
MINUTES**I. Call to Order**

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

II. Recognition

None.

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

Absent: Commissioner Larry Money

City Staff: City Manager, Benjamin Eldridge; 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

V. Approve Agenda

Motion made by Swem, supported by Weedon to; 1) remove Section XI A. 1. *Consider resolution 2023.08/21 a resolution for establishment of an OPRA district for Long Branch Livery LLC, 206 Days Ave;* 2) remove Section XI C. *Water Department;* and 3) add item C. Early Voting Plan 1. *Consider resolution 2023.08/24 under Section XIII (12) New Business.*

Discussion about the amendments and public hearing. Langston clarified the public hearing procedure and

Roll call vote carries unanimously.

VI. Open of Public Hearing**A. Public Hearing and Public Comment on Establishing an Obsolete Property Rehabilitation (OPRA) District for Longbranch Livery LLC 206 Days Ave. Buchanan, MI 49107.**

-P.A. 146 of 2000, as amended- The Obsolete Property Rehabilitation Act (OPRA), PA 146 of 2000, as amended, provides property tax exemptions for commercial and commercial housing properties that are rehabilitated and meet the requirements of the Act. Properties must meet eligibility requirements including a statement of obsolescence by the local assessor. The property must be located in an established Obsolete Property Rehabilitation District. Exemptions are approved for a term of 1-12 years as determined by the local unit of government. The property taxes for the rehabilitated property are based on the previous year's (prior to rehabilitation) taxable value. The taxable value is frozen for the duration of the exemption. Additionally, the State Treasurer may approve reductions of half of the school operating and state education taxes for a period not to exceed 6 years for 25 applications annually. Applications are filed, reviewed, and approved by the local unit of government, but are also subject to review at the State level by the Property Services

Regular Meeting of the Buchanan City Commission Agenda Page 2 of 4 Division. The State Tax Commission (STC) is responsible for the final approval and issuance of OPRA certificates. Exemptions are not effective until approved by the STC.

Motion made by Vigansky supported by Weedon to open the public hearing and public comment on establishing an Obsolete Property Rehabilitation (OPRA) District for long branch Livery LLC 206 Days Ave at 7:06 P.M. Roll call vote carries unanimously.

Allen Robandt – is not in favor of the OPRA district for 206 Days Ave.

Rick P – OPRA can be an incentive to encourage obsolete properties to be brought back. Is there something else creative that can be done to encourage investment in these places.

VII. Close of Public Hearing

Motion made by Weedon, supported by Vigansky to close the public hearing and public comment on establishing an OPRA (Obsolete Property Rehabilitation Act) District for Long Branch Livery LLC 206 Days Ave at 7:09 P.M. Roll call vote carries unanimously.

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

None.

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

A. Minutes

1) Consider approving the Regular Meeting Minutes from August 14, 2023.

B. Crossing Guard Agreement

1) Consider approving the 2023-2024 Crossing Guard Agreement with the Buchanan Community Schools.

C. Expenditures

1) Consider approving the General Expenditures for August 28, 2023, in the amount of \$331,101.58.

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

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

XI. Reports by: Departments, Committees, Boards

A. Community Development Report- Director Rich Murphy

~~*1) Consider Resolution 2023.08/21, a Resolution for the establishment of an OPRA district for Longbranch Livery LLC, 206 Days Ave.*~~

2) Consider Resolution 2023.08/22, a Resolution to accept the terms of the project agreement for McCoy's Creek Trail Extension to River St. Joe Brewery MNRTF Grant.

Murphy presents the grant agreement with the Michigan DNR for the City of Buchanan's McCoy Creek Trail extension project. The grant is \$300,000 the matching funds required have been raised. Jerry Flenar is continually collecting monies being approved through various budget cycles.

Flenar commented about the local match. At this point the local match total is \$519,000. The trail and city received the MDOT grant for \$339,000. Locally we've raised \$192,000 so far of the

\$212,000, with about \$26,000 still to collect – most of this is timing. Michigan Gateway can't do with theirs until the end of their fiscal year. Approx 90% is guaranteed, and nobody has backed out of their three-year pledge. We applied for a carbon reduction program grant to get through the River St Joe property because they must have special arrangements. As the only grant submitted, we've been told we are 99% there, formal handling will be in September which will bring \$81,000 of reimbursable design fees paid to Whitman. With the total amount needed of \$519,00 we're at \$639,000. We're already working on the second phase which will take us all the way to the IN/MI trail that comes out of Niles. Hopefully within 3 years you'll be able to leave Buchanan out Walton Rd, connect to the IN/MI trail, and go down to Indiana. The state really liked that our program connects two states. Flenar asked questions.

