

**THE CITY COUNCIL
NILES, MICHIGAN
PUBLIC HEARING**
Iron Shoe Brewery Liquor License
Monday, May 14, 2018, 5:55p.m.

At 5:55 pm, Mayor Shelton asked if anyone in the audience wished to address the council on the proposed Iron Shoe Brewery Liquor License. Hearing no response, the Public Hearing was closed at 5:57pm.

**CITY OF NILES
REGULAR CITY COUNCIL MEETING MINIUTES
MONDAY, May 14, 2018**

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., May 14, 2018. The Pledge of Allegiance was led by Mayor Shelton.

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

ABSENT: None

STAFF: Casperson and Huff

CITIZEN PARTICIPATION:

Karen Dewey asked when Island Park would be open. City Administrator Huff said that the bridge has to be tested by and engineer for structural damage.

Joe Augustino spoke in support of HDS medical marijuana facility. He also supported the Toefco IFT.

Paul Schimel spoke in opposition of the Pucker Street Dam easements.

Kim LaSata announced that she is running for State Senate.

PRESENTATION: Presentation on the Third Street Village Corridor will be held immediately after this meeting at the beginning of the Committee of the Whole meeting.

CONSENT AGENDA:

1. Consideration of approving the City Council Minutes of April 23, 2018.
2. Consideration of approving the Bills dated May 8, 2018.
3. Consideration of scheduling a public hearing for 5:55 pm on May 21, 2018 to receive public comment on a proposed Industrial Facilities Exemption Certificate (IFT) for Toefco Engineered Coating Systems, Inc.
4. Consideration of approving a request from Georgia Boggs for City-wide Garage/Yard/Rummage Sale Days on June 2 thru June 3 and August 11th thru August 12th, 2018 and to allow all participants as one group so as to issue one (1) Garage/Rummage Sale Permit.

Council Member Weimer moved, **Council Member Skalla** supported, **MOTION CARRIED**, to approve Items 1-4 as submitted.

ROLL CALL:

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

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

ADMINISTRATOR'S REPORT:

Introduction of Items for Discussion

Items for Council Action

5. Consideration of adopting a resolution to apply for the State Disaster Contingency Fund Grant and consideration of authorizing the Community Development Director to sign the agreement & submit the funding request.

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

**STATE DISASTER CONTINGENCY FUND GRANT
Resolution #2018-05/2052**

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

WHEREAS, the City of Niles, Michigan, is a political subdivision within the State of Michigan with an official Emergency Operations plan in compliance with Section 19 of the Emergency Management Act, Act 390, Public Acts of 1976, as amended; and

WHEREAS, the City of Niles sustained severe losses of major proportions brought on by the flood resulting in the following conditions: damage to public parks, damage to public facilities, damage to publicly owned equipment, damage to public streets, damage to privately owned properties necessitating public intervention and support, emergency conditions including threats to public health and wellbeing that necessitated staff overtime; and

WHEREAS, Niles City Council certifies that the City of Niles Emergency Operations Plan was implemented at the onset of the disaster at February 23, 2018 and all applicable disaster relief forces identified therein were exhausted, February 23, 2018; and

WHEREAS, as a direct result of the disaster, public damage and expenditures were extraordinary and place an unreasonably great financial burden on the City of Niles totaling in excess of \$150,000.00 ; and

NOW, THEREFORE, BE IT RESOLVED THAT the City of Niles requests the Governor authorize a grant to the City of Niles from the State Disaster Contingency Fund pursuant to Section 19, Act 390, Public Acts of 1976, as amended.

BE IT FURTHER RESOLVED THAT, Sanya Vitale, Community Development Director is authorized to execute for and in behalf of the City of Niles the application for financial assistance and to provide to the State any information required to that purpose.

ROLL CALL:

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

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

RESOLUTION 2018-05/2052 DECLARED ADOPTED

TABLED ITEM

6. Consideration of adopting a resolution to accept easements for the Pucker Street Dam Removal and River Restoration Project and consideration of authorizing the city administrator to sign each easement. City Administrator Huff requested that the item be tabled.

Council Member DiCostanzo moved, **Council Member VandenHeede** supported, **MOTION CARRIED**, to table Item 6.

ROLL CALL:

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

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

7. Consideration of adopting a resolution to approve The Iron Shoe Distilling, LLC for a new small distiller business pursuant to MCL 436.1501 to be located at 3 N. 3rd Street.

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

**CITY OF NILES
Resolution #2018-05/2053
IRON SHOE DISTILLING, LCC**

BE IT RESOLVED THAT, the application from The Iron Shoe Distilling, LLC for the following license(s): Small Distiller License to be located at 3 N. Third Street, Niles, Michigan 49120. It is the consensus of this body that it recommends this application for approval by the Michigan Liquor Control Commission.

ROLL CALL:

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

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

RESOLUTION 2018-05/2053 DECLARED ADOPTED

8. Consideration of accepting the bid of \$311,729.00 from Rieth-Riley of Benton Harbor for the completion of the 2018 Major and Local Street Pavement Resurfacing program and consideration of authorizing the mayor to sign the contract.

