

**THE CITY COUNCIL  
NILES, MICHIGAN  
PUBLIC HEARING  
SMCAS ANNUAL BUDGET & SPECIAL ASSESSMENT  
Monday, June 27, 2016, 5:55 p.m.**

The Mayor asked if anyone in the audience wished to address the council on SMCAS Annual Budget & Special Assessment. Mayor McCauslin again asked if anyone else in the audience wished to address the council; hearing no response, the Public Hearing was closed at 5:59p.m.

**CITY OF NILES  
REGULAR CITY COUNCIL MEETING MINIUTES  
MONDAY, June 27, 2016**

The meeting was called to order by Mayor McCauslin in the City Council Chambers, 1345 East Main Street, Niles, Michigan at 6:00 p.m., April 25, 2016. The Pledge of Allegiance was led by Mayor McCauslin.

**PRESENT:** Gretchen Bertschy, Georgia Boggs, John DiCostanzo, Robert Durm, David Mann, Tim Skalla, Daniel VandenHeede, William Weimer, Mayor McCauslin

**ABSENT:** None

**STAFF:** Casperson, Huff, Landgraf, Lamb, Millin, Ray, Wise, Dunlap, Getman-Dissette, T McCauslin, S. Powers, D Powers, Moody

**CITIZEN PARTICIPATION:** **Jeanne Watson** requested clarification on Item 27.

**Steve Smith**, downtown business owner, spoke on behalf of other business owners in the audience expressing opposition on the proposed affordable housing complex.

**PRESENTATION:** Land Purchase Options & Affordable Housing  
Sig Strautmanis & Josh Hafron  
*General Capital Group*

Renderings were presented to the city council along with a Power Point Presentation of the proposed affordable housing complex located on the corner of Cass and 2<sup>nd</sup> Street with 53 units and 3,000 sq. ft. of commercial space and some underground parking. The housing units would be considered under Section 42 a Federal tax credit program.

**CONSENT AGENDA:**

1. Consideration of approving the City Council Minutes of June 13, 2016.
2. Consideration of approving the Bills dated June 21, 2016.
3. Consideration of approving the 2<sup>nd</sup> Annual Chapin Mansion Arts & Crafts Fair to be held July 16, 2016 from 10:00 am to 3:00 pm at the Niles History Center.
4. Consideration of approving a request from the American Legion Post 26 and Point Man of Niles Ministries to conduct a Patriot's Walk along the Riverfront Park Trail on September 11, 2016 and consideration of various requests including police department assistance and waiver of minimal electrical costs.
5. Consideration of approving a request from the Main Street DDA to conduct a Fantasy Feast Community Dinner event on August 13, 2016 from 6:00 pm to 10:00 pm in the downtown and various other requests including closure of a portion of alleyway and a portion of Second Street and the consumption of alcohol on Second Street and in the alleyway, contingent upon the clerk receiving a copy of the temporary liquor license issued by the State of Michigan prior to the event.

6. Consideration of approving a 5K run called Bridge Bash Dash (a.k.a. Lighted 5K) to kick-off Riverfest to be held on Friday, August 5, 2016 from 8:00 pm until 10:00 pm and consideration of providing police assistance, use of the amphitheater and a request that all fees be waived.
7. Consideration of approving a request from Western Michigan University to use Riverfront Park for the 2016 Annual Ft. St. Joseph Archaeology Open House, which starts Saturday, August 6 through Sunday, August 8 from 10:00 am to 3:00 pm and consideration of granting various other requests including assistance from the Niles Police Department, the Department of Public Works and the Utilities Department.
8. Consideration of approving a request from the Burn Run Committee to hold the annual event in Riverfront Park July 8 through July 10, 2016 and consideration of approving various other requests.
9. Consideration of approving a request from the Main Street DDA and the Parks & Recreation Board to conduct a Riverfest Weekend event from Friday, August 5 through Sunday August 7, 2016 in Riverfront and Plym Parks and consideration of approving various other requests for the event.
10. Consideration of approving participation in the 2016 Summer My Way program and consideration of contributing \$9,000.00 to the program.
11. Consideration of accepting the quote of \$4,703.59 for the purchase of a microscope from Olympus America, Inc. of Waltham, MA for use at the Wastewater Treatment Plant.
12. Consideration of accepting the bid of \$79,840.00 for each of two (2) 110' clarifier mechanisms from Kusters Zima Corporation of Birmingham, AL for use at the Wastewater Treatment Plant.

