

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

The regularly scheduled meeting of the City Commission was held via electronic meeting on Monday, February 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; Acting Treasurer/Bookkeeper, Stephanie Powers; Director of Public Works, JT Adkerson; DPW Staff, Mike Baker; Community Development Director, Rich Murphy; Wastewater Treatment Superintendent, Bill Housand; Water Department Operator in Charge, Scott Desenberg
Guests: Jan Jacobs, Anne Tuite, Joe Paolucci, Dan Vigansky, Tom Jolly, Alan Robandt, Penny Slocum, Don Ryman, Suzanne Deneau, Paul Harvey, Fran Terry, Debra Haight, Brian Dougherty, Jerry Flenor, Kim Moyer, Brandon Kovnat, Thad Payne, Peter Lysy, and one other unidentified

Agenda

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

Public Comments (agenda items)

None

Public Hearings/Special Business

None

Consent Calendar

- Approve Minutes: Regular City Commission Meeting, January 25, 2021;
- Approve Invoices/Expenditures February 8, 2021 in the amount of \$125,707.97 (\$67,648.19 of which consists of tax disbursements to other entities, such as Berrien County, etc.)

Downey questioned the amount of the elections tabulator expenditure which was \$700 more than approved. Pitcher indicated the additional amount was for shipping costs, negotiated down from \$1,800 and that \$700 for shipping is fairly standard.

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

Scheduled Matters from the Floor

None

Reports by: Departments, Committees, Boards

Wastewater Treatment Plant – Sewer Use Surcharge Schedules – The schedules set forth below are requested to be approved as part of the continuing process of building the Industrial Pretreatment Program, the City needs to adopt fee structures for the pollutant limits designated as “surcharge limits” in the Sewer Use Ordinance. The idea behind this is that each sanitary user should pay their fair share of the operation and maintenance costs associated with the sanitary system. Surcharges will typically be applied to commercial or industrial users who create high-strength waste that adversely affects the wastewater treatment plan. At this point, only the Landfill is anticipated to be affected. The Landfill Board is aware of this proposal and has lodged no formal complaints. Additionally, the Joint Water Sewer Board has also reviewed this schedule and voted to recommend approval by the City Commission. The proposed rates are as follows:

Ammonia: \$3.08 per pound, when concentrations exceed 15 mg/l

Phosphorous: \$5.87 per pound, when concentrations exceed 15 mg/l

Biochemical Oxygen Demand: \$0.88 per pound, when concentrations exceed 250 mg/l

Total Suspended Solids: \$0.80 per pound, when concentrations exceed 250 mg/l

Housand presented and clarified certain point to Commissioners. Swem stated the Landfill Board feels the contract is equitable.

Downey moved, seconded by Weedon to adopt the Sewer Use Surcharge Schedule. Roll call vote carried unanimously.

Department of Public Works – Snow Machine Buy Back – Consider authorizing DPW Director JT Adkerson to negotiate a buy back by the original seller of the 2012 Pole Cat snow machine, with 85 hours, purchased in 2014 at a cost \$14,500. Following initial discussions, the suggested asking price is \$7,000. Could be sold via Ebay, or other methods, as desired.

Swem moved, seconded by Downey to allow JT Adkerson two weeks to sell the snow machine at a minimum price of \$7,000. Roll call vote carried unanimously.

Unfinished Business

Tin Shop Lease Request from Buchanan Fine Arts Council – The Buchanan Fine Arts Council has submitted a request for the City Commission to consider extending their lease of the Tin Shop Theatre under the same terms as previous years. The lease expired in April of 2020. A confidential attorney-client privileged document relating to this lease was shared by the City Attorney with the Commission for review.

Money moved, seconded by Downey to extend the lease for the Tin Shop Theatre. Roll call vote carried unanimously.

