

REGULAR MEETING OF THE BUCHANAN CITY COMMISSION
MONDAY, JANUARY 09, 2023 – 7:00 PM
CHAMBER OF BUCHANAN CITY HALL - 302 N REDBUD TRAIL, BUCHANAN MI

MINUTES- AMENDED

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 by Mayor Sean Denison at 7:00 P.M.

II. Recognition

III. Pledge of Allegiance

Denison led in the Pledge of Allegiance.

IV. Roll Call

Present: Mayor Sean Denison, Mayor Pro Tem Mark Weedon, Commissioner Dan Vigansky, 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; City Attorneys Matt Derby; Main Street Manager/ Chamber Director, Ashley Regal

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

Norma Ferris- Would like more information on the trail extension.

VI. Approve Agenda

**Motion made by Weedon to amend the agenda to add item D. Lift Station Discussion under section IX. Reports by Departments recommended by the Joint Water Sewer Board, supported by Vigansky, to approve the amended agenda. Roll call vote carries unanimously.*

Y: Weedon, Vigansky, Money, Denison

Abstain: Swem (Business Interest)

Nay: None

Motion carries

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

A. Minutes: Consider approving the Special Meeting Minutes from the December 27, 2022 Meeting.

B. Expenditures: Consider approving expenditures for January 9, 2023, in the amount of **\$66,309.35**.

**Motion made by Swem, supported by Money to approve the Consent Agenda as presented. Roll call vote carries unanimously.*

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

A. (1) **Andy Campbell with Baker Tilly-** presentation regarding the analysis of the DPW building costs, and how it relates to water/sewer rates.

Campbell discussed **attachments A, B, & C**. Starting with the timeline of sale of bonds, with getting final numbers toward the end of February.

Attachment A is how the bonds will be paid back by working with staff. The debit service break out is how cash flow would work with the bond payments being paid out of the four funds of General, Streets, Water, and Sewer fund. The DPW houses equipment and works with the Water/Sewer Departments which is why it's split between those four funds.

Attachment B is the Operating Expenses for the water fund. The increases are up by about 10 percent. Page 2 of Attachment B (Cash Flow Analysis) shows with the 8 percent increases that were put in place by the previous administration what a typical household increase would look like. The current debt service payments listed show the bond payments with the DPW and the USDA projects.

The budget can be adjusted to take off the water/sewer funds, but the city must have a qualifier and a long-term plan to go out for sale of the bonds. The long-term plan is what was presented, but when prepping for annual budgets the Commission can allocate money from the general fund instead of the water/sewer funds to cover some of the bond payment. The cash-flow overall is still made with estimates. The overall unrestricted and cash investments show a decrease of \$600,000.00 over the next five years. What that implies is the city is using the reserves, so the rate increases do not need to go any higher than they already are.

Attachment C is the Operating Expenses for the sewer fund with increases as well. With this fund adding to the reserves, unlike water with having to use the reserves. The city will be hovering around the average water bill price for the State. The sewer bill will be on the medium- higher side due to borrowing and capital improvements. The city has done a lot of improvements and a lot of improvements still to come have impacted the rates. The rates have been raised due to debt payments for the capital improvements. You can't adjust the bond payments for ten years, but you can adjust what fund pays for it.

B. Mark Seaman of PointBlu- consider proposals relating to the demolitions of the Old Feed Mill/Baroda Tire Too properties.

Seaman presented two proposals to the commission for the demolition of the Old Feed Mill/ Baroda Tire Too properties. There are some ways to recapture the cost by establishing a Brownfield for the properties. Working with PointBlu the properties would be "shovel-ready" for any developer coming in. PointBlu is willing to work with in the contract if the city is wanting to sell the silos to a third party it, just needs to be clarified and incorporated into the agreement. Pest management is a concern of neighbors and needs to be clarified in the agreement as well.

**Motion made by Swem, supported by Vigansky to use the economic development funds with a maximum guaranteed price of \$35,000 to move forward proposals that were provided. Roll call vote carries unanimously.*

IX. Reports by: Departments, Committees, Boards

A. Community Development Report- Director Rich Murphy

*(1) **Trail Extension Proposal**- Consider approving the proposal for design and construction engineering services from Wightman and Associates for the McCoy's Creek Trail extension.*

Jerry Flenar, Chairperson for the McCoy Creek Trail Committee is here to encourage the Commission to enter in the contract for engineering services from Wightman and Associates for the extension. Flenar and his group received grant funding as well as raising funds to cover the costs of the extension. Commission and Staff thanked the McCoy Creek Trail Committee for their amazing work as a group. The Commission gave a round of applause to the Committee for all their hard work, as well as a thank you to Wightman & Associates for their work.

