

**THE CITY COUNCIL
NILES, MICHIGAN
PUBLIC HEARING
INDUSTRIAL DEVELOPMENT DISTRICT – INDECK ENERGY, INC.
Monday, June 26, 2017, 5:55 p.m.**

Mayor Pro-Tem Durm asked if anyone in the audience wished to address the council on the Industrial Development District – Indeck Energy, Incorporated. Hearing no response, the Public Hearing was closed at 5:56 p.m.

**CITY OF NILES
REGULAR CITY COUNCIL MEETING MINIUTES
MONDAY, June 26, 2017**

The meeting was called to order by Mayor Pro-Tem Durm in the City Council Chambers, 1345 East Main Street, Niles, Michigan at 6:00 p.m., June 26, 2017. The Pledge of Allegiance was led by Mayor Shelton.

PRESENT: Gretchen Bertschy, Georgia Boggs, John DiCostanzo, Robert Durm, Charlie McAfee, Wm. Tim Skalla, William Weimer.

ABSENT: Daniel VandenHeede, Mayor Nick Shelton

STAFF: Casperson, Huff, Landgraf

CITIZEN PARTICIPATION:

Michael Majerek, 12th District County Commissioner, gave the Niles City Council an update.

Chris Aiello stated that he wanted to show the city council his commitment by asking them once again to consider the building located at 310 S. 11th Street as a medical marijuana facility.

Jeff Dunlap, City of Niles Utilities Manager, commended Derek Gordon, Wastewater Superintendent; Tina McGowen, Executive Assistant; and Leanne Hoese, Water Distribution and Maintenance Specialist for putting together the City's Asset Management Plan which consists of over 800 pages and saving the city a considerable amount of money.

CONSENT AGENDA:

1. Consideration of approving the City Council Minutes of June 12, 2017.
2. Consideration of approving the Bills dated June 20, 2017.
3. Consideration of scheduling a public hearing at 5:55 pm on July 10, 2017 to receive comments on the Plan Year 2017 Community Development Block Grant Action Plan.
4. Consideration of approving a request from the Niles Main Street/DDA to hold the 2nd Annual Lighted Bridge Bash Dash and Dragon Boat Race August 4th thru August 5th, 2017 and consideration of approving various other requests for the events including the waiver of all fees.
5. Consideration of approving the emergency purchase of a traffic arrow board at a cost of \$4,550.00 for use by the Utilities Department.
6. Consideration of accepting the quote of \$4,606.00 from Gemini Group of Natick, MA for printing and mailing of the annual Consumer Confidence Report (CCR).
7. Consideration of approving the purchase of computer security software and services at a cost of \$6,420.53 for the first year, with annual support renewals at 20% of purchase price and consideration of authorizing the City Administrator sign any required documents.
8. Consideration of accepting the quote of \$28,234.00 from Hasselbring-Clark of Kalamazoo, MI to provide DocuWare modules, licenses and training.
9. Consideration of approving a request from the Fire Department to purchase a 2017 Ford Explorer Interceptor from Campbell Ford of Niles, MI through the MiDeal program at a cost of \$28,950.00.

Council Member Bertschy moved, **Council Member Boggs** supported, **MOTION CARRIED**, to approve the consent agenda as presented.

ROLL CALL:

AYE: Gretchen Bertschy, Georgia Boggs, John DiCostanzo, Robert Durm, Charlie McAfee, Wm. Tim Skalla, and William Weimer

NAY: None **ABSENT:** Daniel VandenHeede **ABSTAIN:** None

ADMINISTRATOR'S REPORT:

Introduction of Items for Discussion

Items for Council Action

10. Consideration of adopting a resolution to establish an Industrial Development District for parcels 14-170-007-002-00 and 14-170-008-001-00 in the Niles Industrial Park.

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

RESOLUTION TO ESTABLISH AN INDUSTRIAL DEVELOPMENT DISTRICT

The following preamble and resolution were offered by Council Member Weimer and seconded by Council Member DiCostanzo.

