

**CITY OF NILES
REGULAR CITY COUNCIL MEETING MINIUTES
MONDAY, August 14, 2017**

5:55 P.M. PUBLIC HEARING: FY 2018 Budget Hearing Re-schedule to August 28, 2017 at 5:50 pm

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., August 14, 2017. The Pledge of Allegiance was led by Mayor Shelton.

PRESENT: Gretchen Bertschy, John DiCostanzo, Robert Durm, Charlie McAfee, Wm. Tim Skalla, Daniel VandenHeede, William Weimer, and Mayor Nick Shelton.

ABSENT: Georgia Boggs

STAFF: Casperson, Huff, Landgraf

CITIZEN PARTICIPATION:

Jan Personette thanked the city for sending out the text notice through NilesCity text (360-00) subscribers announcing the Fort St. Joseph Archaeology Project Open House on August 5-6, 2017 from 10am to 4pm. She also urged the council to carefully reconsider the waiver of fees as it relates to Item 6. It was later revealed that no city services were requested for the Grill N Chill Skate Contest.

Jonathan Smith, 931 N. 5th Street, inquired about property at 933 N. 5th Street that he owned and went to the Berrien County tax sale. On June 26, 2017, the Niles City Council agreed to purchase the property from Berrien County. Mr. Smith submitted a proposal to the city to try to get the property back.

Princella Tobias of Buchanan spoke on behalf of Mr. Smith. Mr. Smith's intentions for the above mentioned property is to build a music studio to teach students about sound engineering. They questioned the boundaries of the property possibly overlapping.

Jeff Dean, Simplicity Industrial Center, Roseville, Michigan, stated that he was interested in working on the overlay district.

CONSENT AGENDA:

1. Consideration of approving the City Council Minutes of July 24th, 2017.
2. Consideration of approving the Bills dated August 9, 2017.
3. Consideration of scheduling a Public Hearing for 5:50 pm on Monday, August 28, 2017 to receive comments on the proposed City of Niles FY2018 Budget.
4. Consideration of approving a request from RKM Fireworks Company to use a portion of the Jerry Tyler Memorial Airport property for the purpose of conducting the Apple Festival fireworks display on Saturday, September 30, 2017.
5. Consideration of approving a request from the Niles History Center to hold a Civil War Day at the center on September 30, 2017 from 8:00 am to 4:00 pm and consideration of approving the closing of the History Center parking lot on that day.
6. Consideration of approving a request from Ill (ILL) Spoken to hold a Grill N Chill skate contest at the Riverfront Park Skateboard Park on August 27, 2017 from noon until 8:00 pm and consideration of waiving all fees; with the approval of the event contingent upon receipt of a certificate of liability insurance naming the City as an additional insured.
7. Consideration of accepting the quote of \$4,425.00 from Midland Engineering Company of South Bend, IN to complete roof and gutter repairs at the Fort St. Joseph Museum.
8. Consideration of approving the purchase of a 2017 Ford (Explorer) Interceptor from Campbell Ford of Niles, MI at a cost of \$25,950.00 through the Michigan MiDeal Program. **CORRECTION:** Campbell Ford was slightly under Michigan MiDeal quote.

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

ROLL CALL:

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

NAY: None **ABSENT:** Georgia Boggs **ABSTAIN:** None

ADMINISTRATOR'S REPORT:

Introduction of Items for Discussion

Items for Council Action

9. Consideration of adopting a Resolution of Intent to create a special assessment district to assess costs for the operation of the Southwestern Michigan Community Ambulance Service (SMCAS).

**NILES CITY COUNCIL
RESOLUTION OF INTENT
RESOLUTION #2017-08/2024**

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

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

WHEREAS, the City of Niles is one of six (6) municipal owners of Southwestern Michigan Community Ambulance Service (SMCAS) who are responsible for its operational expenses; and

WHEREAS, SMCAS is unable to meet its financial obligations on fee revenue alone due to discounts applied to Medicaid and Medicare and defaulted accounts; and

WHEREAS, the special assessment will pay all or part of the City's financial responsibility; and

WHEREAS, SMCAS serves the City of Niles as a full time paramedic emergency ambulance service; and

WHEREAS, the proposed special assessment district will assess costs to all residential units, commercial parcels, industrial parcels, and agricultural parcels within the City, unless such lands and premises are exempt by law from paying special assessments; and

WHEREAS, residential unit includes each unit in multiple family dwellings, apartments, condominiums and townhouses, and includes each pad in a mobile home or manufactured housing community; and

WHEREAS, the proposed assessment is \$20 per parcel or unit; and

NOW THEREFORE, BE IT RESOLVED, that the Niles City Council authorizes the staff to prepare the necessary documents for a special assessment district and a special assessment to be considered.

