

**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 7:00 P.M by Mayor Denison.

**II. Roll Call**

Present: Mayor Sean Denison, Mayor Pro Tem Mark Weedon, Commissioner Cameron Downey, Commissioner Patrick Swem

Absent: Commissioner Larry Money

City Staff: City Manager, Heather Grace; City Clerk, Kalla Langston; Community Development Director, Richard Murphy; Mainstreet Manager/ Chamber Executive Director; Cashier Clerk, Jill Mondschein; Director of Public Works, Mike Baker; Director of Public Safety, Tim Ganus; Operator in Charge Water Department, Scott Desenberg

**III. Pledge of Allegiance**

Denison led the in Pledge of Allegiance.

**IV. Recognition**

**A. Arbor Day Proclamation- Arbor Day April 29, 2022**

Denison read the Proclamation. Declaring Arbor Day April 29, 2022, in the City of Buchanan. See attachment A

**V. Approve Agenda**

Motion made by Weedon, seconded by Swem to approve the agenda. Roll call vote carried unanimously.

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

None

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

**A. Consider approving Regular Meeting Minutes for April 11, 2022.**

**B. Consider approving expenditures for April 25, 2022, in the amount of \$110,230.84**

*Motion made by Weedon, seconded by Downy to approve the Consent Agenda. Roll call vote carried unanimously.*

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

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

A. Clerk Report- Clerk, Kalla Langston will update the Commission on petition dates and Voter ID cards being sent to the registered voters due to redistricting.

Langston updated the Commission that the new Voter ID cards were sent out today. By law we must send an updated one to every registered voter including active, verified, and challenged voter. If you happen to get one for someone who no longer lives at the address, please send back to the clerk to take the right steps.

If you are running for City Commissioner in 2022 the petition deadline is July 26<sup>th</sup> due back to Clerk Langston. If you have any questions about either Voter ID cards or running for office, please contact Clerk Langston.

B. Public Services Report- Director, Mike Baker

1) Clark Street Culvert - bid anticipated by Monday

Baker has not received a bid for this yet, only verbal numbers. Denison asked about the road option discussed last time. Baker has not pursued this yet because they would have to talk to the property owner off Oak Street to get back to the City property.

2) Retaining Wall on Front St. - bid anticipated by Monday

Baker has a bid for sheet piling up the hill. Baker doesn't want to publicly say the bid due to the fact it might go out for RFP. Baker is looking for direction on whether the commission would like to review non sealed bids for an emergency repair. Or if they want to City staff to go through the sealed bids which will be a longer timeframe.

Baker did pursue the concrete blocks as Weedon had suggested. He does not have numbers for this yet. Baker's concern is that we have concrete blocks for a retaining wall at the cemetery and when the road salt hits it deteriorates the blocks.

Baker has the bid printed out for the Commission; Grace would like the number to stay confidential until the commission decides which way to go.

Grace recommended that we move forward as an emergent repair because of the state of it.

Denison worried about thrill on the hill and the safety of residents and participants, Grace and Baker agree.

Baker believes sheet piling is the way to go. He's unsure about the blocks but has someone coming to talk to him this week about the possibility. Sheet piling goes into the ground as much as it's out. In his opinion you have a lot of weight on that hill.

Baker has gone out for 3 other quotes, but only 1 came back in time.

Denison would like to know how to keep the sidewalk safe until it can be fixed.

The best case for an RFP is it will be done in fall.

Swem is concerned about the design of it since it is a corridor to the city.

Weedon would like to hear the options on the concrete blocks, thinks it would look better aesthetically than the sheet metal.

Swem is concerned about not having an engineer look at it and wants to make sure it will withstand.

Denison would like to reach out to a few engineers to get an opinion.

Downey wanted to know how many feet it is pushing out and his concern is how much time it's going to take.

Denison wanted to make sure when thrill on the hill is laid out, we need to make sure no one can go up that side.

Downey asked if we could temporarily go on the backside of it and lay reinforcements in there.

Baker not comfortable with that idea because of all the pressure that is on it. There are also huge oak trees that are pushing it.

Swem is in favor of submitting for RFP for both Culvert and retaining wall because of size and scope. He's not sure if it makes sense to put the concrete barriers up to hold the wall. Wants to do it right the first time.

Weedon would like to see other options about the bridge, Grace said we would have to subcontract out because we don't hold the licenses for bridge inspections. Swem and Weedon would like a better understanding of the bridge.

