

**THE CITY COUNCIL  
NILES, MICHIGAN  
PUBLIC HEARING  
INDUSTRIAL DEVELOPMENT DISTRICT – INDECK ENERGY, INC.  
Monday, July 24, 2017, 5:55 – 6:00 p.m.**

At 5:55 pm, Mayor Shelton asked if anyone in the audience wished to address the council on the Industrial Development District – Indeck Energy, Incorporated Personal Property Tax Exemption under Public Act 328. Hearing no response, the Public Hearing remained open. At 6:00 pm Mayor Shelton asked once again if anyone in the audience wished to address the council on the Industrial Development District – Indeck Energy, Incorporated Personal Property Tax Exemption under Public Act 328. Hearing no response, the Public Hearing was closed at 6:03 p.m.

**CITY OF NILES  
REGULAR CITY COUNCIL MEETING MINIUTES  
MONDAY, July 24, 2017**

The meeting was called to order by Mayor Shelton in the City Council Chambers, 1345 East Main Street, Niles, Michigan at 6:04 p.m., July 24, 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, and Mayor Nick Shelton.

**ABSENT:** Daniel VandenHeede

**STAFF:** Casperson, Huff

**CITIZEN PARTICIPATION:**

**Charles Mossell** voiced concern on the condition of the Kling Apartments. He specifically noted his friend's apartment. He requested to the city council look into the matter.

**Lupe Martinez**, inquired about repair of the park benches and maintenance of parks.

**Marie Weimer** requested time during the Council Member's Report of the minutes.

**Andy Bueter**, reported that he was concerned about a condemned house on Merrifield. It was his understanding that the house was slated to be demolished. Council Member Bertschy said that the son inherited the house and stopped the demolition process. The city's code enforcement division has been trying to reach the owner.

**CONSENT AGENDA:**

1. Consideration of approving the City Council Minutes of June 26<sup>th</sup> and July 10<sup>th</sup>, 2017.
2. Consideration of approving the Bills dated July 19, 2017.
3. Consideration of scheduling a Public Hearing for 5:55 pm on Monday, August 14, 2017 to receive comments on the proposed City of Niles FY2018 Budget.
4. Consideration of approving the submission of a grant application to the Gateway Foundation to assist with the purchase of public art for the City of Niles and consideration of authorizing the Community Development Director to sign the application, if needed.
5. Consideration of accepting the bid of \$17,071.00 from Hydrolake, Inc. of McBain, MI for the purchase of wood utility poles to replenish inventory for future use by the Electric Division.

**Council Member Weimer** moved, **Council Member McAfee** 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**

6. Consideration of adopting a resolution to approve the Niles Utilities Department be made a full member of the Michigan Public Power Agency (MPPA) and consideration of approving the submission of estimated dues of \$6,242.00 for the remainder of 2017 and \$14,980.00 for payment of 2018 dues before January 1, 2018 and consideration of authorizing the City Clerk to sign the required Membership Resolution.

**CITY OF NILES, MICHIGAN**  
**MEMBERSHIP TO JOIN THE MICHIGAN PUBLIC POWER AGENCY**

**RESOLUTION 2017-07/2022**

**Councilmember DiCoatanzo** offered the following resolution and moved for its adoption, supported by **Councilmember Skalla**.

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

**WHEREAS**, the City of Niles has determined that additional power supply capacity will be required in order to meet the future needs of its customers; and

**WHEREAS**, the Michigan Public Power Agency ("MPPA") was established pursuant to act 448 of the Public Acts of 1976 (the Michigan Energy Employment Act) for the purpose of undertaking various projects authorized by the Act; and

**WHEREAS**, the existence of MPPA and membership in MPPA by the City of Niles, and other municipal utilities will foster the continuation of joint planning and undertaking of projects, and the resulting economies and efficiencies to be realized thereby will service the interests of the customers of the City of Niles; and

**WHEREAS**, member municipalities may elect to participate in only those MPPA projects from which they determine they will benefit; and

**WHEREAS**, the City of Niles staff has recommended and the City of Niles Utility Department determines it to be in the best interest of the City of Niles to become a full member of MPPA for the purpose of undertaking and planning, financing, development, acquisition, construction, reconstruction, improvement, enlargement, betterment operation, or maintenance of the projects authorized under and pursuant to Act 448;

**NOW, THEREFORE, BE IT RESOLVED THAT:**

1. Staff is authorized to seek admission of the City of Niles as a full member of MPPA.
2. The City of Niles hereby elects to become a full member of MPPA.
3. Upon the unanimous adoption of a resolution by the City of Niles approving membership, the City of Niles will pay the membership fee and other costs related to its admission to membership as required by the By-Laws.
4. This resolution shall be effective immediately.

**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

7. Consideration of adopting a resolution to approve 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 Approve an Application for  
New Personal Property Tax Exemption, Public Act 328 of 1998, as amended**

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

**CITY OF NILES  
BERRIEN COUNTY  
RESOLUTION APPROVING A NEW PERSONAL PROPERTY TAX EXEMPTION APPLICATION FOR INDECK NILES,  
LLC AT 2200 PROGRESSIVE DRIVE**

**RESOLUTION #2017-07/2023**

**WHEREAS**, the City of Niles meets the definition of an "Eligible Local Assessing District" under of Public Act 328 of 1998, Section 9f.(11)(h), by virtue of being located in a county bordering another state or Canada and by providing the following four services: water, sewer, police, and fire; and