**CITY OF NILES
BERRIEN COUNTY
RESOLUTION TO ESTABLISH AN INDUSTRIAL DEVELOPMENT DISTRICT**

RESOLUTION #2017-06/2017

WHEREAS, pursuant to the Michigan Plant Rehabilitation and Industrial Development Districts Act, Public Act 198 of 1974, as amended, this City Council has the authority to establish Industrial Development Districts within the City of Niles; and

WHEREAS, the City of Niles, on its own initiative, seeks to establish an Industrial Development District on city-owned property located within the City of Niles hereinafter described; and

WHEREAS, construction, acquisition, alteration, or installation of a proposed facility has not commenced at the time of initiating the request to establish this district; and

WHEREAS, written notice has been given by certified mail to all owners of real property located within the district, and public posting of the hearing on the establishment of the proposed district; and

WHEREAS, on June 26, 2017, a public hearing was held at which all owners of real property within the proposed Industrial Development District and all residents and taxpayers of the City of Niles were afforded an opportunity to be heard thereon; and

WHEREAS, the City Council deems it to be in the public interest of the City of Niles to establish the Industrial Development District as proposed; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Niles that the following described parcels of land situated in the City of Niles, Cass County, and State of Michigan, to wit:

Parcel Identification Number: 14-170-007-002-00

COM AT E ¼ COR, TH S 89 DEG 52'5"W 40 FT, S 0 DEG 36'54"E 556.5 FT, S 87 DEG 10'46"W 708.61 FT, S 34 DEG 11'47"W 1031.2 FT, S 31 DEG 4'24"W 1416.61 FT, N 89 DEG 56'58"W 1145.25 FT, N 39 DEG 43'26"E 5600 FT, S 0 DEG 47'24"E 1925.95 FT TO BEG. EX COM N 89 DEG 45'30"W 40 FT FRM E ¼ COR, TH S 0 DEG 13'10"E 556.5 FT, S 87 DEG 33'35"W 708.7 FT, N 34 DEG 35'35"E 714.21 FT, S 89 DEG 45'30"E TO BEG. ALSO EX RD ROW. SEC 7 UNPLATTED CITY OF NILES

Parcel Identification Number: 14-170-008-001-00

COM S 89 DEG 23'16"E 467.17 FT FRM NW COR SEC, TH S 89 DEG 23'16"E 847.38 FT, S 0 DEG 46'37"E 2637.84 FT, N 89 DEG 34'14"W 1313.86 FT, N 0 DEG 47'24"E 1976.16 FT, N 34 DEG 43'26"E 804.02 FT TO BEG. 76.06 AC. SEC 8 UNPLATTED HOWARD TWP CITY OF NILES

is established as an Industrial Development District pursuant to the provisions of Public Act 198 of 1974, as amended, to be known as the "Niles Industrial Park Industrial Development District No. 2".

AYE: Gretchen Bertschy, Georgia Boggs, John DiCostanzo, Robert Durm, Charlie McAfee, Wm. Tim Skalla, and William Weimer **NAY:** None **ABSENT:** Daniel VandenHeede **ABSTAIN:** None
RESOLUTION #2017-06/2017 DECLARED ADOPTED

11. Consideration of adopting a resolution to approve the purchase of 933 N. 5th Street (11-71-006-0052-00-0) from Berrien County at the cost of \$7,537.00 and consideration of amending the FY 2017 budget for this purchase.

**CITY OF NILES
PURCHASE OF PROPERTY
RESOLUTION #2017/06-2018**

Council Member Skalla offered the following resolution and moved for its adoption, seconded by **Council Member McAfee**

RESOLVED BY: City Council, City of Niles, Michigan,

WHEREAS, the City of Niles, Michigan has agreed to the purchase property located at 933 N. 5th Street in said City from Berrien County tax sale for a purchase price of Seven Thousand Five Hundred Thirty-Seven Dollars (\$7,537.00); and

WHEREAS, the purchase of the property would be to eliminate blight and promote future redevelopment, and

