

**CITY OF NILES
REGULAR CITY COUNCIL MEETING
MONDAY, AUGUST 24, 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: Gretchen Bertschy, Scott Clark, David Mann, Tim Skalla, Daniel VanddenHeede, William Weimer, Mayor Michael McCauslin

ABSENT: Georgia Boggs, Robert Durm

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

AUDIENCE: 10

CITIZEN PARTICIPATION: None

PRESENTATION: None

CONSENT AGENDA:

1. Approval of the Minutes of August 10, 2015.
2. Approval of the Bills.
3. Consideration of approving a request from the Apple Festival Committee to approve holding the Youth Parade on Saturday, September 26, 2015 at 1:00 pm; consideration of approving the Grand Parade on Saturday, October 3, 2015 at 1:30 pm and consideration of various requests for Public Works, Police and Fire Department assistance.
4. Consideration of approving a request from the Apple Festival Committee to hold the 43rd Annual Apple Festival from October 1 through October 4, 2015 on the grounds located near the corner of 17th and Lake Street; consideration of approving the fireworks show and consideration of approving various other requests for Utilities, Public Works, Fire, and Police assistance.
5. Consideration of approving a request from the American Legion Post 26 and the Point Man of Niles Ministries to hold a Patriot's Walk along the Riverfront Park Trail and consideration of approving use of the Riverfront Amphitheater on Saturday, September 12, 2015 from approximately 7:00 am to 1:00 pm.
6. Consideration of accepting the quote of \$5,080.26 from Northern Electric Company of South Bend, IN for the purchase of a Yaskawa P1000 Variant Frequency Drive for the motor at Airport 1 Well.
7. Consideration of accepting the quote of \$8,662.82 from Power Line Supply of Reed City, MI for the purchase of three 900A Hubbell GOAB Tie Switches for use by the Electric Division.
8. Consideration of accepting the quote of \$6,996.78 from Power Line Supply of Reed City, MI for the purchase of nine 38kv rated polymer disconnect switches for use by the Electric Division.
9. Consideration of accepting the quote of \$27,430.46 from Campbell Ford of Niles, MI for the purchase of a 2016 Ford Explorer for use by the Fire Department; consideration of approving an additional \$2,569.54 to cover a portion of the cost for the installation of emergency lighting, siren, and radio console in the vehicle and consideration of approving an amendment to the Fire Department budget to cover the purchase.

Council Member Weimer moved, **Council Member Mann** seconded, **MOTION CARRIED**, to approve Items 1-9 as submitted.

ROLL CALL: **AYES:** Bertschy, Clark, Mann, Skalla, VandenHeede, Weimer

NAY: None **ABSENT:** Boggs, Durm **ABSTAIN:** None

CITY ADMINISTRATOR'S REPORT:
Introduction of Items for Discussion
Items for Council Action

10. Consideration of adopting a resolution to approve the proposed Fiscal Year 2016 Niles City Budget.

CITY OF NILES
2016 FISCAL YEAR BUDGET
RESOLUTION #2015-08/1964

Council Member Mann offered the following resolution and moved for its adoption, seconded by Council Member Bertschy.

WHEREAS, the City Administrator has prepared the proposed 2016 Fiscal Year Budget in conformance with the Charter of the City of Niles; and

WHEREAS, the City Council has reviewed and considered the proposed 2016 Fiscal Year Budget; and

WHEREAS, the City Council set the date of August 10, 2014 for a Public Hearing, which was properly advertised on July 17, 2015 in the *Niles Daily Star*; and

WHEREAS, the proposed 2016 Fiscal Year Budget was available for public inspection in the Office of the City Clerk for at least ten (10) days prior to the date of the Public Hearing; and

WHEREAS, the City Council adopted Resolution #2015-06/1959 on June 8, 2015, establishing various millage rates to be collected for the 2016 Fiscal Year Budget.

NOW, THEREFORE BE IT RESOLVED that for the purpose of financing the various operations and services for the 2016 Fiscal Year beginning October 1, 2015, there is appropriated from taxes, charges for services and other revenue collected, monies for the use of the various funds and departments, including salaries and wages; as prepared and submitted by the City Administrator for the 2016 Fiscal Year Budget is hereby approved and appropriated excluding the narratives in the document.

