

**THE CITY COUNCIL
NILES, MICHIGAN
PUBLIC HEARING
FY 2019 CITY BUDGET
Monday, August 13, 2018, 5:55p.m.**

At 5:55 pm, Mayor Shelton asked if anyone in the audience wished to address the council on the proposed FY 2019 City Budget. Hearing no response, the Public Hearing was closed at 5:57pm.

**CITY OF NILES
REGULAR CITY COUNCIL MEETING MINIUTES
MONDAY, August 13, 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., August 13, 2018. 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 and Huff

CITIZEN PARTICIPATION:

Justin Flagel reported that the Bridge Bash race was a big success with 64 participants.

Larry Pickles as a member of the Park Board, he requested that the City Council consider the approval of Item #5 in support of the Island Park Bridge.

CONSENT AGENDA:

1. Approval of the Minutes of July 30, 2018.
2. Approval of the Bills.
3. Consideration of scheduling a public hearing for 5:55 pm on August 27, 2018 to receive public comments on the proposed utility rate adjustments.
4. Consideration of scheduling a public hearing for 5:50 pm on August 27, 2018 to receive public comments on the proposed liquor license for Niles Brewing Company located at 104 N. 3rd Street.
5. Consideration of approving a request from the Public Works Department for the expenditure of up to \$8,000.00 for engineered construction drawings for the repair of the Island Park Bridge due to flood damage and to improve the structure for ADA compliance.
6. Consideration of approving a request to purchase a 2018 Ford F-250 pickup truck for the Public Works Department from Campbell Ford of Niles for \$30,468.72 to be charged to Street Department account?
7. Consideration of authorizing payments for airport easements as noted for two (2) property owners, as accepted by the property owners and supported by the appraisal reports in the amounts of \$6,081.60 and \$3,614.40, respectively with funds allocated to the Airport and reimbursed at 95% by the State of Michigan.

Weimer moved, **Skalla** 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

CITY ADMINISTRATOR'S REPORT:

Introduction of Items for Discussion

Items for Council Action

8. Consideration of adopting a resolution to approve the FY 2019 Annual Budget as presented.

City Administrator Huff requested that the motion be amended to add: "as included in this agenda." Technically when amendments are needed for individual department budgets, the entire budget would not have to be amended.

Weimer moved, DiCostanzo supported to amend the motion to add: as included in the agenda.

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

Consideration of adopting a resolution to adopt the FY2019 Annual Budget as included in the agenda.

**CITY OF NILES
2019 FISCAL YEAR BUDGET
RESOLUTION #2018-08/2063**

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

WHEREAS, the City Administrator has prepared the proposed 2019 Fiscal Year Budget in conformance with the Charter of the City of Niles; and

WHEREAS, the City Council has reviewed and considered the proposed 2019 Fiscal Year Budget; and

WHEREAS, the City Council set the date of August 13, 2018 for a Public Hearing, which was properly advertised in the *Niles Daily Star*, and

WHEREAS, the proposed 2019 Fiscal Year Budget was available for public inspection in the Office of the City Clerk for at least ten (10) days prior to the date of the Public Hearing; and

WHEREAS, the City Council adopted Resolution #2018-06/2057 on June 11, 2018, establishing various millage rates to be collected for the 2019 Fiscal Year Budget.

NOW, THEREFORE BE IT RESOLVED that for the purpose of financing the various operations and services for the 2019 Fiscal Year beginning October 1, 2019, there is appropriated from taxes, charges for services and other revenue collected, monies for the use of the various funds and departments, including salaries and wages; as prepared and submitted by the City Administrator for the 2019 Fiscal Year Budget as included in this agenda item is hereby approved and appropriated excluding the narratives in the document.

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 2018-08-2063 DECLARED ADOPTED

9. Consideration of adopting a Resolution of Intent to reaffirm the City of Niles' commitment to the Wellhead Protection Program.

