

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

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 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; 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- Comments about spending money and the mayor suspending the City Manager.

Monroe Lemay- 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

Philip 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.
Rollcall vote carries unanimously.**

IX. Reports by: Departments, Committees, Boards

A. Friends of the McCoy Creek Trail - Chair Jerry Flenar, Trail update.

Flenar gave the annual report, talked about the destruction of Bainton 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. 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 to give an update concerning grants BTF has applied for.

Murphy talked about the passing of Jason Litz and the amount of donations that came in for trees to be planted in his honor. The Tree Friends and the Mayor celebrated 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.

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 the 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 gave an update as well. Point blue is being 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.

2) Update on the sale of Ross-Sanders House

Murphy updated the Commission; 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.

Rowland also addressed the commission. There are a lot of moving parts within 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. Rowland would also like open access to the building with many moving parts with contractors and upcoming inspections it would be helpful to have continued access.

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 4-1.

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 updated the commission on the Business Incubator at 101 Days Ave. 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. Grateful for all the community partners who worked so hard on this project.

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- comments on the water bill prices and leaf pick up.

Carla 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 – finished Carlas comments on the city manager.

Jeannine Davie – comments on the city manager and concern for staff jobs and turn over.

Brian Frantz – questions the mayor.

Monroe Lemay – finished Jeannine’s statement asking for the mayor’s resignation, she used profane language and was removed from the chamber.

Thomas Wilson, – comes with questions regarding city management and money to be addressed by executive comments, also inquiries about a high-rise plan.

Thomas Jolly– comments on discussion residents held and asks the mayor to step down.

Jeremy Frame – comments on Bakers hard work for the past 20 years 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. The things that have transpired lately it’s understandable you want answers, we all want answers we have to have decorum. We have a responsibility to protect the rights of citizens including the staff, city manager and city commission. When you ask the questions understand that there are some things we cannot say. Understand that there are things from a legal perspective that cannot be discussed. Everything must be handled with consistency. I want to be able answer the questions with logic and reason. It does not mean we are not being transparent or unjust it means at the current time we’re not able to say. In due time you will get your answers and I beg you to be patient.

SWEM: Thanked everyone for being there. Swem talked about the Ready to Serve fee and why it is charged. The ready to serve fee is a calculated fee on how much its going to cost us to continue to replace pipes for the water. There was talk about a forensic audit, encourages people to go through multiple audits through the years by multiple different firms. Your tax dollars are accounted for, and the expenses are included in the agenda every month you get the same information the commission does. The comment about the four city managers Bill Marx was here for over 15 years before Heather, the third was an interim City Manager who made it very clear when we hired him, he was only going

to be here for a limited amount of time. Tonight is the first night I heard of 5 story risers, we have no plans to do that. It is so far from what this commission is trying to accomplish. When it comes to your taxes, there is a pie chart floating around tonight, you can see exactly where every one of your pennies go. The city manager is not fired, we have not even had a chance to talk about this as a commission. The news was on Facebook within minutes of being suspended. Tonight, would have been the first night the commission would have been able to sit down and hear the truth. Unfortunately, all that data has not been collected. I appreciate the passion and the energy in this community to step up and make sure we're doing the right thing and supporting a city manager. The best way to support the city manager and the staff here is to follow due process and listen to both sides. The opportunity to absorb it and not make a quick decision for the long-term strength of this city has not been afforded to us. This is an important decision for every person in this room, for every household owner to business owner, giving us a chance to make the right decision. I appreciate everyone coming out and hope you embrace these programs with the same passion shown here tonight.

VIGANSKY- The lawyer that recommended suspending gets paid \$10,000.0 a month from the city of Buchanan. Some of your other money went toward the treasurers and the bookkeepers to sort out from previous administration. That cost us \$20,000 a month for at least 18 months. We hired a city manager that had previously sued the previous city she worked for. By giving her \$47,000.00 to go away, when we could have given her \$17,000.00. As for himself releasing anything confidential, I did not release anything confidential. What I gave to the city manager was what this commission was going to railroad him out with and that's exactly what they planned to do. From your mayors mouth he was going to fire the city manager. This week has been awful. When attending the Joint Water Sewer Board Meeting at 7 AM Monday morning, he was called in the back office by the mayor to be informed about the city manager's suspension. I am tired of being the kicking bag down here for asking questions. I ask everyone the same questions, like asking the questions asked tonight with Michael Rowland. I was at the infusions center for two hours all this garbage was going on Facebook.

Vigansky made a motion to reinstate the City Manager immediately. No support motion dies.

MONEY: Congratulated Mike Baker for his 20 years of service. Thank you to Jerry for all the work he does on the Trial. Money apologizes for his outburst during public comment. When you attacked an organization that works hard for this city I got upset. He apologized for his mistake. A lot of the things that have been thrown out there have been taken out of context. I do not see anyone in this room that would jump up to take this position, there are two seats open in November for anyone interested. The hand pump fire truck that was the city's, MSU will be giving back into town and get it on display in the City. Thanked the Commission for all they do.

C. Mayor Comments

At this time I will not be commenting on current legal employment contract matters and I want all of you to understand something so please listen carefully saying that I will not discuss ongoing legal matters does not mean that I have something to hide or that I'm not being transparent it means that I'm allowing for due process to take place and that we're still investigating facts speaking publicly or making judgments prior to knowing the facts is neither intelligent or decent it can put at risk people's character people's reputations people's marriages people's ability to provide for their family it is reckless unfair and completely unprofessional

And to provide for their family it is reckless unfair and completely unprofessional your larger concern should be that one of your elected city commissioners has violated his oath of office has hindered the conducting of city business and has shared confidential information

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.

Kalla Langston, City Clerk

Mayor Sean Denison