3) Potential purchase of Bobcat - Consider approval of trade-in and purchase of new Bobcat

A Bobcat was purchased by an installment payments. With the payment coming up, Baker had them look at the bobcat to see what trade in value would be. We could purchase a new one for \$62,000 and they would buy out are current contract at \$30,000. We would buy it outright.

Weedon would like to see the purchase agreement. From Grace's understanding it was a purchase just with 2 installment payments.

Swem believes we should be buying outright as a municipality.

The Commission asked what kind of shape it is in. Baker says it's in immaculate condition.

Swem would like to see the 5-year plan come in, because there might be other things that need to be replaced. Baker just wanted to bring it to their attention since the payment is coming up in Sept.

4) Potential purchase of Mower - Consider approval of the purchase of new Mower

Baker had 2 quotes one for a mower and the other for an articulated loader. The loader would be used at the cemetery as well as for leaf pick up and snow blowing sidewalks. We are at the push point with the skid loader and would like to trade it in to get the articulated loader. Trade in, we would be able to purchase \$20,444.58. Downey asked about if the snow blower would fit it, Baker says it is wearing out as we have had it since 2008 and its time for a new one.

Downey asking for clarification on why we have multiple pieces of equipment that do the same thing, asking Baker do we use them one at a time or do we use multiples. Baker answering, we use the multiples at the same time, with 2 different employees.

Swem says because it is an older piece of equipment, it makes more sense to him and was surprised by the trade in value.

*Motion made by Swem, seconded by Weedon to approve quote MMB-00262v1 for the Bobcat L28 Small Articulated Loader with the amount not to exceed \$20,044.58. Roll call vote carried unanimously.*

Baker has received a quote for a Bobcat Mower. Since the last time he came before the Commission requesting a Toro mower for the cemetery, they found out that the mower could not be made. Baker and Weaver went to check out the mower in person because of the big price difference. It does not have my ride suspension, but the bobcat deck is better build. Baker feels like it's a very good deal.

Downey asked how many properties we mow. Baker let him know they are still working on gathering all the properties. Downey asked about how many hours we mow. The 2 guys at the cemetery mow 3 to 4 days a week which includes mowing and weed eating.

Downey asked about the quotes from a mowing company. Baker has not had an opportunity to measure every property.

Baker did reach out to a few companies that informed him it was to late in the season, that would we have to do an RFP. One of the biggest problems is getting a company twice a week.

Swem would like to see what other cities do.

Downey suggested when we do it next year to think about maybe 2 or 3 smaller services. Baker agrees with breaking it up.

Denison would like the mowing kept track of to see how much time goes to mowing.

Downey wanted to know how old is the one that we would be replacing. Wanting to see the maintenance sheet.

Denison curious why we are getting such a deal on the mower.

Swem said that after the 5-year plan they've established is in motion we can save time on talking about this.

*Motion made by Swem, seconded by Weedon to approve Quote MMV -00261 with it not to exceed the amount of \$7,914.56. Roll call vote carried unanimously.*

5) Thrill on the Hill - Joint report with Public Safety Director Tim Ganus regarding request to consider extended street closures

Baker and Ganus gave their opinions on closing downtown during Chippewa-Palooza during Thrill on the Hill. DPW does not have enough barricades and detour signs to close that part as well. Ganus is not going to have enough manpower to do both events. The concern is not being able to post officers at each post if closing the downtown.

Ganus was concerned about traffic. The city has grown with traffic since we have last held Thrill on the Hill in 2019. There will be a large section of Front St. already blocked off for Thrill, then we're going to have to block another part of Front St where traffic is going to have to go around on other side streets. They would have all the traffic pushed off into the neighborhoods, where normally we have it rerouted onto 3<sup>rd</sup>st out to Liberty, on Carol then back on to Red Bud. Parking will be a huge issue. There is a lot of people that come in just for Thrill on the Hill including the people that are coming in for the businesses downtown. We would be taking away about 20 spots. If we close off Front St. from Red Bud to Oak, Ganus does not feel comfortable with closing and then having everyone down by the Thrill event. If they cannot barricade the road off sidewalk-to-sidewalk,

Ganus does not feel safe without an officer standing there. First and foremost, our concern is to keep everyone safe.

Weedon has the exact same concerns but on the other side. What about people going back and forth to the events?

Ganus was not sure why we are having 2 events on either side of the city at the same time. These are both big events and doing both on the same day is very taxing all the cities resources.

Weedon suggested shutting down by Days Ave on Front, to him you're adding more control by blocking off the sections people would be going back and forth from.