Guys and Dolls Lease Extension Request – Virginia Reed of Guys and Dolls has requested a one-year extension on her lease at Ross Sanders, which expired on August 31, 2020. She wants to continue the current terms, which are rent of \$450 per month, tenant to pay for water and electric, and the City to pay for heat and replacement or repair of HVAC units. This matter was postponed at the last meeting, until such time as the City Attorney had a chance to review the contract and make a recommendation regarding the terms. A confidential attorney-client privileged document relating to this lease was shared by the City Attorney with the Commission for review.

Money spoke in favor of a yearly lease given Reed's longevity in the community. Swem spoke in favor of a month-to-month lease given the Commission has stated future use for the Ross Sanders building is undecided but will not include commercial space. Also out of respect for Reed's longevity in the community, Swem suggested giving her sufficient notice and time to move if other plans develop. Downey suggested that nothing is going to happen with the Ross Sanders building for at least a year, so a one-year lease would be appropriate.

Downey moved, seconded by Money to extend a one-year lease to Virginia Reed of Gus and Dolls. Roll call vote carried by majority with Swem voting NAY.

Edgewater Bank – Edgewater Bank has requested to be released from their lease agreement with the City. A confidential attorney-client privileged document relating to this lease has been shared by the City Attorney with the Commission for review.

Swem inquired and Grace responded that information on any deed restrictions had not yet been determined.

Downey moved, seconded by Swem to postpone the decision regarding the Edgewater Bank lease until information regarding any deed restrictions can be obtained. Roll call vote carried unanimously.

McCoy Creek Trail Grant Presentation – At the Joint meeting this past Thursday, Suzannah Deneau from Wightman presented options related to the latest phase expansion for the McCoy Creek Trail. Since the Friends of the Trail group is hoping to stick with the original grant deadline of February 24th, this request is somewhat time sensitive, so the Commission is requested to make a decision regarding the following:

- **Approve the Submission of the Grant** – Wightman, working in collaboration with the Southwest Michigan Planning Commission and the Buchanan Friends of the McCoy Creek Trail Committee, has developed a proposal for a Transportation Alternatives Program (TAP) Grant. The grant is issued by MDOT, and if approved, would allow the City to complete an additional phase of McCoy Creek Trail construction. Specifically, the project would include improving the pedestrian facilities on Walton Road over the St. Joseph River Bridge (aka 'River Street Bridge'), along with constructing trail segments on either end of the bridge.
- **Approve the Total Contribution Amounts** – As currently budgeted, the proposed trail project would consist of the following:
 - TAP Contribution (grant funding) - \$ 130,777.00
 - Local Contribution (amount paid by City of Buchanan) [20% match required] –
 - \$ 32,694.25
 - TOTAL- \$163,471.25
- **Choose an Alternative Project Option** – Five project alternative options are available to choose from, each of which has a common start and end point, which is the intersection of River Street

& Schirmer Parkway (west side of bridge) and the intersection of Walton Rd & E. Riverside Rd. (east side of bridge). The options to choose from are as follows:

- Alternative 1- Additional width to existing bridge. Estimated total cost \$1,543,000. Since only ~ 11.5% of the cost would be covered by the TAP grant, this option is not recommended.
 - Alternative 2- Adding 1-foot to each side of existing bridge sidewalk. Estimated total cost \$250,000. ~ 30% can be covered by the TAP Grant and the required local match.
 - Alternative 3- Adding 1-foot to one side of existing bridge sidewalk. Estimated total cost \$181,000. ~ 88% can be covered by the TAP Grant and the required local match.
 - Alternative 4- Adding 2-feet to one side of existing bridge sidewalk. Estimated total cost \$200,000. ~ 70% can be covered by the TAP Grant and the required local match.
 - Alternative 5- No bridge work, sidewalk/trail construction on either side of bridge.
 - Estimated total cost \$112,000. 100% of the proposed project could be covered by the TAP Grant and the required local match and approximately 320 feet of additional trail can be included in the project.
- Possibility of Joint Recreation Board with Buchanan Township – Deneau will present the option of potentially having a Joint Recreation Board with Buchanan Township so that each entity can collaborate on the creation of an eventual Joint 5-Year Recreation Plan. Such joint plans are generally favored by the State, as an effort to encourage inter-local cooperation. As such, the creation of a joint plan can often help the possibility of a recreation grant getting approval at the State level.