**Council Member Weimer** moved, **Council Member Bertschy** supported, **MOTION CARRIED**, to approve Items 1-12 as submitted.

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

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

13. Consideration of adopting a resolution to approve the 2016/2017 SMCAS Annual Budget without increases and to confirm the special assessment amount as \$20 per parcel.  
**RESOLUTION # 2016-06/1989**

**CITY OF NILES, BERRIEN COUNTY, MICHIGAN**  
**SOUTHWESTERN MICHIGAN COMMUNITY AMBULANCE SERVICE (SMCAS)**  
**FY 2016/2017 BUDGET & SPECIAL ASSESSMENT**

Resolution made by **Council Member Weimer**; seconded by **Council Member Mann**.

**BE IT RESOLVED THAT** the City of Niles, acting jointly and in concert with the Cities of Buchanan and Niles, the Townships of Bertrand and Niles Charter in Berrien County, and the Township of Howard in Cass County, pursuant to a certain assessment district resolution for the support of SMCAS adopted May 15, 2008, and approved by the majority vote of the electorate on August 4, 2008, ending December 31, 2016, does hereby take the following action:

The proposed SMCAS financial budget for fiscal year 2016-2017 indicating an assessment of \$20 per dwelling is hereby approved.

The Public Hearing of the City of Niles to hear objections to the SMCAS FY2016-2017 Budget and distribution of the

\$20.00 special assessment levy was held at the City Council Chambers, 1345 E. Main Street, Niles, MI 49120 on June 27, 2016 at 5:55p.m., Local Time.

**ROLL CALL VOTE:**

**AYES:** Bertschy, Boggs, DiCostanzo, Durm, Mann, Skalla, VandenHeede, Weimer

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

**RESOLUTION DECLARED ADOPTED** this 27<sup>th</sup> day of June, 2016.

14. Consideration of adopting a resolution to approve the changes to the City of Niles' 457 Retirement Plan Documents as described and consideration of authorizing the Plan Trustee (City Administrator) and the Plan Administrator (Human Resources Manager) to execute the necessary documents for this change.

CITY OF NILES  
BERRIEN COUNTY  
STATE OF MICHIGAN  
AMENDMENT TO THE 457 PLAN AND TRUST

RESOLUTION #2016-06/1990

Council Member Mann offered the following resolution and moved for its adoption, supported by Council Member Weimer.

The undersigned authorized representative of the Niles City Council hereby certifies that the following resolution was duly adopted by the City of Niles (hereinafter "Employer") on 27<sup>th</sup> day of June, 2016, and that such resolution has not been modified or rescinded as of the date hereof:

**NOW, THEREFORE BE IT RESOLVED**, that the form of amended 457 Plan and Trust effective July 1, 2016, presented to this meeting is hereby approved and adopted and that an authorized representative of the Employer is hereby authorized and directed to execute and deliver to the Administrator of the Plan one or more counterparts of the Plan; and

**NOW, THEREFORE BE IT FURTHER RESOLVED**, that the undersigned further certifies that attached hereto as Exhibits A and B, respectively, are true copies of the City of Niles 457 Prototype Plan as amended and restated and the Summary of 457 Provisions, which are hereby approved and adopted.

**ROLL CALL VOTE:**

**AYES:** Bertschy, Boggs, DiCostanzo, Durm, Mann, Skalla, VandenHeede, Weimer

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

**RESOLUTION DECLARED ADOPTED** this 27<sup>th</sup> day of June, 2016.

15. Consideration of entering into an agreement with Mr. John Dobberteen to provide Mechanical Inspection Services for the Building Safety Division and consideration of authorizing the city administrator to sign the agreement.

