

REGULAR MEETING OF THE BUCHANAN CITY COMMISSION
MONDAY, JULY 25, 2022 – 7:00 PM
CHAMBER OF BUCHANAN CITY HALL - 302 N REDBUD TRAIL, BUCHANAN MI

MINUTES

THE COMMISSION OF THE CITY OF BUCHANAN, in compliance with Michigan’s Open Meetings Act, hereby gives notice of a regular meeting of the Buchanan City Commission to be held in the Chamber of City Hall.

** Requests to be added to the agenda as a “Scheduled Matter from the Floor” should be submitted in writing to the City Clerk at least 5 business days prior to the scheduled meeting during which the speaker wishes to appear, and the approval of such requests remain within the discretion of the Mayor. If denied, the speaker may nonetheless speak during the “non-agenda items only” public comments section of the agenda.*

** Those who are unable to appear during a meeting but who still wish to share public comment may submit such comments in written form to the City Clerk at least 4 hours in advance of the meeting.*

** Individuals with disabilities may request necessary reasonable accommodations by submitting requests to the City Clerk, preferably at least 24 hours in advance.*

** Written requests and comments may be submitted to the City Clerk either in person or via mail to Buchanan City Hall, 302 N. Redbud Trail, Buchanan, MI 49107, or via email to clerk@cityofbuchanan.com*

I. Call to Order

Meeting was called to order at 7:00 P.M. by Mayor Denison.

II. Pledge of Allegiance

Mayor Denison led in the pledge of allegiance.

III. Roll Call

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

Absent: None

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

IV. Approve Agenda

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

V. Open of Public Hearing for Special Assessment District for Emergency Medical Services through Southwestern Michigan Community Ambulance Service.

Motion made by Downey, seconded by Money, to open the public hearing at 7:02 P.M. Roll call vote carries unanimously.

Announcement of the Rules of the Hearing

1. This is a Public Hearing designed to hear and consider any objections to the proposed special assessment, the district, and all other matters relating to the Special Assessment District for Emergency Medical Services through Southwestern Michigan Community Ambulance Service.

2. All persons wishing to comment shall be given the opportunity to do so.

3. The person addressing the Commission shall stand, state their name, and direct their comments directly to the Commission.
4. In the event a large number of people wish to comment, the Mayor may announce that each person speaking shall limit their comments to three (3) minutes.
5. Each person shall have an opportunity to speak before anyone is allowed to speak a second time.
6. The Mayor may, at their discretion, terminate comments which are unreasonably lengthy or unrelated to the subject of the public hearing.
7. When the Mayor observes that there are no further public comments, he/she shall close that portion of the hearing.

Mayor asked for anyone to speak in favor.

One letter by mail came in from James Robertson in favor of the Special Assessment, Langston read the letter to the commissioners and also gave a copy of the letter to the Commission.

Mayor asked for anyone to speak that is opposed.

Peter Lysy- Peter is predisposed to approve funding for the ambulance service and is also in favor of funding SMCAS through a special assessment district. But he strongly opposes the current proposal. It asks to more than double the revenues in a short period of time and doesn't offer any justification as to why they need it. SMCAS doesn't demonstrate why it needs this increase or tell us how much money it currently receives, how much more it needs, or how it plans to spend it. Only presents vague generalities and notes that the rate hasn't increased in more than 25 years, which isn't true. Given the history of SMCAS mismanagement of tax withholdings and a very serious case of embezzlement, you would think they would want to be transparent and fully disclose its finances and plans. Lysy has not been able to find any financials or even minutes from the board or even a list of its members. Lysy is also concerned that SMCAS is saying they haven't raised rates in the past 25 years, when in 2006 we paid \$10.00 a year, in 2007 it went to \$20.00 a year - that was 15 years, not 25. The SMCAS proposal was sloppily prepared with little thought or reflection, certainly with inadequate research. SMCAS needs to withdraw the current proposal and then provide us with a detailed financial analysis of the current situation and future projections so we can understand, discuss, and accept or dispute what they propose.

Kim Bicard- Made comments believing the Commission may have already reached a decision on this Special Assessment due to wording of the Public Hearing Notice. She wants to understand where the money is coming from already. Concerned about what parcels will be assessed.

Randy Bicard- If SMCAS is in troubling times no other business asks for special assessments to be created. He doesn't know why the taxpayers should have to pay a special assessment to a business like SMCAS. It's a burden that keeps coming on to the taxpayers. At some point we have to say the money has to come from somewhere else. Just like any business you have a certain amount of money, and you must make that work. We must pay for the service when we use it and then pay for it on the assessment.