Deneau presented. Jerry Flenor also spoke on behalf of the Trail Committee. Considerable discussion on the topic, but no motion.

New Business

Board of Review Vacancy – As stated at the joint meeting this past Thursday, the RRC 2.0 program has begun, so new RRC 2.0 compliant board applications will be available soon to allow other board appointments at the next City Commission meeting. However, in the meantime, the Board of Review vacancy should be filled ASAP due to timing of the BOR meeting required in March. That being the case, the Commission is asked to consider the application of Jeffrey Griffin to serve on the BOR. He has been vetted by the City Assessor, who recommends his appointment. A simple majority vote of the Commission is sufficient to make the appointment, as per the City Charter.

Money moved, seconded by Downey to approve Jeffrey Griffin’s appointment to the Board of Review. Roll call vote carried unanimously.

Municipal Building Authority – As approved at a prior Commission meeting, Roger Swets and Andy Campbell have worked to prepare the proper paperwork to allow the City to create a Municipal Building Authority, which will the City to go out for bonds to pay for any future municipal construction projects. The documents presented in the Commission packets explain the next steps needed in the process. To proceed, what is needed at this point is Commission approval of the included Resolution and Adoption of Articles of Incorporation.

Swem moved, seconded by Downey to approve the Resolution and Adopt the accompanying Articles of Incorporation stating in Article VII, Section 1 (b) “Each Commissioner may be removed at any time with or without cause by a majority vote of the members of the City Commission...”. Roll call vote carried unanimously.

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

Proposed Roster for Steering Committee & Community Stakeholder Groups / Team Leaders – A proposed roster for the Urban Design Studio Steering Committee, as well as a list of proposed Community Development Stakeholder Groups and Team Leaders was presented to the Commission for review and later shared during public comments.

Public Comment (non-agenda items)

- **Alan Robandt** – Stated he would like to see who was on the list of Steering Committee and Community Stakeholder Team Leaders. (Grace shared the rosters. Discussion regarding the “old guard” and lack of diversity, the need to continually expand the stakeholders to ensure all voices are heard.)
- **Penny Slocum** – Thinks everyone is doing a wonderful job and trying to get everyone involved. Things won’t change overnight.
- **Dan Vigansky** – Stated the Commission needs to listen and not just get a pat on the back.

Executive Comments

- **City Manager Grace** – Thanked Deneau and Mack Green for their willingness to answer questions regarding the Trail expansion project. Stated Jerry Flenor is an above-and-beyond volunteer. Don Ryman has also been helpful in the process.
- **Commissioner Swem** – Thanked Deneau and the Trail Committee stating he appreciates the education on the project. Thanked attendees. Looking forward to the Steering Committee impact.
- **Commissioner Weedon** – Thanked business owners who continue to make the town beautiful. If you go to other small communities, you don’t see the vibrancy that you see in Buchanan right now. Traffic never stops. That brings its own issues, but also opportunity.
- **Commissioner Money** – Appreciates the public comments. This city has come a long way and the “Old Boy Club” is disbanding.
- **Commissioner Downey** – (Tongue in cheek) Supports a suspended bridge across the river and perhaps one at the end of the trail. Asked if AEP on Red Bud would be leaving that space, not that the new facility off of Walton Road nears completion. (Money responded that the new facility has different purpose and the facility on Red Bud would not be vacated). Inquired if Grace if the City properties previously discussed had been listed for public bid. (Grace responded they had not and consult with the City Attorney was necessary first.)
- **Mayor Denison** – Emphasized that the City is really looking for input from everybody.

Adjourn

Downey moved, seconded by Money to adjourn. Roll call vote carried unanimously. Mayor Denison adjourned the meeting at 8:16 p.m.