Council Member Bertschy moved, Council Member Boggs supported, **MOTION CARRIED**, to approve entering into an agreement with Mr. John Dobberteen to provide Mechanical Inspection Services for the Building Safety Division and consideration of authorizing the city administrator to sign the agreement.

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

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

16. Consideration of approving a request to renew the City's membership with the Southwestern Michigan Economic Growth Alliance at the annual cost of \$14,000.00.

Council Member Durm moved, Council Member VandenHeede supported, **MOTION CARRIED**, to approve a request to

renew the City's membership with the Southwestern Michigan Economic Growth Alliance at the annual cost of \$14,000.00.

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

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

17. Consideration of accepting the bid and entering into a 1-year renewable agreement with ARC American, Inc. of Wakarusa IN for power line construction services for our Electric Division and consideration of authorizing the mayor to sign the contract.

**Council Member Skalla** moved, **Council Member Bertschy** supported, **MOTION CARRIED**, to accept the bid and entering into a 1-year renewable agreement with ARC American, Inc. of Wakarusa IN for power line construction services for our Electric Division and consideration of authorizing the mayor to sign the contract.

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

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

18. Consideration of accepting the proposed Fiscal Year 2017 Rate Design for Niles Charter Township by Utility Financial Solutions, LLC (UFS) of Leland, MI at an estimated cost of \$4,500.00 and consideration of authorizing the mayor to sign the agreement.

**Council Member Bertschy** moved, **Council Member VandenHeede** supported, **MOTION CARRIED**, to accept the proposed Fiscal Year 2017 Rate Design for Niles Charter Township by Utility Financial Solutions, LLC (UFS) of Leland, MI at an estimated cost of \$4,500.00 and consideration of authorizing the mayor to sign the agreement.

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

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

19. Consideration of accepting the 5-year Financial Projections and 1-year Rate Design for the Electric Division for Fiscal Year 2017 completed by Utility Financial Solutions of Leland, MI at a cost of \$6,000.00 and consideration of authorizing the mayor to sign the agreement.

**Council Member Skalla** moved, **Council Member Bertschy** supported, **MOTION CARRIED**, to accept the 5-year Financial Projections and 1-year Rate Design for the Electric Division for Fiscal Year 2017 completed by Utility Financial Solutions of Leland, MI at a cost of \$6,000.00 and consideration of authorizing the mayor to sign the agreement.

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

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

20. Consideration of accepting the bid of \$22,950.00 from Future Construction of Watervliet, MI for a roof replacement at the Dial A Ride facility.

**Council Member Mann** moved, **Council Member Weimer** supported, **MOTION CARRIED**, to accept the bid of \$22,950.00 from Future Construction of Watervliet, MI for a roof replacement at the Dial A Ride facility.

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

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

21. Consideration of approving the amendment of the Pucker Street Dam Removal contract with Wightman and Associates to include an additional \$50,000.00 and consideration of authorizing the Utilities Manager to sign the amendment.

**Council Member Weimer** moved, **Council Member Mann** supported, **MOTION CARRIED**, to approve the amendment of the Pucker Street Dam Removal contract with Wightman and Associates to include an additional

\$50,000.00 and consideration of authorizing the Utilities Manager to sign the amendment.

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

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

22. Consideration of approving a reimbursement of \$150,000.00 to William F. Alford Company for a billing multiplier error in their three-phase account and consideration of authorizing the mayor to sign the release.

**Council Member Mann** moved, **Council Member Weimer** supported, **MOTION CARRIED**, to approve a reimbursement of \$150,000.00 to William F. Alford Company for a billing multiplier error in their three-phase account and consideration of authorizing the mayor to sign the release.

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

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

23. Consideration of approving an amendment of an additional \$200,000.00 to the Great Lakes Fishery Trust (GLFT) grant of \$200,000.00, which was originally awarded to the City of Niles in 2014 and consideration of authorizing the mayor to sign the amendment.

