

**CITY OF NILES
REGULAR CITY COUNCIL MEETING MINIUTES
MONDAY, April 23, 2018**

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., April 23, 2018. The Pledge of Allegiance was led by Mayor Pro-Tem Durm.

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

ABSENT: John DiCostanzo and Mayor Shelton

STAFF: Casperson, Huff, Landgraf

CITIZEN PARTICIPATION:

Jeff Durrell, HDS Investments stated that they would like to create a partnership with the Niles community, create 25 jobs, and give back to the community by helping promote the ice festival, turkey tot and other festivals.

Dean Hill, 2018 Democratic candidate for District 78 of the Michigan House of Representative introduced himself.

Steve Gargis, reported that he was in Bangor, Michigan and he met six people who drive up to there from Niles to get their medical marijuana. He ask that the city council keep an open mind.

William Smoke stated that he attended a program at the Buchanan Senior Center regarding medical marijuana. He was in support.

Will Smith of South Bend, former community investment member for the City of South Bend, and also doing a study on the effects of cannabinoid in the body.

PRESENTATION: None

CONSENT AGENDA:

1. Approval of the Minutes of April 9, 2018 and Special Meeting Minutes April 16, 2018
2. Approval of the Bills.
3. Consideration of scheduling a Public Hearing on May 14, 2018 at 5:55 pm for a new Liquor License for Iron Shoe Distilling, LLC, 3 N. Third Street, Niles, MI.
4. Consideration of approving the request from W.O.W. (Women of Worship) New Beginnings Ministries to hold a block party on September 8, 2018 from 8am to 7pm; and close S. 13th Street from Main Street to Cherry Street and Maple Street from S. 3th Street to S. 11th Street; and waive the cost of \$350.
5. Consideration of approving the purchase of 3 WatchGuard VistalHD Wearable Cameras, camera mount, and docking base with a one year warranty; and Evidence Library 4 Web Vista Device Software License from Watch Guard Incorporated of Allen, TX in the amount of \$2,730.00.
VandenHeede questioned the use of the cameras for the police department. Administrator Huff explained that the police department wouldn't have the manpower to fulfill the Freedom of Information requests and redaction of sensitive materials.

Council Member Weimer moved, **Council Member Skalla** supported, **MOTION CARRIED**, to approve Items 1-5 as submitted.

ROLL CALL:

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

NAY: None **ABSENT:** John DiCostanzo **ABSTAIN:** None

CITY ADMINISTRATOR'S REPORT:

**Introduction of Items for Discussion
Items for Council Action**

6. Consideration of adopting a resolution waiving penalty fees and interest for failure to file property tax transfer affidavit.

CITY OF NILES, MICHIGAN
RESOLUTION WAIVING PENALTY FEES AND INTEREST FOR FAILURE TO FILE A PROPERTY TRANSFER
AFFIDAVIT
RESOLUTION 2018-04/ 2051

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

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

WHEREAS, Section 211.27a of the General Property Tax Act requires the buyer, grantee or other transferee of property to file a property transfer affidavit as prescribed by the State Tax Commission, with the appropriate Assessing Office in the local unit of government in which the property is located; and

WHEREAS, Section 211.27b of the General Property Tax Act imposes penalties for the failure to file a Property Transfer Affidavit after 45 days have elapsed; and

WHEREAS, Section 211.27b of the General Property Tax Act provides that the local governing body may waive, by resolution, the penalties for the failure to file a Property Transfer Affidavit within 45 days of transfer; and

NOW, THEREFORE, BE IT RESOLVED THAT, the Niles City Council hereby waive penalties under Section 211.27b of the General Property Tax Act; and

BE IT FURTHER RESOLVED THAT, the City Clerk of the City of Niles is hereby directed to send a certified copy of this Resolution to the City Assessor and to the Director of Berrien County Equalization Department; and

BE IT FURTHER RESOLVED THAT, all resolutions or part of resolution in conflict herewith are hereby repealed.

ROLL CALL:

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

NAY: None **ABSENT:** John DiCostanzo **ABSTAIN:** None

RESOLUTION # 2028/04-2051 DECLARED ADOPTED

7. Consideration of approving a policy and application process for exemption from property taxes.

Assessor's Office

Policy and application for Exemption from Property Taxes

The following is the general three-part test that Michigan courts have established to determine if a property is exempt:

- (1) The real estate must be owned and occupied by the exempt claimant;
- (2) The exemption claimant must be a religious, library, benevolent, charitable, educational or scientific institution;
- (3) The exemption only exists when the building or other property thereon are occupied by the claimant solely for the purpose for which it was incorporated, or as further limited by the applicable statute.

Approval of the exemption request is further limited to meeting all criteria set forth in State Statute and as further defined in Michigan court decisions. We will use these criteria to determine your tax status. If approved for tax exempt status, such status will be annually audited to determine if any changes have been made which would change the status of the exemption. Any change in information used by an applicant to support an exemption shall immediately brought to the attention of this office. Further, the Assessor my request any other relevant information with regard to continued exemption. If the Assessor has evidence that the property no longer qualifies for the exemption the exemption shall be removed and the taxpayer shall be notified and provided with documentation regarding their appeal rights. The same will be true in the absence of supporting documentation from the taxpayer that the exemption should be continued.

