

PUBLIC HEARING
Expansion of Class C Liquor License: Wonderland Cinema 402 N. Front Street
Monday, April 27, 2015, 5:55pm

Mayor McCauslin called the Public Hearing for the Expansion of Class C Liquor License: Wonderland Cinema 402 N. Front Street. He asked if anyone in the audience wishes to address the council hearing none, the public hearing was closed at 5:56 pm.

CITY OF NILES
REGULAR CITY COUNCIL MEETING
MONDAY, APRIL 27, 2015, 6:00PM

The meeting was called to order by Mayor Michael McCauslin in the City Council Chambers, 1345 East Main Street, at 6:00 p.m. The Pledge of Allegiance was led by Mayor Michael McCauslin. Mayor McCauslin announced that Nancy Butler, a great member of the community, passed away and asked the audience for a moment of silence.

PRESENT: Georgia Boggs, Scott Clark, Robert Durm, David Mann, Tim Skalla, Daniel VandenHeede, William Weimer, Mayor Michael McCauslin

ABSENT: Gretchen Bertschy None

STAFF: Casperson, Dunlap, Lamb, Landgraf, Millin, Ray, Wise

MEDIA: Niles Daily Star

AUDIENCE: 60

CITIZEN PARTICIPATION:

John Stevenson of Niles Community Gardens read a letter from Chairman Dick Clancy asking for the Council's support by providing water for their community gardens.

Daniel Ashley, co-owner of Ultra Camp thanked various city employees for their support

Bruce Leach introduced Gary Grathwohl who spearheaded two riverfront cleanups. They would like to see more volunteers.

Kent Herceg of Donohue and Associates introduced himself to the council. Donohue and Assoc. is an award winning employee owned company that specializes in Water and Wastewater services.

Joe Sobieralski, Executive Director of Southwestern Michigan Economic Growth Alliance (SMEGA), spoke on behalf of Midwest Connections for the fiber optic connection stating that this is a positive direction for the City and the community.

Tony Hiatt, representing Wightman and Association asking the council to consider Wightman and Assoc. for the engineering services on the return activated sludge improvement project. They have worked with the city in the past, they are local, based in Berrien County for over 70 years.

Mr. Cunningham, representing Martin's Supermarket summarized Items 17 and 18 on the agenda.

PRESENTATIONS: National Tele-communicators' Week

Mayor McCauslin, Police Chief Millin and Dispatch Supervisor Jenny Huff presented a Commander's Commendation Letter to 911 Dispatcher Eric Ruth for his work in convincing a suicidal caller to surrender his weapon after the caller

threatened to kill himself and police in November.

Also receiving a Commander's Commendation Letter was Niles Police Officer Nathan Adamczyk, who responded in November to a call of a juvenile threatening suicide with a knife inside a garage. Officer Adamczyk convinced the juvenile to surrender the knife without force.

Niles Police Officer Shane Daniel was given a Departmental Citation for his work in using a tazer to neutralize a man who had stabbed four people on an Amtrak train that had stopped at the Niles Amtrak Depot in December.

Other Officers receiving Awards, but not present, were 911 Dispatch *Denise Taylor-Fowler received Commander's Commendation Letter and Departmental Citation and Police Officers Jenny Evans, Jim Kidwell receive Departmental Citations.*

CONSENT AGENDA:

1. Approval of the Minutes of April 13, 2015.
2. Approval of the Bills.
3. Consideration of approving a request from Niles New Tech students to hold a "Niles Team Hope Walk" fundraiser on the Riverfront Trail on May 23, 2015 to benefit the Huntington's Disease Society of America.
4. Consideration of approving a request from the Niles Community Gardens, Inc. for the Utilities Department to provide up to \$2,000.00 in free water towards their 2015 growing season.
5. Consideration of approving a request from the Ft. St. Joseph Archaeology Advisory Committee for a sponsorship of \$2,500.00 for this year's Archeology Open House.
6. Consideration of accepting the quote of \$3,479.94 from AT&T for the purchase of six (6) tablet computers and wireless internet service.
7. Consideration of accepting the quote of \$4,539.85 from GraybaR of South Bend, IN for the purchase of power wire for the City Hall generator.
8. Consideration of accepting the proposal of \$0.56 per gallon of liquid calcium chloride from Great Lakes Chloride, Inc. of Grand Haven, MI for annual dust control of unpaved streets in the city.
9. Consideration of extending a service agreement with Service Express, Inc. of Grand Rapids, MI for existing Dell servers and tape backups at a cost of \$6,636.00.
10. Consideration of accepting the quote \$8,666.82 for three (3) 900A Hubbell GOAB Tie Switches from Power Line Supply of Reed City, MI for use by the Electric Division.
Council Member Weimer moved, **Council Member Boggs** seconded, **MOTION CARRIED**, to approve Items 1-10 as submitted.
ROLL CALL: **AYES:** Boggs, Clark, Durm, Mann, Skalla, VandenHeede, Weimer
NAY: None **ABSENT:** Bertschy **ABSTAIN:** None

