

**CITY OF NILES  
REGULAR CITY COUNCIL MEETING MINIUTES  
MONDAY, June 11, 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., June 11, 2018. The Pledge of Allegiance was led by Mayor Shelton.

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

**ABSENT:** None

**STAFF:** Casperson, Huff and Landgraf

**CITIZEN PARTICIPATION:**

**Mike Haskett:** HDS Investments stated that they were prepared to offer fair market value of \$30,000 for the property located at Lake Street and 13<sup>th</sup> Street to construct a medical marijuana facility. They have applied to the State for their license and would like to stay in Niles.

**Chance Smith,** stated that he has applied for a request to hold a concert at the Riverfront Amphitheater on July 28. The concert would feature four bands that would bring young adults to the community. The clerk explained that the deadline was not met for this agenda but with the submittal of the liability insurance certificate that it would be placed on the next agenda.

**Karen Dewey** questioned why the National Standard building hasn't been demolished. It was explained that the parent company has been in litigation with the demolition contractor and will hopefully be resolved soon.

**PRESENTATION: Certificate of Appreciation – Janey Waterhouse**

Mayor Shelton expressed the city's gratitude to Janey Waterhouse with a Certificate of Appreciation for her commitment and dedication to serving the City of Niles and for her support, her volunteerism and her efforts in insuring the integrity of the city's election records. A standing ovation followed.

**CONSENT AGENDA:**

1. Approval of the Minutes of May 21, 2018.
2. Approval of the Bills.
3. Consideration of scheduling a public hearing for Monday, July 9, 2018 to receive public comment on the Annual Action Plan.
4. Consideration of approving a request from the EAA Chapter 865, Inc. to conduct the 32<sup>nd</sup> Annual "Fly-In Breakfast" at Jerry Tyler Memorial Airport on Saturday June 24<sup>th</sup> beginning at 10:00 a.m.
5. Consideration of approving a request from the Niles-Buchanan YMCA to provide water for the use of an inflatable waterslide during the Life Walk event to be held on June 16, 2018 and consideration of waiving all fees and costs for the use of water.
6. Consideration of approving a request from the Greater Four Flags Area Chamber of Commerce to conduct the annual Fourth of July Fireworks on Tuesday, July 3<sup>rd</sup>, 2018 and consideration of approving various other requests including Police and Fire assistance, the waiver of all fees & costs and consideration of approving a \$2,500.00 donation of which \$500.00 will go to the Department of Public Works as a deposit for clean-up of the area, if required, after the event.
7. Consideration of approving a request from the Fort St. Joseph Archaeology Committee and Western Michigan University to hold the annual Fort St. Joseph Archaeology Open House in Riverfront Park beginning Saturday, August 4<sup>th</sup> through Sunday, August 5<sup>th</sup>, 2018 and consideration of various other requests including the waiver of all fees & costs for Reserve Police Officers, Public Works and Utilities crews.
8. Consideration of approving a request from Dr. Michael Nassaney, Principal Investigator of the Ft. St. Joseph Archaeology Project for a contribution of \$2,500.00 to be used for this year's Archaeology Open House

event.

- 9. Consideration of approving the payment of the Niles Area Transportation Study (NATS) Local Match of \$5,384.00 for transportation projects that use federal and state dollars.
- 10. Consideration of approving the payment of the annual Michigan Municipal League (MML) Annual Membership and Legal Defense Fund Dues in the amount of \$6,254.00.
- 11. Consideration of approving the Brass Eye, LLC located at 205 N. 2<sup>nd</sup> Street to temporarily expand their business for outdoor service for Third Thursday's and various other DDA sponsored events as listed.
- 12. Consideration of approving the submission of a grant application to the Michigan Council for the Arts and Cultural Affairs (MCACA) in hopes of receiving a \$100,000.00 grant through their Capital Improvements Grant Program to assist in the necessary repairs to the Chapin Mansion's North Porch, including adding an ADA-compliant ramp for accessibility.

**Council Member Weimer** moved, **Council Member Skalla** supported, **MOTION CARRIED**, to approve Items 1-12 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

**CITY ADMINISTRATOR'S REPORT:**  
**Introduction of Items for Discussion**  
**Items for Council Action**

- 13. Consideration of adopting a resolution to establish the City's millage rate for the 2018 tax year as prescribed by Act 5, Public Acts of Michigan 1982.

CITY OF NILES  
BERRIEN AND CASS COUNTY  
CITY MILLAGE RATES FOR 2018 TAX YEAR  
RESOLUTION #2018-06/2057

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

**A. Establish the City Millage Rate for the 2018 Tax Year**

**WHEREAS**, the City of Niles has previously imposed various property taxes on properties in the City; and

**WHEREAS**, the voters of the City of Niles approved a property tax not to exceed one-half of a mill to support the Dial-A-Ride bus system; and

**WHEREAS**, the City incurs various costs in assessing property values, collecting property taxes and performing the review and appeal processes for non-City taxing entities.

