

**THE CITY COUNCIL  
NILES, MICHIGAN  
PUBLIC HEARING  
2017 CDBG ACTION PLAN  
Monday, July 10, 2017, 5:55 p.m.**

The Mayor asked if anyone in the audience wished to address the council on the Community Development Grant Action Plan. Hearing no response, the Public Hearing was closed at 5:57p.m.

**CITY OF NILES  
REGULAR CITY COUNCIL MEETING MINUTES  
MONDAY, July 10, 2017**

The meeting was called to order by Mayor Shelton in the City Council Chambers, 1345 East Main Street, Niles, Michigan at 6:00 p.m., July 10, 2017. The Pledge of Allegiance was led by Mayor Shelton.

**PRESENT:** Gretchen Bertschy (6:04pm), Georgia Boggs, John DiCostanzo, Robert Durm, Charlie McAfee, Wm. Tim Skalla, William Weimer, Mayor Nick Shelton

**ABSENT:** Daniel VandenHeede

**STAFF:** Casperson, Huff, Landgraf

**CITIZEN PARTICIPATION:** None

**PRESENTATIONS:** Citations, Commendations & Life Saving Awards for First Responders  
Niles Fire Department, Niles Police Department, & Southwestern Michigan  
Community Ambulance Service (SMCAS)

**Responders Recognized:**

Niles Police Department

Sgt. Scott Swanson, Officer David Bosch, 9-1-1 Dispatcher Jon Pedzinski, Reserve Officer Ermelinda Aranda.

Niles Fire Department

Cpt. Don Wise, Firefighters Bill Alton, Don Hughes & Jack Frost, Drivers Chad Cherrone & Dan Tackett

SMCAS

EMT Olga Gomez-Andrade, Paramedics Tami Shutze, Samantha Wilson Brown, & Eric Lovett, Critical Care Paramedic Jerry Schley, Advanced EMT Edward Harris, Shift Cpt. Paramedic Josh Kay.

Responders Included:

Niles Police Department, Niles Fire Department, SMCAS Ambulance Service, Berrien County Sheriff's Department, Niles Charter Township Fire Department, Howard Township Fire Department, Edwardsburg Ambulance Service, Three Oaks Ambulance, Clary Fire Department of Indiana, Michigan State Police and off-duty firefighter visiting from California Cpt. Terry Welsh.

**Gifts of Appreciation for First Responders**

*Rebecca Dewey Chapter of the Daughters of the American Revolution*

The Daughters of the American Revolution handed out star patches taken from flags that are no longer flown to thank them for their service and as a reminder that they are not forgotten.

**CONSENT AGENDA:**

1. The City Council Minutes of June 26, 2017 will be presented for approval at a later date.
2. Consideration of approving the Bills dated July 5, 2017.
3. Consideration of approving authorizing the City Administrator to cast two ballots on behalf of the City of Niles to approve the re-appointment of five (5) incumbent board of trustee members on the MML Workers' Compensation Fund board.

**Council Member Weimer** moved, **Council Member DiCostanzo** 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**

4. Consideration of adopting a resolution to approve the demolition of structures by Berrien County on foreclosed properties within the City of Niles; specifically - the garage located at 1329 Merrifield and the garage and house at 707 N. 6<sup>th</sup> Street.

**RESOLUTION #2017-07/2019**  
**DEMOLITION OF STRUCTURES ON TAX FORECLOSED PROPERTIES OWNED BY BERRIEN COUNTY**

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

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

**WHEREAS**, the City of Niles, Michigan has deemed that certain structures on properties within the City's jurisdiction that have been foreclosed upon by the County of Berrien for non-payment of taxes should be demolished. This resolution authorizes the County of Berrien to demolish the indicated structures; and

**WHEREAS**, the City of Niles is requesting and authorizing Berrien County to demolish the garage structure only at 1329 Merrifield (71-2100-0073-00-1) and to demolish both the house and the garage structures at 707 N. 6<sup>th</sup> St. (71-4610-0032-00-2) in the City of Niles.

**NOW, THEREFORE, BE IT RESOLVED** as follows:

1. The City of Niles, by this resolution, authorizes and approves the demolition of the above listed structures on the indicated properties.

City of Niles Resolution #2017-07/2019  
Request and Authorization for the Demolition of Foreclosed Properties

2. This resolution is adopted by the City Council for the City of Niles, Michigan on the 10<sup>th</sup> day of July, 2017, and authorizes the demolition of structures on said premises as herein described.

**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

**RESOLUTION # 2017-07/2019 DECLARED ADOPTED**

5. Consideration of adopting a resolution to approve the scheduling of a Public Hearing for 5:55 pm on July 24, 2017 for the purpose of receiving public input on the consideration of approving a new Personal Property Tax Exemption under Public Act 328 of 1998, as amended, for Indeck, Niles LLC.

