

MINUTES

I. Call to Order

Mayor Denison called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

II. Roll Call

PRESENT: Mayor Sean Denison, Mayor Pro Tem Mark Weedon, Commissioner Cameron Downey, Commissioner Larry Money, Commissioner Patrick Swem

ABSENT: None

STAFF: City Manager, Heather Grace; Police Chief, Tim Ganus; Community Development Director, Richard Murphy; Treasurer, Stephanie Powers; City Clerk, Barbara Pitcher; Interim Director of Public Works, Mike Baker; Wastewater Treatment Plant Supervisor; William Housand; Administrative Assistant, Alex Tobler

GUESTS: Don Ryman, Dale Toerne, Alan Robandt, Klm Moyer, Earl Scanlon, Brian Grice, Dan Vigansky, Michael Walpole, Rebecka Hoyt, Rick Panniagua, Joe Paolucci and others.

III. Approve Agenda

Motion made by Mayor Pro Tem Weedon, Seconded by Commissioner Money to amend the agenda by removing item II.C. - Ross Sanders. Roll call vote carried unanimously. Voting Yea: Mayor Denison, Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem

Motion made by Commissioner Swem, Seconded by Commissioner Downey to approve the agenda as amended. Roll call vote carried unanimously. Voting Yea: Mayor Denison, Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem

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

Don Ryman - Spoke regarding the Greater Niles Chamber of Commerce invoice

Alan Robandt - Suggested the striping project would be an opportunity to put utilities underground, plant trees, and get sidewalks re-done.

Dan Vigansky - Noted there is a 4-inch drop in one of the corners of the newly asphalted basketball court at Victory Park, spoke against any changes to the chicken ordinance, and asked why the City would extend a marijuana permit would be extended to a business that is still not up and running.

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

A. Approve Minutes

May 19, 2021 City Commission Special Meeting

May 24, 2021 City Commission Meeting

June 10, 2021 City Commission Special Meeting

B. Approve Expenditures

Approve Expenditures for June 14, 2021 in the amount of \$96,580.42. Items of note include:

50% down payment for the Victory Park basketball court resurfacing in the amount of \$4,625.00
BS&A in the amount of \$20,905 for the Data Conversion

C. Approve Banner Placement Form - Michiana Cruisers

Banner to promote car show at Centennial Park on July 11, 2021. Banner to hang on E. Front Street, July 5-12, 2021.

D. Delinquent Utility Billing

Authorize delinquent utility billings to be certified to the Summer 2021 Tax Roll.

Motion made by Commissioner Swem, Seconded by Commissioner Downey to approve the consent agenda. Roll call vote carried unanimously. Voting Yea: Mayor Denison, Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem

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

A. Water Bill Dispute

Dave Wishart submitted a letter disputing unpaid water bills applied to his taxes. City Manager Grace explained the circumstances. The Commission discussed. Downey offered Berrien County has an eviction diversion program Wishart should look into. Other Commissioners expressed this is the cost of doing business and ultimately the responsibility of the property owner. No action taken.

B. Request to Amend Domestic Chicken Ordinance

Letter from John & Nicole Longmore requested amending the Domestic Chicken Ordinance to include domesticated ducks.

Motion made by Commissioner Swem, Seconded by Commissioner Money to make no amendment to the Domestic Chicken Ordinance. Roll call vote carried by majority.

Voting Yea: Mayor Denison, Mayor Pro Tem Weedon, Commissioner Money, Commissioner Swem

Voting Abstaining: Commissioner Downey

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

A. Septage Recieving & Treatment Briefing

Housand presented a change order for the Wastewater Treatment Plant to enable residential septage receiving. He states that costs could be recouped likely within a year and definitely less than two years.

Motion made by Commissioner Money, Seconded by Commissioner Downey to approve change order to enable septage receiving. Roll call vote carried unanimously.