Robert Selvig- Owns a vacant parcel and now will be assessed twice. He wants to know why an ambulance service would need by assessing a vacant lot.

Ganus is presently serving on the SMCAS board, Downey has concerns with the financials and what happens if we reject the current proposal. He directed his questions to Ganus. Other municipalities

have tabled the proposed special assessment but not rejected it. Each Municipality has bought into SMCAS and have been supporting them through assessment, if they were to reject it the municipality would have to figure out how to fund an ambulance service for their community, through its residents or the General Fund. Ganus was not able to answer about the financials due to not having them on him, but he would be happy to reach out to SMCAS to provide some answers.

VI. Close of Public Hearing for Special Assessment District for Emergency Medical Services through Southwestern Michigan Community Ambulance Service.

Motion made by Weedon, seconded by Money, to close the public hearing at 7:29 P.M. Voice vote carries unanimously.

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

Dan Vigansky- Appalled that the City is spending \$133,000.00 on a piece of property, would like to hear some project numbers or possibilities the city has on the piece of property. There are other City properties that are still vacant. He also does not agree with the property on Victory because the BARB board had nothing to do with it. Also made comments about BARB not meeting and the pavilion being built. Also concerned about the number of closed sessions.

Randy Bicard- Concerned about the AEP building from the tax revenue standpoint, and the intentions of what will be put in the building.

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

A. Minutes- Consider approving minutes from July 11, 2022, Regular Meeting.

B. Closed Session Minutes- Consider approving closed session minutes from July 11, 2022.

C. Consider approving expenditures for July 25, 2022, in the amount of \$490,156.41

D. City Credit Card for New Treasurer- Consider approving a City credit card for Treasurer Deborah Perez with a \$5,000.00 limit (to replace the prior City credit card issued to former Treasurer).

Motion made by Downey, seconded by Weedon, to approve the Consent Agenda, as presented. Roll call vote carries unanimously.

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

A. Consider Resolution No. 2022.07/424- A resolution to create a special assessment district for emergency medical services through Southwestern Michigan Community Ambulance Service. Determination to make public improvements; approval of plans and estimate of costs; final determination of special assessment district; preparation of special assessment roll.

Motion made by Money, seconded by Swem, to approve Resolution #2022.07/424 to create a Special Assessment District for SMCAS ambulance services. Roll call vote carries unanimously.

X. Reports by: Departments, Committees, Boards

A. Public Safety Report- Director Tim Ganus

1) Park Opening/Closing Times- Consider approving all City Parks to open at 6 A.M. and close at 10 P.M.

Motion made by Weedon, Seconded by Swem to approve the request of Director Ganus to have all city park hours set at 6:00 A.M. to 10:00 P.M.

2) Buchanan Police Department National Night Out- August 2, 2022, from 6-9 P.M. at McCoy Creek Park

Barnett reported on the National Night Out, this allows the city to come together as a community and partnership with the police department and its residents. Please join us for food and fun.

B. Community Development Report- Director Rich Murphy

1) Buchanan Downtown Reconstruction Project Public Meeting on August 8th, 2022, starting at 5:00 P.M. - Reminder of opportunity for public input.

Murphy wanted to remind the residents of Buchanan about the August 8th Public Meeting about the Downtown Reconstruction Project. We want to engage the public at this point and let them know what's going on. The City of Buchanan with its engineering consultant, Prein & Newhof, conducted a 3-year infrastructure assessment from 2016-2018 that identified a critical need to update old water mains, storm sewers, and sanitary sewer infrastructure that runs under our downtown and neighborhood streets. The city has secured significant funding through USDA for the project that will begin a phasing out and replacement of city sewer and water lines, as well as a new downtown streetscape. The city and its engineering consultant team have begun initial discussions on project design and streetscape and wants to engage the residents of Buchanan at this early stage to receive their ideas and feedback on this important project.

2) Victory Park RFP Approval- Consider approving the Community Development Department to create an RFP to bid out the construction of the Victory Park Pavilion project.

Motion made by Downey, seconded by Swem, to authorize Director Murphy to go out to bid on the Victory Park Pavilion Project. Roll call vote carries unanimously.

C. Public Services Report- Director Mike Baker

1) Sinkholes- Discuss concerns regarding sinkholes found on Smith St. over the Mill Race and on Dewey St. next to Lehman's.