**Council Member Skalla** moved, **Council Member DiCostanzo** supported, **MOTION CARRIED**, to approve an amendment of an additional \$200,000.00 to the Great Lakes Fishery Trust (GLFT) grant of \$200,000.00, which was originally awarded to the City of Niles in 2014 and consideration of authorizing the mayor to sign the amendment.

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

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

24. Consideration of renewing the surcharge placed on customers' electric bills in accordance with Michigan's Low Income Energy Assistance Program.

**Council Member Mann** moved, **Council Member Weimer** supported, **MOTION CARRIED**, to approve renewing the surcharge placed on customers' electric bills in accordance with Michigan's Low Income Energy Assistance Program.

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

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

25. Consideration of entering into a lease amendment with Vertical Bridge Holdings, LLC of Boca Raton, Florida for the Cherry Street cellular monopole and the adjacent compound area.

**Council Member Weimer** moved, **Council Member Mann** supported, **MOTION DENIED**, to approve entering into a lease amendment with Vertical Bridge Holdings, LLC of Boca Raton, Florida for the Cherry Street cellular monopole and the adjacent compound area.

**ROLL CALL: AYES:** None

**NAY:** Bertschy, Boggs, DiCostanzo, Durm, Mann, Skalla, VandenHeede, Weimer

**ABSENT:** None      **ABSTAIN:** None

26. Consideration of accepting the bid of \$894,900.00 from Franklin Holwenda Company of Wyoming, MI for the construction of a Return Activated Sludge (RAS) improvement project at the Wastewater Treatment Plant.

**Council Member Weimer** moved, **Council Member Mann** supported, **MOTION CARRIED**, to accept the bid of \$894,900.00 from Franklin Holwenda Company of Wyoming, MI for the construction of a Return Activated Sludge (RAS) improvement project at the Wastewater Treatment Plant.

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

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

27. Consideration of approving the one-year reservation of land for possible placement of the Richard Hunt Sculpture, Hybrid Form II.

Council Member Bertschy moved, Council Member Durm supported, **MOTION CARRIED**, to approve the one-year reservation of land for possible placement of the Richard Hunt Sculpture, Hybrid Form II.

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

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

**APPOINTMENT TO BOARDS:**

None

**CITY ATTORNEY'S REPORT:**

28. **First Reading and Introduction** of a proposed ordinance to repeal sub-paragraph 3 of section 54-456 of the Medical Marijuana ordinance.

29. **First Reading and Introduction** of a proposed ordinance to allow residential chickens in the City of Niles.

**COUNCIL MEMBER'S REPORT:**

Council Member Boggs stated that she attended the Jerry Tyler Memorial Fly-in Event.

Council Member Bertschy reported that Lisa Croteau has broken both wrists. Best wishes to a speedy recovering.

Council Member VandenHeede stated that it was good to see the long list of events.

Council Member Weimer voiced opposition of the Chicken Ordinance. He also voiced concern that the council approved events with the wavering of \$7,278 in fees. Following the regular meeting, the council will be discussing the balancing of the budget and should consider cutting back on these types of expenses.

Council Member DiCostanzo reported that the Utility Board toured the Waste Water Treatment Plant. He was quite impressed with the presentation given by Derek Gordon and Josh Teter. He also stated that he would be in favor of the Chicken Ordinance.

**MAYOR'S REPORT:** Mayor McCauslin stated that he was opposed to the Chicken Ordinance because of the long term affect and that the city does not have the staff needed to deal with people who do not comply.

He also voiced concern on a news article entitled: "Feeling the Pressure", dated June 12, 2016 in the Herald Palladium which explains the struggles that local communities are facing with the cut back in state revenue sharing also referencing the Michigan Municipal League's, SaveMICity.org. Within the same article entitled, "Not Buying It", State Representative Al Pscholka stated that local governments are doing fine. Mayor McCauslin voiced that there is a disconnection between local and state government.

**ADJOURNMENT** Council Member Weimer moved to adjourn at 7:01pm.

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Linda Casperson

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Date