**CITY OF NILES
COUNTY OF BERRIEN
STATE OF MICHIGAN**

RESOLUTION FOR WELLHEAD AREA PROTECTION COMMITMENT

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

WHEREAS, the City of Niles, as a member of the American Water Works Association, Michigan Section; and

WHEREAS, the City of Niles in recognizing the importance of its abundant groundwater supply as a natural resource used for human consumption; and

WHEREAS, the City of Niles, as a source of public water, considers the health, safety and welfare of its customers; and

WHEREAS, the City of Niles recognizes that contamination has occurred, and can further occur as a

consequence of land uses; and

WHEREAS, the City of Niles is striving to preserve and protect the quality of life through its resource of drinking water to assure a continued safe, adequate and useable supply, now and in the future; and

WHEREAS, the City of Niles recognizes the need for protection of present and future sources of groundwater used for drinking; and

WHEREAS, the City of Niles has established a “budget line item” for a Wellhead Protection Program; and

WHEREAS, state, county and local laws and regulations require that certain land uses obtain permits and approvals for construction and operations and

WHEREAS, local government officials, through adopting zoning ordinances, have the legal authority to review and/or approve land uses for the purpose of meeting the needs of the state’s residents for natural resource protection and public services, including public water supply.

NOW, THEREFORE, BE IT RESOLVED that the City of Niles does hereby agree to take action to protect our immediate wellhead area and to take steps to determine the zone of contribution to the wells in compliance with the State of Michigan Wellhead Protection Program; and

BE IT FURTHER RESOLVED that the City of Niles work with Zoning committees to establish and enforce ordinances to protect our supply of water through building permits and land uses within these capture areas.

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 2018/08-2061 DECLARED ADOPTED

10. Consideration of approving the FY18 Community Development Block Grant Annual Action Plan and consideration of authorizing the mayor to execute the Application for Federal Assistance and the required Certifications to remain eligible for Community Development Block Grant funds.

DiCostanzo moved, **Skalla** supported, **MOTION CARRIED**, to approve the FY18 Community Development Block Grant Annual Action Plan and consideration of authorizing the mayor to execute the Application for Federal Assistance and the required Certifications to remain eligible for Community Development Block Grant funds.

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

11. Consideration of approving the Niles Housing Commission’s Notice of Finding of No Significant Impact & Notice of Intent to Request Funds and consideration of authorizing the mayor to sign the documents.

Weimer moved, **McAfee** supported, **MOTION CARRIED**, to approve the Niles Housing Commission’s Notice of Finding of No Significant Impact & Notice of Intent to Request Funds and consideration of authorizing the mayor to sign the 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

12. Consideration of approving a purchase agreement between the City of Niles and General Capital Acquisitions, LLC for the purchase of 322 E. Main Street and the adjoining properties.

Weimer moved, **Skalla** supported, **MOTION CARRIED**, to approve a purchase agreement between the City of Niles and General Capital Acquisitions, LLC for the purchase of 322 E. Main Street and the adjoining properties.

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 a Resolution of Support for the Old Post Office Apartments Project.

A RESOLUTION OF COMMUNITY SUPPORT FOR THE OLD POST OFFICE APARTMENTS

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

RESOLVED BY: City Council, City of Niles, Michigan

WHEREAS, the City of Niles is committed to the ongoing success of its Downtown and immediately surrounding downtown residential neighborhoods and has adopted specific plans to promote the revitalization of these areas; and

WHEREAS, the City of Niles has continually invested in this area to promote ongoing economic development and community revitalization; and

WHEREAS, the City of Niles adopted the 2004 "Community Master Plan" to guide the revitalization of the community, including specific recommendations for neighborhood revitalization for the Central Business District and neighborhoods immediately surrounding; and

WHEREAS, the City of Niles adopted the 2009 City of Niles Downtown Design Guidelines to promote coordinated development and a unique identity for Downtown Niles; and