**NOW, THEREFORE, BE IT RESOLVED** that the City of Niles does hereby establish the following property tax millage rates for the 2018 tax year:

General Operating Fund	14.1334
Dial-A-Ride Operating Fund	<u>5000</u>
<b>TOTAL MILLAGE RATE</b>	<b>14.6334</b>

**BE IT FURTHER RESOLVED** that the City Treasurer is authorized to impose and collect a four percent (4%) late payment fee upon those taxes not paid by the due date.

**B. Establish the City Millage Rates for the 2018 Tax Year as Prescribed by Act 5, Public Acts of Michigan 1982.**

WHEREAS, Act 5, Public Acts of Michigan, 1982, provides that with the levy of ad valorem property taxes for operating purposes for the ensuing fiscal year which yields an amount more than the sum of the taxes levied at the base tax rate on additions within the City for the ensuing fiscal year plus an amount equal to the taxes levied for operating purposes for the concluding fiscal year on existing property; and

WHEREAS, said Act 5 provides that the City of Niles may approve the levy of additional millage rates, within its present authorized of proposed millage rates, only after providing certain notice to the public and holding a public hearing for the purpose of receiving testimony and discussing the levy of additional millage rates for the ensuing fiscal year; and

WHEREAS, the City of Niles has been advised by the County Equalization director that the state taxable valuation for the 2018 tax year of property located within the City of Niles is \$185,770,723 in Berrien County, and \$279,231 in Cass County; and

WHEREAS, Act 5, based upon the state taxable valuation of the City of Niles would limit the district's operating tax levies to General, 14.1334; and

WHEREAS, the City of Niles, after careful examination of its estimated operating expenses for the 2018 fiscal year and estimated revenues based on the state taxable valuation, has determined that the best interest of the City requires the levy of the additional millage rates of: General .0000 mills and Dial-A-Ride, .0000 mills

NOW, THEREFORE, BE IT RESOLVED that:

1. The City of Niles, pursuant to said Act 5, proposed a tentative levy of not to exceed 14.1334 mills for operating purposes which includes an additional millage rate of .0000 mills and .5000 mills for Dial-A-Ride which includes an additional millage rate of .0000.

2. A public hearing shall be scheduled for the purpose of receiving testimony and discussing the levy of an additional millage rate for 2018 fiscal year.

**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 # 2018-06/2057 DECLARED ADOPTED**

14. Consideration of adopting a resolution to establish eh (1%) one percent administrative fee to be levied on the tax rolls on all taxes collected as allowed by the State of Michigan to perform assessment of property values, collection of property tax levies and operations of the review and appeal process; and consideration of authorizing the City Treasurer/Finance Director to impose and collect the fee.

CITY OF NILES  
BERRIEN AND CASS COUNTY  
ESTABLISH THE 1% ADMINISTRATIVE FEE  
RESOLUTION #2018-06/2058

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

A. Establish the 1% Administrative Fee

WHEREAS, the City of Niles incurs various costs in performing assessing property values, collection of property tax levies, operations of the review and appeal processes; and

WHEREAS, the City is allowed by State law to levy the administration fee; and

WHEREAS, the revenue from the levy of the administration fee will be deposited into the General Fund.

NOW, THEREFORE BE IT RESOLVED that the City of Niles does hereby establish the one percent (1%) Administration Fee to be levied on the tax roll on all taxes collected; and

BE IT FURTHER RESOLVED that the City Treasurer is authorized to impose and collect a one percent (1%) property tax administration fee on all taxes collected.

**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 # 2018-06/2058 DECLARED ADOPTED**

**CITY ATTORNEY'S REPORT:** None

**COUNCIL MEMBER'S REPORT:**

Excused Absent:

Weimer moved, Skalla supported, MOTION CARRIED, to excuse Mayor Shelton from the April 23, 2018 Regular Council meeting. AYES: 8 NAYS: 0

Bertschy moved, Weimer supported, MOTION CARRIED, to excuse Council Member Boggs from the May 21, 2018 Regular Council meeting. AYES: 8 NAYS: 0

Council Member VandenHeede thanked Mrs. Waterhouse for organizing park clean ups and for being an advocate for the dog parks.

Council Member Durm also thanked Mrs. Waterhouse.

Council Member McAfee thanked the city for the beautiful flag.

Council Member Skalla thanked Mrs. Waterhouse for the dedication of the blue heron sculpture on display at the Niles District Library. Council member Skalla also reported that the Bluegrass Festival was a huge success and well attended.

Council Member Boggs thanked Janey Waterhouse. She has a vision and a dream for the city. Council member Boggs also thanked the 1<sup>st</sup> Ward for the successful fundraiser. She also thanked Mr. Andrew Roberts for his help during the fundraiser.

Council Member Bertschy thanked Lisa Croteau for obtaining the grant for seating downtown and for the beautiful downtown planters. Council Member Bertschy also thanked Mrs. Waterhouse for maintaining the integrity of the voter registration.

**MAYOR'S REPORT:**

Mayor Shelton thanked Lisa for the astonishing downtown planters and seating. He also mentioned that Custom Computer is back in business after the flood.

**ADJOURNMENT:** Council Member Weimer moved to adjourn at 6:30pm.

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Linda Casperson  
Niles City Clerk

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Date