

**City of Buchanan Commission Minutes
March 8, 2021**

The regularly scheduled meeting of the City Commission was held via electronic meeting on Monday, March 8, 2021, and was called to order at 7:01 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; Director of Public Works, JT Adkerson; DPW Staff, Mike Baker; Community Development Director, Rich Murphy; Police Chief, Tim Ganus; Water Operator, Scott Desenberg

Guests: 18 guests including Don Ryman, Mack Green, Donna Monell, Jake Smith, Diane Binder, Rebecka Hoyt, Debra Haight, Kim Moyer, Alan Robandt, Rob Spengler, Ric Paniagua, Mark Skene, Matt Dehring, and Alice Kring

Agenda

Weedon moved, seconded by Swem to approve the agenda as presented. Roll call vote carried unanimously.

Public Comments (agenda items)

- **Alan Robandt** – Spoke in favor of Zen Leaf’s 420 event and encouraged it as a city-wide event that should be promoted by the City.
- **Dan Vigansky** – Questioned where the DPW building would be. Spoke against proposed pay structure for Treasurer and proposed parental leave. Commented regarding hybrid meetings.

Public Hearings/Special Business

None

Consent Calendar

- Approve Minutes: Regular City Commission Meeting, February 22, 2021
- Approve Invoices/Expenditures: for March 8, 2021 in the amount of \$104,033.17.

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

Scheduled Matters from the Floor

United Way – *Dolly Parton’s Imagination Library* – Diane Binder of United way presented. March is Reading Month and the United Way of Southwest Michigan is encouraging our community to rally around early childhood literacy by sponsoring children to participate in Dolly Parton’s Imagination

Library. Dolly Parton's Imagination Library brings books to children's homes; from birth until they turn five years old, children enrolled in the program will receive a new, age-appropriate book mailed to their home each month. By the time they enter kindergarten, children will have their own library of books and be more prepared to enter school and become readers. Additional information about the program and sponsorship opportunities are available at <https://www.uwsm.org/dpil>.

Zen Leaf: Proposed 420 Celebration – Jake Smith of marijuana retailer Zen Leaf addressed the City Commission with a request to have the City consider approving a proposed “420 Celebration” event to take place on April 20, 2021. The proposal includes a request to set up a booth outside in front of the Zen Leaf shop to allow Zen and Redbud Roots to hand out non-THC “swag” (free gifts). Efforts to maintain social distancing are proposed, and a donation bucket for the humane society is also proposed. Other details of the proposed event include a photo booth, and the use of a local DJ playing local acoustic artists outside (or a stereo if the DJ option is not feasible.)

Considerable discussion regarding pedestrian and traffic flow as well as involving other marijuana retailers and businesses. The City will remain informed as planning continues.

Swem moved, seconded by Downey to approve Zen Leaf’s request to hold a “420 Celebration on April 20, 2021. Roll call vote carried by majority with Weedon abstaining due to a conflict of interest relating to his employment in the cannabis industry.

Reports by: Departments, Committees, Boards

Oakridge Cemetery: Veterans Circle Policy – The Commission is asked to consider the adoption of new rules and regulations regarding Veterans Circle at Oakridge Cemetery. These proposed new rules were formulated by and recommended by City Cemetery staff and members of the American Legion Post 51 Administrative Board, with the goal of uniformity. Details are in Commissioner packets and include the following: one Sheppard hood per grave starting one week prior to Memorial Day and ending one week after Labor Day, placement of a white cross and flag approved by the Legion and placed by the Legion are allowed but no other placement of any other artifacts allowed, and all burials in the Veterans Circle reserved for honorable serving members of the military, or those honorably discharged, and no others.

Weedon moved, seconded by Money to adopt new rules and regulations for Veterans Circle at Oakridge Cemetery. Roll call vote carried unanimously.

Finance Department – Treasurer Stephanie Powers updated the Commission on the status of the City’s transfer of financial accounts from Chemical Bank/TCF/Huntington to Honor Credit Union, which is going well. The new accounts were open as of March 8, 2021. Training is scheduled for the week of March 8, 2021. Treasurer Powers also requested the scheduling of a Budget Priority Setting Work Session for the City Commission and City Administration to discuss needed amendments to the current fiscal budget due to variances caused by the previous administration’s decision to code Covid-19 Relief revenues and anticipatorily eligible expenditures to a 101.101.919 Covid line item, which has created significant variances in the current budget that need addressing, in addition to allowing for priority-setting conversations that will help shape next fiscal’s budget proposal. A suggested date and time for the Work Session is Saturday, March 13th at 10am. City Administration hopes to offer a “hybrid” meeting style formal for the Work Session, and also hopes to offer such an option for future Commission meetings, in light of the State’s decision to loosen some of the imposed Covid-19 restrictions [which now allow non-residential indoor gatherings of up to 25 people if masking and social distancing is enforced]. Work is underway to optimize the Commission Chambers for hybrid meeting capabilities.

All Commissioners indicated availability for the Saturday, March 13 meeting at 10:00 a.m.