Dension asks when construction starts, Flenar responds that it will be Spring 2024.

Vigansky asks if this falls under the city or township umbrella, Flenar responds that it falls under the city umbrella since they monitor the funds but once we get past River St Joe it's all Niles Township. Niles Twp. and Buchanan have agreed to the process.

Sidebar – Oct 28th we have Trick or Treat on the Trail again. Not seeking permission, just letting you know. We have communicated with the police and Clark/Edgewater about parking.

Motion made by Swem to approve Resolution 2023.08/22, as presented, supported by Vigansky. Roll call vote carries unanimously.

3) Consider Resolution 2023.08/23, a Resolution of support for the Redevelopment Liquor License for the Sweet Shop Cafe Italiano LLC at 205 E Front St.

Murphy recalls last year's effort to create new liquors licenses by virtue of the redevelopment liquor license district. The district was created, and Buchanan satisfied the necessary statute requirements. Murphy is asking for local support of the Sweet Shops application as it moves forward to the state, this is required for the liquor control commission.

Motion made by Swem, supported by Vigansky to approve Resolution 2023.08/23, as presented. Roll call vote carries unanimously.

4) Update on 123 Days Ave proposed bids.

Murphy presents the 123 Days Ave RFP proposals. The RFP was published on social media publications, the city's website, and through contacting potential clients via phone and email. The city received two proposals. The review committee met and reviewed them. The first proposal was from Michael Clark to implement an ice cream shop concept.

The second was from Lisa Gustavsen to expand her existing operation to include an outdoor pizza oven. After lengthy discussion, the committee's unanimous recommendation was Lisa Gustavsen's proposal.

Murphy contacted both bidders informing and continued discussions of renderings and site plans with Lisa. Additionally, the committee directed Murphy to follow up with Michael Clark to let him know we appreciated and were interested in his concept, if we can find another location, we'd like to continue this discussion.

Next Steps: Continue working with Lisa on the business expansion concept and present a detailed proposal, renderings, site plan, and operations to the commission. At this final proposal we would request approval and subsequent sale of the property.

B. **Mainstreet Update- Assistant Community Development Director, Ashley Regal- MainStreet Summer 2023 Update.** Discussion Points.

Regal presented updates for the Mainstreet Program. Touching on multiple areas.

Website: livebuchanan.com has updates on current projects, our mission, and we are selling copies of the attraction map. People can find minutes and meeting places there if you want to join us for meetings. Placemaking and Community Appearance: The sign is finally up at the commons, the group cleaned up the Mel Ravish Memorial Board, and introduced a new attractions map made by Emma Lysy.

Days Ave Activation (Munchie Mondays, public art, MGCF Grant, McCoy Trail): Last day of Munchie Mondays was today. We had 15 vendors, thousands of people over the last few months, and lots of media coverage. New modes of transportation activated, new restaurants joining the incubator.

Also, the Home Source Group wants to make the back-to-school night annual. There was a huge turnout, businesses donated and more want to join next year. We received more grant money from Berrien Community Foundation to continue with the project to active Days Ave. We spent \$10,000 purchasing the framing system for art going on the library wall. Money will be spent mostly on the canvasses for the framing system, a maintenance plan for that, and artists fees. Hope to have it up by Spring of 2024. Working on a project with Friends of McCoy Creek Trail to add markers on the trail. Edgewater automation agreed to donate custom routed stainless steel.

Downtown Business Vitality: Business Incubator is progressing, and the Holiday Market Cohort is slated to open this October. Drywall and HVAC is currently happening. Grateful to the Rowlands and Honor Credit who've invested in the project. Will accommodate at least 4 vendors (2 restaurants, 2 retailers), potentially 5 or a dining center.