CITY ADMINISTRATOR'S REPORT:

Introduction of Items for Discussion

Items for Council Action

11. Consideration of adopting a resolution to designate Police Chief James Millin as the authorized coordinator responsible for accepting Federal Surplus Property, with the power and full authority to sign for any Federal

Surplus property the City of Niles may wish to accept.

**STATE OF MICHIGAN
BOARD RESOLUTION
FEDERAL SURPLUS ASSISTANCE PROGRAM
RESOLUTION 2015-04/1955**

Moved by **Council Member Weimer** and supported by **Council Member Mann**.

WHEREAS, the City of Niles, State of Michigan has met all other State and Federal requirements for participation in Federal Property Assistance Program under Public Law 94-519.

WHEREAS, it is a requirement that a resolution be adopted by the governing body specifically designating a coordinator as Surplus Property Donee and Custodian, to be responsible for the acceptance and accountability and authorized to sign for surplus property.

NOW THEREFORE, BE IT RESOLVED:

1. That the Governing Body for the City of Niles, the State of Michigan, hereby designates Chief James Millin who is the authorized coordinator as the person responsible for accepting Federal Surplus Property, with the power and full authority to sign for such surplus property.
2. The coordinator named above is to be held responsible for the accountability and will maintain the necessary records for all surplus property obtained for public purposes until relieved from accountability by State and/or Federal authorities.
3. That money is available to pay service charges for surplus property obtained.
4. That the coordinator is further hereby authorized to direct payment of service charges for surplus property to complete all transactions.

ROLL CALL: AYES: Georgia Boggs, Scott Clark, Robert Durm, David Mann, Timothy Skalla, Daniel VandenHeede, William Weimer

NAYS: None **ABSENT:** Gretchen Bertschy **ABSTAIN:** None

RESOLUTION 2015-04/1955 DECLARED

12. Consideration of adopting resolution to approve an expansion to their Class C Liquor License to include BrewPub services for the Wonderland Cinema, LLC, located at 402 N. Front Street and authorize the Clerk to sign the resolution.

**CITY OF NILES
BERRIEN COUNTY
STATE OF MICHIGAN**

RESOLUTION #2015-04/1956

Moved by **Council Member Skalla** and supported by **Council Member Clark**

That the application from **WONDERLAND CINEMA, LLC** for the following license(s): **BREW PUB LIQUOR LICENSE ISSUED PURSUANT TO MCL 436.1521(a)** to be located at **402 N. FRONT STREET, NILES, MICHIGAN 49120, BERRIEN COUNTY**.

It is the consensus of this legislative body that it recommends above all others this application be considered for approval by the Michigan Liquor Control Commission.

ROLL CALL: AYES: Georgia Boggs, Scott Clark, Robert Durm, David Mann, Timothy Skalla, Daniel VandenHeede, William Weimer

NAYS: None **ABSENT:** Gretchen Bertschy

ABSTAIN: None

RESOLUTION 2015-04/1956 DECLARED

13. Consideration of approving entering into an agreement with Midwest Connections of Cassopolis, MI to provide services of building fiber optic connections to homes and businesses in the Niles Industrial Park, provide internet bandwidth to the City of Niles, build fiber optic connections to customers along the City of Niles' fiber backbone, maintain the City's fiber optic backbone, and work with the City on future fiber builds in exchange for pole attachment fees.

Council Member Mann moved, **Council Member Skalla** seconded, **MOTION CARRIED**, to approve entering into an agreement with Midwest Connections of Cassopolis, MI to provide services of building fiber optic connections to homes and businesses in the Niles Industrial Park, provide internet bandwidth to the City of Niles, build fiber optic connections to customers along the City of Niles' fiber backbone, maintain the City's fiber optic backbone, and work with the City on future fiber builds in exchange for pole attachment fees.