Voting Yea: Mayor Denison, Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem

B. Zoning Board of Appeals

The Zoning Board of Appeals (ZBA) will hold a Public Hearing on Thursday, June 24, 2021 to address and appeal from the property owner at 419 W. Front Street. In preparation for that meeting, the Commission should review and consider board membership with the following in mind:

- The ZBA is a 4-member board serving 3-year terms, meeting only as necessary.

- According to the most recent board roster, all terms have expired and includes two City Commissioners; Denison and Money (Money was not a Commissioner when originally appointed to the ZBA), with Downey as alternate. Only one Commissioner should serve on the board, as per statute.
- As a result, new ZBA appointments/reappointments are needed. If current members are reappointed, with the exception of one commission, one vacancy will need to be filled. Two board applications have been received indicating interest in serving on the ZBA:
 - Julia Abbot
 - Dan Vigansky (He has also expressed interest in the Brownfield Redevelopment Authority and the Buchanan Area Recreation Board)

Larry Money resigned his position on the Zoning Board of Appeals.

Motion made by Mayor Pro Tem Weedon, Seconded by Commissioner Swem to appoint Dan Vigansky to a 3-year term on the Zoning Board of Appeals and reappoint all other ZBA members for 3-year terms commencing retroactively upon the expiration of their previous term.

Voting Yea: Mayor Denison, Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem

C. Buchanan Area Recreation Board - Board Appointments

At the June 9, 2021 meeting of the Buchanan Area Recreation Board (BARB), the members voted to recommend to the City Commission that Jennifer Popielski and Dan Vigansky be appointed to the Buchanan Area Recreation Board, which currently has two vacancies (though if BARB changes its Bylaws as was discussed during their meeting, three total vacancies are expected).

Motion made by Commissioner Downey, Seconded by Mayor Denison to appoint Jennifer Popielski and Dan Vigansky to the Buchanan Area Recreation Board Roll call vote carried unanimously.

Voting Yea: Mayor Denison, Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem

D. Planning Commission Board Recommendations

At the June 8, 2021 meeting of Buchanan Planning Commission, the members voted to recommend to the City Commission that it increase the membership of the Design Review Committee, a subcommittee of the Planning Commission, be increased from three (3) to five (5), and that Michael Rowland and Joseph Paolucci be appointed to those additional two (2) seats.

Motion made by Mayor Pro Tem Weedon, Seconded by Commissioner Swem the membership of the Design Review Committee, a subcommittee of the Planning Commission, be increased from three (3) to five (5) and that Michael Rowland and Joseph Paolucci be appointed to those additional two (2) seats. Roll call vote carried unanimously.

Voting Yea: Mayor Denison, Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem

E. Activity Briefing

Accept the May 28, 2021 Staff Activity Reports. No action necessary by the Commission.

VIII. Unfinished Business

A. Auger & Bit Bids

Postponed from a previous meeting in order seek additional bids, Interim Director of Public Services, Mike Baker presents the two bids received:

- Digga: 4DDS Drive - Backhoe Mount Hose Kit \$3,420.00; Auger-Tree Planting 36IN(450MM)-2.5IN Hex-Earth \$2,220.00; \$5,640.00 TOTAL
- MichiganCAT: Auger, A68, BHL, 45-50MM, Tree Bit Auger; \$6,246.40 TOTAL

Following considerable discussion, motion made by Commissioner Money, Seconded by Mayor Pro Tem Weedon to approve the purchase of the Auger from MichiganCAT in the amount of \$6,246.40.

Voting Yea: Mayor Denison, Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem

B. DDA Opinion Letter

Scott Dienes of Barnes & Thornburg LLP has provided a final opinion on the City of Buchanan Downtown Development Authority. No action by the Commission

C. Financial Support for the McCoy's Creek Trail Expansion

Consider a pledge of \$5,000 annually for two years to support the McCoy's Creek Trail Expansion project.

Motion made by Commissioner Swem, Seconded by Commissioner Money to commit \$5,000 annually for two years to support the McCoy's Creek Trail Expansion project. Roll call vote carried unanimously.