Council Member Weimer moved, **Council Member Skalla** supported, **MOTION CARRIED**, to approve a policy and application process for exemption from property taxes.

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

NAY: None **ABSENT:** John DiCostanzo **ABSTAIN:** None

8. Consideration of approving to utilize the engineering services of FTCH (Fishbeck, Thompson, Carr and Huber, Inc.) of Grand Rapids, Michigan to assist the Utilities Department in evaluating technology filtering and oxidation for implementation at the water filtration plant.

Council Member Skalla moved, **Council Member Weimer** supported, **MOTION CARRIED**, to approve to utilize the engineering services of FTCH (Fishbeck, Thompson, Carr and Huber, Inc.) of Grand Rapids, Michigan to assist the Utilities Department in evaluating technology filtering and oxidation for implementation at the water filtration plant.

ROLL CALL:

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

NAY: None **ABSENT:** John DiCostanzo **ABSTAIN:** None

9. Consideration of authorizing a change in office hours for City Hall and Utility offices and approve a Letter of Agreement to the Labor Agreement between the City of Niles and United Steelworkers covering the Office Workers to implement the change in office hours and authorize the City Administrator to sign the agreement. Proposed office hours are Monday through Thursday from 7:30am to 5:30pm and Friday from 7:30am to 11:30am in order to better conform to the daytime schedule of the community, which will better serve the public.

Council Member VandeHeede moved, **Council Member Weimer** supported, **MOTION CARRIED**, to authorize a change in office hours for City Hall and Utility offices and approve a Letter of Agreement to the Labor Agreement between the City of Niles and United Steel Workers covering the Office Workers to implement the change in office hours and authorize the City Administrator to sign the agreement. Contingent upon approval by the bargaining unit of the United Steelworkers Union covering the Office Workers of the City of Niles. If the union does not approve the agreement, the non-union can come back to the Niles City Council for approval.

ROLL CALL:

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

NAY: None **ABSENT:** John DiCostanzo **ABSTAIN:** None

9A. Consideration of granting the Real Life Church permission to hold a concert at the Riverfront Park Amphitheater and waive all fees set up 3pm take down by 9:30pm.

Council Member Skalla moved, **Council Member Weimer** supported, **MOTION CARRIED**, to grant Real Life Church permission to hold a concert at the Riverfront Park Amphitheater.

ROLL CALL:

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

NAY: None **ABSENT:** John DiCostanzo **ABSTAIN:** None

9B. Consideration of approving the stop loss insurance agreement between the City of Niles and Sun Life Financial and authorize the City Administrator to sign the agreement.

Council Member Weimer moved, **Council Member Bertschy** supported, **MOTION CARRIED**, to approve the stop loss insurance agreement between the City of Niles and Sun Life Financial and authorize the City Administrator to sign the agreement.

ROLL CALL:

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

NAY: None **ABSENT:** John DiCostanzo **ABSTAIN:** None

9C. Consideration of approving the Administrative Services Agreement with Blue Cross Blue Shield of Michigan for plan year June 2018 through May 2019 and authorize the City Administrator to sign the necessary documents.

Council Member Bertschy moved, **Council Member Skalla** supported, **MOTION CARRIED**, to approve the Administrative Services Agreement with Blue Cross Blue Shield of Michigan for plan year June 2018 through May 2019 and authorize the City Administrator to sign the necessary documents.

ROLL CALL:

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

NAY: None **ABSENT:** John DiCostanzo **ABSTAIN:** None

CLOSED SESSION:

Council Member Weimer moved, **Council Member VandenHeede** supported, **MOTION CARRIED**, to go into closed session to consult with its attorney about property acquisition at 6:34pm.

ROLL CALL:

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

NAY: None

ABSENT: John DiCostanzo

ABSTAIN: None

OPEN SESSION:

Mayor Pro-tem Durm declared the council back in open session at 6:48 pm.

Council Member VandenHeede moved, **Council Member Boggs** supported, **MOTION CARRIED**, to authorize the Public Works Director along with Mead and Hunt, Inc. to negotiate the individual easements needed to remove approach obstructions for a yet to be determined amount in concurrence with the Michigan Department of Transportation.

ROLL CALL:

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

NAY: None

ABSENT: John DiCostanzo

ABSTAIN: None

CITY ATTORNEY'S REPORT:

COUNCIL MEMBER'S REPORT:

Council Member Skalla reported that he attended the Nilés Orchestra on Sunday, April 22 in the Nilés District Library Rotunda. "It was wonderful as usual. I would encourage everyone to take in their concerts as the orchestra represents one of Nilés hidden gems. Their next concert is September 9th."

Council Member VandenHeede questioned how Bangor could have a medical marijuana dispensary since the State of Michigan is just now issuing licenses.

Council Member Weimer moved, **Council Member Skalla** supported, **MOTION CARRIED**, to excuse Council Member McAfee from the April 16, 2018 Special Meeting. **AYES: 7 NAYS: 0**

ADJOURNMENT: Council Member Weimer moved to adjourn at 6:53pm.

Linda Casperson
Niles City Clerk

Date