Langston over their involvement in the employee complaints filed against the City Manager. The employee complaint contains allegations of misconduct against female employees. This incident was reported to the Berrien County Sheriff's Department where the incident is being investigated. Mr. Vigansky's actions were acts of retaliation for the reporting of conduct and violation of the city's Misconduct Harassment and Discrimination Policy. Please find attached copies of the Berrien County Sheriffs office report and statements from witnesses in City Hall. Page 3 of the Misconduct Harassment and Discrimination Policy reads, "The City not only prohibits abuse, discrimination and harassment as set out in this Policy, but also strictly prohibits any retaliation against any Covered Individual who, in good faith, has submitted a complaint under this Policy or who has participated in an investigation under this Policy. Any Covered Individual who, after investigation, is found to have engaged in retaliation prohibited under this Policy will be subject to such appropriate corrective action as the City is authorized in its sole discretion to implement." At this time, I would like to call City Clerk Kalla Langston as a witness.

Denison calls forward witness Kalla Langston, sworn in under oath by the City Attorney Matt Derby.

*Langston – On Monday November 6th following the JWSB meeting Commissioner Vigansky entered my office while I was putting my work away from the meeting and closed my office door. He expressed that he was upset about the list of employee concerns regarding the former City Manager that he had received from Mayor Denison and questioned my*

*involvement. In this exchange Commissioner Vigansky was audibly aggressive and irritated about the suspension of the former city manager. He confirmed that he gave the former city manager the list of concerns and to a member of the public. Commissioner Vigansky visited City Hall two days later on November 8. He inquired about a phone number with the front desk staff and asked if I was in. Upon hearing him speaking to another employee. I exited my office because I was concerned about any employee getting cornered by Commissioner Vigansky due to the aggressive behavior he demonstrated on Monday. I saw Commissioner Vigansky in the Bookkeepers doorway, I approached and asked, "How can I help you?". At that point Commissioner Vigansky went into the bookkeeper's office and slammed her office door with only the 2 of them inside. Myself and other staff members insisted that he open the door, at that time the Bookkeepers door was broken, it locked automatically and could not be opened from the outside. After a few moments he did open the door and left the Bookkeepers office. Commissioner Vigansky and I had a verbal altercation about his actions. It was clear to me that he was not coming down here just for a phone number. He was coming down to intimidate and interrogate other staff members just as he did to me two days prior. His behavior in the workplace was disruptive, combative, and invasive. He routinely intimidates and harasses staff, the public, and his fellow commissioners when he disagrees or opposes them, both professionally and personally. This is a part of a pattern of behavior Commissioner Vigansky has continually demonstrated. I have had a good working relationship with Commissioner Vigansky in the past but since I opposed him, I have now been targeted by him. He has degraded me in public meetings as well as calling another jurisdiction "looking for complaints against me" and tearing down relationships I have built with the public.*

*Swem – For Mr. Derby, how procedurally for the public and for our implication is the city commission supposed to interact with the City Manager and the Staff? What's the hierarchy and is that question making sense? On a routine basis what should our expectation be?*

*City Attorney – Best practice is that any concerns that the commission have should go through the City Manager and the City Manager deal with the Staff.*

*Swem – And our role is more policy driven correct?*

*City Attorney – Yes, there's nothing wrong about you coming and asking for a document or something like that.*

*Swem – That answers my question, thank you.*

At this time, I would like to call City Bookkeeper Courtney Baham as a witness, sworn in under oath by City Clerk Kalla Langston.