Voting Yea: Mayor Denison, Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem

IX. **New Business**

A. Berrien County City/Village Road Agreement - Painting

Motion made by Commissioner Money, Seconded by Mayor Pro Tem Weedon to approve the Berrien County City/Village Road Agreement for painting. Roll call vote carried unanimously.

Voting Yea: Mayor Denison, Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem

B. Red Bud Trail Restriping

The project would restripe Red Bud Trail from Richards Street to 3rd Street and includes one 8-foot parking lane, two 7-foot bike lanes, and two 11-foot driving lanes for a total width of 44 feet curb face to curb face from 3rd Street to Fulton Street; one 8-foot parking lane, two 5-foot bike lanes and two 11-foot driving lanes for a total width of 40 feet curb face to curb face from Fulton Street to Artic Street; two 5-foot bike lanes and two 11-foot driving lanes for a total width of 32 feet curb face to curb face from Artic Street to Richards Street. Also included in this estimate are pavement markings, traffic control and miscellaneous signage. Utility work (sewer, water, electric) is not included with the scope of this estimate.

TOTAL ESTIMATED PROJECT COST \$ 46,000.00

Motion made by Commissioner Downey, Seconded by Commissioner Swem to approve the restriping of Redbud Trail. Roll call vote carried unanimously.

Voting Yea: Mayor Denison, Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem

C. Item removed from agenda

D. Intergovernmental Agreement for Transit Service

The City Attorney has reviewed and approved a draft contract between the City of Buchanan and the City of Niles whereby the City of Niles would take over operation of our transit system from the County in exchange for payment of the transit millage amount. MDOT and the County both want to see this partnership occur, and our local transit committee is also in favor of the transaction, as it will have at least the same service levels as we currently have, and possibly even better service, for the same price we are paying now.

Motion made by Commissioner Money, Seconded by Mayor Denison to approve the Intergovernmental Agreement for Transit Service. Roll call vote carried unanimously.

Voting Yea: Mayor Denison, Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem

E. Marihuana Permit Renewals

The City has compiled the submissions we have received from Walpole Limited Craft Market, 303 Carrol St.; and Michicanna Pharm, 302 Post Rd., regarding their annual permit renewals.

1. Walpole Limited Craft Market, 303 Carrol St., One Microbusiness Permit
2. Michicanna Pharm LLC, 302 Post Rd., One Medical Grower Class B Permit, One Medical Process Permit

The Community Development Director has reviewed each application and the accompanying documentation including any updates to the applicant's original application and all documentation is in proper order. The required background checks are currently being performed by Buchanan Police Department. All permit fees have been collected. All Buchanan City Department Heads have signed off with their approval and all background checks came back satisfactorily per Buchanan Police Department. Approval of the above permit renewals are recommended.

Motion made by Mayor Denison, Seconded by Commissioner Downey to approve permit renewals for

1. ***Walpole Limited Craft Market, 303 Carrol St., One Microbusiness Permit***
2. ***Michicanna Pharm LLC, 302 Post Rd., One Medical Grower Class B Permit, One Medical Process Permit***

Roll call vote carried unanimously.

Voting Yea: Mayor Denison, Commissioner Downey, Commissioner Money, Commissioner Swem
Voting Abstaining: Mayor Pro Tem Weedon due to a conflict of interest arising from his employment in the cannabis industry.

F. Police Union Proposed Contract

Substantially similar to previous contract, with the following changes: 3% annual wage increases, addition of Veteran's Day as a holiday, boot allowance (up to \$200 reimbursement) annually instead of bi-annually. End language to allow field training officers to receive an additional \$2.00 per hour for time spent providing trainings (which saves on overall training expenses due to decreased travel, etc.)

Motion made by Commissioner Money, Seconded by Commissioner Downey to approve the Police Union Contract. Roll call vote carried unanimously.

