

**CITY OF NILES
REGULAR CITY COUNCIL MEETING
MONDAY, MAY 11, 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.

PRESENT: Georgia Boggs, Scott Clark, Robert Durm, David Mann, Tim Skalla, Daniel VandenHeede, William Weimer, Mayor Michael McCauslin
ABSENT: Gretchen Bertschy
STAFF: Casperson, Dunlap, Lamb, Millin, Ray, Wise
MEDIA: Niles Daily Star
AUDIENCE: 15

CITIZEN PARTICIPATION: Lisa Croteau, announced that the Farmer's Market has been moved to the Lakeland Hospital lower parking lot off Broadway Street, Fridays from until October, 2015.

CONSENT AGENDA:

1. Approval of the Minutes of April 27, 2015.
2. Approval of the Bills.
3. Consideration of approving a request from the Utilities Department to accept the quote of \$416.72 per hour from Terra Contracting Services of Kalamazoo, MI for cleaning of the grit tank and removal of grit residue at the Wastewater Treatment Plant and consideration of authorizing the Utilities Manager to sign the quote.
Council Member Mann moved, **Council Member Weimer** seconded, **MOTION CARRIED**, to approve Items 1-3 as submitted.
ROLL CALL: AYES: Bertschy, Boggs, Clark, Durm, Mann, Skalla, VandenHeede, Weimer
NAY: None **ABSENT:** None **ABSTAIN:** None

CITY ADMINISTRATOR'S REPORT:

Introduction of Items for Discussion

Items for Council Action

4. Consideration of adopting a resolution to add a restricted surcharge to electricity sales to recover the costs of decommissioning the Pucker Street Hydro-electric Dam and to restore the river and adjacent Utilities owned property.

**CITY OF NILES
BERRIEN COUNTY
STATE OF MICHIGAN
RESOLUTION #2015-05/1957**

Council Member Weimer offered the following resolution and moved for its adoption, seconded by **Council Member Bertschy**:

RESOLVED BY: City Council, City of Niles, Michigan

RESOLUTION AMENDING SCHEDULE OF ELECTRIC RATES FOR THE CITY OF NILES, MICHIGAN, TO ADD A SURCHARGE TO RECOVER THE COSTS OF DECOMMISSIONING THE PUCKER STREET HYDROELECTRIC DAM AND RESTORING THE DOWAGIAC RIVER AND ADJACENT UTILITY-OWNED PROPERTY.

WHEREAS, the City Council has determined that it is necessary and in the public interest to decommission the Pucker Street Hydroelectric Dam, to restore the Dowagiac River and adjacent Utility-owned property as a result of that decommissioning and to incur any and all costs pertaining to such decommissioning and restoration; and

WHEREAS, the City Council further determines that all costs pertaining to such decommissioning and restoration

shall be recovered by a Surcharge charged to all classes of customers of the City's electric system on all metered electricity sales (kWh) until the costs of such decommissioning and restoration have been recovered by the City in full, which Surcharge the City Council finds to be reasonable and lawful.

NOW, THEREFORE, be it resolved by the City Council of the City of Niles, Michigan, that:

1. The Schedule of electric rates for the City's electric customers of all classes shall be amended to add the following Surcharge to recover the City's costs of decommissioning the Pucker Street Hydroelectric Dam and restoring the Dowagiac River and adjacent Utility-owned property as a result of such decommissioning:
 - Surcharge of \$0.01/kWh for the first six (6) billing months following adoption of this Resolution; and
 - Surcharge of \$0.005/kWh for the second six (6) billing months following adoption of this Resolution; and
 - Surcharge of \$0.0025/kWh for each billing month after the second six (6) billing months and until all the City's costs for such decommissioning and restoration have been recovered from the City's electric customers, whereupon this Resolution and the Surcharge adopted hereunder shall be of no further force or effect.
2. The effective date of the above Surcharge shall be upon the adoption of this Resolution by the City Council.
3. All prior resolutions inconsistent herewith are repealed.

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

RESOLUTION DECLARED ADOPTED.

REMOVED

~~5. Consideration of approving a final Fire Department Interstate Mutual Aid Agreement with Clay Fire Territory in Clay Township, IN and consideration of authorizing the mayor to sign the agreement.~~

6. Consideration of accepting the bid of \$58.00 per man hour for a three-year contract with Scott Saylor for mowing of noxious weeds for the Code Enforcement Division 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 \$58.00 per man hour for a three-year contract with Scott Saylor for mowing of noxious weeds for the Code Enforcement Division and consideration of authorizing the mayor to sign the contract.

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

7. Consideration of approving a five-year lease with Pitney Bowes to provide a postage meter and other services to City Hall and consideration of authorizing the mayor to sign the lease agreement.

Council Member Mann moved, **Council Member Weimer** seconded, **MOTION CARRIED**, to approve a five-year lease with Pitney Bowes to provide a postage meter and other services to City Hall and consideration of authorizing the mayor to sign the lease agreement.

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

8. Consideration of approving an increase of \$82,659.75 to the Wightman & Associates contract for the removal of the Pucker Street Dam and consideration of authorizing an amendment to the Utilities Department budget to cover the increase and consideration of authorizing the Utilities Manager to sign the Change Order Request.

Council Member Weimer moved, **Council Member Mann** seconded, **MOTION CARRIED**, to approve an increase of \$82,659.75 to the Wightman & Associates contract for the removal of the Pucker Street Dam and consideration of authorizing an amendment to the Utilities Department budget to cover the increase and consideration of authorizing the Utilities Manager to sign the Change Order Request.

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

9. Consideration of affirming the 12th, 13th Streets, south of Wayne Street public right-of-way is a City of Niles public right-of-way and consideration of requiring all encroachments be removed within six months.

Council Member Mann moved, **Council Member Clark** seconded, **MOTION CARRIED**, to affirm the 12th, 13th Streets, south of Wayne Street public right-of-way is a City of Niles public right-of-way and consideration of requiring all encroachments be removed within six months.

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

9A. Consideration of appointing John Klimek to the Zoning Board of Appeals effective immediately with a term expiring 12/31/2017. **Council Member Weimer** moved, **Council Member Bertschy** seconded, **MOTION CARRIED**, to appoint John Klimek to the Zoning Board of Appeals effective immediately with a term expiring 12/31/2017. 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 Mann moved, **Council Member Weimer** supported, **MOTION CARRIED**, to go into closed session to discuss the consideration to property purchase at 6:11pm.

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

RECONVENED at 6:20pm. No action taken.

CITY ATTORNEY'S REPORT: None

COUNCIL MEMBER'S REPORT:

Council Member Boggs thanked Joe Ray for taking time to walk the public right-of-way.

Council Member VandenHeede thanked Council Member Boggs for talking to the property owners that are affected by Item 9.

Council Member Skalla also thanked Council Member Boggs.

MAYOR'S REPORT:

Council Member Durm moved, **Council Member Skalla** supported, **MOTION CARRIED** to reschedule the last council meeting in May that falls on Memorial Day, May 25th to **Monday, May 18, 2015 at 6:00pm**. Unanimous voice vote.

ADJOURNMENT

Council Member Weimer moved to adjourn at 6:24pm.