ROLL CALL: AYES: Boggs, Clark, Durm, Mann, Skalla, VandenHeede, Weimer

NAY: None **ABSENT:** Bertschy **ABSTAIN:** None

14. Consideration of approving entering into a Memorandum of Understanding with the Michigan Municipal League for the 2015 PlacePlans Grant and consideration of authorizing the mayor to sign the required documents.

Council Member Weimer moved, **Council Member Mann** seconded, **MOTION CARRIED**, to approve entering into a Memorandum of Understanding with the Michigan Municipal League for the 2015 PlacePlans Grant and consideration of authorizing the mayor to sign the required documents.

ROLL CALL: AYES: Boggs, Clark, Durm, Mann, Skalla, VandenHeede, Weimer

NAY: None **ABSENT:** Bertschy **ABSTAIN:** None

15. Consideration of approving the 2nd substantial amendments to the 2014 CDBG Annual Action Plan.

Council Member Weimer moved, **Council Member Mann** seconded, **MOTION CARRIED**, to approve the 2nd substantial amendments to the 2014 CDBG Annual Action Plan.

ROLL CALL: AYES: Boggs, Clark, Durm, Mann, Skalla, VandenHeede, Weimer

NAY: None **ABSENT:** Bertschy **ABSTAIN:** None

16. Consideration of approving the first amendment to the 2006 property lease agreement with Martin's Super Markets, Inc. and consideration of authorizing the mayor and city clerk to sign the lease amendment.

Council Member Mann moved, **Council Member Clark** seconded, **MOTION CARRIED**, to approve the first amendment to the 2006 property lease agreement with Martin's Super Markets, Inc. and consideration of authorizing the mayor and city clerk to sign the lease amendment.

ROLL CALL: AYES: Boggs, Clark, Durm, Mann, Skalla, VandenHeede, Weimer

NAY: None **ABSENT:** Bertschy **ABSTAIN:** None

17. Consideration of approving entering into an agreement with Martin's Super Markets, Inc. for a future trail easement and consideration of authorizing the mayor and city clerk to sign the trail easement agreement.

Council Member Weimer moved, **Council Member Mann** seconded, **MOTION CARRIED**, to approve entering into an agreement with Martin's Super Markets, Inc. for a future trail easement and consideration of authorizing the mayor and city clerk to sign the trail easement agreement.

ROLL CALL: AYES: Boggs, Clark, Durm, Mann, Skalla, VandenHeede, Weimer
NAY: None **ABSENT:** Bertschy **ABSTAIN:** None

18. Consideration of approving employee healthcare, dental, optical and prescription administration as well as stop loss insurance and renewal of Schedule A through Blue Cross Blue Shield of Michigan and consideration of authorizing the mayor to sign the agreement documents. City Administrator Huff made a correction to the report submitted by eliminating the Prescription portion of the agreement. The city originally negotiated the plan June 1. The current prescription provider had a clause in their contract that altered the plan to a calendar year after the second 19 months. We are in contract with the current provider until December 31, 2015. Then January 1, 2016 the city would change to BCBS for prescription coverage. **Council Member Mann** moved, **Council Member Weimer** seconded, **MOTION CARRIED**, to approve employee healthcare, dental, optical administration as well as stop loss insurance and renewal of Schedule A through Blue Cross Blue Shield of Michigan and consideration of authorizing the mayor to sign the agreement documents.

ROLL CALL: AYES: Boggs, Clark, Durm, Mann, Skalla, VandenHeede, Weimer
NAY: None **ABSENT:** Bertschy **ABSTAIN:** None

19. Consideration of entering into an agreement with PVS Minibulk, Inc. of Detroit MI for the purchase of Sodium Bisulfite in bulk (450 gallons) for \$0.30 per pound for use at the Wastewater Treatment Plant. **Council Member Weimer** moved, **Council Member Mann** seconded, **MOTION CARRIED**, to approve entering into an agreement with PVS Minibulk, Inc. of Detroit MI for the purchase of Sodium Bisulfite in bulk (450 gallons) for \$0.30 per pound for use at the Wastewater Treatment Plant.