ROLL CALL: AYE: Bertschy, Clark, Mann, Skalla, VandenHeede, Weimer

NAY: None

ABSENT: Boggs, Durm

ABSTAIN:

None

RESOLUTION DECLARED ADOPTED.

11. Consideration of adopting a resolution to approve entering into an agreement with the Michigan Department of Natural Resources to obtain a \$90,750.00 grant from the Dam Management Grant Program to assist with the removal of the Pucker Street Dam.

City of Niles
County of Berrien
Resolution Authorizing the Dam Management Grant Program
Project Number: DM14-009
Resolution #2014-08/1965

Council Member Weimer moved, Council Member Mann supported, to adopt the following resolution:

WHEREAS, The Agreement is between the City of Niles, a local unit of government in the County of Berrien, hereinafter referred to as the "GRANTEE" and the Michigan Department of Natural Resources, an agency of the State of Michigan, hereinafter referred to as the "DEPARTMENT." Funds are appropriated from the Michigan General Fund to the DEPARTMENT for the Dam Management Grant Program (DMGP), through which the DEPARTMENT may issue grants for projects to remove, repair or provide major maintenance on dams in the State. The GRANTEE has been approved by the DEPARTMENT to receive an DMGP grant for the project described in this Agreement; and

WHEREAS, as a precondition to the execution of the Agreement, the GRANTEE is required to sign the Agreement and return it to the DEPARTMENT with the necessary attachments within 90 days of the date the Agreement is issued or the Agreement may be cancelled by the DEPARTMENT; and

WHEREAS, once this Agreement is received by the DEPARTMENT, the Agreement will be reviewed and if acceptable, will be signed by the DEPARTMENT thus executing the Agreement; and

NOW, THEREFORE, BE IT RESOLVED THAT: The GRANTEE acknowledges that the Agreement is a contract between the City of Niles and the Michigan Department of Natural Resources; and

BE IT FURTHER RESOLVED THAT: The City of Niles "GRANTEE" authorizes the Mayor to sign a said Agreement.

ROLL CALL: YEAS: Bertschy, Clark, Mann, Skalla, VandenHeede, Weimer

NAY: None

ABSENT: Boggs, Durm

ABSTAIN: None

RESOLUTION 2015-08/1965 DECLARED ADOPTED

- 12. Consideration of adopting a resolution to approve a proposed Ground Lease with Locri Real Estate, LLC for a 10-year lease of approximately .16 acres of city-owned property for use as a patio and game area for adjacent business property located at 510 N. Front Street.

**LEASE BETWEEN LOCRI REAL ESTATE, LLC
AND THE CITY OF NILES, MICHIGAN
RESOLUTION #2015-08/1966**

Council Member Skalla offered the following resolution and moved for its adoption, supported by **Council Member Bertschy**.

WHEREAS, the City of Niles does own premises adjacent to 510 North Front Street, Niles, Michigan, Berrien County; and

WHEREAS, more particularly described as follows, to wit:

PTOF LOT 39 WILLIAM JUSTICE ADD TO NILES COM 100'E OF NW COR LOT 39 TH E 98.86'TO E LN FRONT ST TH S 181.5' TO PT 66'N OF SE COR LOT 39 TH W 174.44' TO PT 46'E OG W LN LOT 39 TH APPROX N 22 DEG 40' E 196.7' TO POB; and

WHEREAS, LOCRI Real Estate, LLC desires to Lease said premises for the purpose of an outdoor patio area in conjunction with the operations of Lessee's business at 510 North Front Street, Niles, Michigan; and

WHEREAS, the City of Niles has drawn up said lease, to be signed by its Mayor, by which LOCRI Real Estate, LLC may occupy said described premises for a period of ten (10) years and renewal subject to provisions contained in said lease; and

WHEREAS, the lessee shall abide by all covenants and conditions of said lease for the prescribed term.

NOW, THEREFORE, BE IT RESOLVED that the City of Niles shall enter into a Lease with LOCRI Real Estate, LLC for a term of ten (10) ending December 31, 2025; and

BE IT FURTHER RESOLVED that the Mayor be authorized and directed to execute the lease on behalf of the City of Niles.