Voting Yea: Mayor Denison, Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem

G. Greater Niles Chamber of Commerce - 2021-2022 Membership Invoice

Jeff Rea, President & CEO of the Greater Niles Chamber of Commerce is unable to attend the meeting due to a prior commitment, but prepared a letter to the Commission outlining some of the work the GNOC has done to benefit the community. No action by the Commission.

H. Schedule Public Hearing for Budget

Schedule a public hearing for 7:00 p.m. on Monday, June 28, 2021 immediately preceding the regular City Commission meeting.

Motion made by Mayor Pro Tem Weedon, Seconded by Commissioner Swem to schedule a public hearing for 7:00 p.m. on Monday, June 28, 2021 immediately preceding the regular City Commission meeting. Roll call vote carried unanimously.

Voting Yea: Mayor Denison, Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem

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

A. Return to In-Person Meetings

In response to ongoing restrictions placed into effect by state agencies due to COVID-19, the Berrien County Board of Commissioners' enacted a State of Emergency on March 25, 2021 for the purpose of allowing continued virtual meetings and to be compliant with the Open Meetings Act. In declaring the State of Emergency, all public bodies in Berrien County could maintain continuity of government. The State of Emergency is set to expire June 30, 2021.

B. Foreclosed Property Auction

The Berrien County 2021 tax foreclosed auction will be held Tuesday, August 24, 2021 - online only. It will be conducted by Title Check, via their website at www.tax-sale.info.

C. Server Update

City Manager Grace offered up various options for new servers recommended by Custom Computer Company.

Motion made by Commissioner Swem, Seconded by Mayor Pro Tem Weedon to purchase a Microsoft server for \$14,999. Roll call vote carried unanimously.

Voting Yea: Mayor Denison, Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem

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

Brian Grice - Works for Republic and questioned the City's decision to change waste contracts and asked why it was not made in a public meeting.

Rebecka Hoyt - Noted the 7th edition of the Buchanan Chronicle is published. Asked that people please reach out with story ideas and information on Buchanan sport team returns and parades.

Dan Viagansky - Questioned the value of the Buchanan Chamber of Commerce and stated it should not be merged with the City.

Don Ryman - Niles is trying to do away with a separate Buchanan. Now we've made a deal with Dial-a-Ride.

Fran Terry - Takes offense that one finds value in the Chamber. The Chamber has been working with the City on the Social District - doing it quietly - but working for the betterment of Buchanan.

XII. Executive Comments

- A. City Manager Comments - June 23 is the local Chamber Awards ceremony at the Common with local dignitaries to be present. As of late, there has been some overuse of the Common work is underway to better organize the scheduling process. More information will be coming regarding a potential live broadcast at the Common of Hannah Roberts' Olympic debut.
- B. Commissioner Comments
- Commissioner Swem - Spoke in support of the Buchanan Chamber, stated he was pleased with movements on boards, and would still like to see seasonalized budgets.
 - Commissioner Downey - No comment.
 - Mayor Pro Tem Weedon - No comment.
 - Commissioner Money - Agreed with Swem regarding budgetary items.
- C. Mayor Comments - Clarified that he meant no offense to the Buchanan Chamber in his prior comments. Reminded everyone that Concerts at the Common has a great lineup of shows. Stated Redbud Hardware looks great and commended the Dippos on their hard work. Remarked that the Farmer's Market was busy on Saturday. Commended the Police Department and the Chamber on a successful Bike Rodeo. Clarified that the Waste Bid decision was made in a public meeting.

XIII. Adjourn

Motion made by Commissioner Swem, Seconded by Mayor Pro Tem Weedon to adjourn the meeting at 9:29 p.m. Roll call vote carried unanimously.

Voting Yea: Mayor Denison, Mayor Pro Tem Weedon, Commissioner Downey, Commissioner Money, Commissioner Swem

Barbara A. Pitcher, City Clerk

Mayor Sean Denison