ROLL CALL:

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

NAY: None **ABSENT:** Georgia Boggs **ABSTAIN:** None

RESOLUTION # 2017-08/2024 DECLARED ADOPTED

10. Consideration of adopting a resolution to schedule a Public Hearing 5:55 pm on August 28th, 2017 to receive input from the public in regards to the intent to establish a special assessment district, tentative designation of special assessment district and notice of public hearing.

The following Resolution was offered by **Council Member Weimer** and seconded by **Council Member DiCostanzo**

CITY OF NILES

SPECIAL ASSESSMENT DISTRICT FOR EMERGENCY MEDICAL SERVICES THROUGH SOUTHWESTERN MICHIGAN COMMUNITY AMBULANCE SERVICE, DISTRICT NO. 1

RESOLUTION NO. 1

RESOLUTION OF INTENT TO ESTABLISH SPECIAL ASSESSMENT DISTRICT; TENTATIVE DESIGNATION OF SPECIAL ASSESSMENT DISTRICT;

NOTICE OF PUBLIC HEARING

RESOLUTION 2017/08-2025

WHEREAS, pursuant to Act 368 of 1978, as amended by Act 179 of 1990 (MCL 333.20948), a combination of local governmental units may operate an ambulance authority and defray, in whole or part, the cost of ambulance service by special assessment, with such special assessments conforming as nearly as possible to the procedure set forth in section 1 of Act 33 of 1951; and

WHEREAS, pursuant to Act 368 of 1978, as well as the Urban Cooperation Act, Act 7 of 1967, the City and other local governmental units have formed the Southwestern Michigan Community Ambulance Service ("SMCAS"), which provides ambulance services to the member municipalities and certain other municipalities pursuant to contracts ("Services"); and

WHEREAS, the costs of maintaining and operating SMCAS are shared by the local governmental units who are members of SMCAS, including the City, pursuant to the Articles of Incorporation of SMCAS; and

WHEREAS, the City wishes to defray its share of the cost of operating SMCAS by establishing a special assessment district pursuant to Act 368 of 1978, as amended by Act 179 of 1990 ;and

WHEREAS, the City finds that initiating proceedings to establish such a special assessment district is in the best interest of the public health, safety, and welfare.

NOW, THEREFORE, THE CITY RESOLVES AS FOLLOWS:

1. The City Council determines to defray its share of the cost of maintaining and operating SMCAS, in whole or part, by special assessment.
2. The City Council tentatively designates the special assessment district ("District ") against which the cost will be assessed as all residential units, commercial parcels, industrial parcels, and agricultural parcels within the City, unless such lands and premises are exempt by law from paying special assessments. "Residential unit" includes each unit in multiple family dwellings, apartments, condominiums and townhouses, and includes each pad in a mobile home or manufactured housing community.
3. The estimated cost shall be \$20.00 per year for each assessed parcel or unit in the District. The City tentatively proposes that the District remain in effect for a period of 13 years. If at any time during the term of the District an actual incremental cost increase exceeds the estimate therefor by 10% or more, notice shall be given and a hearing will be afforded to the record owners of property to be assessed.
4. The City Council shall hold a public hearing on August 28, 2017, at 5:55p.m. at City Council Chambers, 1345 E. Main Street, Niles to hear and consider objections to the creation of the District and the estimated cost for each parcel in the District.
5. The City Council directs the City Clerk to give notice of the time, date and purpose of the hearing by first class mail, to each record owner of, or party-in-interest in, real property within the City whose name appears upon the last City tax assessment records, at least ten days before the date of the hearing in the form substantially similar to Exhibit A, attached to this Resolution. In addition, notice shall also be published in the same form at least twice before the hearing in a newspaper circulating in the City. The first publication shall be at least ten days before the date of the hearing.
6. Following the public hearing the City Council may revise, correct, amend or change the plans,

estimate of cost, or boundaries of the special assessment district.

7. Any and all resolutions in conflict with this Resolution are hereby repealed, but only to the extent necessary to give this Resolution full force and effect.

ROLL CALL:

AYE: Gretchen Bertschy, John DiCostanzo, Robert Durm, Charlie McAfee, Wm. Tim Skalla, Daniel VandenHeede, and William Weimer
NAY: None **ABSENT:** Georgia Boggs **ABSTAIN:** None

RESOLUTION # 2017-08/2025 DECLARED ADOPTED

11. Consideration of adopting a resolution to approve the Runway 15 Approach Clearing, MDOT Contract #2017-0647, and consideration of authorizing the mayor to sign the sponsor contract.