*Baham – Good evening, I am Courtney Baham. I'm the Bookkeeper here at City Hall and I'm here tonight to give a statement on the incident between Commissioner Vigansky and myself. On November 8<sup>th</sup> Commissioner Vigansky came into City Hall. After a few minutes he came over to my office in the doorway with intention of questioning the allegations about the former City Manager. I was already on edge from the entire situation. When Kalla came around and calmly asked him how she could help him, he slammed my office door with just me and him in it. Knowing how Commissioner Vigansky behaves and hearing the verbal altercation that took place with Kalla and Commissioner Vigansky on Monday I was uncomfortable being alone in his presence. When asked to leave, he did so. Following this incident, I was visually shaken up and unable to continue working through the day. This has made myself and team members fearful of coming forward with concerns of the future due to the retaliation that has taken place by Commissioner Vigansky. We no longer feel as if we*

*have a safe working environment. His behavior has furthermore deteriorated the way the public views the city and its staff who working diligently to reverse the damage created by previous administration.*

- **Procedure for the Commission’s Findings:** These charges are filed against Commissioner Vigansky under the city’s rules and procedures for city commission meetings code of conduct and ethics ordinance and the city’s Misconduct Harassment and Discrimination Policy. Depending on the factual findings of the commission if support is found for one or more of the above charges the city council may take one or a combination of the following actions;
  - 1) To accept and vote on a motion whether or not to adopt a resolution of censure.
  - 2) If two or more independent findings of misconduct in the office are found based on the above charges vote on a motion whether or not to adopt a resolution of censure that includes a request for the commissioner’s resignation from office.
  - 3) Take a commission vote on a resolution requesting Commissioner Vigansky to resign from his position as a city commissioner.

If Mr. Vigansky refuses to resign after request for resignation from office the commission may take any legal action necessary to terminate the commissioner’s right to remain a seated commissioner – including a resolution for the filing of charges with the government of the state of Michigan requesting an action for the removal of the commissioner from office under MCL #168327. At this time, we will take public comment.

*City Attorney – Mr. Mayor, this is a point of order before you proceed to discussion. It should be again noted for the record that the clerk did in fact serve Mr. Vigansky with the charges and notified him of the date and time of this hearing both by email and by regular mail and that he’s failed to appear. Had he been here he would have been able to defend himself, had witnesses present, had representation if he so desired, and questioned and be questioned and he has forfeited that right. I think that should be noted.*

*B. Questioning by members of the Commission, Commissioner Vigansky, or his representative.*

## **VII. Presentation by accused.**

*A. Presentation by Commissioner Vigansky.*

*1. Presentation by Commissioner Vigansky or his representative on the Complaint:*

*A. Presentation by Commissioner Vigansky or his representative, witnesses, submission of documents.*

*B. Questioning by members of the Commission.*

## **VIII. Public Comment- One opportunity per person to comment (3-minute limit).**

*Alan Robandt, 114 E Front St – There are a couple of things that were said tonight that I kind of question. The city had an incident policy that employees were supposed to follow if they had a complaint. I don’t think any incident reports were ever filed on any of this. To retaliate you would have to know who the accusers were. To the best of my knowledge there were no signatures on the 42 charges so to say Dan was somehow retaliating against people is kind of a fallacy. I don’t see how you can retaliate when you don’t know who you would be retaliating against. Ben Eldridge was not the public Ben Eldridge was the City Manager. I think that’s a distinction that needs to be made. Releasing information to the City Manager or a city employee is different from releasing it to the public. Then finally, how do you investigate 42 anonymous complaints? That’s all I’ve got to say.*

*Monroe Lemay, 118 Schirmer Pkwy – We pledge allegiance to the flag at the beginning of every meeting, you will note that the last sentence was liberty and justice for all. This means we treat everyone the same where justice is concerned. The first charge against Commissioner Vigansky has to do with stereotyping a group of people and in this case its African Americans as “you people,” or “those people.” If you’re going to bring up charges against one person you should also include all the other persons on the commission who are guilty of the same action. One city commissioner sitting among you told a businesswoman in Buchanan in conversation that she was one of the original FIPS (?) in town. For those of you who do not know what the term FIPS stands for it is “Fucking Illinois People”. I myself have heard more than one of you sitting up there refer to the downtown merchants of Chicago “pansies,” and “faggots.” If you are ready to bring charges against one you must consider charging all. The second charge deals with Commissioner Dan Vigansky sharing confidential information with an employee, then City Manager Ben Eldridge. On Tuesday following the City Manager suspension by mayor Denison a citizen of Buchanan called me to ask me to please back away from the issue, not get involved, and remove my post about the suspension from Facebook. He proceeded in his conversation to tell me that this would really harm the employees who filed these grievances. He knew of the number of grievances and those who made those complaints I asked this individual how he knew this and since I was not allowed to know and he replied that because his company gives money to the city he needs to know these things and therefore information gets shared with him. So someone on this commission is sharing information, confidential information, the same information that Commissioner Vigansky shared with Ben Eldridge with a regular citizen business owner. Once again, if you are ready to bring charges against one you must consider charging all for the same action that has been taken place today. With liberty and justice for all.*