Baker reported to the Commission regarding sinkholes that were recently found on Smith St. and Dewey St. We will be going out through emergency RFP which is already in motion but wanted to bring the commission and residents up to speed on it. Smith Street and Dewey Street will need to be shut down in the areas where the sink holes are.

D. BARB Report- Dan Vigansky is asking the Commission to consider appointing him to the BARB. The BARB has not yet voted on whether they would recommend approval of Mr. Vigansky's application due to a lack of a quorum at the last BARB meeting.

Grace reported that Dan Vigansky put in a request to be considered for an appointment to the BARB. However, the BARB has not yet voted for approval of his application, due to lack of a quorum at the last several BARB meetings. As for are typical process the BARB board would vote and then either recommend or not recommend to the commission to join that particular board. No action needed at this time.

Vigansky addressed the Commission out of order. Denison asked Vigansky to leave or sit down and stay. Burnett and Ganus had to escort Vigansky out of the building.

XI. Unfinished Business

XII. New Business

A. 1) **Closed Session-** Consider entering Closed Session pursuant to MCL 15.268 Sec. 8(1)(h) to discuss matters subject to attorney-client privilege.

Motion made by Weedon, seconded by Money to go into closed session pursuant to MCL 15.268 Section 8(1)(h) to discuss matters subject attorney-client privilege at 8:06 P.M. Roll call vote carries unanimously.

2) Open Session- Consider re-entering Open Session.

Motion made by Weedon, seconded by Money to re-open session at 9:09 P.M. Roll call vote carries unanimously.

3) Action- Consider action based on Closed Session discussions.

Motion made by Swem, seconded by Money to authorize the City Administration to take action pursuant to Closed Session discussions. Roll call vote carries unanimously.

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

A. Purchase of Real Property- Manager Grace will provide an update regarding the City's purchase of real property at 708 Redbud Trail (Baroda Tire Too) for \$131,055.85 for demolition and redevelopment of the property in conjunction with the City-owned property at 111 Railroad (Old Feed Mill).

Grace updated the public that the City has purchased a piece of real property at 708 Redbud Trail for the sum of \$131,055.85. The intention of that property is to demolish it in addition to the old feed mill site, so that both of those locations are ready for redevelopment.

B. Collaboration with Berrien County- Manager Grace will provide an update regarding an opportunity to collaborate with Berrien County regarding the AEP building at 500 Circle Drive.

Grace shared that the Berrien County Administration and herself have been meeting for the past several weeks to discuss a potential collaboration involving the County purchasing the AEP building. Unfortunately, the County was not able to vote on it yet, but plans on moving forward with the sale of the structure. Part of this includes the city becoming a partner in this and having the chance to move our city hall to the second floor of operations with a portion of the lobby on the first floor. There is also a possible opportunity to move the police department into that location as well. They are still assessing if it is possible for the police department to be there. The third floor will house county 911 dispatch as well as county emergency management. It's a collaboration with AEP to be able to utilize the structure as intended if a nuclear or electric related issue should arise.

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

Don Ryman, made comments concerned about the road detours on election day August 2.

Norma Ferris, made comments about street repairs not being important, especially 3rd St.

XV. Executive Comments

A. City Manager Comments

Grace thanked everyone that stuck around. Also thanked Peter Lysy for all the amazing work and dedication to the archive room at city hall. Grace sincerely thanked Lysy for all he's doing for the city, and it's been instrumental for us at city hall. She appreciates those who are able to speak with composure, respect, and kindness - it's vital. We are the nicest place in America, but beyond that civil discourse requires people to treat each other with civility so thank you for those who do.

B. Commissioner Comments

Weedon, no comment

Swem, no comment

Money, don't forget to vote on August 2.

Downey, no comment

C. Mayor Comments

Denison agreed with Ferris about 3rd St. He is as frustrated as she is that the street is still blocked off, but what he won't apologize for keeping other things moving. Incredibly proud of the work this Commission has done, it took him a long time to decide if he was going to run again because of the number of things they have to put up with. It makes it really hard to come to meetings when you're getting screamed at by some one who is uniformed or misinformed. But it's important work. Thank you all for coming and sticking around.

XVI. Adjourn

Motion made by Weedon, seconded by Money to adjourn the meeting at 9:18 P.M. Roll call vote carries unanimously.

Kalla Langston, City Clerk

Mayor Sean Denison