

City of Buchanan Commission Minutes
April 12, 2021

The regularly scheduled meeting of the City Commission was held via electronic meeting on Monday, April 12, 2021, and was called to order at 7:00 p.m. by Mayor Sean Denison. The Mayor led the Pledge of Allegiance.

Recognition

None

Roll Call

Present: Mayor Sean Denison, Commissioners Cameron Downey, Larry Money, Patrick Swem, Mark Weedon

Absent: None

City Staff: City Manager, Heather Grace; City Clerk, Barbara Pitcher; Treasurer, Stephanie Powers; DPW Staff, Mike Baker; Community Development Director, Rich Murphy; Police Chief, Tim Ganus; Director of Public Works, JT Adkerson; Water Operator In Charge, Scott Desenberg

Guests: 23 guests including Don Ryman, Alan Robandt, Tom Jolly, Suzannah Deneau, Mary Aalfs, Monroe Lemay, Dan Vigansky, Jen Tabor, Ankur Rungta, Kelly Carlin, Karin Faleknstein, Kim Moyer, Joe Paolucci, Jack Schnell, Mary Lister, Michael Rowland, Peter Lysy, Rebecka Hoyt, Anne Tuite, Ric Panniagua

Agenda

Addition to the agenda – New Business, Item G. Resolution for Support for USDA Grant for Construction of DPW Building

Downey moved, seconded by Weedon to accept the agenda as amended. Roll call vote carried unanimously.

Public Comments (agenda items)

- **Don Ryman** – Inquired about the deadline for comment on the Master Plan (Murphy reviewed the process).
- **Alan Robandt** – Discussed the Master Plan Draft and read a statement regarding the video store building owned by Redbud Roots.
- **Dan Vigansky** – Spoke regarding the social district and concerned about liability and open containers. Would like an explanation of the Upton submission. Questioned the meaning of a conditional letter of resignation.

Consent Calendar

- Approve Minutes: Regular City Commission Meeting, March 22, 2021.
- Approve Invoices/Expenditures: for April 12, 2021 in the amount of \$248,529.14
- Authorize Manager Grace to Approve BCBS Renewal: Authorize Manager Grace to sign the approval for the renewal of the City's Health Insurance Coverage by Blue Cross Blue Shield through Nulty Insurance (3.4% increase in premium over previous year).

Downey moved, seconded by Money to accept the consent calendar as presented. Roll call vote carried unanimously.

Scheduled Matters from the Floor

Update on the Proposed McCoy Creek Trail Expansion – Suzannah Deneau of Wightman on behalf of Jerry Flenar of the Friends of the McCoy Creek Trail gave a brief update regarding the trail.

Proposed Letter of Resignation – JT Adkerson, the City's current Director of Public Services, has submitted a conditional letter of resignation that he is requesting be considered by the City Commission.

Money moved, seconded by Downey to postpone the item pending legal counsel. Roll call vote carried unanimously.

Reports by: Departments, Committees, Boards

Water Department Trailer Proposal – During preparations for this current year's fiscal budget, the Water Department had asked for and had approved the inclusion of an enclosed trailer to house their protective dig box, as well as all the fittings and repair bands necessary for repairing water main breaks, installing service taps, and repairing curb stops. The trailer will aid greatly in response time and efficiency, as it will house all our needs in one mobile station. As it stands, none of our vehicles or trailers have this capacity. Three quotes were received from trailer dealers in the area for a 7' by 18' enclosed trailer with a ramp door as follows:

- Trailers Midwest Inc. Elkhart, IN \$6080.00
- Mid City Trailers Elkhart, IN \$7000.00
- Cargo Plus Sales Middlebury, IN \$6310.00

Desenberg recommended acceptance of the quote from Trailers Midwest for \$6,080.00, and order very soon, as trailers are selling quickly and we are nearing the end of the fiscal year.

Swem moved, seconded by Money to accept the quote from Trailers Midwest for \$6,080.00. Roll call vote carried unanimously.