**MDOT CONTRACT No. 2017-0647
JERRY TYLER MEMORIAL AIRPORT
RESOLUTION #2017-08-2026**

Councilmember Bertschy offered the following resolution and moved for its adoption, supported by **Councilmember VandenHeede**.

BE IT RESOLVED that Contract #2017-0647 between the MICHIGAN DEPARTMENT OF TRANSPORTATION AIRPORT DIVISION and the City of Niles for the purpose of removing the obstructions – Runway 15 (Parcels E7, E10, E15) construction and obligations of the parties in agreeing to the following undertaking at the Jerry Tyler Memorial Airport whose associated city is Niles, Michigan with the use of funds made available through a block grant from the Federal Aviation Administration (FAA) is hereby accepted; and

BE IT FURTHER RESOLVED that the aforementioned improvements are as follows:

Removal of the obstructions – Runway 15 (Parcels E7, E10, E15) construction at the Jerry Tyler Memorial Airport in the total amount of \$67,000.00. This work is further defined in Contract No. 2017-0647.

BE IT FURTHER RESOLVED that the Mayor be authorized to sign said contract.

ROLL CALL:

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

NAY: None **ABSENT:** Georgia Boggs **ABSTAIN:** None

RESOLUTION # 2017-08/2026 DECLARED ADOPTED

12. Consideration of approving revisions to the Fort St. Joseph Archaeology Advisory Committee (FSJAAC) bylaws to update compliance with the new Boards and Commissions Handbook.

Council Member Weimer moved, **Council Member McAfee** supported, **MOTION CARRIED**, to approve revisions to the Fort St. Joseph Archaeology Advisory Committee (FSJAAC) bylaws to update compliance with the new Boards and Commissions Handbook.

ROLL CALL:

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

NAY: None **ABSENT:** Georgia Boggs **ABSTAIN:** None

13. Consideration of obtaining professional services for the development of the City's marijuana overlay district and associated zoning regulations at a cost not to exceed \$5,000 and consideration of authorizing the city administrator to sign the necessary documents.

Council Member Weimer moved, **Council Member McAfee** supported, **MOTION CARRIED**, to obtain professional services for the development of the City's marijuana overlay district and associated zoning regulations at a cost not to exceed \$5,000 and consideration of authorizing the city administrator to sign the necessary documents.

ROLL CALL:

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

NAY: None **ABSENT:** Georgia Boggs **ABSTAIN:** None

13A. Consideration of approving the purchase of new election equipment upgrade to a high speed ICCM160II system

from Election Source of Grand Rapids, MI in the amount of \$7,685 and authorize the clerk to sign the proposal. **Council Member Durm** moved, **Council Member VandenHeede** supported, **MOTION CARRIED**, to approve the purchase of new election equipment upgrade to a high speed ICCM160II system from Election Source of Grand Rapids, MI in the amount of \$7,685 and authorize the clerk to sign the proposal.

ROLL CALL:

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

NAY: None **ABSENT:** Georgia Boggs **ABSTAIN:** None

CITY ATTORNEY’S REPORT: No Report

COUNCIL MEMBER’S REPORT:

Council Member Weimer asked, with the recent paving of roads downtown, when will parking spaces be painted. Joe Ray, Public Work Director, responded that parking spaces will be painted this week.

Council Member DiCostanzo stated that he attended the Fort St. Joseph Archaeology Open House. He encouraged people to attend next year.

Council Member Bertschy thanked Lisa Croteau for the Niles Market in the Alley.

Council Member VandenHeede announced that it was good to be back home from a trip to Europe.

Council Member Durm moved, **Council Member Bertschy** supported, **MOTION CARRIED** to excuse Council Member VandenHeede from the July 10 and July 24 council meetings. **AYES: 7 NAYS: 0**

Council Member McAfee thanked the Niles Utilities for awesome service by getting the electric back on quickly during the power outage. She had the pleasure of trying the Woodstock & Grill mobile truck Bar-b-que at the downtown market. Mrs. McAfee also asked that everyone keep the entire nation in prayer.

MAYOR’S REPORT:

Mayor Shelton thanked the Niles Utility Department for their prompt service in getting the electric back on. He also encouraged people to sign up for text announcements at NilesCity (360-00). He attended the Fort St. Joseph Archaeology Open House and had a great time. He took part in the park trash collection reporting that there was little trash. Weed and brush trimming was extensive. He also attended ribbon cuttings for Niles Wellcare Pharmacy and Healthy Habits smoothie shop.

ADJOURNMENT:

Council Member Weimer moved to adjourn at 6:37pm.

Linda Casperson, Niles City Clerk

Date Approved