**IX. Commission Consideration and Vote on Actions, if any, Regarding the Commission's findings on the complaint.**

- **First Charge:** On charge number one, I would entertain a motion that Commissioner Vigansky has committed or has not committed misconduct in office. Is there a motion?  
Motion made by Money, supported by Weedon. Roll call vote carries unanimously.
- **Second Charge:** On charge number two, I would entertain a motion that Commissioner Vigansky has committed or has not committed misconduct in office. Is there a motion?  
Motion made by Weedon, supported by Swem. Roll call vote carries unanimously.
- **Third Charge:** On charge number three, I would entertain a motion that Commissioner Vigansky has committed or has not committed misconduct in office. Is there a motion?  
Motion made by Money, supported by Swem. Roll call vote carries unanimously.
- **Fourth Charge:** On charge number four, I would entertain a motion that Commissioner Vigansky has committed or has not committed misconduct in office. Is there a motion?  
Motion made by Weedon, supported by Swem. Roll call vote carries unanimously.

*City Attorney – I thought in the last call for the question you asked whether or not he had committed misconduct. The question posed in the motion should be whether anyone wants to bring a motion of an offense or non-offense for each one of these so the record is more clear. You could ask whether or not anybody has a motion as to whether or not misconduct did or did not occur, but the form of the motion has to be I make a motion that misconduct occurred or not, proceed with the second, entertain discussion, and vote.*

The commission's consideration and vote on actions, if any, regarding the commission's findings on the complaint restarts to produce a clear record.

- **First Charge:** On charge number one, I would entertain a motion that Commissioner Vigansky has committed or has not committed misconduct in office. Is there a motion?

Motion made by Money, supported by Weedon, that Commissioner Vigansky did commit misconduct while in office. Roll call vote carries unanimously.

- **Second Charge:** On charge number two, I would entertain a motion that Commissioner Vigansky has committed or has not committed misconduct in office. Is there a motion?

Motion made by Weedon, supported by Money, that Commissioner Vigansky violated the city ordinance and conducted misconduct while in office. Roll call vote carries unanimously.

- **Third Charge:** On charge number three, I would entertain a motion that Commissioner Vigansky has committed or has not committed misconduct in office. Is there a motion?

Motion made by Weedon, supported by Money, that Commissioner Vigansky committed misconduct on charge number three while in office. Roll call vote carries unanimously.

- **Fourth Charge:** On charge number four, I would entertain a motion that Commissioner Vigansky has committed or has not committed misconduct in office. Is there a motion?

Motion made by Weedon, supported by Swem, that Commissioner Vigansky committed misconduct on charge number four while in office. Roll call vote carries unanimously.

Since at least two charges of misconduct have been agreed upon by this commission I would entertain a motion for a resolution of censure be presented and discussed at our next regular meeting and a request for Mr. Vigansky's resignation. If Mr. Vigansky refuses to resign I would ask this commission's approval to take any and all action necessary to terminate Mr. Vigansky's right to remain a city commissioner including contacting the state attorney general and the governor. I would entertain a motion for the commission to allow that.

Swem motions to proceed with the resolution as stated, supported by Weedon. Roll call vote carries unanimously.

#### **X. Close of Hearing/Adjourn**

Motion made by Weedon, supported by Money to adjourn the hearing. Roll call vote carries unanimously.

The meeting adjourned at 6:11pm.

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Barbara A. Pitcher, City Clerk

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Mayor Sean Denison