Community Development Director – Rich Murphy briefed the Commission on the potential economic benefits of creating a "Social District" pursuant to MCL 436.1551, which allows cities to designate a specific area within the city limits as a "Social District" whereby businesses within are able to then be granted a "Social District Permit" to sell alcohol on their licenses premises in a special way so that they may then consume that alcohol within the boundaries of where the Social District was drawn on the map approved by the City. The law was created during the pandemic and its intent is to spur economic activity and provide flexibility for businesses, especially during times when Covid-19 safety protocols put limits on indoor capacity for bars and restaurants. Specifics regarding exactly where the boundaries would be proposed have not yet been developed but can be presented at the next City Commission meeting, if so desired.

Also, the Andrews University Urban Design Studio will make a community presentation on April 28th 5pm at The Common. All are invited and are encouraged to attend and participate. Comments before and after can be emailed to rmurphy@cityofbuchanan.com.

Unfinished Business

Edgewater Bank – Correspondence was submitted by Edgewater Bank CEO Richard E. Dyer, which was reviewed at the last City Commission meeting. Questions were raised about the title work for the property. Upon further review of the updated title work, the City Attorney has opined that there appears to be no new restrictions since the City purchased the property in 2013. The full title work performed is included in the Commissioner packets. A sample resolution of sale has been prepared by the City Attorney, should the City decide to go forward with the prospect of a sale. However, it is worth noting that the City Police Department's current location is one that both the PD and Chief Ganus are happy with, and both Chief Ganus and Manager Grace agree that recently discussed proposals to move the PD back to Ross Sanders, or to merge the PD with the current City Hall, would prove costly and present some substantial difficulties (for example, the Current City Hall building and parking lot are simply not large enough to accommodate the staff and vehicles for each facility, and the Ross Sanders building would require substantial renovations to make the building secure enough for it to be safely used as a police department.

The Commission took no action on this item.

New Business

High Profile 2021 Marihuana Permit Renewals - High Profile has submitted renewal applications and fees for the following permits:

1. Medical Marihuana, 804 E. Front St., Provisioning Center, \$5000, PC1, 04.12.2020
2. Adult Use, 804 E. Front St., Retailer Establishment, ALUMRE1, \$5000, 04.12.2020

Murphy 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 have been performed by Buchanan Police Department with the exception of one background check from a large municipality that has not yet been returned. All permit fees have been collected. The Buchanan City Department Heads have reviewed the applications and find them to be in proper order and have signed off with their approval. Therefore, approval of the above permit renewals is recommended.

Denison moved, seconded by Money to postpone the item until all documentation is complete. Roll call vote carried unanimously.

Portable Toilet Bid Proposal – Bid opening for placement of portable toilets at designated parks for 2021 season took place on March 5, 2021. Pride Portable Toilet Co. was the sole bidder. Consider acceptance of the Pride Portable Toilet Co. bid for \$3,796.00.

Downey moved, seconded by Money to accept the Pride Portable Toilet Co. bid for \$3,796.00. Roll call vote carried unanimously.

City Attorney Services Bid Proposals – Review and consider proposals for City Attorney Services. Bid opening for the City Attorney Services request for proposals took place on March 5, 2021. Three proposals were received:

1. Bittner Jennings; Atty. Richard Racht \$48,000 / year for contracted scope of work \$195 / hour for non-contracted work \$42,000 for ordinance prosecution services (not part of RFP)
2. Kotz, Sangster, Wysocki, PC; Atty. Mowitt Drew \$215 / hour general services \$185 / hour court services

3. Foster Swift Collins & Smith PC; Atty. Michael Homier \$250 / hour for general and/or specialty work \$200 / hour prosecution Expenses invoiced separately

Proposals and bid sheet with additional remarks provided to Commission for review.

Swem moved, seconded by Downey to transfer City Attorney services to Kotz, Sangster, Wysocki, PC. Roll call vote carried unanimously.