SBSH Program Grant: Applying for a grant from the MI Strategic Fund and would like the commission to be aware. The Small Business Support Hubs program (SBSH) is using the American Rescue Plan (ARP) funds that haven't been distributed. An opportunity to invest in entrepreneurial hubs across the state, it's a one-time. Applying through the City of Buchanan empowered by LiveBuchanan as the city is not an entrepreneurial hub, we are eligible because of the LiveBuchanan Business Incubator. Must ask for a minimum of \$500,000 to a maximum of \$5 million. Cannot pay for labor and construction or any one item greater than \$4,999.

Regals Grant Proposal: Turning a portion of the Redbud City Center into an incubator kitchen. Since we already own the city center it would be a money maker. In combination with the library's developments, we call this our Hometown Campus. Potential support hub locations using existing buildings; 101 Days Ave Business Incubator, Library Hub, City Center Incubator Kitchen, Michigan Gateway Community Foundation, Honor Credit Union, Redbud Insurance, City Hall, Chamber of Commerce, and Building 324. Also asking for funds for an Innovation Festival, hopefully for spring where we can invite emerging business to compete for grant dollars and exposure. Dream of becoming the emerging small business hub of Southwest Michigan.

Next Steps: Application will be submitted by Sept 8th, all funds given by end of this year and must be committed by Dec 2026. Hoping to have grand opening for Holiday Market Cohort on homecoming weekend February 2024.

C. ~~**Water Department- Craig Miller, OIC- The City of Buchanan is looking for a company to Hydro-excavate 250 water service lines on both the City of Buchanan side and the Homeowners' side of the water shut-off valve. This info will be given to the State of Michigan (EGLE) for future lead service line replacement criteria for the City of Buchanan.**~~

~~1) Consider approving the request for proposal (RFP) for water service line material identification of address within the city.~~

XII. Unfinished Business

XIII. New Business

A. Water/Sewer Procedure and Policy - City Manager, Ben Eldridge & City Clerk, Kalla Langston

1) Consider approving the Township Resident Procedure to Tap-in to City Water/Sewer Services

Langston Joint Water Sewer Board came forward a few meetings ago, the township wanted a tap-in procedure between township and city. Langston presented it to the Joint Water/Sewer Board with one change from Commissioner Swem that asks the township to notify City of final inspection. This is just a paper trail. They recommended approval with that change.

Motion made by Vigansky, supported by Swem to approve the Township Resident Procedure to Tap-in to City Water/Sewer Services, as presented. Roll call vote carries unanimously.

2) Consider approving the Policy Establishing Regulations Governing Water Service.

Eldridge spoke with Utility Billing who revealed that the city didn't have any policies or procedures for hooking into the water system. This will outline who can hook in through the township, they will need approval from township and city. It covers inspections, who does inspections, outlines private and public lines, connection charges, inspection fees, and what size water mains we tap. It outlines multiple unit buildings need to have an individual meter for each unit because having one tap for 4 units can complicate shut offs. Unauthorized connections such as a contractor hooking into a hydrant, would result in a fine. Plan to use code enforcement officer to find people with an illegal connection to a hydrant. Water personnel/DPW can take photos and call Code Enforcement if they see anything, and Jason would come out and take pictures. Jason would let them know what the violation was. At the recommendation of Ganus stated the current city ordinance and put in verbiage "a minimum fine for \$500 will be recommended for restitution". If they wanted to fight the situation the judge would ultimately decide the fine. The city doesn't allow connections greater than 1in.

Motion made by Vigansky, supported by Weedon to approve the Policy Establishing Regulations Governing Water Service, as presented. Roll call vote carries unanimously.

B. September 11, 2023, City Commission Regular Meeting Time Change

1) Consider moving the Regular Meeting for September 11, 2023, to start at 6 P.M. Due to the 9/11 ceremony being held in the city at 7:00 P.M.

Langston advised/presented to the commission that a time change for the September 11th Regular Meeting to accommodate people attending the 9/11 ceremony which begins at 7pm.

Motion made by Weedon, supported by Swem to approve the time change for the Regular City Commission Meeting on September 11th to 6pm. Roll call vote carries unanimously.