Ganus stated that we had the light and the pedestrian walk to help control the traffic last time and all the years we have had the Thrill.

Baker told the Commission that they'd asked them not to do this event at the same time as Thrill or to include Chippewa-Palooza down by the Thrill event. Because of the resource issues.

Denison asked if we could get more volunteers to help direct traffic?

Ganus said then you're taking on the liability of volunteers directing traffic. That's why they use officers and are reserves who are well trained to handle that.

Denison asked for Baker and Ganus to come up with new ideas to make it even more safe for the pedestrians traveling from one event to the other.

Swem agrees that it will be dictated by manpower and asked if it was a situation where we could close Front in the evening where Chippewa-Palooza is more prominent event, or do we not have the ability to staff that.

If Ganus blocks Front, he must put 4 officers where they block, which is all he has at any given time. They start putting officers out there as soon as Baker starts, all night and all day long. The shifts are long.

Downey suggested, we use some of the city equipment to block that off. He also believes it was istake scheduling this at the same time. For safety's sake is the possibility to move Thrill on the Hill to a different weekend.

Grace addressed the commission with the update that they are too far into the publication and planning of Thrill to move it. She does not believe it would be an easy thing to change.

Baker and Ganus were in all the meetings for these events they expressed their concerns.

Denison asked if they could investigate lighting up the downtown. Baker said he would look into it.

Weedon believes the 2 major points in by Days Ave and back across Red Bud.

The Commission continued to discuss different options between Ganus and Baker. Everyone was concerned about the safety of the residents and visitors. Ganus will go back and see what he can do with helping cross Red Bud.

C. *Water Department Report-*

**Jill Mondschein, Cashier Clerk**

1) Consider the "Landlord's Proposal" for water/sewer bills.

Mondschein would like the commission to consider doing the bills differently for rentals. Most of the collection and inefficiency is having to do with rentals. We would not convert that account into

a renter, it would stay in the property owner's name. It is an inefficiency problem that is very time consuming, and collecting is difficult. Eventually after 6 months it must be turned over to taxes. They are not all the problem, but it's the majority.

Downey stated, he is going to vote no. Weedon asked for his opinion.

Downey saves his renters the 200.00 deposit by keeping it in his name. The bill is mailed to them.

That is what Mondeschein wants to keep it in the property owners name(landlord) and send the bills to the property owners. Giving the option to the landlord to either build it in to the rent or having the landlord distribute the bill when received.

Weedon, stated he likes the idea of how Downey has it set up that it stays in his name, but it's mailed to the renter.

Downey confirmed that is the way it's set up and that he doesn't receive a bill until they vacate and leave an outstanding payment, and then he takes care of it.

The landlord is the business owner, and the utility department is stuck in-between.

Denison asked how many landlords we have, Mondeschein is compiling the list as she goes, since the files are out of date and with the software switch, she is doing them as she goes.

Downey expressed concern about other utility billings; when should the landlord put all those bills in their name?

Swem stated that is a different because the city does not run those utility companies.

Mondeschein stating the city is left with huge bills that we can't collect for 6 months, until they go to taxes. It takes time and that's operating money that just sitting out there. And by no means does she mean this is all the renters, but it is the majority. Time is money and were helping run a business and that is not what we are here for. We are here to provide a service.

Downey believes it to be a service to the individual renters like any house.

Weedon believes Downey is doing it the correct way giving different scenarios

Denison stated there are a lot of landlords that are not hands on with the renter, and it shouldn't be on us to track down the renters. He believes we should be charging the property and that's it.

Weedon had a similar thing happen to him at a time in his life where he ended up having to cover the cost from the previous tenant.

Mondeschein telling Downey he is a responsible landlord, but he's one the exceptions.

Dennison respects the fact that he has renters, but this is how the city operates and not how Downey operates. He would like to see the city be more efficient by stopping managing renters.

Swem would like to see the landlord billed to but does not have a problem with it going to the tenants to receive the bill.

Downey asked about the leases right now. All landlords would have to eat a loss if we implemented this today.

Mondschein explained the process of how the renter comes in to put it in their name, but when they leave in 6 months no one tells her when they left. Then she has to try and collect from the landlord. By the landlord receiving those bills, the landlord should be responsible for collection, since it is their business.

*Motion made by Denison to approve the landlord policy as presented, seconded by Swem. Roll Call Vote*

*Yeas: Denison, Swem*

*No: Weedon, Downey*

*Motion does not carry.*

2) Consider updated open/close hours for the front window.