CEDAM Community Development Fellowship 2021-22 Program – The Community Economic Development Association of Michigan (CEDAM) is a nonprofit membership association of community development corporations (CDCs), individuals, and other organizations interested in promoting and expanding community-based economic development across Michigan. CEDAM provides advocacy, resources, and training to organizations working to create vibrant communities. In partnership with MEDC, CEDAM seeks communities engaged in the RRC process to host a community development fellow for a fifteen-month placement, beginning October 2021. Fellows will support and advance community economic development goals. Fellow projects will improve organizational capacity, increase local collaboration, remove barriers to development, and help communities reach their RRC goals (which allows them greater access to grants). The cost of hosting the Fellow, if selected to participate, is \$3,000 in FY 2021 and a final \$3,000 payment in FY 2022. The rest of the \$60,000+ cost of the Fellow is paid for in full by the MEDC. Manager Grace supervised a CEDAM Fellow while she was City Manager in her previous community, and she found the program extremely beneficial and exponentially worth the small cost, especially since in her experience the resulting grants more than recoup the \$3,000 per year cost of the program, which is a great deal for essentially getting a full-time employee for 15 months. Manager Grace seeks approval to apply.

Swem moved, seconded by Downey to approve application to the CEDAM Community Development Fellowship 2021-22 Program. Roll call vote carried unanimously.

Complete Streets – Adoption of a “Complete Streets Plan” by the City is highly recommended by the advisors from MDOT assisting Manager Grace in the City’s multiple applications for grants for the McCoy Creek Trail, as we hope to use the technique of financial layering to stack multiple grants on top of each other to maximize the local match contributions we make towards the project. The Complete Streets Plan proposed essentially indicates that the City will commit to making efforts to plan for and provide for the needs of non-motorized pedestrian such as walkers, runners, and bikers, as well as the needs of the elderly and disabled, when looking at street improvements within the City. A proposed Resolution #2021.4/223 has been prepared for the Commission’s consideration, as approval helps us get more trail grants.

Downey moved, seconded by Weedon to adopt Resolution #2021.4/223 develop a Complete Streets Plan. Roll call vote carried unanimously.

CLOSED SESSION: Potential Purchase of Real Property – A motion is requested to have the City Commission enter “Closed Session” to discuss the potential purchase or lease of real property, pursuant to MCL 15.268(8)(d).” [A 2/3 roll call vote is required].

Downey moved, seconded by Swem to enter a closed session to discuss the purchase or lease of real property, pursuant to MCL 15.268(8)(d). Roll call vote carried unanimously. (8:03 p.m.)

Swem moved, seconded by Money to reconvene to open session of the regular City Commission meeting at 8:39 p.m. Roll call vote carried unanimously.

Resolution for Support for USDA Grant for Construction of DPW Building – In looking for various funding options for the demolition, engineering and construction of the DPW building Manager Grace spoke with a representative from Congressman Fred Upton’s office regarding a community-focused USDA community facilities grant. He strongly recommended that we go with this request for \$1 million towards a new DPW building as our best chance for success.

**CITY OF BUCHANAN, BERRIEN COUNTY MICHIGAN
MICHIGAN’S 6TH FEDERAL DISTRICT RESOLUTION SUPPORTING AN
APPLICATION FOR A COMMUNITY-FOCUSED USDA COMMUNITY FACILITIES
GRANT FOR CONSTRUCTION OF A NEW PUBLIC WORKS FACILITY
RESOLUTION NO: 2021.4/224**

WHEREAS the U.S. House Appropriations Committee will implement a new Community Project Funding (CPF) initiative to allow Members of Congress to directly address the most significant needs of the communities they represent; and

WHEREAS the City of Buchanan qualifies to apply for a USDA Community Facilities Grant because Buchanan is a rural community of less than 5,000 residents; and

WHEREAS municipal governments provide essential services to their constituents, especially in the area of public works; and

WHEREAS the City of Buchanan’s public works building is currently in need of being replaced, with structural engineers recommending demolition of the current structure and a need for construction of a new facility as soon as possible; and

WHEREAS there exists public consensus around the urgent need to construct a new public works facility in the City of Buchanan because it is such an essential community facility; and

WHEREAS the construction of a new public works facility in the City of Buchanan is necessary for the City to safely maintain operations and continue to provide essential public services to its residents; and

WHEREAS currently the funding for the construction of a new public works facility would be difficult for the City of Buchanan to raise in full without assistance; and

WHEREAS the City of Buchanan is requesting grant funding in the amount of one million dollars to assist in this regard; and

WHEREAS the City of Buchanan has the means to borrow money to pay for any construction costs above the requested grant funding amount of one million dollars.