**Motion made by Money, supported by Swem to approve the Trail Extension Proposal from Wightman & Associates, as presented. Roll call vote carries unanimously.*

B. Public Safety Report - Chief Harvey Burnett

*(1) **Resolution # 2023.01/01**- Consider approving a resolution to adopt the 2022 Berrien County Multi-Hazard, Multi-Jurisdictional Plan.*

Project Summary: *The Berrien County Multi-Hazard, Multi-Jurisdictional Hazard Mitigation Plan has been updated to bring it current with Federal Standards as found in the attached 704-page plan. The Berrien County Emergency Management Office secured a grant to help fund contractor support to compile information and edit the plan. All units of government within Berrien County participated in this planning process and it has produced a more comprehensive plan. For community members, this process resulted in the production of a single document in which they can reference instead of needing to reference 40 individual plans.*

Authorities/Purpose: *The Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) legally requires state, local, tribal, and territorial governments to develop and adopt FEMA-approved hazard mitigation plans as a condition for receiving certain types of non-emergency disaster assistance and grants. The regulations, under Title 44, Chapter 1, Part 201 (44 CFR Part 201) of the Code of Federal Regulations (CFR) contain requirements and procedures to implement the hazard mitigation planning provisions of the Stafford Act.*

Local Governmental Unit Required Action: *In order to finish the project and get the plan fully approved, the local government unit must adopt the plan through a resolution before February 10, 2023.*

Motion made by Vigansky, supported by Money to approve the 2022 Berrien County Multi-Hazard, Multi-Jurisdictional plan, resolution 2023.01/01, as presented. Roll call vote carries unanimously. **(See Attachment D)*

*(2) **Purchase of a New Police Patrol Vehicle**- Consider approving the purchase of a new police patrol vehicle that will replace our current primary patrol (46-2) 2015 Ford Police Interceptor Utility AWD vehicle. The current vehicle is over 100,000 miles and has numerous mechanical/electrical problems, including the daily jump-starting of the engine. The current vehicle is well past the life expectancy and reliability of a primary patrol vehicle. The request is part of our six-year Capital Improvement Plan from 2023 to 2028 (see attached). Since ordering to obtain a new patrol vehicle is now well over 30 weeks, the urgency of placing a vehicle order is at hand.*

Burnett presented to the Commission 3 different quotes with his recommendation. As well as explain his concerns with keeping this in the patrol fleet if the commission decides against moving forward with the purchase.

**Motion made by Swem, supported by Money to authorize for the Finance Department to prepare a report regarding making a cash purchase for the potential purchase of a new patrol vehicle. Roll call vote carries unanimously.*

C. Finance Department Report-

(1) **Finance Update-** Revenue and Expenditure Report.

(2) **Credit Card Policy Draft-** Consider the first draft of a credit card policy for the City of Buchanan, which may be approved as presented, or discussed with recommendations for changes to be included in an updated draft, which would be up for consideration at a subsequent meeting.

Langston explained the Credit Card Policy asking for an amendment to add a Director of Public Services card with a \$5,000.00 limit to the other cards. This would drop the city down from 15 active purchasing/ credit cards to 6 in total with City Manager, City Treasurer, Director of Public Services, Director of Public Safety with a limit of \$5,000.00 and 2 corporate cards with a limit of \$2,500.00 to be housed with the City Treasurer and checked out by staff as needed.

**Motion made by Denison, supported by Weedon to approve the Credit Card policy with the amendment to add Director of Public Services at 5,000 limits. Roll call vote carries unanimously.*

D. Single Lift Station/ Infrastructure at the fifteen-2-twelve Restaurant.

Commissioner Swem abstained from all conversation related to fifteen-2-twelve Restaurant.