WHEREAS, the purchase is ready to be consummated; and

WHEREAS, a resolution authorizing the purchase has been required.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The City of Niles agrees to purchase from Berrien County the following described properties located in the City of Niles to wit:

PT OF NE1/4 SEC 26 T7S R17W COM AT SE COR OF 5TH & POKAGON STS CITY OF NILES
TH E 132' S 61' W 132' N 61' TO BEG (11-71-0026-0052-00-0)

2. That the purchase price shall be Seven Thousand Five Hundred Thirty-Seven Dollars (\$7,537.00).
3. That the Deed of conveyance shall be executed by the Mayor of the City of Niles, Nick Shelton and the City Clerk of the City of Niles, Linda Casperson.
City of Niles Purchase of Property
Resolution #2017/06-2018
4. This resolution is passed by the City Council for the City of Niles, Michigan on June 26, 2017, the same date as the date of execution of the Deed conveying said premises as herein described.

AYE: Gretchen Bertschy, Georgia Boggs, John DiCostanzo, Robert Durm, Charlie McAfee, Wm. Tim Skalla, and William Weimer **NAY:** None **ABSENT:** Daniel VandenHeede **ABSTAIN:** None
RESOLUTION 2017/06-2018 DECLARED ADOPTED.

12. Consideration of approving renewal of a surcharge, not to exceed \$1, to be placed on customer's electric bills in accordance with Michigan's Low Income Energy Assistance Program

Council Member Weimer moved, **Council Member Skalla** supported, **MOTION CARRIED**, to approve renewal of a

surcharge, not to exceed \$1, to be placed on customer's electric bills in accordance with Michigan's Low Income Energy Assistance Program

ROLL CALL:

AYE: Bertschy, Boggs, DiCostanzo, Durm, McAfee, Skalla, and Weimer

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

13. Consideration of approving entering into a Letter of Understanding (Agreement) with Abraham & Gaffney, P.C. to provide auditing and consideration of authorizing the city administrator to sign the agreement.

Council Member Weimer moved, **Council Member DiCostanzo** supported, **MOTION CARRIED**, to approve entering into a Letter of Understanding (Agreement) with Abraham & Gaffney, P.C. to provide auditing and consideration of authorizing the city administrator to sign the agreement.

ROLL CALL:

AYE: Bertschy, Boggs, DiCostanzo, Durm, McAfee, Skalla, and Weimer

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

14. Consideration of approving entering into an agreement with the Southwest Michigan Planning Commission in Benton Harbor, MI for grant administration and Environmental Assessment reimbursement on the Pucker Street Dam Project and consideration of authorizing the mayor to sign the agreement.

Council Member Skalla moved, **Council Member DiCostanzo** supported, **MOTION CARRIED**, to approve entering into an agreement with the Southwest Michigan Planning Commission in Benton Harbor, MI for grant administration and Environmental Assessment reimbursement on the Pucker Street Dam Project and consideration of authorizing the mayor to sign the agreement.

ROLL CALL:

AYE: Bertschy, Boggs, DiCostanzo, Durm, McAfee, Skalla, and Weimer

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

15. Consideration of accepting a bid not to exceed \$30,000.00 from Kil Architecture Planning of South Bend, IN to provide architectural services for the development of the 3rd Street Village Plan, with \$15,000.00 paid from MSHDA grant funds and up to \$15,000.00 of matching funds from a variety of sources. There is no impact to the General Fund.

Council Member Weimer moved, **Council Member DiCostanzo** supported, **MOTION CARRIED**, to accept a bid not to exceed \$30,000.00 from Kil Architecture Planning of South Bend, IN to provide architectural services for the development of the 3rd Street Village Plan, with \$15,000.00 paid from MSHDA grant funds and up to \$15,000.00 of matching funds from a variety of sources. There is no impact to the General Fund.

ROLL CALL:

AYE: Bertschy, Boggs, DiCostanzo, Durm, McAfee, Skalla, and Weimer

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

16. Consideration of approving a request from the Southwest Michigan Economic Growth Alliance for the payment of membership renewal in the amount of \$14,000.00.

