
MINUTES**I. Call to Order**

The meeting was called to order by Mayor Denison at 7:00 PM.

II. Recognition**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 Larry Money, Commissioner Patrick Swem

City Staff: City Manager, Timothy Lynch; City Clerk, Kalla Langston; Community Development Director, Rich Murphy; Director of Public Services, Mike Baker; Chief of Police, Harvey Burnett

V. Approve Agenda

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

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

None.

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

1) Consider approving the Regular Meeting & Closed Session Meeting Minutes for June 24th, 2024.

B. Excuse

1) Excuse Commissioner Swem from the June 24th, 2024 Regular Meeting.

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

Yea: Money, Denison, Weedon, Vigansky

Nay: None

Abstain: Swem, due to absence at last meeting.

VIII. Scheduled Matters from the Floor (if any)**IX. Reports by: Departments, Committees, Boards****A. Buchanan Tree Friends Report- Chair Brian Murphy**

1) Update on the DNR Grant received last August

Planting: Tree planting is underway. April 13th we planted 33 trees downtown, and May 18th we planted 14 trees at the south end of the high school.

Removal: Tree removal is in progress. The city is working with outside contractors.

Inventory: Tree inventory is complete. The TreeKeeper software was purchased for \$2,000.

Training: First training session with the inventory software is in the books.

Rich, Martin, and I have been invited to a round table hosted by the DNR in Lansing July 23rd for cities who received grants. Another grant application is due in August which we will submit.

2) *Fall Tree Planting*

We got funding for this from the Michigan Gateway Community Foundation. Our intention is to plant along the north side of 3rd St on city-owned property from City Hall to the Ingersoll Rand property at the beginning of the trail. This is a low-risk brownfield, the land will never be developed, and planting will help the property long term through phytoremediation. We will also plant on Dewey St toward the west end at the intersection of Moccasin and Dewey.

Baker mentions how this plan might conflict with the upcoming infrastructure project which includes work on 3rd St, however, the project should be done by May 31st of next spring. It was decided that tree planting will then take place the following Fall.

Money asked how many trees are tagged for removal. The tree inventory identified 100 trees that were of either moderate or high risk for removal. Things has changed and some have been removed already. We will ask for removals again in this next grant.

B. **Community Development Report**- *Director, Rich Murphy*

1) Consider Resolution 2024.07/17 - Local Government Approval for New Class C License issued under the provisions of MCL 436.1521 A(1)(a).

With the redevelopment liquor license district, this is our second application from a developer to seek a redevelopment liquor license from the state. Local government approval is required.

Motion made Weedon, supported Money, to approve Resolution 2024.07/17. Motion is moved to a roll call vote.

Yea: Money, Denison, Weedon, Vigansky

Nay: None

Abstain: Swem (business interest)

Motion carries.

X. Unfinished Business

XI. New Business

A. **DPW Building Project Update**- *The Barton Group, Jennifer Sawyer to give an update on the DPW Building.*

There were some challenges such as EGLE permitting which affected the digging schedules, construction details that were unclear, and things found while digging including a tank. Fortunately, the state is providing an insurance policy for the city to remediate all the soil and make it safe.

There is a lot of interior work coming up, dry wall, ceiling panel installation, interior paint for the vehicle storage, and concrete floors and ceilings. Once the concrete cures appropriately we can start move in some equipment so you can get off your rental charges before we actually get occupancy which we have been working with the building inspector on. We will be continuing the mechanical, electrical, and plumbing finish installations. Specialty equipment will also be installed.

Looking to move equipment in July

B. USDA- *City Manager Tim Lynch with Michael Schwartz with Prein Newhof*

1) Consider approving the award of Contract 1.

May 23rd the city took bids, there were three bidders which came in at \$10.5, \$11.5, and \$12.5 million. We sent that to USDA for concurrence and reviewed the budget. USDA recommend award to the K&R (Kamminga & Roodvoets Inc) bid in the amount of \$10,534,150.83. There was a condition that the award be approved subject to the availability of funds and completion of necessary financial arrangements with USDA Rural Development.

Motion made by Vigansky, supported by Weedon, to approve the award of Contract 1. Roll call vote carries unanimously.

2) Consider Ordinance 2024.06/439 an ordinance to authorize the issuance of additional series of water supply and sewage disposal system junior revenue bonds.

Vigansky – I'm going to put you on the spot to settle things down around town because the water bills 8% a year across the board for water and sewer ready to serve, can you explain that? Can you help us with the legality of that?

Baker Tilly was here last meeting and went over all the financial pieces of that. So, they did the financial breakdown, and forgive me I'm not a financial guy. Typically they look at both your operation and maintenance expenses, current debts, and proposed future debts, the number of customers you have and how many gallons you use so your rate structure, to develop how much do you need to pay for your obligations. So, this item establishes an ordinance that gets published in the paper that grants the city rights to sell bonds to pay for this entire project. Then it's establishing that you will establish rates accordingly to pay for those for the next 40 years to make up for that payment. Basically, the city issues bonds but USDA buys them to create this loan.

Motion made by Swem, supported by Money, to approve Ordinance 2024.06/439. Roll call vote carries unanimously.

3) Consider Resolution 2024.07/18 & 2024.07/19 USDA Loan Resolution-Water.

This is where USDA has their own documents for the loans that say you will pay these loans when they buy these bonds. It is set up as three loans, two water loans that cost \$6 million and \$3 million that total \$9 million. Those are the two resolutions in this item, item 3. The other loan is the sewer loan which totals about \$7.5 million, that resolution is in the next item, item 4.