ROLL CALL: YEAS: Bertschy, Clark, Mann, Skalla, VandenHeede, Weimer

NAY: None

ABSENT: Boggs, Durm

ABSTAIN: None

RESOLUTION 2015-08/1966 DECLARED ADOPTED

- 13. Consideration of approving a contract amendment to increase engineering costs by \$40,000.00 for the Return Activated Sludge (RAS) Contract Agreement with Donohue & Associates in order to cover needed additional upgrades and replacements.

Council Member Weimer moved, **Council Member Mann** seconded, **MOTION CARRIED**, to approve a contract amendment to increase engineering costs by \$40,000.00 for the Return Activated Sludge (RAS) Contract Agreement with Donohue & Associates in order to cover needed additional upgrades and replacements.

ROLL CALL: YEAS: Bertschy, Clark, Mann, Skalla, VandenHeede, Weimer

NAY: None

ABSENT: Boggs, Durm

ABSTAIN: None

- 14. Consideration of approving entering into a Consulting Services Agreement with Riverside Estates MHC, LLC of Buchanan, MI to provide community water system oversight assistance and consideration of authorizing the mayor to sign the agreement.

Council Member Mann moved, **Council Member Weimer** seconded, **MOTION CARRIED**, to approve entering into a Consulting Services Agreement with Riverside Estates MHC, LLC of Buchanan, MI to provide community water system oversight assistance and consideration of authorizing the mayor to sign the agreement.

ROLL CALL: YEAS: Bertschy, Clark, Mann, Skalla, VandenHeede, Weimer

NAY: None

ABSENT: Boggs, Durm

ABSTAIN: None

- 15. Consideration of approving entering into an agreement with Fishbeck, Thompson, Carr & Huber of Grand Rapids, MI to update the city's water distribution model at a cost of \$3,200.00 and consideration of authorizing the utilities manager to sign the agreement.

Council Member Weimer moved, **Council Member Mann** seconded, **MOTION CARRIED**, to approve entering into an agreement with Fishbeck, Thompson, Carr & Huber of Grand Rapids, MI to update the city's water distribution model at a cost of \$3,200.00 and consideration of authorizing the utilities manager to sign the agreement.

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

ADDENDUM:

Consideration of scheduling a public hearing to afford citizens the opportunity to provide input on the proposed substantial amendment to the 2015 CDBG Annual Action Plan.

Council Member Weimer moved, **Council Member Mann** seconded, **MOTION CARRIED**, to schedule a public hearing **September 14, 2015 at 5:55pm** to afford the citizens the opportunity to provide input on the proposed substantial amendment to the 2015 CDBG Annual Action Plan.

APPOINTMENT TO BOARDS:

16. Consideration of approving the mayor's appointment of Gregory Nasstrom to complete the unexpired term of Jason Auvil on the Planning Commission, effective immediately with a term ending of December 31, 2016.

Council Member Mann moved, **Council Member Weimer** seconded, **MOTION CARRIED**, to approve the mayor's appointment of Gregory Nasstrom to complete the unexpired term of Jason Auvil on the Planning Commission, effective immediately with a term ending of December 31, 2016.

17. Consideration of approving the appointment of the following individuals to one-year terms on the newly formed Niles Public Art Commission, effective immediately and expiring on December 31, 2015 at which time terms may be extended to create staggered terms of all members:

Patricia Young	Candace Skalla
Betty Knoll	Fredda Zeiter
John Lidecker	Kathleen Alton
Elizabeth Alton	Jeanne Watson

Council Member Weimer moved, **Council Member Mann** seconded, **MOTION CARRIED**, to approve the appointment of the following individuals to one-year terms on the newly formed Niles Public Art Commission, effective immediately and expiring on December 31, 2015 at which time terms may be extended to create staggered terms of all members:

Patricia Young	Candace Skalla
Betty Knoll	Fredda Zeiter
John Lidecker	Kathleen Alton
Elizabeth Alton	Jeanne Watson

CITY ATTORNEY'S REPORT: None

COUNCIL MEMBER'S REPORT:

Council Member Bertschy moved, **Council Member VandenHeede** seconded, **MOTION CARRIED**, to excuse Council Members Boggs and Durm from the August 24, 2015 meeting.

MAYOR'S REPORT: None

ADJOURNMENT: Council Member Weimer moved to adjourn at 6:15pm.

Linda Casperson, Niles City Clerk

Date