
MINUTES**I. Call to Order**

The meeting was called to order at 7:00pm.

II. Recognition

A. *Jerry Flenar to present a Certificate to the City of Buchanan on behalf of the Friends of Berrien County Trail Board.*

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 Larry Money, Commissioner Patrick Swem

Absent: None.

City Staff: City Clerk, Kalla Langston; Community Development Director, Rich Murphy; Public Services Director, Mike Baker; Public Safety Director, Tim Ganus; Chief of Police, Harvey Burnett

V. Approve Agenda

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

Vigansky motions to remove the special hearing minutes and city manager contract from the consent calendar.

Money motions to amend his motion to move agenda item *Consider Special Hearing meeting minutes from December 11th, 2023*, to **XI. New Business** Item A. – *Resolution 2024.01/01* will move to Item B. and *Resolution 2024.01/02* will move to Item C. Motions to move agenda item *City Manager Contract Amendment* to **X. Unfinished Business** Item B., supported by Vigansky. Roll call vote carries unanimously.

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

Donald Ryman, 313 W Front – Section 4.9 of the City Charter describe the functions and duties of the City Manager. These include the day-to-day running of the city. Tim Lynch, may not by contract for the city commissioners advocate these functions and duties. These include the management and supervision of all departments, public improvements, works, and undertakings in the city. The removal of all departments heads and the hiring and firing of all city employees without the consent of the city commission. The city manager is responsible for the financial health of the city. Tim Lynch has all these powers and duties from which he cannot advocate. The king of England can advocate, the city manager cannot. The city commission has none of these functions and duties. All they can do is remove the city manager by three or more numbers in a vote combined with the open meetings act. If the city manager does not perform his functions and duties the city commissions only course of action is a firing. These provisions in the Buchanan Charter may be changed only by majority vote of the Buchanan citizens. A contract between the city commission and the city manager planning to change them is not valid. So

Tim Lynch has all these powers and duties he can only exercise them in the positive interest of the city. The only power of the city commission is to fire him.

Carla Jackson Johnson – I have here a signed document, a complaint and request for a hearing. I the undersigned have reasonable suspicion to believe that Mayor Sean Denison has violated Article 5 Section 2.133 of the Buchanan City Charter of 1948. He violated our city charter when he suspended Benjamin Eldridge without a notice of hearing and a full vote of the city commission. Our constitutional recourse for those who elected him as a city commissioner is to recall him as a city commissioner. That process is in motion. The city commission must call on Sean Denison to resign for violation of Buchanans Charter. The first mayor in 75 years to usurp the powers and remove the city manager. The current city commission has a responsibility to the city charter. They were elected to serve. Mayor Sean Denison also violated MCL 15.263.1, 2, and 3. That requires decisions be made in a public meeting. Failure to give notice in accordance with Section 5 has interfered with substantial compliance and impaired the rights of the public under the Open Meetings Act. Complaint 2327566 has been filed with the Berrien County Sheriff's Department under Michigan Law. Mayor Denison also violated Michigan's employee right to know Act 397 of 1978 by refusing Eldridge access to the grievances against him. Mayor Denison has violated the charter of the City of Buchanan. This charter clearly states that the city manager runs the city, one city commissioner even if the ceremonial mayor, cannot suspend or fire the city manager. Only a majority of the city commissioners in a meeting properly noticed under the Open Meetings Act can remove a city manager. A single city commissioner does not have the power to suspend the city manager. Whatever that city commissioner intends, that single person action to me is irrelevant.

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

A. Minutes

~~1) Consider Special Hearing meeting minutes from December 11th, 2023.~~

1) Consider Regular Meeting minutes from December 11th, 2023.

B. Expenditures – Consider approving the expenditures in the amount of \$50,655.71 for January 8, 2024.

~~**C. City Manager Contract Amendment** – Consider approving the amendment to Timothy J Lynch, city manager contract.~~

D. Banking Authorization

1) Consider removing Benjamin Eldridge from all banking institutions -Honor Credit Union, United Federal Credit Union, Huntington Bank, 1st Source Bank, Sturgis Bank, Horizon Bank, UMB, and MI Class.