Master Meter Replacement at Chemical Feed Building – Scott Desenberg, the Operator in Charge for the City's Water Department, presented a request to replace the Master Meter at the Chemical Feed Building. Operator Desenberg explained the quotes he received in relation to the project: (1) \$6,354.37 by Forberg; (2) \$8,214.81 by Gasvoda & Associates; and (3) \$6,290 by Peerless Midwest/SUEZ Advanced Solutions. Desenberg recommended Peerless Midwest as they have a good working relationship with the City and have done quality work in the past.

Money moved, seconded by Downey to accept the bid from Peerless Midwest/SUEZ Advanced Solutions in the amount of \$6,290. Roll call vote carried unanimously.

Unfinished Business

Guys & Dolls Lease – City Attorney Rick Racht has prepared a proposed lease for the Guys & Dolls salon housed within the Ross Sanders building. However, at the request of the City Manager who indicated some discrepancies in the verbiage, this item is postponed until it can be further reviewed.

Treasurer Position – Stephanie Powers was formally appointed as the City Treasurer for the City of Buchanan during the last City Commission meeting, held 02/22/21, with the decision of the issue of pay slated to be discussed on this meeting's agenda. The most recent Treasurer pay was for Traci McGrath was \$64,000 as of 08/2020 and the most recent Treasurer pay for Juli O'Bryant was \$72,388.45 as of 05/2020. Proposed Treasurer pay approved for the posting of the position was \$65,000 - \$75,000 DOQ and requested Treasurer's experience of 2 years or 5 years preferred. Manager Grace proposes drafting an at-will employment agreement for Ms. Powers with a proposed starting salary of \$57,417 (retroactive to date of appointment), along with pay step increases tied to experience, which would have Ms. Powers receiving the \$75,000 salary contemplated in the position posting once she has reached 5 years of Treasurer experience on 02/22/2026, which would be in line with the previously approved job posting. Incremental steps would be on February 22nd each year as follows: \$57,417 for 2021 [calculated as $\frac{3}{4}$ of the way between Ms. Powers' current pay and the pay amount awarded to previous Treasurer Traci McGrath]; \$61,208 for 2022 [incremental calculation]; \$65,000 for 2023 [as contemplated in the previously approved job description for someone with two years' experience]; \$67,250 for 2024 [incremental calculation]; \$71,250 for 2025 [incremental calculation]; and \$75,000 for 2026 [as contemplated in the previously approved job description for someone with five years' experience]. The Commission indicated they would like more time to review this proposal and discuss in conjunction with budget and priority setting at the March 13th work session.

New Business

March 2021: Restaurant Month – Consider Resolution 2021.3/222, a resolution to declare March 2021 as restaurant month in the City of Buchanan, as recommended and previously approved by the Berrien County Commissioners on 02/25/2021.

Money moved, seconded by Weedon to adopt Resolution 2021.3/222 declaring March 2021 as Restaurant Month in the City of Buchanan. Roll call vote carried unanimously.

G2 Development 2021 Marihuana Permit Renewals – G2 Development (7Engines) has submitted renewal applications and fees for the following permits, which have been reviewed by Community Development Director Rich Murphy and found to be in proper order (details were sent to Commission on 03/01/21):

1. Medical Marihuana, PR 2, 408 River St., Processor, \$5,000.00, 01/27/2021
2. Medical Marihuana, PC5, 1101 E. Front St., Provisioning Center Facility, \$5000.00, 01/27/2021
3. Medical Marihuana, GCC4, 408 River St., Grower Class C, \$5,000.00, 01/27/2021
4. Adult Use, AUMPR2, 408 River St., Processor Establishment, \$5,000.00, 03/23/2021
5. Adult Use, AUMGC, 408 River St., Grower Class C, \$5,000.00, 03/23/2021
6. Adult Use, AUMRE, 1101 E. Front St., Retailer Establishment, \$5,000.00, 03/23/2021

Denison moved, seconded by Downey to approve the 2021 marihuana permits for G2 Developments as follows:

- ***Medical Marihuana, PR 2, 408 River St., Processor***
- ***Medical Marihuana, PC5, 1101 E. Front St., Provisioning Center Facility***
- ***Medical Marihuana, GCC4, 408 River St., Grower Class C***
- ***Adult Use, AUMPR2, 408 River St., Processor Establishment***
- ***Adult Use, AUMGC, 408 River St., Grower Class C***
- ***Adult Use, AUMRE, 1101 E. Front St., Retailer Establishment***

Roll call vote carried by majority with Weedon abstaining due to a conflict of interest relating to his employment in the cannabis industry.

Finalization of DPW Building Plans – Director of Public Services JT Adkerson has developed a proposed plan, included in the Commissioner Packets, attempting to encapsulate the Commission’s recent conversations regarding what is envisioned for the new DPW building. RFPs have already gone out for soil samples and surveys, and proposals will be on the agenda for the next meeting, but before RFPs go out for the design/build of the building, the administration was hoping for a final vote of the Commission to either approve Director Adkerson’s proposal, or make modifications as seen fit [including a final decision on whether the building walls should be all steel, or contain some amount of concrete—and if so, how high the Commission wants the concrete to go up].