Recommended by the Joint Water Sewer Board to bring in front of the City Commission after their special meeting this morning. Anton Lockett owner of Fifteen-2-Twelve Restaurant and Joint Water/Sewer Board Chairman Tom Gordon were present at the meeting. Grace was asked to give a summary on the item for discussion. There has been discussion for said property and the use of the lift station that is on city owned property. There is a question of ownership of the lift station, the city is trying to fundamentally determine ownership, as well as whether and under what circumstance the lift station is turned back on. The lift station has been nonoperational for the last couple of years. The meeting this morning was to discuss what the path forward would look like for that station to come back on board to the Joint water/sewer system for Buchanan Township and Buchanan City. The recommendation was to reach out to our current operator in charge John Holland who is serving contractually through Michigan Rural Water to receive his feedback on the lift station. Holland recommends that first to refer the issue of ownership to the city attorney to have them make an analysis of the existing documentation and if additional documents need to be drafted. Secondary, as operator in charge that for the lift station to come back online they would need a report from a certified engineer.

The JWSB was not involved with the lift station being put in to begin with. They just recently got involved when Mr. Lockett purchased. Chairman Gordon has researched and filed a report with the JWSB recently, Lockett has put work into the lift station to get it operational. There are a few legal issues to resolve and odds and ends to finish.

The commission asked to discuss the situation with the current owner Anthon Lockett. Lockett has been working with Brunke Plumbing, Hein Electric, and Mansaco Wastewater. They have re-built the lift station but were able to use the same pumps, since there were no issues with the pumps. The issues were with the check valves and the piping. Lockett has spoken to a couple of different

engineers to complete the last contingency the JWSB had recommended. Lockett is heavily involved in his business and will continue to maintain it and make himself available to any emergency with the lift station. Lockett has not followed through with the last contingency due to an engineer having to reverse engineer the lift station, which could cost thousands of dollars. Commission discussed the matter at hand between staff and Lockett.

**Motion made by Vigansky, supported by Weedon to allow fifteen-2-twelve restaurant to open the lift station up to come back on to city sewer, with a 90-day report to the commission for the next 12 months with the contingency of it coming back to the city commission if said report is not received and revisit the approval after the 12 months.*

Grace wanted to clarify that this motion to be voted yes that it be against the recommendation from the City Manager, Primary Operator in charge, Secondary Operator in charge, and the Joint Water Sewer Board. Vigansky agreed to the note.

Yea: Weedon, Vigansky

Nay: Money, Denison

Abstain: Swem (Business interest)

Motion does not carry ties go to the Nays.

X. Unfinished Business

XI. New Business

- A. (1) **Resolution 2023.01/02** - Consider a resolution to purchase, acquire and construct capital improvements and to publish notice of intent to issue municipal securities. **See Attachment E**

**Motion made by Vigansky, supported by Money to approve Resolution 2023.01/02, as presented.*

Swem asked for comment. "To make everyone aware of what they are voting for, this is the first step in a 43% increase to the water rates of our citizens over the next 5 years. We still have the opportunity to reduce the size of the DPW building project and the funding allocated out of the water/sewer fund. With you were documented with that is showing a deficit budget, that's all."

Yea: Money, Denison, Vigansky

Nay: Swem, Weedon

Motion carries 3 to 2.

B. Closed Session-

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

**Motion made by Weedon, supported by Vigansky to enter Closed Session to discuss matters subject to attorney-client privilege, pursuant to MCL 15.268 Sec. 8 (1)(h) at 9:03 P.M. Roll call vote carries unanimously.*

- (2) **Re-Enter Open Session-** Consider re-entering Open Session.

**Motion made by Weedon, supported by Money to re-enter Open Session at 9:39 P.M. Roll call vote carries unanimously.*

- (3) **Authorize Action-** Consider authorizing action pursuant to discussions held in Closed Session.

**Motion made by Denison, supported by Weedon for authorize City Administration to take action pursuant to discussions held in Closed Session. Roll call vote carries unanimously.*

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)*

Mary Gilbert- If they could please ask the owners to police the McDonalds trash that is in the back area of their building. Also, Mary noticed that the city was founded in 1830 and that the 200-year anniversary is coming up quickly. Her idea was to maybe partner with a winery to sell an anniversary wine and possibly do a story with the process of it.

XIV. Executive Comments

A. City Manager Comments

None

B. Commissioner Comments

Swem-None

Weedon- None

Vigansky- inquired about the school resource officer.

Money- Thanked the Commission for everything they do. Some of the situations are hard decisions.

C. Mayor Comments

Condolences to Penny Slocum to her.

XV. Adjourn

Motion made by Weedon, supported by Money to adjourn the meeting at 9:46 P.M.

Kalla Langston, City Clerk

Mayor Sean Denison