Motion made by Vigansky, supported by Money, to approve Resolution 2024.07/18 & 2024.07/19. Roll call vote carries unanimously.

4) Consider Resolution 2024.07/20 USDA Loan Resolution-Sewer.

Motion made by Weedon, supported by Vigansky, to approve *Resolution 2024.07/20*. Roll call vote carries unanimously.

Next Steps: At this point we will send the contracts to K&R, they will review and sign, it will come back to Prein & Newhof, and then we will schedule a preconstruction and loan closing with all parties. They are hoping to start at the Waste Water Treatment Plant sometime after labor day and get the sewer up 3rd to city hall. There is an EGLE permit that doesn't allow us to cross the creek Nov-May for trout spawning.

C. Resolution 2024.07/21- *A Resolution to approve amendments to the Southwestern Michigan Community Ambulance Service Articles of Incorporation.*

Brian is not here, he said he would be in attendance. It's the 2nd or 3rd time.

Motion made by Vigansky, supported by Weedon, to postpone. Roll call vote carries unanimously.

Motion made by Swem, supported by Weedon, to have the city attorney review the articles presented related to SMCAS. Motion is moved to a roll call vote.

Yea: Swem, Denison, Weedon, Money

Nay: Vigansky

Abstain:

Motion carries.

D. Expenditures - Consider approving the expenditures for July 8th, 2024, in the amount of \$83,556.11

Vigansky – \$1,000 for promotional videos

Murphy – Those were for three videos we did that got massive amounts of views on social media.

Motion made by Vigansky, supported by Swem, to approve the expenditures as presented. Roll call vote carries unanimously.

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

None.

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

Robert Selvig, 424 Fulton St – Comments on the Code of Ordinances criminal charging structure.

Richard Martin, 920 Chippewa – I need a key to get into the dog park for tree watering.

XIV. Executive Comments

A. City Manager Comments

Today I report a sanitary sewer overflow into McCoy Creek in the city limits. The overflow was determined and confirmed at approximately 11:30 AM this morning. The location of the overflow is near 3rd St and Dewey. The source appears to be the influent sewer/interceptor to the Buchanan WWTP. This line is slated for replacement in the upcoming project we passed the resolutions for tonight. The overflow is ongoing and remedies to fully correct the matter are being explored. We will initiate bypass pumping to prevent the overflow from entering the creek. Equipment should begin to arrive as soon as tomorrow morning. As is our obligation, Michigan ELGE has been notified as well as the Berrien County Health Department, and local media. The health department is working with the city in performing sampling and analysis of the creek waters impacted area. The creek area adjacent to the overflow has been posted to prevent human contact and recreation until further notice. We will strive to correct this issue in a prudent and expeditious manner.

B. Commissioner Comments

Weedon: None.

Swem: None.

Vigansky: Thank you to all the taxpayers for their \$300,000 investment into Victory Park pavilion. I talked individually and previously about putting some teeth in Tims contract. I'd like to know if that's gone anywhere, if the lawyers reached out back to us. Has the lawyer said anything to you or was he not totally instructed to do that? I guess I should have brought it up earlier, but I guess I'll bring it up at the next meeting. Larry seems to be working on the cemetery we are moving

ahead with that. I went up there and looked at the glass and talking to people. The concerts on Saturdays and Sundays were absolutely fantastic. I really hate to go on this but it doesn't really seem like we have too many weed whackers employed that don't weed whack under the picnic tables. They are only doing part of the cemetery, the cemetery looks worse now than I believe it ever has. We don't have very much code enforcement even though we have a code enforcement officer. And then I did talk to Tim and all you guys, that house on Hillview, if anybody knows who owned the house on Hillview that they just tore down. I didn't think to call Guy today but I will find out from Guy, they tore down a house and I am very happy. I sent it to Tim and I thought he really got on it because it was only three weeks ago but whoever did it thank you.

Money: As far as the cemetery project goes, Mary and I went out and looked at that stained glass. She gave me a couple ideas with names. She is going to pursue those and talk to you about that. There are some people that she may know that can handle a project like that. The secretary crew opened the building, went out a looked at it. Its just colored glass with lead in it in my eyes but Mary pointed out a few different things so I kind of know what I am looking at now. I have been in touch with Mr. Flemming and as his schedule gets around the doors on the chapel are going to be taken care of. Going to have to talk to Mike about locking some of that up. Once again as Dan mention, the concert series downtown along with Redbud this weekend a lot of activity in the city. I know that there have been a lot of things going on. Thank you Harvey and all of his people for their diligence and it was a good fourth of July weekend.

C. Mayor Comments

I wanted to congratulate the Richie's for a successful Redbud. There were a ton of people here from all reports it was a really good weekend. Their camping was full and sent the overflow to Berrien County camp. I wanted to congratulate Hannah Roberts on another accomplishment winning the X Games, the first female to do so. I wanted to congratulate the library and LiveBuchanan on their art installation, I think it turned out wonderfully. I'd like to thank Tim and everybody in City Hall for doing what they do. Specifically, with the day he's had today I'd like to thank Tim for being on top of things and knowing exactly how to handle situations like that. Again, you make us happy you're sitting where you're sitting.

XV. Adjourn

Motion made by Weedon, supported by Money, to adjourn the meeting at 8:04 PM. Roll call vote carries unanimously.

Kalla Langston, City Clerk

Mayor Sean Denison