The city is open to the public 9 hours a day 45 hours a week, the only municipality in Berrien County that is open as much is the City of St. Joseph. There is no down time to do billing. The front window is everyone's first contact, they are the ones that guide to each department. They handle several different things at the counter. What they are proposing is to cut some of the open hours to the public to be able to catch up. It is a constant with little downtime.

*Motion made by Swem, seconded by Weedon to table. Roll call vote carried unanimously.*

**Scott Desenberg, Water Department Lead Operator**

3) Consider purchase of equipment to repair/replace water tower communication device

2009- 2010 the city went from reading meters by walking around town to radio transmitter. Those reads are then pulled by Jill. The company that provides this service is Sensus. On April 2 the water department lost access to those reads. It has happened at times in the past but usually it has to do with an internet or modem issue at the water tower. Scott communicated back and forth with Sensus tech support and verified that it was not the internet. The conclusion that they came to is that it was a hardware issue. Scott has 2 potential solutions for the repair. The piece of hardware that has gone bad is called the transceiver, the less expensive is to just replace transceiver for \$22,500.00. The second option is to replace the entire setup for \$32,500.00. The mainframe is 13 years old so Scott recommends going with the entire new unit and replacing everything at the same time. If the other quote was less, he would be tempted to lean that way. The lead time on both options is the same and its at about 8 weeks. We are already looking at estimating reads for the next 3 reads.

*Motion made by Swem, Seconded by Weedon to approve the emergency tower communication expenditure does not exceed \$32,500.00. Roll call vote carried unanimously.*

**D. Community Development Report:**

**Community Development Director Rich Murphy**

1) Boone Labs

A) Adult Use Processing Permit - Consider Approval for an Adult Use Processing Facility Permit for Boone Labs at 107 Alexander St.

B) Adult Use Grow Permit - Consider Approval for an Adult Use Marihuana Grow Facility Permit for Boone Labs at 107 Alexander St.

C) Medical Grow Permit - Consider Approval for a Medical Marihuana Grow Facility Permit for Boone Labs at 107 Alexander St.

Murphy introduced Boone Labs and asked the Commissioner to consider items A, B, C under Community Development. Boone Labs will be using a double scrub technology the first of its kind, where the plant grows in a pod.

*Motion made by Downey, seconded by Weedon to approve Boones Labs Adult Use Processing Permit, pending a satisfactory background check. Roll call vote carried unanimously. Motion to amended to include- Adult Use Grow Permit, Medical Grow Facility Permit support the same roll call vote carried unanimously.*

2) Joint Meeting - Consider scheduling an annually recurring joint meeting between the City Commission, Planning Commission, and Buchanan Area Recreation Board, which is a requirement of RRC certification. Potential agenda items: park updates, truck routes, capital improvement plans.

*Motion made by Weedon, seconded by Swem, to authorize the City Manager to schedule an annual recurring joint meeting between the City Commission, Planning Commission and Buchanan Area Recreation Board, to help maintain and achieve the RRC certification. Roll call vote carried unanimously.*

3) Southwest Michigan Regional Chamber - Consider approving a \$5,000 membership fee for the City of Buchanan to join the Southwest Michigan Regional Chamber.

Murphy spoke highly of the SMRC in helping with applications to the state. It could open more media doors for the City of Buchanan, as well as helping Murphy with answering some questions he needed for his grant writing.

*Motion made by Swem, seconded by Weedon to approve the \$5,000 membership fee for the City of Buchanan to join the Southwest Michigan Regional Chamber. Roll call vote carried unanimously.*

4) Zoning Code Review - Consider a proposal from Placemakers to update the City's Zoning Code to align with the Andrew's University Project and RRC Best Practices for a price of \$50,000 of which Manager Grace has secured a verbal commitment from the MEDC to cover \$30,000 of the cost through a RRC grant. Professor Andrew VonMaur, who works with Placemakers, would provide direct assistance on the project.

Murphy updated the Planning Commission about this last meeting. The zoning code in the city is about 20 years old and a lot of topics and things have been brought up. The zoning code is silent on or does not give enough direction. Murphy was able to secure Placemakers which was recommended the most. Grace was able to secure a verbal pledge for MEDC to cover \$30,000 of the cost. Murphy has done one before it is a time-consuming process could take about a year.

*Motion made by Weedon, seconded by Swem to authorize the City Manager to sign an agreement to engage the services of Placemakers to update the City's Zoning Code, pursuant to the terms of the proposed agreement. Roll call vote carried unanimously.*

### **Main Street Manager / Chamber Executive Director Ashley Regal**

5) Main Street Committee - progress update

Regal says it's a great group of people. They have their meetings set, subcommittees and responsibilities are set. They are defining their goals, developing strategy, and determining the needs to reach them.