C. Early Voting Plan – City Clerk, Kalla Langston

1) Consider resolution 2023.08/24, A resolution authorizing the City Clerk to pursue an Early Voting Agreement with Berrien County

Langston presented the commission with the Early Voting Plan. For background, in 2022 MI passed Proposal 2 which mandates 9 days of early voting in the state of Michigan. They are trying to figure out how to do this with legislation being actively debated in the House and Senate and subject to

change. If adjourned early, the governor can call them back and make them do what's on her agenda. Three potential Early Voting Plans on the table; 1) individual jurisdictions operate their own early voting sites, 2) jurisdictions partner together, or 3) jurisdictions partner with County. The County proposes two voting sites, a north and south. Counties are eligible for grant funding and the state of Michigan wants the grant applications turned in by Sept 8th which requires a decide of intention by then. Langston included in the Resolution for the City of Buchanan's early voting plan that they are not signing any agreement or going with the county until everything is disclosed. There is a meeting with County August 31st, where they will present the budget and agreement options. Langston has prepared a budget and plan for single and municipal early voting for backup to the county plan.

Next Steps: Will present the final agreement at the Sept 11th or 25th meeting. This resolution does not mean we are going into county agreement, but we want the county to get the grant to be able to give us grant money if we go municipal.

Motion made by Swem, supported by Vigansky to approve Resolution 2023.08/24 as presented. Roll call vote carries unanimously.

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

- A. **Patriot Day 2023**- *Commemorating Buchanan's Annual 9/11 Observance Monday, September 11, 2023, at 7:00 P.M. in the Buchanan Common*

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

Lacy Chase- on the corner of Smith and Clark – comments on street safety regarding the construction on Clark. Clark has blocked off at the end for about 2 months and big trucks (garbage trucks, ups, FedEx, busses) back out onto the intersection between Phelps and Clark where there's a long hill. With school starting and children/pedestrian foot traffic this is a safety issue. Is there any way we can open the area for people to turn around safely?

Mark Marsiglio – comments attended the concert downtown Saturday, it was great. Moved here 6 years ago, I like the way we are going but there are a few things he's worried about as far as infrastructure. The roads are degrading, dead end sign at the end of his road, a bus got stuck in someone's yard last winter because they couldn't read the sign. It gets to you when you're paying taxes and everything.

Richard Martin- I just want to say thank you to Ashely for Munchie Mondays, it brought a lot of people to the community, and I hope we do it again next year. I want to talk about the Auger for the Tree Friends, Mike says the Auger is now functioning, thank you thank you thank you.

XVI. Executive Comments

- A. **City Manager Comments**
B. **Commissioner Comments**

Vigansky – I think 9/11 is something everybody should observe. Not sure if anyone noticed my little red light, it's to help keep me in check a little bit. I get excited about a lot of things because I don't get the answers I want, and I want to apologize for that. The city is working very and I really would like the commission to seriously consider working very hard on this tax abatement. I have a personal issue with it, I shouldn't say personal, I just care for the welfare of commercial businesses.

Swem- *No Comments.*

Weedon – I just want to say I'm proud to be a coach for our newly founded Middle School Soccer Program. Soccer in this community used to have a huge influence on where our children went in the future, and it did well for many years. I am looking forward to it, we can field two teams, almost three. I am proud of the board they put together and be on the lookout for Buchanan Soccer.

C. Mayor Comments

Denison – would like to thank the scarecrow ladies, you did a great job. I want to send my condolences to Jill and John Mondschein and their entire family for the loss of their brother. Richard, you stole my thunder, I was going to say the Auger is finally running but it deserves mentioning twice. To the gentleman who mentioned the roads, I don't disagree with you, and I would encourage you call your Senators your Governor and ask them where our revenue share is that we pay for when we put gas in our cars. Because we don't get that money anymore and that's what we use to fix our roads. My last comment is embarrassing, and I don't want to talk about it but I have to, if you've seen the sign that got put up at Highway 12 and Redbud that looks fantastic. MDOT is making me remove it. I got a permit from Bertrand Township but right of way there's a clear view triangle that MDOT owns so can't put a sign up that can be seen from US12 because it is not city property, and they are making me move it. I must split the sign in two, it has to be moved 2,000ft from the intersection. I'm going to be putting half of the sign down near Pam's Signs. Trying to get ahold of property owners on the West side of Redbud to put a sign there.

XVII. Adjourn

Motion made by Weedon, supported by Vigansky to adjourn the meeting at 8:28pm. Roll call vote carries unanimously.