Council Member DiCostanzo moved, **Council Member McAfee** supported, **MOTION CARRIED**, to approve a request from the Southwest Michigan Economic Growth Alliance for the payment of membership renewal in the amount of \$14,000.00.

ROLL CALL:

AYE: Bertschy, Boggs, DiCostanzo, Durm, McAfee, Skalla, and Weimer

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

17. Consideration of approving an Asset Management Plan to aid the Water and Wastewater Divisions.

Council Member DiCostanzo moved, **Council Member Bertschy** supported, **MOTION CARRIED**, to approve an Asset Management Plan to aid the Water and Wastewater Divisions.

ROLL CALL:

AYE: Bertschy, Boggs, DiCostanzo, Durm, McAfee, Skalla, and Weimer

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

ADDENDUM:

17A. Consideration to deviate from the purchasing policy to allow Joe Ray, Public Works Director to bid on equipment and spend up to \$15,000 to purchase Plym Golf Course equipment. City Administrator Huff explained that Spruce Ridge Golf Course in Dowagiac has closed and they are auctioning off their equipment.

Council Member Skalla moved, **Council Member DiCostanzo** supported, **MOTION CARRIED**, to deviate from the purchasing policy to allow Joe Ray, Public Works Director to bid on equipment and spend up to \$15,000 to purchase Plym Golf Course equipment.

ROLL CALL:

AYE: Bertschy, Boggs, DiCostanzo, Durm, McAfee, Skalla, and Weimer

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

APPOINTMENT TO BOARDS:

18. Consideration of approving the appointment of Janice Schrader to the Public Arts Commission to complete the term vacated by Patricia Young, effective immediately and expiring on December 31, 2019.

Council Member Bertschy moved, **Council Member McAfee** supported, **MOTION CARRIED**, to approve the appointment of Janice Schrader to the Public Arts Commission to complete the term vacated by Patricia Young, effective immediately and expiring on December 31, 2019. **AYE: 7 NAY: 0**

19. Consideration of approving the appointment of Ria Thomas to the Niles District Library Board to complete the unexpired term of Diana Smuda, effective immediately and expiring on December 31, 2018.

Council Member Durm moved, **Council Member Bertschy** supported, **MOTION CARRIED**, to approve the appointment of Ria Thomas to the Niles District Library Board to complete the unexpired term of Diana Smuda, effective immediately and expiring on December 31, 2018. **AYE: 7 NAY: 0**

20. Consideration of approving the appointments to the Planning Commission of Jerome Wharburton, to complete the unexpired term of Thomas From, effective immediately and expiring on December 31, 2017; and Rodrigo Correa, to complete the unexpired term of Marie Weimer, effective immediately and expiring on December 31, 2018 and consideration of approving the removal of Greg Nasstrom from the Planning Commission, effective immediately.

Council Member DiCostanzo moved, **Council Member Bertschy** supported, **MOTION CARRIED**, to approve the appointments to the Planning Commission of Jerome Wharburton, to complete the unexpired term of Thomas From, effective immediately and expiring on December 31, 2017; and Rodrigo Correa, to complete the unexpired term of Marie Weimer, effective immediately and expiring on December 31, 2018 and consideration of approving the removal of Greg Nasstrom from the Planning Commission, effective immediately. **AYE: 7 NAY: 0**

CITY ATTORNEY'S REPORT: None

COUNCIL MEMBER'S REPORT:

Council Member Durm, Council Member Skalla, Council Member Boggs and Mayor Shelton thanked Commissioner Michael Majerek for the county update. They also thanked the Utilities Department for their outstanding work on the Asset Management Plan.

Council Member McAfee announced that Mt. Olive Missionary Baptist Church is sponsoring a gospel play at the Senior Citizen Center, 1109 Bell Road, Niles, on Friday, June 30, 2017 at 7:00pm.

ADJOURNMENT:

Council Member Weimer moved to adjourn at 6:25pm.

Linda Casperson, Niles City Clerk

Date Approved