2) Consider adding Timothy J Lynch to all bank and investment accounts with -Honor Credit Union, United Federal Credit Union, Huntington Bank, 1st Source Bank, Sturgis Bank, Horizon Bank, UMB, and MI Class. As well as issue a city credit card to Timothy J Lynch with a spending limit of \$5,000.00 per the City Credit Card Policy.

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. Common Concert Series – Michael Rowland to present the Common Concert Series.

For over 30 years Buchanan has been alive with music every summer, our committee has created a mission statement of providing free and equitable music for the betterment of the community. Last year we provided exposure and fundraising opportunities for 16 non-profits and raised over \$10,000. We are looking for approval to use the Commons and the City Center for restrooms. The current budget allows for a donation from the city to support these shows. Over the last 10 years that amount has been \$10,000 which is roughly 25% of our budget. As you probably know, the cost of these shows has increased exponentially and we combatted that with focused fundraising, partnerships, and opening an endowment that utilizes only earnings. This provides future dollars in perpetuity for concerts and lessens the burden on the city. We are currently applying for a public spaces community places grant through MEDC for important improvements to the Commons – a dedicated p.a. system, lighting, paint, repairing the cement, etc. This year’s lineup has 4 nationally touring headliners, 3 music festivals, and a wide array of local and regional acts in our most ambitious schedule ever.

Motion made by Swem, supported by Money, to approve the concert schedule as presented along with the already budgeted \$10,000 for our annual contribution. Roll call vote carries unanimously.

B. Buchanan Tree Friends – Chair Brian Murphy to present an update.

We received \$16,750 from the Department of Natural Resources from two grants we applied for in October. We did so under the inflation reduction act, so the city doesn’t need to match the grant.

Budget Breakdown: \$4,500 for Tree Planning – \$3,250 for Training to use Tree Inventory – \$5,000 for Removal – \$4,000 for Planting

X. Unfinished Business

A. 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. Postponed at the Regular Meeting on December 11, 2023. City Manager Lynch has reviewed it as requested by the commission and recommends approval.

Motion made by Weedon, supported by Swem, to approve Amendment No. 4 owner to engineer agreement as presented. Motion is moved to a roll call vote.

Yea: Swem, Denison, Weedon, Money

Nay: Vigansky

Abstain:

Motion carries 4-1.

B. City Manager Contract Amendment – Consider approving the amendment to Timothy J Lynch, city manager contract.

The amendment was for vehicle allowance. Denison could not approve it without the commission’s approval.

Swem motions, supported by Money, to approve the city manager contract amendment as presented.

Vigansky claims it is an illegal contract in the sense that we only give him the authority to dismiss or suspend somebody for three days.

Motion is moved to a roll call vote.

Yea: Denison, Weedon, Money, Swem

Nay: Vigansky

Abstain:

Motion carries 4-1.

XI. New Business

A. Consider Special Hearing meeting minutes from December 11th, 2023.

Weedon motions, supported by Money, to approve the special hearing meeting minutes from December 11th, 2023, as presented.

Vigansky – I have a comment. There was no public comment before the hearing on that and all of the motions they are going to go through now had to be done twice. It was a debacle and that's why I didn't come.

Motion is moved to a roll call vote.

Yea: Weedon, Money, Swem, Denison

Nay: Vigansky

Motion carries 4-1

B. Resolution 2024.01/01 – Consider Resolution 2024.01/01, City Commission to authorize city personnel to execute documents replacing the environmental restrictive covenant on behalf of the City of Buchanan for the city-owned property at 401 River St.

Murphy – Project is to remove a restrictive covenant on this property for the benefit of the public. That's a 9.5-acre parcel owned by the city and was a former parking lot of Clark Equipment.

Motion made by Swem, supported by Weedon, to approve Resolution 2024.01/01 as presented. Roll call vote carries unanimously.

C. Resolution 2024.01/02 – Consider Resolution 2024.01/02, a Resolution for the City Commission Censure of City Commissioner Dan Vigansky.

Money motions, supported by Weedon, to approve Resolution 2024.01/02, a resolution for the City Commission Censure of City Commissioner Dan Vigansky, as presented.