Weedon moved, seconded by Swem to approve the proposed plan for the DPW building. Roll call vote carried unanimously.

Proposal to Amend Personnel Policies Manual – Manager Grace seeks approval to update the City’s Personnel Policies Manual, as the current policies are somewhat disjointed and out of date. Manager Grace also seeks approval to add a new section to the Personnel Policies Manual which would allow for 6 weeks of paid maternity/paternity leave following the birth or adoption of a child, to run concurrently with FMLA eligibility. This recommendation is based upon consultation with Ted Chase of Nulty, who assists the City with the administration of its employee benefits. This proposal is also based upon the consensus of opinions from other City Managers throughout Michigan that was recently solicited by the Village Manager of Decatur. Since a non-Union city employee will soon be having a child, Manager Grace is hoping that the Commission would be willing to vote on the proposed maternity/paternity leave issue now, and then allow for a vote on the rest of the proposed updates at a later date, once an entirely new draft of the manual has been completed and reviewed by the City Attorney to ensure that it is up to date with current employment law requirements.

Denison moved to approve updates to the City’s Personnel Policies Manual including establishing 6 weeks paid parental leave. The motion died for lack of support.

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

2020 Tree City USA – The City has received word that the City of Buchanan will be recognized as a 2020 Tree City USA. Formal recognition will take place prior at a future Commission meeting prior to Arbor Day, the last Friday in April.

Easter Egg Drive Thru – Alice Kring has emailed Manager Grace on behalf of the Buchanan Leo’s requesting permission to hold a drive thru Easter Egg Hunt in the parking lot at the Buchanan Common on April 3, 2021. She indicated that students will hand out a bag of goodies to each vehicle that drives in and that they would enter from Roe Street behind the City Center into the City parking lot and exit the north driveway of the parking lot, similar to how the BAMA group did their food hand out in August of 2020. Manager Grace has reviewed this proposal with Chief Ganus, and he has indicated his support and approval of the proposed event parameters.

Weedon moved, seconded by Downey to approve the Easter Egg Drive Thru on April 3, 2021. Roll call vote carried unanimously.

Updated COVID-19 Restrictions – The State has recently announced new COVID-19 restrictions that are less strict and allow for food service at 50% capacity; indoor recreation up to 25 people or 50% of max occupancy, whichever is less, with masking and social distancing; and outdoor recreation of up to 50% of max occupancy and less than 1,000 with masking and social distancing. Consequently, Manager Grace proposes to re-open to the public the option to rent City spaces such as the Redbud City Center, with requirements that users agree to abide by then-existing state mandated COVID-19 restrictions.

Marihuana Revenue Update – On 03/04/21, the State transferred to the City \$84,003.96 in marihuana revenues tied to three dispensary operations located within the City. This marks the first time that the City has receipted any money related to marihuana taxes, which has been promised from the State for some time. This figure is anticipated to increase over time, and the City budget will need to be amended to reflect the change, as the timing and amount of the payment was not anticipated. The Commission will also be asked to have a policy discussion regarding the planned use for the funds. It is recommended that such a conversation take place during a Work Session, possibly during the proposed March 13th Work Session date that has been suggested, or some other similar venue.

Public Comment (non-agenda items)

- **Dan Vigansky** – Stated the agenda needs to go out earlier.

Executive Comments

- **City Manager Grace** – Thanked Commission for being open to the budgetary and priority setting session and believes restructuring the budget will make the City swifter. Discussed the transition from FundBalance to BS&A and stated it makes the most sense for FundBalance to remain on the existing server and purchase a new server for BS&A. A new server is also necessary as the current server is beyond capacity and unable to meet our current needs.
- **Commissioner Money** – Thanked everyone for participating. The Commission received a lot of good feedback, including from department heads.
- **Commissioner Swem** – Excited about the Zen Leaf proposal and would like to see buy-in from others. Suggested to City Manager that prior to revisiting the Guys and Dolls lease agreement that photographs be provided to document Ms. Reed’s concerns with the property.
- **Commissioner Downey** – Asked about Thrill on the Hill event planning, followed by discussion among Commission and staff regarding assembling a committee.

- **Commissioner Weedon** – Thanked everyone on the call. Thanked department heads for being transparent. Looking forward to the 420 opportunity and more to come.
- **Mayor Denison** – Discussed the Steering Committee meeting with Andrews students the prior week. They will soon have an open house to share their work with the public. Congratulated Rebecka Hoyt for taking the reigns of the local paper. Look for the first edition of the Buchanan Chronicle on March 20.

Adjourn

Weedon moved, seconded by Swem to adjourn. Roll call vote carried unanimously. Mayor Denison adjourned the meeting at 8:40 p.m.

Barbara A. Pitcher, City Clerk

Mayor Sean Denison