NOW, THEREFORE BE IT RESOLVED that the City of Buchanan hereby resolves to formally support an application for a community-focused USDA Community Facilities Grant, as a means of assisting the residents of the City of Buchanan by providing funds needed to construct an essential community facility to serve our rural community.

Swem moved, seconded by Money to approve Resolution #2021.4/224 in support for a USDA Grant for Construction of DPW Building. Roll call vote carried unanimously.

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

Master Plan Update – The Buchanan Planning Commission has a draft of the updated Master Plan and is seeking comments, which can be sent to the Clerk via email, or dropped off at City Hall. The draft is available on the City’s website by clicking the following link:

<https://www.cityofbuchanan.com/file/722/Master+Plan%2C+Draft+Update.pdf>

Marketing Opportunity – The Buchanan Chamber of Commerce, in partnership with Leader Publications, is producing a full-color glossy Visitors Guide to celebrate the Red Bud City, promote area businesses and connect them with new customers, and raise funds for important Chamber initiatives. Members receive a complimentary business listing. Additionally, members are encouraged to purchase advertising sponsorships (at special rates!) to support this important project that will celebrate the events, attractions and offerings that make Buchanan unique. This comprehensive guide will be used throughout the year to promote your business. More than 5,000 copies will be distributed throughout Michiana. An electronic version will also be made available for the Chamber and participating businesses to use.

Board Application Process – The City has been working to develop a robust Board, Committee & Council application and appointment process in compliance with the Redevelopment Ready Communities (RRC) certification standards. Best practices are to provide a clearly defined board application process, as well as complete and accurate information regarding each board’s purpose, structure, terms, and the desired skills/experience necessary as well as any special qualifications to serve on that board. This enables all parties to make their best effort in assuring a mutual good fit. Defined board training is also included as a best practice. Given that the sense of urgency to fill open board seats, we are implementing a phased approach which should align the City of Buchanan very well with RRC best practices as we work towards certification:

- Phase I – Expand upon and replace the Citizen Volunteer Form with a simplified version of the Board Application which provides links to current board pages on the City’s website. Add the Board Application and Appointment Process document content to the City’s website. (Currently live at <https://www.cityofbuchanan.com/city-government/boards-councils>.)
- Phase II – Collaborate with boards to fully document and update board information. Once all board information is gathered, expand the Board Application to include pertinent information and/or links directly on the application.
- Phase III –As part of the Municode website design, we have opted for a Board Management module which houses such content and helps us to track board terms, vacancies and appointments. Rather than redesigning web pages on the current website platform, we will build new board pages on the new platform as part of the Municode website design.

- Phase IV – Ensure at least one officer of each board is trained on the Meeting Management/Board Management modules of the Municode website. Design, develop and deliver basic board training modules for all board members.

Senior Prom at McCoy's Creek Recreational Area/Centennial Park – Serynn Nolan a senior at Buchanan High School inquired about renting the Centennial Park Pavilion for their Senior Prom and asked if they would be allowed to have outdoor gas fire pits across from the pavilion and creek, with tarps under them.

Safety Concern – Deb Brown, Manager of the Rail Safety Section of the Michigan Department of Transportation's Office of Rail indicated they have been contacted by Amtrak locomotive engineers expressing concerns about the condition of a grain elevator facility on the south side of Buchanan, just west of Red Bud Trail. They are concerned that parts of the structure seem unstable and are leaning toward and in close proximity to the track traversed by higher-speed passenger trains. Although certain parties have expressed interest in preserving the facility, written business plans have been requested and after several weeks have still not been received.