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

**Resolution to Hold a Public Hearing and Consider Approving a New Personal Property Tax Exemption under Public Act 328 of 1998, as amended**

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

**CITY OF NILES**  
**BERRIEN COUNTY**  
**RESOLUTION TO HOLD A PUBLIC HEARING AND CONSIDER APPROVING A NEW PERSONAL PROPERTY TAX EXEMPTION APPLICATION FOR INDECK NILES, LLC, LOCATED AT 2200 PROGRESSIVE DRIVE**

**RESOLUTION #2017-07/2020**

**WHEREAS**, the City Council of the City of Niles, an "Eligible Local Assessing District" as defined in Section 9f.(11)(h) of Public Act 328 of 1998, as amended, by Resolution, established two adjacent and contiguous Industrial Development Districts, placing all property subject to the New Personal Property Tax Exemption within an "Eligible District," as required under Public Act 328 of 1998; and

**WHEREAS**, the City Council of the City of Niles established "Niles Industrial Park Industrial Development District," which included two (2) parcels south of Korn Street (Parcel Identification Numbers: 14-170-018-001-02 and 11-71-0013-0001-07-01), on May 29, 2001, after a public hearing held on May 29, 2001; and

**WHEREAS**, the City Council of the City of Niles established "Niles Industrial Park Industrial Development District No. 2," which included two (2) additional parcels north of Korn Street and south of White Street (Parcel Identification Numbers: 14-170-007-002-00 and 14-170-008-001-00), on June 26, 2017, after a public hearing held on June 26, 2017; and

**WHEREAS**, the applicant, Indeck Niles, LLC, a manufacturing eligible business, has filed an application for Exemption of New Personal Property; and

**WHEREAS**, Before acting upon said application the City Clerk is required, in accordance with Public Act 328 of 1998, as amended, Section 9f.(1), to notify in writing the assessor of the local tax collecting unit in which the eligible district is located and the legislative body of each taxing unit that levies ad valorem property taxes in the eligible local assessing district in which the eligible district is located, and shall afford the assessor and a representative of the affected taxing units an opportunity for a hearing to express their views at a public hearing or in writing; and

**WHEREAS**, It is the desire of the Niles City Council that such a hearing shall be held on the 24<sup>th</sup> day of July 2017, at 5:55 p.m. in Council Chambers, 1345 E. Main Street, Niles, Michigan.

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Niles that the City Clerk shall inform by written notice sent via regular mail not less than 10 days or more than 30 days before the Public Hearing date, the City Assessor, the applicant, and the legislative body of each taxing unit which levies ad valorem taxes in the City of Niles, Berrien County and Cass County, of the Public Hearing, with said notice; and

**BE IT FURTHER RESOLVED THAT** the City Clerk shall cause notice of such hearing to be published once in a newspaper of general circulation in the City; and

**BE IT FURTHER RESOLVED THAT** at said hearing, interested persons shall have the opportunity to be heard relative to the application.

**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

**RESOLUTION # 2017-07/2020 DECLARED ADOPTED**

**CLOSED SESSION:** For review of an attorney's written opinion.

**Council Member Bertschy** moved, **Council Member Weimer** supported, **MOTION CARRIED**, to go into closed session under the attorney client privilege at 6:23 pm.

**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

Reconvened at 6:41pm.

**CITY OF NILES  
BERRIEN AND CASS COUNTIES, MICHIGAN**

**Council member Skalla** offered the following resolution and moved for its adoption, seconded by **Council member DiCostanzo**.

**RESOLUTION NO. 2017-07/2021**

**RESOLUTION TO APPROVE AN AGREEMENT FOR THE DEVELOPMENT OF A POWER GENERATION  
FACILITY AT 2200 PROGRESSIVE DRIVE**

**WHEREAS**, Indeck Niles, LLC ("Indeck") owns property in the City at 2200 Progressive Drive (Parcel Nos. 14-170-008-001-00 and 14-170-007-002-00) and intends to develop the property for use as a natural gas, combined cycle power generation facility; and

**WHEREAS**, as part of the zoning approval process, the City's planning commission and zoning board of appeals imposed conditions requiring Indeck to enter into an agreement with the City to control the development, construction, and use of the property; and

**WHEREAS**, the City Council finds that the agreement attached to this resolution as **Exhibit 1** (the "Development Agreement") will provide for the orderly and beneficial development of the property, and is therefore in the best interest of the City.

Now, it is therefore resolved that:

1. The Development Agreement is approved. The Mayor and City Administrator are authorized and directed to sign the Development Agreement, and any documents required to fulfill the conditions set forth in the Development Agreement, on behalf of the City.
2. All resolutions and parts of resolutions are, to the extent of any conflict with this resolution, rescinded.

**AYES:** Council Members Gretchen Bertschy, Georgia Boggs, John DiCostanzo, Robert Durm, Charlie McAfee, Wm. Tim Skalla, William Weimer

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** Council Member Daniel VandenHeede

**CITY ATTORNEY'S REPORT:** No report

**COUNCIL MEMBER'S REPORT:**

Council Members and Mayor thanked all first responders involved in the Quality Inn carbon monoxide incident April 1, 2017.

**Council Member McAfee** moved, **Council Member Weimer** supported, **MOTION CARRIED**, to excuse Mayor Shelton from the June 26, 2017 regular council meeting. **AYES: 7 NAYS: 0**

**Council Member Bertschy** thanked Lisa Croteau for the alley activation project in the 100 block of Main Street.

**MAYOR'S REPORT:** Announced that he got married June 16, 2017.

**ADJOURNMENT:**

Council Member Weimer moved to adjourn at 6:47pm.

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Linda Casperson, Niles City Clerk

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Date Approved