6) Buchanan Area Chamber of Commerce - progress update

New website is up BuchananAreaChamber.com. Since 2022 averaging about 4 new members a month. Events are coming back; Chili walk came back the year with over 300 people and 20 Chilis. Education workshops are coming back this summer. Focusing on how we can give more benefits for our members. Social media is growing as well.



7) Thrill on the Hill - Consider Request from Lions Club

Owner of Kombi Keg, which is a Volkswagen bus that has 6 taps on it serving beer, wine, cocktails etc.. The goal is to locate the bus on Building 324 property the weekend of Thrill on the Hill. It would be a fundraiser for the Lions Club, it would be within the gated area. They are asking for a special request permit for the event. Clarifying that they will have to check ID's, not the PD. They would like to do evening hours.

*Motion made by Weedon, seconded by Downey to approve the request from the Lions Club. Roll call vote carried unanimously.*

Planning for Thrill on the Hill has been going on since February. Upgrading facilities to keep people at the Thrill longer. They have reached out businesses and organizations with a notice and are asking them how they would like to be involved in the event. A lot of great involvement with the businesses in the Community. Sponsorships have been steady, and all expenses have been covered by Sponsorships so far.

8) Common Usage Policy -

- a. Consider approving a newly amended Common Usage Policy

*Motion made by Swem, seconded by Weedon to approve the newly amended Common Usage Policy, as presented. Roll call vote carried unanimously.*

- b. Consider current applicants requesting use of the Common

Regal went thru events with commissioner and asked for the events to be approved through city administration.

*Motion made by Weedon, seconded by Downey to authorize the City Manager to administratively approve the common bookings for the remainder of the season. Roll call vote carried unanimously.*

9) Food Vendor Permit Licenses Fees - Consider approving Resolution 2022.04/433 to establish permit license fees for food vending within the City of Buchanan

*Motion made by Weedon, seconded by Denison to approve Resolution 2022.04/431, and further authorize the City Manager to grant fee waivers to brick-and-mortar restaurants in the city, as well as nonprofits, on an administrative basis. Roll call vote carried unanimously.*

E. Buchanan Tree Friends Board Appointments- Consider adding Daniel Regal to the Buchanan Tree Friends.

Motion made by Weedon, seconded by Swem to approve Daniel Regal to the Buchanan Tree Friends. Roll call vote carried unanimously.

**X. Unfinished Business**

A. Second reading and consideration of Ordinance 2022.03/431 Open Burn Ordinance

*Motion made by Weedon, seconded by Downey to approve the second reading of Ordinance 2022.03/431. Roll call vote carries unanimously.*

B. Second reading and consideration of Ordinance 2022.03/432 Revised Parking Ordinance

*Motion made by Swem. Seconded by Weedon to approve the second reading of Ordinance 2022.03/432. Roll call vote carries unanimously.*

**XI. New Business**

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

A. 1) New phone system at City Hall

City Hall is getting a new phone system, to be able be more efficient at City Hall.

2) Public input is requested for the development of new economic incentives for downtown, to include rear facade grants, outdoor dining grants, way-finding signage grants, etc.

Please contact City Hall to give us your idea.

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

Paul Jancha Jr. Berrien County Chief Public Defender introduced himself to City and Commission.

Sarah shared concerns about safety with renters specifically rental inspections on rental units.

**XIV. Executive Comments**

A. City Manager Comments

Thanked everyone that attends the meetings. Your participation makes our democracy work and thrive. Always know that we are here to serve you, that's why we exist as a government entity. If you don't want to share your comments publicly at a meeting we're here to talk if you have a concern or any ideas. Your input is greatly appreciated. We are very pleased to see the public and private relationships grow. There is no one person that is smarter than all of us.

B. Commissioner Comments

Weedon- none

Swem- none

Downey- none

C. Mayor Comments

Seconded what City Manager Grace stated. He appreciates everyone that comes and please encourage your friends to come with you next time. One of the most frustrating things about serving on the City Commission is the amount of misinformation and misinformed people who spread falsehoods and make comments that are not true. So thank you for coming and staying informed it's a very important thing.

**XV. Adjourn**

**Motion made by Weedon, seconded by Downey to Adjourn the meeting at 9:55 P.M. Roll call vote carried unanimously.**

---

Kalla Langston , City Clerk

---

Mayor Sean Denison