Food Carts / Food Trucks Communications – Manager Grace has received inquiries from multiple parties asking about whether food carts and/or food trucks can be used within the City. Manager Grace is not aware of any particular rule or ordinance that would prohibit such an activity, so she intends to work on developing a proposal for an administrative policy to allow for such use in a regulated manner, which will be presented to the Commission for review. Members of the public with opinions on the matter are strongly encouraged to email their opinions to the City Clerk at bpitcher@cityofbuchanan.com so that such views may be considered during the development of the policy proposal.

Buchanan Summer Concert Series – Manager Grace has been contacted by multiple individuals interested in donating both time, talent, and money towards a more robust summer concert series in Buchanan to be held on various Fridays, Saturdays, and Sundays, depending upon the availability of the artists we can attract, with plans to aim for getting larger acts who might consider playing The Common on their way through to Chicago. Grace has begun providing assistance to these individuals in the hopes of creating a more formal group that can work strategically to combine resources from various individuals and organizations, including generous endowment fund donations that can help provide for maintenance and upkeep at The Common. Grace's plan is to provide administrative assistance, in collaboration with The Common Committee and the Performing Arts Committee, to create a yearly calendar of events for The Common that encourages concerts, plays, productions, farmer's markets, and festivals, aimed at increasing visitors to our area to help with tourism and economic development. Administrative policies will be created to manage these events, and assistance will also be provided by the City's Community Development Department.

Public Comment (non-agenda items)

- **Jack Schnell** – Explained High Profile's plans for 420 celebration at their facility and asked the Commission for permission to have a DJ in their parking lot. (Commission then discussed and provided feedback; Mayor called for a motion to approve with none offered.)
- **Michael Rowland** – Explained two funds that the Michigan Gateway Foundation has established to provide funding for the concert series at the Common; an endowed fund earmarked for repairs and maintenance and a non-endowed fund that provides operating income. Discussed plans for 4-5 shows at the Common this year.

- **Dan Vigansky** – Has not heard anything in a while about the DPW building and hopes the City receives the grant previously discussed. Would still like the City to apply to assess the flood plane.
- **Nick Gasorek** – Spoke regarding his taxes, the board of review, and read a response he received from the tax tribunal stating there was an error in calculation and that he was owed refund with interest. Refund was paid but interest continues to accrue.
- **Monroe Lemay** – Spoke in response to Jack Schnell’s request and the Commissions response – If you do something for one company, you should let the others do it as well.
- **Rebecka Hoyt** – Asked about acceptable items for the Annual Clean-Up on April 23 and 24. (Chief Ganus indicated the Police Department has a comprehensive list of what is and is not allowed.)
- **Kelly Carlin** – Asked Manager Grace and Michael Rowland how they are considering the Buchanan Area Performing Arts Council performances as the plan the concert series. (They assured they would coordinate.)

Executive Comments

- **City Manager Grace** – Lengthy agendas speak to everyone’s hard work to return Buchanan back to its vibrancy. Encouraged everyone to attend the presentation on April 28.
- **Commissioner Swem** – Encouraged everyone to go to the presentation on April 28. Stated Jerry Felnar was out of town but had texted him during the meeting to report that he’s already raised \$80,000 in private funding toward the trail expansion project. Excited to see the board applications available.
- **Commissioner Weedon** – None.
- **Commissioner Money** – Thanked everyone for their community involvement. Reminded that board applications are available and encouraged people to sign up.
- **Commissioner Downey** – Since the last meeting, we lost a business owner and inventor. Sending condolences to the family of Willard Gustafsen.
- **Mayor Denison** – April 28th will be worth people’s time.

Adjourn

Money moved, seconded by Weedon to adjourn. Roll call vote carried unanimously. Mayor Denison adjourned the meeting at 9:20 p.m.

Barbara A. Pitcher, City Clerk

Mayor Sean Denison