

REGULAR MEETING OF THE BUCHANAN CITY COMMISSION KL
TUESDAY, DECEMBER 27, 2022 – 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*

I. Call to Order

Meeting was called to order by Mayor 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

Motion made by Denison, supported by Weedon to excuse Commissioner Swem absence for Special Meeting 12/27/2022. Roll call vote carries unanimously.

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

V. Approve Agenda

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

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

Peter Lysy- Hopes the commission will proceed with Kurt Garners Buchanan Preservation Plan.

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

- A. 1) **Planning Commission Appointment**- Consider appointing Anthony "Tony" Houser to the planning commission for a three-year term beginning January 2023 on the recommendation from the Planning Commission on December 13th.

- B. 2) **Minutes**- Consider approving the Regular Meeting Minutes from the December 12, 2022 City Commission meeting.
- C. 3) **Expenditures**- Consider approving expenditures for December 27, 2022, in the amount of **\$282,263.64**.

****NOTE:** \$279,864.70 of the amount above is for **GENERAL** expenditures. \$2,398.94 of the amount above is for the 11.1.22 - 11.30.22 **Summer Tax Disbursement**.

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

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

- A. 1) **Culvert Evaluation Agreement**- Consider authorizing Manager Grace to sign the proposed contract formalizing the agreement previously approved verbally by the City Commission during a special meeting on site at the culvert location.

This is a formality agreement, the Culvert Evaluation was approved at a prior special meeting.

Motion made by Money, supported by Denison to authorize Manager Grace to sign the Culvert Evaluation Agreement, as presented. Roll call vote carries unanimously.

2) **Front Street & Oak Traffic Signal Agreement**- Consider approving an agreement to authorize work to upgrade the traffic signal at Front & Oak. *(This project was contemplated since the inception of the larger infrastructure project concept first began back in 2022. MDOT funding is lined up to cover associated expenditures as part of the City's participation in NATS, the Niles Area Transportation System, which divides up federal highway road monies amongst road agencies in our part of Berrien County. Prein&Newhof needs the agreement formalized so that we can proceed with submitting it along with our entire MDOT road money grant applications in order to effectuate the federal road money allocations).*

The agreement is for the engineers to move forward in the grant application. This grant has been in the works since the previous administration. This allows them to pursue federal and state funding for the Traffic Signal.

Motion made by Vigansky, supported by Money to authorize Manager Grace to sign the Culvert Evaluation Agreement, as presented. Roll call vote carries unanimously.

3) **Engineering Change Order #1**- Consider approving the proposed change order. *(This change order updates the existing agreement with P&N to reflect the changes previously approved by the City Commission, following multiple public meetings and open houses regarding the streetscape design. These new figures have been submitted to NATS and are part of our application for increased street funding through MDOT/federal highway transportation funds, so need to be formalized in order for our requests for road money allocations to proceed).*

This change order agreement is to cover modifications that were made during public meetings. Such as the increased scope during conceptual design phase, Parshall flume, lead lines that are likely to be encountered, Rynearson Street for streetscape modifications, unforeseen delays in the funding approval process and construction material availability.

Motion made by Weedon, supported by Vigansky to authorize Manager Grace to sign the Engineering Change Order #1 agreement, as presented. Roll call vote carries unanimously.

4) **Engineering Change Order #2**- Consider approving the proposed change order.

This change order is to secure the 19 permanent easements from 14 property owners on Front St.

Motion made by Vigansky, supported by Money to authorize Manager Grace to sign the Engineering Change Order #2 Agreement, as presented. Roll call vote carries unanimously.

IX. Reports by: Departments, Committees, Boards

A. Friends of the Trail- Jerry Flenar update on Trail Grant Extension

Jerry Flenar, chairman of the Friends of the McCoy Creek Trail on December 14th went to Lansing to attend the Michigan Resource Meeting. There were a 100 grant requests being put forth for awards. Out of the hundred applications they ranked 3rd out of 100. Flenar thanked Murphy for looking at it to get there score up from 350 to 410. This grant gives them enough to finish phase 1 of the trail extension. They were also highly encouraged by the group to go after phase 2 next year. The entire room gave a standing ovation to Rich Murphy on the request of Flenar for helping put forth a great grant application.

B. Community Development Director Report

1) **Zen Leaf Renewals**- Consider approving the Zen Leaf marihuana medical and adult use retail permit renewals for 259 E. Front St.

Motion made by Weedon, supported by Vigansky to approve the Medical and adult use retail permit renewals for Zen Leaf at 259 E. Front St. Roll call vote carries unanimously.

2) **Blackbird Renewal**- Consider approving the Blackbird/Elkhorn Valley grower class C marihuana permit renewal for 402 - 404 S. Oak.