ROLL CALL: AYES: Boggs, Clark, Durm, Mann, Skalla, VandenHeede, Weimer
NAY: None **ABSENT:** Bertschy **ABSTAIN:** None

20. Consideration of accepting the bid of \$22,750.00 for the first year and \$26,000.00 for the subsequent two (2) years from Simmons Tree & Lawn of Niles, MI for a grounds maintenance contract and consideration of authorizing the mayor to sign the contract.

Council Member Mann moved, **Council Member Weimer** seconded, **MOTION CARRIED**, to accept the bid of \$22,750.00 for the first year and \$26,000.00 for the subsequent two (2) years from Simmons Tree & Lawn of Niles, MI for a grounds maintenance contract and consideration of authorizing the mayor to sign the contract.

ROLL CALL: AYES: Boggs, Clark, Durm, Mann, Skalla, VandenHeede, Weimer
NAY: None **ABSENT:** Bertschy **ABSTAIN:** None

21. Consideration of accepting the bid of \$46,790.00 from Donohue of South Bend, IN for the design and construction engineering of the Return Activated Sludge (RAS) system at the Wastewater Treatment Plant and consideration of authorizing the mayor to sign the contract.

Council Member Mann moved, **Council Member Weimer** seconded, **MOTION CARRIED**, to accept the bid of \$46,790.00 from Donohue of South Bend, IN for the design and construction engineering of the Return Activated Sludge (RAS) system at the Wastewater Treatment Plant and consideration of authorizing the mayor to sign the contract.

ROLL CALL: AYES: Boggs, Clark, Durm, Mann, Skalla, VandenHeede, Weimer
NAY: None **ABSENT:** Bertschy **ABSTAIN:** None

- 21A. Consideration of reappointing Zelfhia M. Weimer and appointing Al Casperson and Robert Durm to the Zoning Board of Appeals, effective immediately, expiring December 31, 2017.

Council Member Mann moved, **Council Member Weimer** seconded, **MOTION CARRIED**, to reappoint Zelfia M. Weimer and appointing Al Casperson and Robert Durm to the Zoning Board of Appeals, effective immediately, expiring December 31, 2017. Unanimous voice vote.

CLOSED SESSION: Discussion to consider the purchase of property

Mayor McCauslin stated that the council would be going into closed session to discuss the consideration to purchase property.

Council Member Durm moved, **Council Member VandenHeede** supported, **MOTION CARRIED**, to go into closed session to discuss the consideration to property purchase at 6:52pm.

ROLL CALL: **AYES:** Boggs, Clark, Durm, Mann, Skalla, VandenHeede, Weimer

NAY: None **ABSENT:** Bertschy **ABSTAIN:** None

RECONVENED at 7:07pm.

Council Member VandenHeede moved, **Council Member Durm** supported, **MOTION CARRIED** to acquire eight (8) parcels of land from Ultra Camp adjacent to City of Niles' Plym Park in exchange to property located at 127 E. Main Street owned by the City of Niles.

ROLL CALL: **AYES:** Boggs, Clark, Durm, Mann, Skalla, VandenHeede, Weimer

NAY: None **ABSENT:** Bertschy **ABSTAIN:** None

Council Member Mann moved, **Council Member Clark** supported, **MOTION CARRIED** to authorize the City Administrator to prepare and execute the exchange agreement with Ultra Camp.

ROLL CALL: **AYES:** Boggs, Clark, Durm, Mann, Skalla, VandenHeede, Weimer

NAY: None **ABSENT:** Bertschy **ABSTAIN:** None

CITY ATTORNEY'S REPORT: None

COUNCIL MEMBER'S REPORT:

Council Members commended the police officers, police dispatchers, Police Dispatch Supervisor Jenny Huff and Police Chief James Millin.

Council Member VandenHeede expressed excitement on the fiber optic. Research the proposals that are on the upcoming May 5th election.

Council Member Durm moved, VandenHeede supported, **MOTION CARRIED**, to excuse Council Member Bertschy from the April 27, 2015 meeting. Unanimous voice vote.

Council Member Skalla thanked Gary Grathwohl and mentioned that Gary also helps maintain the ice rink in the winter.

MAYOR'S REPORT: Mayor McCauslin also congratulated the Police Department and Gary Grathwohl.

ADJOURNMENT: Weimer moved to adjourn at 7:20pm.

Linda Casperson, Niles City Clerk

Date Approved