WHEREAS, the City of Niles adopted the 2016 PlacePlan to guide Niles in identifying, developing and implementing strategies that will grow and strengthen the community in the coming decades, specifically through "place making initiatives" that recognize that the physical form, land use diversity and density positively contribute to a community's quality of life; and

WHEREAS, General Capital plans to construct a 60-unit workforce housing development that complies with the spirit and intent of the community's revitalization plans, particularly the PlacePlan; and

WHEREAS, General Capital intends to submit an application for affordable housing tax credits to the Michigan State Housing Development Authority (MSHDA) and as part of the application desires to achieve certain points in the Neighborhood Investment Activity Area category; and

WHEREAS, to achieve such points, the development must clearly demonstrate community support and that it directly contributes to the revitalization of the immediate neighborhood and greater Niles community;

NOW THEREFORE BE IT RESOLVED, The City of Niles supports the proposed construction of the Post Office Apartments and considers the proposal a positive contribution to the revitalization of Downtown Niles.

14. Consideration of entering into a development agreement with GENCAP Niles Post Office Limited Dividend Housing Association, LLC.

DiCostanzo moved, **VandenHeede** supported, **MOTION CARRIED**, to enter into a development agreement with GENCAP Niles Post Office Limited Dividend Housing Association, LLC.

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

15. Consideration of entering into a Municipal Emergency Services Agreement with GENCAP Niles Post Office Limited Dividend Housing Association, LLC.

Weimer moved, **Bertschy** supported, **MOTION CARRIED**, to enter into a Municipal Emergency Services Agreement

with GENCAP Niles Post Office Limited Dividend Housing Association, LLC.

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

16. Consideration of scheduling a public hearing for 5:45 pm on August 27, 2018 to receive public comment for the consideration of vacating a portion of the south Main Street alley

Weimer moved, **DiCostanzo** supported, **MOTION CARRIED**, to scheduling a public hearing for 5:45 pm on August 27, 2018 to receive public comment for the consideration of vacating a portion of the south Main Street alley

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:

17. **First Reading and Introduction** of a proposed City of Niles Tax Exemption Ordinance – Old Post Office Apartments.

COUNCIL MEMBER’S REPORT:

Council Member VandenHeede questioned the progress of the Airport easements. He also mentioned that the “old post office” PILOT ordinance and development agreement will be on the next council meeting. He was glad that the Island Park Bridge is moving forward.

Council Member McAfee reported that there was a lot of activities this past weekend: Fort St. Joseph Archaeology dig at south Riverfront Park, and the dog park grand opening. She mentioned that the Mayor asked her why she moved to Niles. She responded that, “Niles is a small town with a big heart and it reminds her of home.”

Council Member Skalla stated that he looks forward to Island Park being back open. He introduced Eagle Scout Andrew Wozniak.

Council Member Bertschy mentioned that she attended the FOP fundraiser and encouraged the public to consider renting the hall for their next function. Support FOP.

PRESENTATION: Andrew Wozniak, Eagle Scout, Troop 579, presented to the city council an idea to recognize the names of city resident veterans who died between the Civil War and the Vietnam War. The veteran’s name will be placed on a wooden cross constructed from his home. So far, they have uncovered 107 names.

MAYOR’S REPORT: Mayor Shelton: Mayor thanked Eagle Scout Wozniak on a great idea and a great project. He reported that great things are happening in Niles. The new Ruff and Tumble Dog Park had their Grand Opening with about 150 dogs and their owners. Caps off to Katrina Andrews. The Fort St. Joseph Archaeology Open House had amazing historic programs. He also participated in the Dragon Boat race. Big shout out to the team for winning the race! He also thanked Larry Pickles for speaking about Island Park Bridge project. The City of Niles is happy to have General Capital fill the need of additional housing.

ADJOURNMENT: Council Member Weimer moved to adjourn at 6:41pm.

Linda Casperson
Niles City Clerk

Date