Rhett was able to give a powerful update on the status of the building. He has overcome a lot this past year but continues to make strides to open his dream business.

Motion made by Vigansky, supported by Weedon to approve the Class C Marihuana Permit renewal for Blackbird/ Elkhorn Valley at 402-404 S. Oak. Roll call vote carries unanimously.

3) **Stark School Façade Grant Request**- Consider approving the Stark School Façade Grant Application for 502 Claremont.

Murphy was seeking the Façade Grant for Stark School on behalf of owner Jen Tabor. Total amount spent \$8,345.03. Murphy is recommending Grant Award being at 60% of itemized invoices and receipts totaling \$5,007.02.

Motion made by Money, supported by Vigansky to approve the Façade Grant for Stark School at 502 Claremont. Roll call vote carries unanimously.

4) **Grant Updates & Awards**- McCoy's Creek Trail Extension Grant update, Spark grant update, A Vision for Buchanan Urban Guild Award

Murphy touched on the Grants that were awarded and future grants progression. Excited to see Buchanan making a name in the Grant awards.

5) Kurt Garner to present update on Buchanan Preservation Plan

Kurt Garner gave a brief presentation on the Buchanan Preservation Plan. With the help of the Preservation Society on the important areas they would like to work on next as well as keeping the plan going for years to come.

C. Clerk Report- Kalla Langston

1) *Recount update from November 8, 2022, General Election*

Langston updated the commission on the recount with Weedon winning by one vote. Unfortunately, AVCB was unable to be recounted due to recount process of hand counting ballots to match what was tabulated. Lemay was able to challenge but decided against it.

2) *Prop-2 changes with the upcoming May 2023 Special Election.*

Langston went over highlights of Prop-2 and some of the financial aspects that will come with the changes. There will be lot to navigate in the upcoming elections but will be working with clerks throughout the County to make sure that the law is upheld, and security is in place.

X. Unfinished Business

A. Appointment of Commissioners as Alternates to serve on any boards/committees/commissions- *Consider making motions to appoint Commissioners as alternates to serve on City Boards/Committees/Commissions, as desired.*

Commissioners will decide which boards/committees they would like to be alternates for via survey that Grace will put together.

Langston wanted to clarify that no motion was made for ZBA alternate, that this one must be decided per charter.

Motion made by Denson, supported by Weedon to appoint Commissioner Dan Vigansky as the ZBA Alternate. Roll call vote carries unanimously.

B. Microbusiness Ordinance- *Consider the Second Reading of Ordinance 2022.12/435, Proposed Amendments to the Adult Use Microbusiness Ordinance to include Class A Microbusinesses, as is newly allowed via recently updated state law. If passed at second reading, the ordinance will take effect following publication.*

Motion made by Vigansky, supported by Weedon to approve the second reading of ordinance 2022.12/435, as presented. Roll call vote carries unanimously.

XI. New Business

A. 1) **Enter Closed Session-** *Consider entering Closed Session to discuss the potential lease or purchase of real property, pursuant to MCL 15.268 Section 8(1)(d).*

Motion made by Weedon, supported by Money to enter closed session pursuant to MC 15.268 Section 8(1)(d) to discuss the potential lease or purchase of real property at 8:39 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 9:04 P.M. Roll call vote carries unanimously.

3) **Action-** *Consider action pursuant to Closed Session discussions.*

Motion made by Weedon, supported by Money to authorize the City Administration to take action pursuant to discussion 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)*

A. Downtown Infrastructure Road Right of Way Map Updates- *maps are shared for informational purposes only, no action needed.*

B. Previous Agenda Item, Progress Update- *Andy Campbell indicated that he will not be ready to present information relating to the water/sewer rate proposals/USDA project until the January*

meeting. Similarly, the updated City credit card policies are planned to be presented at that time as well.

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

XIV. Executive Comments

A. City Manager Comments

Hoped everyone had a Great Holiday. Is very pleased to have such an uplifting meeting this evening. It's amazing to see the accomplishment from the staff as well as our business owners and our community. Looking forward to seeing all the great things that are coming to Buchanan.

B. Commissioner Comments

Weedon- No comment

Vigansky- No comment

Money- thanked the Commissioners for what they do. Thanked Baker for the great work that his crew has done in the city during this blizzard. Please let the DPW crew know that he thanks them very much. Thanked Jen Tabor for bringing in cookies for us tonight.

C. Mayor Comments

Thanked the City Staff for all their hard work.

XV. Adjourn

Motion made by Money, supported by Weedon to adjourn the meeting at 9:07 P.M. Roll call vote carries unanimously.

Kalla Langston, City Clerk

Mayor Sean Denison