

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

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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 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 Schwartz 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. With the request that once those are signed Mayor forwards them to the remaining commission.

*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 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. Its 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 its great to live here and be here. So thank you. Apologizes, 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 we're 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 time tonight; I know it's 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 'banshee'. 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, 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 from 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 chiefs of polices. Why do we have two chiefs of police? 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, its going to happen people. No matter what he says (gestures to 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 those 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 Ura or Hura 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 birds eye view and it was 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 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 were 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 7:54 pm. Roll call vote carries unanimously.

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Kalla Langston, 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.