Vigansky concern is who would replace him on the committees. At this moment no decisions have been made they will the commission will take up the appointments at the next meeting.

Motion is moved to a roll call vote. Langston clarifies that according to Section 7 A Vigansky cannot vote or discuss this item. Vigansky says he was going to abstain anyways.

Yea: Money, Swem, Denison, Weedon

Nay:

Abstain:

Motion carries 4 yeas.

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)

Rowland – Quick note for MGCF, our applications to establish this open up on Monday, January 15th that's both for Buchanan Promise and our general applications for scholarships. If you know a young person if you have a young person in your household and you're looking for opportunities – traditional school, community college, trades, etc. please reach out if you have any questions.

XIV. Executive Comments

A. Commissioner Comments

Weedon – None.

Swem – Quick thank you to Tree Friends, the concert series, and Rich and the team on the covenant.

Vigansky – Oh I got a whole bunch to say. The dog and pony show of this joke of a commission. I thought it was bad when I was a commissioner before, but this is insulting. And when the taxpayers, you say I'm insulting, wait til you get the bill from the lawyer for all this garbage they've been doing. That's part of it. Wait til you get the bill for the water and sewer, the line is going to run down Chippewa because they won't insist on the township. I am not finished; I am not finished. I have thought about this for thirty days. I have stepped up I have stepped out. I have put my neck out there when it comes to 3.5% increase in your school taxes, and I got discriminated against. I got called an old man on oxygen be careful of old men Mr. Busby. I've been a racist, a sexist. There's a lot behind the scenes that goes on that's not known down here. The fact that these people want to spend the time, spend the taxpayer dollars to throw me out of office is an insult. They already have a recall. Good luck to all the people that are going to get the signatures. Good luck beating me in an election because you won't. And the governor will not come down here and throw me out, I can almost guarantee you that. That's all I have to say, your honor.

Money – I want to thank Jerry Flenar for his work on the trail, Mr. Murphy, and the Tree Friends great job out there. You guys are doing a real benefit to the city of Buchanan. Once again, I always like to say thank you to this commission for the hard work that they do and specifically our Mayor for all the hard work he has done to keep this city moving forward.

B. Mayor Comments

I would like to thank all the volunteers in our community and all the organizations they belong to for all the work they did in 2023 to make Buchanan better. I failed to do that at our last meeting in December and I wanted to let you know that I appreciate everything you do to make life better here. I also want to thank all the city employees for their hard work and for everything they do for us. I am sometimes criticized for continually praising and defending our city staff, so I wanted to take a second to address that and make sure that the general public understand something. Finding good, talented municipal workers is not an easy task. Often times, they could make much more money in the private sector doing the same type of work, but they choose to do this. We need to be conscious of the fact that they are not easily replaceable, and they do not deserve to be called out by name and crucified in public meetings. I would encourage everyone in our community to show them the praise and respect they deserve. Finally, I'd like to spend a moment defending my name. I've sat here for weeks listening to people criticize me, attack me, question my ethics, my integrity, and quite frankly, I'm done with it. I have no problem with anyone who disagrees with a decision I have made. You have a right to disagree but there are ways to do that that do not include making a mockery of our local government and putting our community in a bad light just because you disagree with the way a situation was handled. So I want to be crystal clear. None of the events leading up to the circus that has recently been playing out in our city were due to any actions of Sean Denison. I didn't have any complaints filed against me. I didn't break any rules or procedure. Everything I have done in my capacity as mayor over the course

the last few months is exactly what I am required to do, what I'm obligated to do, and what I would expect from anyone else serving as mayor to do. I took an oath to uphold the ordinance of this city to follow the rules and procedures of this board. I am tired of seeing my good name dragged through the mud and I'm prepared to spend my personal resources defending it. Because I have integrity, I don't do what is fast, or convenient, or easy. I do what I believe in my heart is right and I'll continue to do that until I am no longer sitting in one of these five chairs.

XV. Adjourn

Motion made by Weedon, supported by Money, to adjourn. Roll call vote carries unanimously, the meeting adjourned at 7:54pm.

Kalla Langston, City Clerk

Mayor Sean Denison