**WHEREAS**, the City Council of the City of Niles established two adjacent and contiguous Industrial Development Districts, placing all property subject to the Application for Exemption of New Personal Property 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, meets the definition of an "Eligible Business" as defined by Public Act 328 of 1998, as amended, as it will manufacture and produce electricity through both gas and steam conversion at the location of 2200 Progressive Drive; and

**WHEREAS**, the new personal property was not placed in the facility within the eligible/qualified district(s) prior to approval of the exemption by the City Council of the City of Niles; and

**WHEREAS**, the applicant, Indeck Niles, LLC, is not delinquent on any taxes related to the facility, including taxes owed on existing personal property; and

**WHEREAS**, a written Letter Agreement has been executed between the applicant, Indeck Niles, LLC, and the City of Niles, that includes, but is not limited to, required statements regarding remedy provisions, terms and conditions, and the benefits to the applicant and the City of Niles from this economic development project; and

**WHEREAS**, the exemption of new personal property for Indeck Niles, LLC, shall have the effect of creating new jobs and increasing employment, reducing unemployment, promoting economic growth, and increasing capital investment thus creating new taxable value for the City of Niles and the State of Michigan.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Niles:

Be and hereby is granted a New Personal Property Exemption for personal property, placed in the facility after this resolution, located in "Niles Industrial Park Industrial Development District" and "Niles Industrial Park Industrial Development District No. 2" at 2200 Progressive Drive for a period of 13 years, beginning December 31, 2017, and ending December 30, 2030, pursuant to the provisions of Public Act 328 of 1998, as amended.

**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 # 2017-07/2023 DECLARED ADOPTED**

8. Consideration of approving the 2017 Community Development Block Grant Annual Action Plan and consideration of authorizing the submission of the CDBG Application for Federal Assistance and required Certifications to remain eligible for funds and consideration of authorizing the mayor to sign the necessary submission and certification documents.

**Council Member Bertschy** moved, **Council Member McAfee** supported, **MOTION CARRIED**, to approve the 2017 Community Development Block Grant Annual Action Plan and consideration of authorizing the submission of the CDBG Application for Federal Assistance and required Certifications to remain eligible for funds and consideration of authorizing the mayor to sign the necessary submission and certification documents.

**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

9. Consideration of entering into an agreement with Executive Cleaning Services, LLC of Huntington, NY to perform 100 hours of cleaning service per month at the Service Center at a cost of \$2,495.00 and consideration of authorizing the Utilities Manager to sign the agreement.

**Council Member DiCostanzo** moved, **Council Member Bertschy** supported, **MOTION CARRIED**, to enter into an agreement with Executive Cleaning Services, LLC of Huntington, NY to perform 100 hours of cleaning service per month at the Service Center at a cost of \$2,495.00 and consideration of authorizing the Utilities Manager to sign the agreement.

**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

10. Consideration of approving entering into a Five-Year Collaboration Agreement with Western Michigan University to continue the Fort St. Joseph Archeology Program and consideration of authorizing the Mayor to sign the agreement.

**Council Member Skalla** moved, **Council Member Weimer** supported, **MOTION CARRIED**, to approve entering into a Five-Year Collaboration Agreement with Western Michigan University to continue the Fort St. Joseph Archeology Program and consideration of authorizing the Mayor to sign the agreement.

**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

11. Consideration of accepting three proposed Deed of Easements to facilitate access to properties so as to maintain installed electrical assets.

**Council Member Weimer** moved, **Council Member DiCostanzo** supported, **MOTION CARRIED**, to accept three proposed Deed of Easements to facilitate access to properties so as to maintain installed electrical assets.

**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

12. Consideration of entering into an agreement with New Avenues Midwest Behavioral Health Network of South Bend, IN to provide services to City of Niles employees and consideration of authorizing the mayor to sign the agreement.

**Council Member Weimer** moved, **Council Member DiCostanzo** supported, **MOTION CARRIED**, to enter entering into an agreement with New Avenues Midwest Behavioral Health Network of South Bend, IN to provide services to City of

Niles employees and consideration of authorizing the mayor to sign the agreement.

**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

**Marie Weimer**, was granted 3 minutes for a presentation:

Mrs. Weimer has been busy knitted blankets for each member of the council, mayor, city administrator and clerk. Everyone who received a blanket were overwhelmed and appreciative of her generosity.

**COUNCIL MEMBER’S REPORT:**

Council Member Weimer reported that he and Council Member DiCostanzo toured the Street Department’s garage that was damaged by the tornado. They were stunned to see how the wind twisted the steel beams. He was concerned with upcoming winter snow load on the roof. Hopefully the insurance issues will be resolved by then.

Council Member Skalla reported that he attended the Art in the Alley. He also attended the Chamber of Commerce business ribbon cutting for the new frozen yogurt business (Swirlyz) in downtown Niles.

Council Member Boggs gave a special thank you for the new curb cuttings throughout the city.

Council Member Bertschy attended the Chamber of Commerce Business After-Hours at Custom Computer Company LLC. Located at 603 N. 2<sup>nd</sup> Street. She also joined the Art in the Alley and farmer’s market on Sunday and was impressed.

Council Member Durm thanked the Burn Run for a successful event.

**MAYOR’S REPORT:**

Mayor Shelton announced that the Burn Run was quite busy bringing in motorcyclist from many parts of the region. He also attended the ribbon cutting at Swirlyz and Art in the Alley. Downtown planters look great; he encouraged people to take advantage of the community vegetables and herbs growing along the fence of the 100 block of Main Street.

**ADJOURNMENT:**

Council Member Weimer moved to adjourn at 6:35pm.

---

Linda Casperson, Niles City Clerk

---

Date Approved