Council Member Skalla moved, **Council Member DiCosanzo** supported, **MOTION CARRIED**, to accept the bid of

\$311,729.00 from Rieth-Riley of Benton Harbor for the completion of the 2018 Major and Local Street Pavement Resurfacing program and consideration of authorizing the mayor to sign the contract.

ROLL CALL:

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

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

9. Consideration of accepting a proposal from Williams & Works Engineering of Grand Rapids, MI for the completion of the City's Master Plan and for the Update of the City's Zoning Ordinance as needed at a cost not to exceed \$30,000.00.

Council Member DiCostanzo moved, **Council Member Weimer** supported, **MOTION CARRIED**, to approve accept a proposal from Williams & Works Engineering of Grand Rapids, MI for the completion of the City's Master Plan and for the Update of the City's Zoning Ordinance as needed at a cost not to exceed \$30,000.00.

ROLL CALL:

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

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

COMMITTEE/BOARD APPOINTMENTS: None

CITY ATTORNEY'S REPORT: None

CLOSED SESSION:

Council Member Weimer moved, **Council Member VandenHeede** supported, **MOTION CARRIED**, to go into closed session to discuss property acquisition at 6:19pm.

ROLL CALL:

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

OPEN SESSION:

Mayor Shelton declared the council back in open session at 6:40 pm.

REMOVED FROM THE TABLE

Council Member DiCostanzo moved, **Council Member Weimer** supported, **MOTION CARRIED**, to remove Item 6 from the table.

ROLL CALL:

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

6. Consideration of adopting a resolution to accept easements for the Pucker Street Dam Removal and River Restoration Project and consideration of authorizing the city administrator to sign each easement.

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

CITY OF NILES

Resolution #2018-05/2054

RESOLUTION AUTHORIZING THE PURCHASE OF TEMPORARY CONSTRUCTION EASEMENTS FOR DECOMMISSIONING THE PUCKER STREET HYDROELECTRIC DAM AND RESTORING THE DOWAGIAC RIVER AND ADJACENT UTILITY-OWNED PROPERTY.

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

WHEREAS, the City Council has determined that it is necessary and in the public interest to decommission the Pucker Street Hydroelectric Dam, to restore the Dowagiac River and adjacent Utility-owned property as a result of that decommissioning and to incur any and all costs pertaining to such decommissioning and restoration (collectively "Dam Removal and River Restoration"); and

WHEREAS, it is necessary to acquire temporary construction easements for the Dam Removal and River

Restoration over private property adjacent to the Dowagiac River and Pucker Street Hydroelectric Dam; and
WHEREAS, the acquisition of such temporary construction easements have been agreed to by certain private property owners to the benefit of the City for a period not to exceed five years after construction on Dam Removal and River Restoration starts; and

WHEREAS, the acquisition costs of such temporary construction easements has been budgeted as part of the City's costs in the Dam Removal and River Restoration

NOW, THEREFORE, BE IT RESOLVED THAT, by the City Council of the City of Niles, Michigan, that:

1. The City Council finds it necessary and in the public interest to acquire and accept temporary construction easements from private property owners for the purposes of completing Dam Removal and River Restoration. The properties involved in easement acquisition are shown on Exhibit A, which is attached and incorporated by reference.
2. The City Administrator is authorized to execute any documents necessary to acquire temporary construction easements and effectuate the purpose of Dam Removal and River Restoration.
3. All prior resolutions inconsistent herewith are repealed.

ROLL CALL:

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

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

RESOLUTION 2018-05/2054 DECLARED ADOPTED

Consideration of rescheduling the next council meeting from May 28th since it is Memorial Day holiday to May 21, 2018.
Council Member Bertschy moved, **Council Member DiCostanzo** supported, **MOTION CARRIED**, to reschedule the next council meeting from May 28th since it is Memorial Day holiday to May 21, 2018.

ROLL CALL:

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

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

COUNCIL MEMBER'S REPORT:

Council Member Boggs announced that the 1st Ward neighborhoods will be holding a fundraiser during the citywide garage sale June 2-3.

Council Member Bertschy mentioned that the Veteran's Memorial in Riverfront Park will have a rededication on May 19, 2018.

Council Member VandenHeede clarified that the Pucker Street Dam removal has been discussed for a number of years and temporary construction easements are needed to complete the first phase.

Council Member McAfee mentioned that with the summer months comes solicitors. She has been referring questions to city hall.

Council Member DiCostanzo reported that city employees have been working with multiple entities to get the Pucker Street Dam removed. Temporary easements are vital part of getting it completed.

MAYOR'S REPORT:

Mayor Shelton announced that he had the pleasure of attending the Blossomtime banquet and met with Miss Niles Kim West.

Mayor also mentioned that National Peace Officers Memorial Day is May 15 along with National Police Week.

ADJOURNMENT: Council Member Weimer moved to adjourn at 6:55pm.

Linda Casperson, Niles City Clerk

Date